

CANBY CITY COUNCIL

REGULAR MEETING

JUNE 6, 1990

(Televised live on Channel 5.)

Mayor Nancy Kopelk presiding. Councilors present: Scott Taylor, Shawn Carroll, Keith Stiglbauer, Terry Prince, Robert Smith and Walt Daniels.

Also present: Administrator Michael Jordan, Police Chief Jerry Giger, Swim Center Director Scott Nelson, Library Director Beth Saul, Public Works Director Rusty Klem, City Recorder Marilyn Perkett, Dennis Nolder, David Fisher, Dave Traaen, Dan Wilcox, Earl Oliver, Rick & Diane Bronn, Catherine Davis, Tom Pugsley, Dave and Sue Fisher, George Douglass, Karen Haring, Anna Phillips, Philip Kelley, Gloria Altenhoufen, Larry Housen, Gene Newton, Larry Castle, Jim & Georgia Newton, Jim Plawman, Elsie Cutsforth, Matt Knoblauch and others.

Mayor Kopelk called the regular session to order at 7:30 p.m., followed by the flag salute and meditation.

Roll call of the Council showed a quorum to be present.

**Councilman Carroll moved to approve as distributed the minutes of regular session, May 16, 1990, seconded by Councilor Daniels and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

PROCLAMATION: Mayor Kopelk proclaimed the week of June 11-16, 1990, as Kiwanis Week in honor of their 75th Anniversary.

COMMUNICATIONS: Administrator Jordan read a letter from Mayor Yamada of our Sister City Kurisawa, noting the approach of the one year anniversary of the relationship. It was also noted that in August, some students from Kurisawa will arrive to spend some time in Canby homes.

NEW BUSINESS: **Councilman Daniels moved to approve payment of accounts payable in the amount of \$64,551.64, seconded by Councilor Prince and approved by roll call vote, 6-0.

SPRR PARKING LOT PROPOSAL - Administrator Jordan briefly reviewed the Southern Pacific Railroad (SPRR) parking lot issue. The parking lot from N. Ivy to N. Elm Street has been leased from SPRR for many years and recently the rates increased considerably. The rental rate will be approximately \$14,018 per year and the City is interested in purchasing the property. In January, 1990, the City held a workshop session on the issue and sent out approximately 420 letters to businessmen and May 17, 1990,

110 letters were sent to businesses in the north Commercial Downtown Zone. Staff divided the C-1 zone into three subzones for purposes of various assessment rates. The City will pick up half of the purchase price and have proposed that the businesses pay half of the price.

Mayor Kopelk explained that the Council and staff is interested in public comment on the issue, or suggestions.

Phil Kelly, , 302 N.W. First - spoke in favor of purchasing the property but was not in favor of assessing businesses. He questioned what an assessment would be "if" the projected price is higher than \$126,000 and felt businesses across the highway should be involved as it would benefit all City businesses. Mr. Kelley suggested the LID approach and involving the SPRR; the zones were an inappropriate paying purpose and perhaps it was even unlawful to attach the assessment to a business license; and felt it best to assess the property owner not the business.

Larry Housen, property owner of 307-308 N.W. First - noted that as a property owner he did not receive a notice of this meeting for his rental property. Mr. Housen pointed out that in the 70's businesses in the area of the Graham building purchased that parking lot and then gave it to the City and he felt they should not be financially burdened again and perhaps some type of credit could be considered for those businesses. He felt a LID would be more beneficial.

Dave Traaen, Grant Street business owner - opposed the proposals as they now stand and felt all City of Canby businesses should be involved in an assessment.

Dan Wilcox, 140 N.E. Second - supported the plan, however, felt a LID made good sense and the only problem was to find a way to finance the project.

Anna Philips, 134 N. Grant - said she did not understand what a LID was, but as a small business owner felt there should be a "fair way" to make assessments between small and larger businesses. She said the parking lot always is full, however, in poling her customers, they do not use the lot.

Attorney Kelley briefly reviewed the LID concept in which a group of property owners benefit by forming the Local Improvement District and assessments can be made in various ways.

Tom Pugsley, Chamber of Commerce President - felt the City should pursue the purchase but all business, no matter where located, should participate in the purchase since the parking lot is vital to the business community.

Matt Knoblauch, 190 N.W. First - suggested that the City consider that the largest user of the parking lot are Tri-Met riders.

David Anderson, 255 S.W. First - pointed out that he recently spent \$9,000 for a parking area for his business property on the

south side of town and felt that businesses on the south side of town should not have to pay, he suggested that the downtown businesses should pay for their own parking areas.

Katherine Davis, 231 N.W. Second - supports the proposed concept.

Jim Plawman, 181 N. Grant - said the parking lot was needed but felt the assessment should be made on the usage, perhaps by the number of business employees or amount of business revenue.

Chief Giger noted that starting July 1, a Code Enforcement Officer will be on staff to enforce non-criminal ordinance violations including parking enforcement.

Dave Fisher, 248 N.W. First - was in favor of buying the lot, however, felt no one on the south side of town should have to be assessed. Mr. Fisher was in favor of moving Tri Met entirely out of the business area, perhaps with a park and ride near the fairgrounds.

Administrator Jordan said that in his contacts with Tri Met, they do not recognize the SPRR as a park and ride area. Also, enforcement of the parking time limits should help.

Dennis Nolder, 334 N.W. First - was in favor of purchasing the lot and encouraged the City to pursue this concept.

Councilor Daniels felt that many business employees used the lot for all day parking. However, enforcement of on-street parking will probably put more employees back in the lot for parking purposes.

Councilor Taylor suggested a possibility of selling parking spaces.

The Council briefly reviewed Oregon City's parking permit concept which seems to be working.

Administrator Jordan said that there were about 256 spaces and the back of the lot is for long term parking and front for short term parking. It was also noted that there are an additional 200 to 230 parking spaces available in the City.

George Douglass, 113 N.W. Third - suggested that the personal residences be considered if an LID is formed and said he was in favor of the assessment on per square footage of the business.

Councilor Taylor asked for a show of hands from the audience on the way they best wanted to see the assessment made, by square footage or flat fee, the audience voted for square footage.

Administrator Jordan said the City will pursue the concept of an LID and a way to administer it, as well as possible alternatives.

Mayor Kopelk called for a short recess at 8:26 p.m. and reconvened the regular session at 8:34 p.m.

DUCT FURNACE REIMBURSEMENT - Rusty Klem explained that Viking Heating, the subcontractor for the duct furnace installed at the Swim Center, was requesting a reimbursement due to an error in the bid process. The low bidder of \$4,700, in error left out the furnace price of \$2,739 and felt it was "the right thing to do" that the City reimburse them. Mr. Klem explained that the duct furnace was in the bid specs and that Clackamas County was in charge of the bidding process. It was also noted all budgeted funds had been used in the pool renovation process. Councilor Smith and Carroll were against paying the requested reimbursement. Councilor Daniels felt that the contractor's contingency should cover such errors. Councilor Prince said that Canby Disposal was allowed to resubmit a request regarding their garbage can rates when the first rate schedule was in error, however, he asked if this would set a precedent. Councilor Stiglbauer wanted to pay the entire request. Councilor Taylor suggested paying 50% of the request. The Council felt they did not need to request the contractor to appear at a meeting to plead his case. **Councilor Carroll moved to deny the request of Viking Heating, Inc. for reimbursement of \$2,739 for a duct furnace due to a bidding error. Motion seconded by Councilor Daniels. Roll Call vote was for approval of the motion, Councilors Carroll, Daniels, Smith and Prince voting yea; and Councilors Taylor and Stiglbauer voting nay.

TRAFFIC SAFETY RECOMMENDATIONS - Rusty Klem reviewed a memo from the Traffic Safety Committee regarding the following recommendations: establish a 4-way stop and paint crosswalk at intersection of N.W. Third and N. Holly as well as making this a possible site for a pedestrian bubble; paint crosswalk on all street intersections around Wait Park; and consider a 4-way stop at N.W. Third and Grant.

Chief Giger said the Third and Grant issue came up due to a couple of letters, one specifically involved an accident. Also, he felt the bubble concept was good, however, the design might be reconsidered. Mr. Klem also said the Grant and Third request was a visibility problem due to the diagonal parking.

Councilor Daniels supported the Holly and Third request as a past businessman in the area for 16 years, he realizes the traffic problems.

Councilor Carroll suggested that both the 4-way stops on Holly and Grant be installed immediately; the white van parked at the library construction site be asked to move due to poor visibility; and paint no parking on the curb area near the Country Cupboard Restaurant, a project that was started a few weeks ago.

Catherine Davis suggested that both 4-way stops be implemented at the same time for citizen adjustment. She also noted that she felt the crosswalks did no good.

Councilor Taylor felt it was better to place a 4-way stop at Fourth and Grant. Mayor Kopelk noted that some years ago a 4-way

stop was placed at this location and later removed as it was not necessary and that the school has students provide safety patrol at this intersection.

****Councilman Daniels** moved to approve the recommendation of the Traffic Safety Committee and place a 4-way stop at N.W. Third and Holly; a 4-way stop at N.W. Third and Grant; and crosswalks at all intersections around Wait Park. Motion seconded by Councilman Carroll. Councilor Taylor said that he approved of only 2/3 of the motion, he preferred a 4-way stop at Fourth and Grant instead of on Third and Grant. Motion carried 5-1, with Councilman Taylor voting nay.

ORDINANCES & RESOLUTIONS: Administrator Jordan briefly reviewed the final reading of Ordinance No. 845. ****Councilman Carroll** moved to adopt on final reading, Ordinance No. 845, AN ORDINANCE AMENDING SECTION 7 OF ORDINANCE NO 668, REGARDING ANNUAL FRANCHISE FEE TO BE PAID BY THE FRANCHISEE, CANBY TELEPHONE ASSOCIATION, TO THE CITY OF CANBY, AND AN EFFECTIVE DATE. Motion seconded by Councilman Smith and approved by roll call, 6-0.

UNFINISHED BUSINESS: SITE AND DESIGN REVIEW DISCUSSION - The Council next considered the "draft" site and design review ordinance and was prepared to receive comments on the proposal.

David Anderson and Larry Housen both said that they had not read the document but were definitely interested in the issue. Both noted that a recent letter made them aware of meeting tonight.

Councilor Smith said the document was primarily for beautification of the City; a guideline for contractors; and for aesthetic reasons. He noted it was not for single family construction design.

Rusty Klem read the purpose section of the proposed ordinance and said that additional requirements would be placed on the developments.

Karen Haring, Canby relator, pointed out that Canby is in desperate need of house and that the City should be cautious in setting more restrictions in supplying housing.

The four realtors present were provided with copies of the draft ordinance and procedure and told that a public hearing was scheduled for June 20, 1990.

BUDGET COMMITTEE APPOINTMENT - ****Councilor Daniels** moved to appoint Carole Schnieder to a three year term on the City Budget Committee, expiring in July, 1993. Seconded by Councilor Carroll and approved unanimously.

NORTHWOOD FINDINGS OF FACT - Attorney Kelley briefly reviewed the findings of fact on the Northwood application for a Comprehensive Plan Amendment that was heard by the Council at an earlier date. ****Councilman Taylor** moved to adopt the Findings of Fact on the Northwood Application No. CPA-90-01 as presented by staff.

Motion seconded by Councilor Stiglbauer and approved 5-1, with Councilman Daniels voting nay. (A copy of the Findings of Fact will become a part of the minutes of this meeting.)

OTHER REPORTS OR ANNOUNCEMENTS: Councilor Taylor inquired about City policy on street cuts, and specifically a bad area at this time on the corner of Territorial and Maple. Mr. Klem noted that repaired street cuts are never as good as the original condition, however, he will contact Sprague Excavation about the one in question. Mayor Kopelk requested that staff research what other communities do in regards to street cuts. Mr. Klem said that a priority for his department is to work on a manual regarding such issues in addition to A.P.W. specs. The Council strongly urged flashing barricades for such hazardous areas as a safety feature.

Rusty Klem informed the Council that a new Community Development Secretary, Joyce Faltus, has been hired and she is doing a good job and he invited everyone in to meet her.

ACTION REVIEW:

1. Formulate alternatives for financing the SPRR parking lot.
2. Deny Viking reimbursement by letter.
3. Install 4-way stops at Grant and N.W. Third, Holly and N.W. Third, paint crosswalks on all intersections around Wait Park and paint the Elm Street curb at N.W. First for no parking.
4. Prepare for public hearing on Design Review.
5. Notify Carole Schneider of Budget Committee appointment.
6. Notify Northwood of Findings of Fact.

Mayor Kopelk reminded the Council of the open position for one more Budget Committee member.

**Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(d), labor negotiations and (1)(h) pending litigation. Motion seconded by Councilor Carroll and approved 6-0.

Mayor Kopelk recessed the regular session at 9:54 p.m. to go into Executive Session. The regular meeting was reconvened at 11:07 p.m.

The Council considered an open letter from Clackamas County Cities to the County Commissioners regarding the various cities interest to proceed with tax equity studies and formation of law enforcement districts. The Council gave unanimous approval to authorize the Mayor's signature on the above mentioned letter to the County Commissioners.

Mayor Kopelk adjourned the regular session at 11:10 p.m.

EXECUTIVE SESSION

JUNE 6, 1990

Mayor Kopelk presiding. Councilors present: Taylor, Carroll, Stiglbauer, Smith, Prince and Taylor.

Also present: Administrator Jordan and City Attorney Kelley.


Mayor Kopelk called the session to order at 10:18 p.m.

ORS 192.660 (1)(h), the City Attorney discussed pending litigation regarding the Torgeson vs. City case.

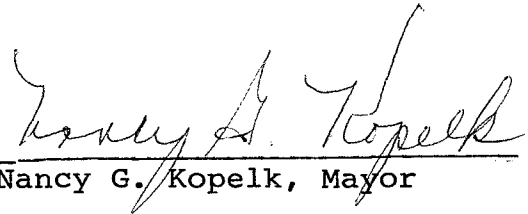
Attorney Kelley left the session at this time.

ORS 192.660 (1)(d), the Council discussed matters relating to labor negotiations.

The Executive Session was adjourned at 11:07 p.m.



Marilyn K. Perkett, City Recorder



Nancy G. Kopelk, Mayor

FINDINGS DENYING A COMPREHENSIVE
PLAN AMENDMENT APPLICATION NO. CPA-90-01

NATURE OF PROCEEDINGS:

This matter was before the City Council upon applicant's request to amend the Canby Comprehensive Plan to permit expansion of the Urban Growth Boundary to include an additional 30.19 acres of property known as the IFA property identified as Tax Lot 800, Tax Map T3S, R1E, Section 32AA, Tax Lots 100, 200 and 1700, Tax Map T3S, R1E, Section 32AD, Tax Lots 300 and 501, Tax Map T3S, R1E, Section 33BB, and Tax Lot 6600, Tax Map T3S, R1E, Section 33BC.

FINDINGS OF FACT:

A. Facts

1. Subject property is presently located within the Canby city limits but is outside the present Urban Growth Boundary for the City of Canby.

2. Currently within the present Urban Growth Boundary, there exists approximately 1205 acres of vacant land for residential development and approximately 167 acres of vacant land for residential development within the Canby city limits.

3. Subject property is presently zoned Agriculture and is made up of Class II soils.

4. The applicants wish to bring this property within the UGB to develop as single family residences in R-1 zone.

B. Applicable Criteria

1. LCDC Goal #3 to preserve and maintain designated agricultural lands by protecting them from urbanization is applicable.

2. LCDC Goal #14 to provide for an orderly and efficient transition from rural to urban land including the need for additional land to meet the City's planned growth is applicable.

3. Canby Comp Plan Urban Element, Policy #1, to preserve and maintain designated agricultural lands is applicable.

CONCLUSIONS OF LAW

Due to the fact that there is presently approximately 1372 total acres of vacant land for residential development available within the City and City's present UGB, there has not been sufficient need demonstrated to take Class II soils agricultural land out of the agriculture designation for development in a single

family residential zone.

Therefore, based upon the above, applicants' request for a Comprehensive Plan Amendment to permit expansion of the Urban Growth Boundary is denied.

June 7, 1990
DATE

Nancy G. Koepel
NANCY G. KOPELK, Mayor

SUMMARY OF VOTES CAST
6/28/90
9:44

CLACKAMAS COUNTY, OREGON
SPECIAL ELECTION
JUNE 26, 1990

JOHN I. KAU

* I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY * BY :
* SUMMARIZE THE RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

John F. Kauffman

CITY OF CANBY
MEASURE 3-11
THREE YEAR SERIAL LEVY

CANDIDATE KEYS:

CAND-01 = YES
CAND-02 = NO
CAND-97 = OVERVOTES
CAND-98 = UNDERVOTES
CAND-99 = TOTAL VOTES

POLL PRE	CAND-01	CAND-02	CAND-97	CAND-98	CAND-99
122	87	108	0	6	201
123	103	147	0	5	255
124	167	224	1	9	401
125	145	238	0	7	390
126	265	395	0	9	669
TOTALS	767	1,112	1	36	1,916

