

CANBY CITY COUNCIL
REGULAR MEETING
AUGUST 21, 1991

Council President Scott Taylor presiding. Council members present: Terry Prince, Walt Daniels and Robert Smith. Absent: Mayor Shawn P. Carroll and Councilor's Maureen Miltenberger and Keith Stiglbauer.

Also present: Administrator Michael Jordan, City Attorney John Kelley, City Recorder Marilyn Perkett, City Planner Robert Hoffman, Public Works Director Rusty Klem, Ray & Kathy Franz, JoAnn Hamilton, Lucille Franz, David Anderson, Curt McLeod, Patrick Curran and Chris Curren.

President Taylor called the session to order at 7:30 p.m., followed by the flag salute and meditation.

Roll call of the Council showed a quorum of four members present.

MINUTES OF PREVIOUS SESSION: **Councilman Prince moved to approve as distributed the minutes of regular session August 7, 1991. Motion seconded by Councilman Smith and approved 4-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Clackamas County Commissioner Judie Hammerstad addressed the Council noting she wanted to briefly discuss a couple issues.

Commissioner Hammerstad informed the Council that a measure would be on the November ballot dividing the County Law Enforcement into two districts, one for the North Clackamas and one for the Rural District. This is a result of the Fair & Efficient Law Enforcement Committee findings which should represent a more equitable cost for taxpayers.

Commissioner Hammerstad urged support of the bond levy on the September ballot to build a new County Justice Center in the Red Soils area and remodeling of the current Courthouse into executive office. She implied that the County offices are scattered all over the County and need to be centralized, as well as wasted funding of large amount of rent we are currently spending for spaces.

She addressed the Metro issue, as Metro goes for their charter they are able to discuss and change the governance, boundaries and funding. We need to clarify and restrict some of their authority.

President Taylor asked how active the County is in participating with the discussions regarding the Governor's restructuring of various panels. Ms. Hammerstad said that the County has taken over several state functions to administer and often do a better job. She said we need to be involved in the discussion to show we can locally administer state supported programs more cost effectively and reach more people than the state can. However, the County has no organized group to get involved with this and they should.

Mrs. Hammerstad reminded everyone that she is always available and welcomes interaction, specifically input from the Council and offered any assistance that we may need.

PUBLIC HEARINGS: Anderson Annexation on N. Pine of 4.5 Acres - President Taylor opened the hearing at 7:45 p.m. and first reviewed the procedure. Mr. Taylor asked the Council if anyone had any conflict of interest regarding the issue, the Council indicated

none. Mr. Taylor asked if anyone had any exparte' contact regarding the issue, the Council indicated none.

Staff Report - Planner Hoffman briefly reviewed the 4.5 acre annexation request of David Anderson which is located on N. Pine Street. The parcel, at one point touches the City limits boundary, therefore is contiguous to current boundaries. The request meets all requirements and can be served by various service providers. It will become R-1, Low Density Residential and probably have either a subdivision or minor land partition. Two existing structures are on the property and one minor problem could be the water table of the area. The Planning Commission recommends annexation.

Applicant - David Anderson, 641 N. Baker Drive, represented the owners, Shiolas and Lepinsky and said the four acres of Mr. Lepinsky will probably become a residential subdivision and Shiolas wish to receive City services. Mr. Anderson noted that the request meets Comp Plan requirements and felt now is the time to annex the property.

Proponents - None.

Opponents - Ray Franz, 980 N.E. 14th, said his family owned property to the north of the subject request and felt this was not the time to annex until the City could address the need of the school district and sewer problems. He felt this property was better suited for other uses and the concept was not acceptable to him.

Kathy Franz, 980 N.E. 14th, felt this area should be left rural as it now for the retired residents of the area. Mrs. Franz felt the City should first address the poor water pressure in the area, bad sewer problem and roads. She also indicated small lots were not necessary.

Rebuttal - Mr. Anderson said he respected the neighbors concerns however, Canby is growing and there are essentially no medium lots available for the high demand in Canby for housing.

President Taylor closed the hearing a 8:02 p.m.

Councilman Prince questioned the sewer concern and water pressure.

Mr. Klem noted that after putting in the south side sewer interceptor last year, this would allow adequate sewer needs for the area. Also, the sewer plant is operating at 70% capacity. Canby Utility Board was notified of the annexation and felt no problem existed. Regarding the water table, Mr. Klem also said that we had a drywell on 12th and Pine that ~~has no problem~~. He pointed out that a standard water table should be about 16 feet.

President Taylor briefly reviewed the request and called for action.

****Councilman Prince moved to recommend approval of Resolution No. 482, A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF DAVID ANDERSON), APPROXIMATELY 4.5 ACRES LOCATED ON N. PINE. Motion seconded by Councilman Daniels.**

Attorney Kelley reminded that we were not actually annexing the property, only submitting a recommendation of approval to the Metro Boundary Commission that will finalize the annexation.

****The motion passed 4-0.**

Anderson Annexation of 85.3 Acres South of 99E & East of S. Pine -

President Taylor opened the hearing at 8:11 p.m. and briefly reviewed the procedure. Mr. Taylor asked the Council if anyone had any conflict of interest regarding the issue, the Council indicated none. Mr. Taylor asked if anyone had any exparte' contact regarding the issue, the Council indicated none.

Staff Report - Planner Hoffman indicated on a map the subject property. He noted that most of the area would be zoned for Light Industrial, a smaller northern area for Heavy Commercial, another small area for Heavy Industrial and 4 to 5 acres in the southeast corner residential zoning. He indicated it is consistent with the Comp Plan and meets requirements. The property can be served by all services. Mr. Hoffman pointed out that Mr. Gutormson's Tax Lot 300 is added to this proposal. The Planning Commission recommends approval of the application.

Applicant - David Anderson, 641 N. Baker Drive, said he was representing eleven property owners on this proposal and now was the time to annex this property to the City. He pointed out that no parcels larger than 5 acres and zoned for Light Industry are now available and this addresses the problem. He pointed out that CUB put in a 12 inch water line about 8 years ago in the area and a new sewer main was installed from Redwood to the area about a year ago. He felt by annexing now it would afford the City more control in planning our industrial area.

Proponents - None.

Opponents - None.

Rebuttal - None.

President Taylor closed the hearing at 8:20 p.m.

Councilman Prince asked if the previous study and plan that had been made for an industrial area would be used and was told even though many alternatives would be available, the plan would be used, probably "not to the letter".

****Councilman Daniels moved to recommend approval of Resolution No. 483, A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF DAVID ANDERSON), APPROXIMATELY 85.3 ACRES LOCATED SOUTH OF 99E AND EAST OF S. PINE. Motion seconded by Councilman Smith and approved 4-0.**

COMMUNICATIONS: None presented.

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to approve payment of accounts payable in the amount of \$99,268.79. Seconded by Councilman Daniels and approved by roll call vote, 4-0.

Filbertreats Liquor License Application - Administrator Jordan explained that the owners of Filbertreats wished to include bottles of wine in their gift packages and this required a liquor license.

****Councilman Prince moved to recommend approval to O.L.C.C. for a liquor license application for Filbertreats. Motion seconded by Councilman Smith and approved 4-0.**

ORDINANCES & RESOLUTIONS: Ordinance No. 863 - Administrator Jordan explained that this ordinance was to be considered for final action and that City staff had contacted a local person regarding a seeing-eyed dog and she felt the four feet clearance would be more than adequate. Also, Municipal Code Section 5.12.070, addressed the issue of sidewalk sales.

****Councilman Daniels moved to adopt Ordinance No. 863, AN ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 12.12 DEALING WITH SIDEWALK DISPLAYS; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Smith and approved by roll call vote, 4-0.**

Ordinance No. 865 - Mr. Klem explained that this ordinance was drafted to implement a contract with our engineers of record, Curran and McLeod for three phases of work at the proposed WWTP project, facilities plan services, design services and construction engineering services and construction inspections. Mr. Klem explained that by contracting with Curran-McLeod, we would save approximately \$440,000 over the proposed cost presented by Brown and Caldwell.

****Councilman Smith moved that Ordinance No. 865, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC., FOR FACILITIES PLAN AMENDMENT, WASTEWATER TREATMENT PLANT DESIGN AND CONSTRUCTION ENGINEERING; AND DECLARING AN EMERGENCY be posted and come up for final action on September 4, 1991. Motion seconded by Councilman Prince.**

Councilman Prince questioned if the Brown and Caldwell plan would be followed and would there be a problem changing engineering firms at this time.

Mr. Klem said they would primarily follow the Brown and Caldwell plan, however there would be some design variations and adjustments. Also, there would be problem changing engineers at this time.

Patrick Curran addressed the council and said he anticipated little changes, saying they had done similar projects with this design.

President Taylor asked if there would be any changes in costs, due to the engineering change. Mr. Curran said it was "unlikely".

Councilman Daniels questioned the time frame.

Mr. Curran said they hoped to go out for bids by late next Spring and had allowed 270 days to prepare plant specs.

Councilman Prince asked if a water cap would be in the sludge lagoon.

Mr. Klem said yes. Also, Mr. Curran implied that the water cap would control odor, however there is a question regarding the treating of the water cap.

****The motion for approval of the ordinance was in favor, 4-0.**

Resolution No. 484 - Rusty Klem explained that the Clackamas Transportation Coordinating Committee (CTCC) presents a prioritized list of street projects about every two years that each City is asked to endorse for the state Six Year Plan. Mr. Klem said most of the listed projects are in north Clackamas County and only a "token" mention of the Canby I-5 project. He said that they use a rating matrix to compile the list and it works.

****Councilman Daniels moved to adopt Resolution No. 485, A RESOLUTION ENDORSING TRANSPORTATION PROJECT RECOMMENDATIONS TO THE OREGON STATE TRANSPORTATION COMMISSION. Motion seconded by councilman Smith.**

President Taylor expressed that it doesn't work for us and he wanted to know what would

happen if we did not approve the resolution. Mr. Taylor felt we were not getting our fair share and signing only for the benefit of the rest of the County. Mr. Taylor said it was hard for him to support a program that has, continuously in his nine years, put Canby at the bottom of the list and supported the "greater northern county".

Mr. Klem said we might lose our "foothold", however he would be happy to address a letter to the CTCC with concerns of the City.

Mr. Klem felt we needed more pressure from the Mayor and management of the City. Specifically, we have a state highway and we are growing and our needs are moving, as is the north county.

Councilman Prince noted that we had plans for five years on the I-5 Bypass and have discussed it longer than that and Ivy and 99E needs a better turning radius for trucks. Also, we have had no other projects for a very long time in our area and he felt we should not endorse the document.

****Motion FAILED by a vote of 4-0.**

Mr. Klem was directed to draft a letter for the next meeting for Mayor and Council signature.

UNFINISHED BUSINESS: None presented.

OTHER REPORTS OR ANNOUNCEMENTS: Administrator Jordan reminded Council of the Clackamas County Cities meeting on Thursday, August 29th. Also, he reminded the Council of the appeal of the Elementary School District sale/trade with the City, next Wednesday, August 28th, 7:30 p.m., at the Canby Adult Center.

Public Works Update by Rusty Klem.

Cemetery:

- we have signed a license agreement with Cellular One to put a tower at the Cemetery.
- a policy and procedure document is being developed.
- all cemetery records are up to date and Marilyn is now the "keeper" of the records.
- we are currently assessing our future needs at the cemetery.

Parks:

- Jerry Stanbery is having surgery on his wrist tomorrow.
- the City is now supervising the Canby Kids employees on a trial basis.
- Slice of Summer is over and due to the success, the City should be reviewing areas with a larger capacity.
- the SDC ordinance will be presented at the next meeting.

Motor Pool:

- sludge truck is being repaired and out of commission for a while, however most sludge is gone.
- the transition from Dale to Joe, our mechanic, has been very successful.
- a life cycle and cost analysis on equipment is currently being computerized.

Sewer:

- about all of the sludge has been hauled away.
- primary issue is the facility upgrade.
- flow was up during the fair week.
- our permit process will change from flow measurement to pounds.

Streets:

- will do the Birch Street "walk-thru" tomorrow.
- will start oiling streets next week.
- will be tabulating the conditions of the 36.7 miles of street, curbs and sidewalks in the City.

-the City is installing a sidewalk from downtown to the Post Office.

Community Development:


- Cedar Ridge streets will be paved soon.
- Teak Wood (Wayne Scott project) will soon be paving.
- Township III has curbs and getting ready for streets.
- the office is getting a great many inquiries about developing (more than usual).
- remodeling is planned for the Community Development offices, getting ready for the new Assistant City Planner, \$10,000 is budgeted.
- County is doing many inspections for the City, Bob Godon has taken a lot of personal time off this summer.
- we need to develop a plan for services to the S.E. part of the City, specifically with the new annexation.

Administrator Jordan commented that we are accepting applications for a new Assistant City Planner and received about 28 applications the first morning.

- ACTION REVIEW:
1. Recommend two annexations to the Metro Boundary Commission, Resolution's 482 & 483.
 2. Recommend approval to O.L.C.C. for Filbert's license.
 3. Implement Ordinance 863 & post Ordinance 865 for second reading.
 4. Prepare letter to County regarding CTCC recommendations.

President Taylor adjourned the session at 9:35 p.m.


Marilyn K. Perrett
City Recorder


Scott Taylor
Acting Mayor