

**CANBY CITY COUNCIL
SPECIAL MEETING MINUTES
December 8, 2010**

Presiding: Mayor Melody Thompson.

Council Present: Rich Ares, John Henri, Walt Daniels, and Brian Hodson. Councilor Jason Padden was absent.

Staff Present: Greg Ellis, City Administrator; John Kelley, City Attorney, Bryan Brown, Planning Director; Matilda Deas, Project Planner; and Kim Scheafer, City Recorder.

Others Present: Chris Maciejewski, Roger Reif, Nancy Muller, Bev Doolittle, Shantel Harney, Tony Helbling, Kathleen Polley, Charles Burden, Greg Parker, Randy Carson, Bob Cornelius, Pat & Buzz Weygandt, Terry Tolls, Tim Dale, Allen Patterson, Roger Skoe, Lisa Weygandt, Bob Zimmer, Craig Lewelling, Deede Jenkins, JD Elder, Richard & Florence Ball, Susie Myers, Chris German, Bill Foster, Stephanie Lowden, Maynard Nofziger, Mike Diggles, Kathy & Eliot Lapidus, Liz Belz-Templeman, Melvin Freeman, Tony Boyer, Jackie Jones, Jim Phillips, Bob Sheveland, Dan Bell, Leonard Walker, Ted Kunze, Kevin Batridge, Jana Holbrook, Jean Lessard, Janet Hoskins, and Doug Thomas.

CALL TO ORDER: Mayor Thompson called the Special Meeting to order at 6:00 p.m. in the City Hall Conference Room.

Councilor Ares was not in attendance.

****Councilor Daniels moved to go into Executive Session pursuant to ORS 192.660(2)(h) Pending Litigation. Motion was seconded by Councilor Hodson and passed 3-0.**

Mayor Thompson read the Executive Session format and recessed the Special Meeting at 6:02 p.m.

OPENING CEREMONIES: Mayor Thompson reconvened the Special Meeting at 7:02 p.m. in the Council Chambers followed by the opening ceremonies. Councilor Ares was in attendance.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

PUBLIC HEARING: CPA 10-01/TA 10-02 (Transportation System Plan Update) – Matilda Deas, Project Planner, reviewed the findings and recommendations from the Planning Commission. The Planning Commission recommended approval with the following conditions: the proposed downtown circulation improvements would be triggered by Canby's new mobility standards, all of SW 13th Avenue would be classified as a collector, there should be robust traffic calming for all of 13th Avenue, and at such time a connection to Sequoia Parkway to SE 13th Avenue was deemed necessary, prior to construction a traffic mitigation plan for SE and SW 13th Avenue would be developed and adopted in collaboration with local area residents. From the Planning Commission hearing until that night's hearing, staff received 21 letters from residents. They were all in relation to 13th Avenue and safety.

Councilor Ares said there had been a lot of testimony regarding 13th Avenue and the Industrial Park. He asked if there was any recommendation for mitigation of the traffic.

Ms. Deas said staff recommended at the time of the connection the issues would be addressed. The connection at Mulino was under County jurisdiction.

Councilor Henri asked for the differences between a collector and arterial street.

Chris Maciejewski, DKS Associates, reviewed the attributes of a collector and arterial street and what mitigation and traffic calming was appropriate for each.

Mayor Thompson clarified that the City was responsible for enforcing truck routes by signage and police patrolling.

There was discussion regarding truck traffic and routes through the City and what had been promised for Sequoia Parkway.

Mayor Thompson opened the Public Hearing at 7:38 p.m.

Bev Doolittle, Executive Director of the Canby Area Chamber of Commerce, referenced a memo and recommendations on the Berg Parkway extension grant in 2007. She read from an interoffice memo from ODOT outlining what the money from the grant was to be spent on. The S Berg Parkway extension provided for the connection to SW 13th Avenue, which was a critical link to south Canby and Highway 99E. As S Sequoia Parkway was extended in future phases, it would eventually connect with SW 13th Avenue and would add connectivity to the southern portion of the industrial area and other direct routes to Highway 99E. Berg Parkway was built to be the connection between I-5 to the Industrial Park. The Chamber was asking the City to stick to the plan.

Tony Helbling said he was concerned about safety. He suggested that the City look at alternative ways to keep pedestrians safe, such as a short fence, sidewalk, crossing guards, lighted crosswalk, and signaled crosswalk. He read from the DKS Technical Memorandum #6 regarding access to 99E with respect to Sequoia Parkway's extension south to 13th Avenue. This extension would add vehicles to the area, and the City needed to address the safety concern while at the same time keeping to its commitment to develop Sequoia Parkway to 13th Avenue.

Councilor Henri stated safety devices were more for a collector.

Mr. Helbling preferred that it remain an arterial. Developing Sequoia would also help relieve the traffic on Redwood.

Kathleen Polley, landowner in the Industrial Park, said the Industrial Park was the State and City's idea, not the property owners. The plan was put in place before Tofte Farms and the schools were built there. The City made promises not only to those currently in the Industrial Park, but also to all those landowners surrounding it. The City should keep their promises and consider all of the citizens.

Roger Rief said he was speaking for Charles Burden. In 1975, the Pitts Edition came in on the corner of 13th Avenue and Ivy. At that time, the City required the subdivision to dedicate more

land because it was envisioned to be an arterial. The taxes generated by a residence did not equal the amount of services it took from the City and the only way to get it was to have industrial. Hope Village also had to dedicate land for the arterial and to set the ingress and easement based on an arterial standard. Then, for the SW Berg Parkway improvements, Canby Disposal had to be relocated. The City decided schools should be out of the neighborhoods and to put them where there were arterials to send the school buses down. The Industrial Park was developed with the understanding that industry could come out there through an arterial street. He recognized the fact that Planning Commissioners and Councilors changed and errors could be made, but there had been a long history. He thought there was a difference between arterial and collector, otherwise, why were they designated that way.

Bob Zimmer, Canby resident, said a lot of time and effort went into the design of the Industrial Park. He had asked Clackamas County about truck routes, and the County did not designate truck routes. There were very few places where trucks were prohibited. He thought the City should work with the rural community regarding truck traffic. The Industrial Park had not considered 13th Avenue to be a bypass for Highway 99E. It was important for 13th Avenue to be considered an arterial. He thought the trucks were legal and safe. This route was designated by the County as insignificant, not a large traffic count, and there were alternate solutions. There was a lot more traffic on the street other than trucks from the Industrial Park.

Councilor Henri said regarding the collector verses arterial designation, there appeared to be no difference in the amount of trucks that would go on the road. He asked why it should be made an arterial.

Mr. Zimmer replied it was not a local destination, but someone coming from Mulino who wanted to get to the highway, where would they go. A collector did not address through traffic. A collector was designated to be for a truck originating inside the community going out, or someone coming in with a delivery. Trucks were not singled out. If it was a collector, people could work on getting trucks banned from the road. The effort to downgrade the road sent a message. The safety issue needed to be addressed as a safety issue instead of downgrading a road system. The downgrading had an impact to some business.

Kevin Batridge, representing the Bike & Pedestrian Advisory Committee, read a letter into the record in support of the current Transportation System Plan as proposed. He discussed the Safe Routes to School program and the safety issues surrounding children walking to school. The Committee thought the TSP supported the goals of residents and businesses. No plan should favor one over the other and they had to take into consideration safety and protection of children and livability standards of residents.

Jackie Jones, representing the SW Canby Neighborhood Association, supported the proposed TSP. The biggest concern was safety. She wanted to keep the speed on 13th Avenue at 25 mph. If it was left as an arterial street, the speed could be increased. She wanted it changed to a collector.

John Kelley, City Attorney, said speed limits were not based upon the kind of street. A collector could be raised to 40 mph.

Ms. Jones wanted the speed to stay at 25 mph. She said a neighbor of hers was a former truck driver and he did not think trucks should drive down that road.

Buzz Weygandt said he still stood by the comments in the letter he previously submitted to the Planning Commission. They depended on trucks and had to eliminate the visions of freeway traffic. Truck drivers were professionals and this could be worked out with safety procedures. If a lot more cars used Sequoia, it would substantially help eliminate the traffic going the other direction. It was stated in the TSP that it would have a minor impact on 13th Avenue and he thought that was true as there would be fewer cars going the other direction and using Redwood. Parents from Ackerman would have a safer route and cause less congestion. He thought it would be a good way for people to get to work in the Industrial Park. He thought it would be about 2.5 million dollars to complete Sequoia and 13th Avenue and Urban Renewal could fund it. He wanted to keep the Industrial Park viable.

Lisa Weygant said she was in favor of extending Sequoia Parkway and keeping 13th Avenue as an arterial and spoke about her property along 13th Avenue. She did not plan to rezone to residential as proposed by SE residents. Her property was zoned future light industrial, and she had spent time and money nurturing the property on that fact. The property was a valuable asset to the Industrial Park, especially for those interested in access to rail. The City needed a better connection to 13th Avenue on the east side of town regardless of whether her property was industrial or residential. She agreed with Mayor Thompson that the Industrial Park did not demand a lot of traffic. The greatest beneficiaries of the overpass and Sequoia would be the residential sector, as they would have an alternate route for traffic to flow. Without the Sequoia Road extension, there was no chance of selling her property as industrial. Her family had committed to the future development of the Industrial Park by lot line adjustments and land donations to extend Sequoia to the property and prepare for it to extend onto 13th Avenue. The extension was already 25% finished. Sequoia was a community project and a tax revenue producing project. She asked if the City considered getting a second opinion on the TSP to make sure it was thorough.

Ms. Deas said that Lancaster Engineering, ODOT, and the County had reviewed the plan. Unless there was evidence that something was wildly amiss, a second opinion was not standard procedure.

Ms. Weygant said there were areas of the plan that were questionable as to the reason. However, she did not know of anything that was faulty.

Mayor Thompson said through the whole process she had not observed that the plan was far off and adjustments had been made when it was discovered that some recommendations did not work with the City's needs.

Terry Tolls stated he had been involved with the Canby Pioneer Industrial Park for about 15 years. The land in the Industrial Park had always been marketed as being extended to 13th Avenue as an arterial. He thought 13th Avenue with its residential was not an ideal solution for traffic, but it was what they had until Otto Road was developed. There still needed to be a north/south connection from Mulino Road. Prospective companies that they talked to needed certainty. He thought they should stick with the plan and thought it was premature to change the classification of a roadway when they did not know the impacts.

Bob Sheveland said the Council was in a conundrum. There had been arrangements and agreements made, and now the traffic safety plan said they should not do it and instead of

listening to the plan and agreeing, there were other people stating their opinions. Many people were concerned. He did not see how 13th Avenue could be enlarged. He did not think anyone cared how the street was labeled, whether arterial or collector, unless there was a real difference as far as speed and traffic control was concerned. Citizens who lived in the area were concerned about what the speed limit would be. He thought if it was an arterial it would eventually become a bypass to downtown.

Mayor Thompson clarified that the road was an arterial currently with a 25 mph limit.

Mr. Sheveland thought there was more to the discussion regarding arterial versus collector.

Florence Ball said at the November 29 Planning Commission meeting citizens were told that an arterial street was for moving traffic quickly through an area and they traveled 35-40 mph and that a collector was for moving traffic more slowly at 20-25 mph. There were several school zones on 13th Avenue as well as residential. It was currently 25 mph, and it should be changed to a collector.

Mr. Maciejewski said the difference was in general terms, the priority for arterials was moving traffic and arterials were generally higher speed than collectors.

Councilor Hodson said he lived off of SE 13th Avenue and he also wanted to keep the road at 25 mph.

Councilor Henri said Wikipedia defined a collector as speed limits typically between 20-35 mph, and for an arterial typically between 30-60 mph. The key word was typical, and governing agencies could set whatever speed limit they wanted.

Ms. Ball did not think it made sense to connect Sequoia to 13th Avenue for the trucks and then put traffic calming devices in to slow them down.

Councilor Ares said the overpass was intended to get the traffic going north toward Highway 99E instead of 13th Avenue.

Mike Diggles said early on 13th Avenue was committed to being a truck route as an access from the Industrial Park to Highway 99E. The landscape along 13th Avenue had been built significantly with schools and residences and the idea that it was supposed to be a truck route was hard to accept. He thought the City should look at Otto and move in that direction for access for trucks and vehicles in the Industrial Park and not hamper or cause safety issues with neighborhoods on 13th Avenue.

Councilor Henri asked about the Mulino Road issue where trucks had to use 13th Avenue.

Mr. Diggles said the truck traffic from that area was not significant. This was not a good route for trucks.

Tim Dale, president of the Tofte Farms Homeowners Association, said the SE residents were concerned about trucks, traffic, and nuisance. The City was also concerned and had invested in traffic calming devices, enforcement, bike lanes, etc. The residents' comfort level was the road as a collector. The TSP supported a collector through its analysis and engineering, the

connectivity study supported it, and the Planning Commission unanimously approved the plan that recommended a collector. The nature of the neighborhood and width of the road and what the City had invested in traffic mitigation said collector. They were not asking for a truck ban or the Industrial Park not being built out. There was a comfort, promise, and commitment to the future there that was important to the neighborhood in terms of livability and safety.

Susan Myers said she represented the SE Neighborhood Association on the volunteer advisory TSP committee. When the citizens heard about connecting the Industrial Park to 13th Avenue, they were alarmed as there were children who walked up and down and crossed 13th Avenue all the time. The citizens contacted the City and were told it had already been decided. They were told to organize a neighborhood association and they did. The Council agreed to include the neighborhood's concerns in the study and waited for the results, which was Appendix J of the TSP. The analysis showed that there was new information, new from when the funding for the Berg Parkway grant was sought, new when the original planning was done. There was an option to use Otto Road and not make the connection from Sequoia to 13th Avenue. If the connection from Sequoia to 13th Avenue happened, there would be the same conflicts that happened in north Canby at Eccles School and the residential area. If their fears were realized and the situation became dangerous, she wanted to make sure the City had the option to restrict truck traffic along 13th Avenue and provide traffic mitigation and traffic calming. It had been explained to the Committee that the difference between an arterial and a collector was that an arterial's focus was moving traffic through and typically not where traffic calming was placed. There were schools that abutted 13th Avenue where parents dropped and picked up kids twice a day, where there were buses moving through, and children crossing the street and coming and going. When they added a significant amount of increased traffic coming from the Industrial Park, they were creating congestion and conflict. If it was the City's policy to resolve those conflicts, then there needed to be the ability to address conflicts that very likely would occur if the connection happened. It sounded like the Council was leaning towards doing the connection, and it was a matter of whether it should be an arterial or collector. She asked that the street be a collector because the current speed showed it was a collector, being 20-25 mph, and there was already traffic calming. By changing it to an arterial, it would limit their ability to address these conflicts. She asked the street be a collector as proposed in the TSP, not a truck route as shown in the TSP, and if the Sequoia connection happened, require a traffic mitigation plan with the parties that were impacted.

Councilor Hodson asked if she had suggestions for mitigation.

Ms. Myers said it was keeping the traffic going slow enough along 13th Avenue, not just how to get kids across 13th Avenue. An arterial implied to developers that the priority was moving traffic through.

Mr. Maciejewski said a focused study would be done to find out the best mitigation measures. The Council could consider a policy in the TSP about this corridor regardless of it being an arterial or collector that the traffic mitigation plan maintain a certain speed and focus on safe crossing improvements at schools.

Mayor Thompson suggested adding this in the TSP generally for other unsafe areas in the City.

Mr. Maciejewski said there was a traffic calming section where it could be added.

Chris German thought they needed to be clear about what a collector and arterial was and not increase the speed limit. She hoped they would make 13th Avenue a collector and add traffic calming mitigation. Highway 213 from Molalla to Oregon City was currently in construction to widen 213 to four lanes, and she did not see the traffic coming from Mulino Road as much as was done in the past. She encouraged talks with the County for the railroad overpass. She hoped they would make the right decision and keep the kids safe.

Nancy Muller said she was employed by the City of Canby. Her comments were her own personal opinion and were not affected or influenced by her employer. She had been a resident of Tofte Farms for 12 years. When she purchased her home, a realtor told her that 13th Avenue would be a truck route in the future. When she volunteered at Ackerman Middle School several years ago, the principal said 13th Avenue had been designated a truck route for 25 years. She supported 13th Avenue as an arterial. The street had been widened and calming devices and bike lanes had been installed. Compared to the existing and past truck routes around town, the extension of Sequoia Avenue through to SE 13th Avenue was a solution she thought would work. School zones had a mandatory 20 mph speed limit at specific times of the day. The Industrial Park was a viable and necessary development to the community. The concept of Sequoia connecting to truck routes at both ends, 99E and S 13th Avenue would give access or egress options to everyone traveling into and out of the Industrial Park. She wanted the street to be an arterial and the speed limit to remain as it was.

Craig Lewelling, Industrial Park property owner, stated there had been 28 years of planning. If the Council was leaning towards not making it an arterial, he thought it should be tabled and there should be discussions regarding the Memorandum of Understanding that was created several years ago. Those documents were created to avoid these types of discussions. Promises from the City were made to the landowners, and promises from the landowners were made to the City, and they needed to be upheld.

Janet Haskins said she had lived there for 12 years and a lot had changed in the area. She did not want to walk across Ivy due to the safety hazard. The trucks going by on SW 13th Avenue started early and woke her up. Traffic had increased since it was opened up to Berg Parkway. Her main concern was safety and speed. Trucks gearing down made her house shake and she had difficulty going across the road to get her mail. She wondered how much more traffic could be tolerated by the neighbors. She was told at the meeting for the Berg Parkway extension that the street would not become a truck route, and she saw that it was becoming a truck route and it concerned her.

Councilor Ares said there was an ordinance against exhaust brake use in the City limits, which was what would cause her house to shake. He suggested signs be put up.

Mayor Thompson thought the Police Department could be patrolling the area as well.

Mayor Thompson closed the Public Hearing 9:35 p.m.

Mr. Maciejewski read language that had been added to the TSP that would be a Citywide traffic calming policy. There were thresholds defining livability levels on streets and any new traffic study done would be assessed by the thresholds and were required to mitigate the impacts. Regarding the arterial/collector, the most important concern he heard from the testimony was managing speeds on 13th Avenue. People wanted it to stay at 25 mph. He thought language to

the traffic mitigation plan could be added that prior to completing an extension of Sequoia to 13th Avenue, a traffic safety study would be completed and improvements constructed along 13th Avenue to manage vehicle speeds and improve compliance with a 25 mph zone and improve crossing safety for pedestrians.

There was Council consensus to add the language to keep the road at 25 mph and to add the safety measures.

Mr. Maciejewski also suggested in regard to truck traffic coming from rural areas down 13th Avenue, to add a policy in the TSP to work with Clackamas County to get the Mulino crossing upgraded providing a truck route from those areas up Mulino and Otto to get to the highway.

Councilor Henri thought Sequoia should be extended to 13th Avenue. The City needed to keep its word. He struggled between the difference between an arterial and collector. He did not think it made a difference. The Council did commit it to being an arterial in the past and he thought they should stick with it.

Councilor Ares thought Sequoia Parkway should be extended. It would be a benefit for the industrial area and community. Unlike other arterials, there was limited access onto 13th Avenue. It was clearly anticipated to be a traffic carrying road. He was in favor of keeping the speed limits low and using flashing signage. After Otto Road was constructed, 13th Avenue could be revisited if there were issues. He was in favor of the arterial designation as business was important and if the road was downgraded, the next thing that might keep businesses from coming was a truck ban. Safety was important, but he thought it could be dealt with through traffic calming and signalization. He thought the plan should be adopted with 13th Avenue as an arterial and the Sequoia Parkway extension included.

Councilor Hodson concurred that Sequoia should be extended and 13th Avenue be an arterial due to the perception of what it could mean for businesses as they looked to further develop the industrial area and that the safety features be added. He was in favor of flashing signage and crosswalk features on 13th Avenue.

Councilor Daniels also agreed. The Planning Commission had also recommended traffic calming.

There was Council consensus that the proposed downtown circulation improvements be triggered by Canby's new mobility standards. There was also Council consensus for the robust traffic calming on 13th Avenue defined by the language proposed as well as the proposed Citywide traffic calming policy. The connection to Sequoia should be in the plan and SE and SW 13th Avenue be classified as an arterial.

Mr. Maciejewski said the draft plan did not have a truck route on 13th Avenue. With the Sequoia extension included, 13th Avenue from Mulino to Sequoia would be a truck route. From Sequoia to Ivy would not be a truck route.

Councilor Henri saw no reason to designate 13th Avenue east of Ivy as a truck route.

Mr. Maciejewski suggested leaving it as it was today between Ivy going south and 99E, and when Sequoia was built, re-route trucks north.

Mayor Thompson recessed the meeting at 10:02 p.m. and reconvened at 10:12 p.m.

Mr. Maciejewski reviewed the truck route map in the TSP. He suggested modifying the proposed TSP to show 13th Avenue between Ivy and 99E as a truck route which it was today.

The Council agreed.

He further clarified that Sequoia to Mulino would be a truck route, and 13th Avenue between Sequoia and Ivy would not be a truck route.

Councilor Hodson asked what the reason was for the roundabouts.

Mr. Maciejewski replied that the intersections where the roundabouts were placed, particularly on Township, the traffic projected in 20 years said it would need improvements to meet building standards. The volumes were not high enough to warrant a signal, and roundabouts were the in between. Roundabouts added capacity, safety, and an overall smoother operation of the traffic. Putting a roundabout in an industrial area was another question. They could be designed to be big enough for trucks and their trailers to navigate them. There were three ways to get in and out of the Industrial Park.

There was discussion regarding roundabouts verses intersections.

Ms. Doolittle thought the Fire Department had not been a part of the plan regarding the roundabouts. She thought Redwood and Township was a bad intersection to put a roundabout.

Mr. Maciejewski said ODOT adopted a policy the State traffic engineer always considered roundabouts before installation of a new signal.

Ms. Deas said the Fire Chief supported the TSP.

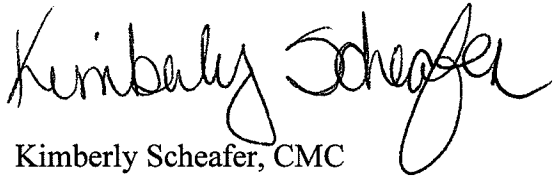
****Councilor Henri moved to approve the CPA 10-01/TA 10-02 2010 TSP update as modified. Motion was seconded by Councilor Hodson and passed 4-0.**

RESOLUTIONS & ORDINANCES: **Councilor Hodson moved to approve Ordinance 1340, AN ORDINANCE ADOPTING A TRANSPORTATION SYSTEM PLAN UPDATE, AND DECLARING AN EMERGENCY including the exhibits as modified to come up for second reading on January 19, 2011. Motion was seconded by Councilor Henri and passed 4-0 on first reading.

ACTION REVIEW:

1. Approved Ordinance 1340 to come up for second reading on January 19, 2011.

Mayor Thompson adjourned the Special Meeting at 10:50 p.m.

A handwritten signature in black ink, reading "Kimberly Scheafer". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Kimberly Scheafer, CMC
City Recorder

A handwritten signature in black ink, reading "Walt Daniels". The signature is cursive and somewhat stylized, with the first name being more prominent.

Walt Daniels
Council President

Assisted with Preparation of Minutes - Susan Wood