

**CANBY CITY COUNCIL  
WORKSHOP MINUTES  
December 15, 2004**

**Presiding:** Mayor Melody Thompson

**Council Present:** Walt Daniels, Georgia Newton, Wayne Oliver, Randy Carson, and Teresa Blackwell.

**Staff Present:** City Administrator Mark Adcock, Community Development & Planning Director John Williams, Project Planner Matilda Deas, and Office Specialist Valerie Kraxberger.

**Others Present:** Roger Harris.

Mayor Thompson called the session to order at 6:30 p.m. A light dinner was served.

The Council met in a workshop session to discuss buildable land. Mr. Williams said that the Planning Commission wanted a few answers on some issues. One was how do they interpret annexation criteria, was the three years a floor or a ceiling? Also, what was considered developable land? All within the City limits that might be underutilized, or only those that were reasonably anticipated to be developable. The traditional interpretation was all lands included within the City limits. And lastly was three years the number they wanted to have?

Councilor Carson said they could say three years of platted land. Mr. Williams said right now they had less than a year of platted, and two to three years of annexed. Ms. Deas said they could use averages, the average they needed for single family lots over five or ten years and whether they had enough and use that as a criterion.

Mayor Thompson said there was a lot of redeveloping in the community. Ms. Deas said it was a trend. The Mayor did not think it was their job to ensure developers had work in the community if their numbers were there, but they were getting pressure because of the lack of annexations. The lack of new construction drove up the cost of existing homes.

Roger Harris said the Council did not have control over the annexations because they were voter approved. In Canby the orientation was to annex for single family dwellings, but since that wasn't happening, the growth was higher density within the older sections of the City. Mr. Williams said in the buildable lands study there was an assumption about redevelopment, but the numbers were low. Mr. Harris asked if the market determined redevelopment or did the City encourage it? Mr. Williams said they could influence that trend such as using incentive programs to make it more attractive. In the downtown area there was to be no new housing unless related or above commercial uses. There was resistance to increased density in the community. Mr. Williams said Measure 37 also affected this.

Councilor Newton said people did not want to grow through annexation but they also didn't want to increase density within the City. She thought they should take into account platted land and

three years as a ceiling. If they were going to use available land then have the three years as a floor.

Mayor Thompson asked what was their end result, buying time? Councilor Newton said they had to allow for some growth. Councilor Daniels said they had to sell it to the voters. Councilor Carson said three years of platted land as a ceiling. Councilor Oliver said just a few builders controlled all the lots. He also liked the idea of using the platted land.

The Council talked about having a workshop with the Planning Commission to discuss this issue further.

Mayor Thompson adjourned the session at 7:23 p.m.

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**CANBY CITY COUNCIL  
REGULAR SESSION MINUTES  
December 15, 2004**

**Presiding:** Mayor Melody Thompson

**Council Present:** Walt Daniels, Georgia Newton, Wayne Oliver, Randy Carson, and Teresa Blackwell.

**Staff Present:** City Administrator Mark Adcock, City Attorney John Kelley, Community Development & Planning Director John Williams, Finance & Court Services Director Chaunee Seifried, Library & Parks Director Beth Saul, Police Chief Ken Pagano, Police Lieutenant Greg Kroepflin, Transit & General Services Director Margaret Yochem, Project Planner Matilda Deas, Technical Reference Librarian Linda Baty, and Office Specialist Valerie Kraxberger.

**Others Present:** Roger Harris, Bev Doolittle, Wendy Hein, Harry Lee Kwai, Lila and Curtis Gottman, Buzz Weygandt, Jerry Foy, Bob Backstrom, Lowel Bagshaw, Teryn Wallace, Y, Susan Reed, Roger Reif, Sean, Tony Helbling, Dwight, Jack Gagher, and Byron Moyer.

**CALL TO ORDER:** Mayor Thompson called the regular session to order at 7:35 p.m., followed by the opening ceremonies.

Employee of the Month - City Administrator Mark Adcock said that Linda Baty from the Library was chosen as the Employee of the Month for November.

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:**

Bev Doolittle of the Canby Chamber of Commerce thanked citizens and businesses for the Christmas lights in Wait Park and said the parade was a great success.

Byron Moyer, resident of 1655 S Elm St, Canby, spoke regarding moving the railroad out of downtown Canby. This was an important project that should be given priority. He also submitted a written statement.

Bob Backstrom, resident of 1395 N Birch, Canby, indicated he was worried about the cost and postponing other projects in Canby for the Arndt Road project. There was also a safety concern. The Riverside Neighborhood Association was against it. They wanted input in the decision and prioritizing of the projects.

Roger Harris, resident of 900 NE 14<sup>th</sup>, Canby, felt the Arndt Road project should not outweigh other Canby projects. The projects taken off the table as well as the loss of the Regional Park, and the question of urban renewal financial obligations to the Fire District should outweigh the benefits. There were studies and citizen input that should be done first before there was a commitment for this project. Too much came off the table.

Mayor Thompson moved to the New Business item on the agenda.

**NEW BUSINESS:** Presentation of Heritage Tree Project at Fairgrounds – Project Planner Matilda Deas introduced Teryn Wallace, a seventh grader at Ackerman Middle School who created a Powerpoint presentation. They used GPS and GIS to locate the heritage trees near the fairgrounds. Mr. Wallace explained the tools used to make identification and measurements. Councilor Carson asked what they were going to do with this information. Mr. Wallace said they were going to put it on the internet.

Mayor Thompson asked if this activity would continue beyond the fairgrounds? Ms. Deas said they were going to do it throughout the City and other classes would participate as well.

**MAYOR'S BUSINESS:** None.

**COUNCILOR COMMENTS & LIAISON REPORTS:**

Councilor Daniels said they toured the Kiwanis facility that day and the Kiwanis food boxes and toys were going out to about 400 families.

Councilor Oliver was impressed with Kiwanis' efforts. He also announced that Maple Street Park Phase I renovations had started.

Councilor Carson announced Shawn Carroll's resignation on the Canby Utility Board and they elected Jim Newton as the new chair.

Councilor Blackwell announced three vacancies on the Planning Commission and there were three candidates. Appointments would be made January 5. Also, the Board of County Commissioners would like three possible dates in January for the dedication of the Community Park improvements. January 8, 15, or 28 were suggested.

Councilor Newton talked about Beth Saul's "Adopt a Spot" idea. Flower baskets and planters could be adopted as a Christmas present and the person's name could go on a plaque on the baskets.

**CONSENT AGENDA: \*\*Councilor Carson moved to approve Accounts Payable of \$333,977.05 and Minutes of the December 1, 2004 City Council Workshop, Regular Meeting, and Executive Session. Motion was seconded by Councilor Blackwell and passed 5-0.**

#### **RESOLUTIONS & ORDINANCES:**

Ordinance 1153 - **\*\*Councilor Carson moved to approve Ordinance 1153, AN ORDINANCE REGULATING THE DISCHARGE OF WASTES TO THE CITY OF CANBY SANITARY AND STORM SEWER SYSTEMS, LIMITING SUCH DISCHARGES ONLY TO THOSE OF ACCEPTABLE TYPES, CHARACTERISTICS, OR CONCENTRATIONS; ESTABLISHING A SYSTEM OF WASTE DISCHARGE PERMITS AND USER FEES; PROVIDING FOR ENFORCEMENT; REPEALING ORDINANCE NO. 868, ENACTED SEPTEMBER 18, 1991 AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.**

Ordinance 1162 - **\*\*Councilor Daniels moved to approve Ordinance 1162, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LANDMARK FORD OF TIGARD, OREGON FOR THE LEASE/PURCHASE OF TWO (2) 2005 FORD CROWN VICTORIA POLICE INTERCEPTORS WITH POLICE EQUIPMENT PACKAGES FOR THE CANBY POLICE DEPARTMENT AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.**

Ordinance 1166 - Chief Ken Pagano explained the reason for amending the ordinance regarding graffiti abatement in crime prevention and gang activity. They had two town meetings and contacted Clackamas County and other cities. Community service crews would assist businesses in removing the graffiti. They were working on establishing a fund for businesses for paint to cover the graffiti.

Mayor Thompson said the hardship fund and use of offenders to be put to work were two of the ideas that came out of the workshops. She asked if the hardship fund would be available to citizens as well as businesses. Chief Pagano was still working on it.

Councilor Carson mentioned the penalty if a business did not clean up the graffiti on their property was not meant to victimize the business owners but was an incentive before more graffiti tagging was done.

Chief Pagano said they had a meeting of the Clackamas County Gang Intelligence for information sharing. Councilor Daniels said if graffiti was removed in three days, it discouraged them to graffiti again. Chief Pagano also said they would target the areas that kept getting

graffiti. Mr. Adcock stated any graffiti found on City property would be cleaned up within three days of being reported.

**\*\*Councilor Daniels moved to approve Ordinance 1166, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 9.44 RELATING TO GRAFFITI ABATEMENT; PROVIDING ADDITIONAL PROVISIONS FOR NOTICE TO PROPERTY OWNERS; REQUIRING ABATEMENT OF GRAFFITI; PROVIDING FOR REMEDIES; AND DECLARING AN EMERGENCY to come up for second reading on January 5, 2005. Motion was seconded by Councilor Blackwell and passed 5-0 on first reading.**

Ordinance 1167 - Mr. Adcock stated that the City attorney recommended postponement of Ordinance 1167 to the next Council meeting on January 5.

**UNFINISHED BUSINESS:** Discussion regarding Arndt Rd/Canby Alternative – Community Development and Planning Director John Williams gave a brief overview of the Arndt Rd issues. The issues were money for other projects and postponing projects, taking away Regional Park land, traffic flow, drinking water, and what it would do to Canby. He explained the County needed a decision on whether to proceed. He said there were two different projects, the connection of S. Berg Parkway with 13<sup>th</sup> Avenue and connecting 99E with Arndt Rd. The advantages would be better access for the south side of town, better truck access, economic development for the industrial park, opportunity for state and federal government to pay more than half of it, and if this project did not get built, probably nothing would for several years. Bill Hall, the consulting engineer, sent new cost estimates with the things people talked about at the workshop which were the single clear span over the Molalla River, sidewalks, a retaining wall near Space Age Fuel, and a turn lane on the structure to go left on Third Avenue. These added 2.1 million dollars, making it a 20 million dollar project. The extra money could come from federal funds. The Planning Commission recommended approval.

Councilor Blackwell asked for clarification regarding the funding mechanisms and if the federal funding did not go through, would they have to find other sources? Mr. Williams said that was not decided, but there were other sources they had not researched yet.

Mayor Thompson asked if the additional mileage and connection to Arndt Rd was part of the City's Master Plan or the County's Transportation Plan. Mr. Williams said it was recently added to the County's plan because of enhanced traffic to I-5. She also asked about urban renewal dollars being used and committing funds yet unknown. Mr. Williams said they had about half of the funds now. Mayor Thompson said the idea was that if they did this project they would relieve the need for some of the other projects. Mayor Thompson said the Regional Park was acquired for \$250,000. It would be a condemnation case that they would not have to pay back. Mr. Williams said they would have to add this in to the Urban Renewal District. Mayor Thompson said they had already planned to do Berg Parkway and the bridge.

**\*\*Councilor Daniels moved to approve moving forward with this project and submit to the County their intentions to seek money from the Federal Government for funding and**

**instruct staff to be in working with the County on IGA's and for more project engineering. Motion was seconded by Councilor Carson.**

**CITIZEN INPUT:**

Tony Helbling, resident of 227 SE 10<sup>th</sup>, Canby, spoke of the benefits to the community in fire and life safety, tourism, commerce, commuters, and industrial development. He discussed the costs involved, what could be delayed, and what would happen if it was not implemented. Taking each benefit of itself did not merit the investment, but considered as a whole it made sense. They were getting the benefits of this project at half the price. The rate at which things were going to happen was determined by the community leaders and they had the chance to improve Canby at a reasonable cost.

Roger Reif, resident of 273 N Grant, Canby, said he remembered 40 years ago they were discussing access. He hoped the Council would deny it, but for the future they needed the project. The circulation plan in Canby needed to be addressed and now they could do something about it. He had 19 inquiries about Measure 37 properties and messy development that would put more pressure on the circulation problem. He urged approval.

Harry Lee Kwai, resident of 794 N Holly, Canby, asked what was the rush? It was not just about money or a bridge, but about the character of Canby and he thought it would change. It was not always about the price and the funding might not be there. They needed discussions with the citizens and committees. He also read a letter from Craig Finden who talked about the lack of citizen and committee involvement and using economic development money for this project that should go to downtown.

Mayor Thompson asked if the Urban Renewal Advisory Committee had heard this discussion, and Mr. Williams said the majority was there but they did not have a chance to go back to the whole group with the information.

Councilor Newton said one of the top projects was doing Berg Parkway and it fit in with that plan and this just added to it for an incrementally few more dollars.

Councilor Daniels said there was discussion about the loss of the park, but they did not know if that was going to be the case. Others discussed projects lost, but they were just taken off the table for now and they could be done with other funding. These concerns were just questions that needed answers. If they turned this down, they wouldn't get the chance again. The majority of the City committees told them to proceed with the project.

Councilor Oliver said he remembered they had discussed making a tunnel for the train to alleviate the problems. For today it wasn't the best thing, but for the long run and development of Canby it was a good deal. It eased traffic and would give access to I-5.

Councilor Carson said if the project went over a certain amount of money they wouldn't continue with it. He felt there was good public discussion and publicity, and they wouldn't get another chance at funding for better transportation.



Councilor Newton was concerned with the water intake and traffic, but these issues had been resolved. They always wanted better access in the N Baker area and this would give them that. In the long run it would help downtown economically. It would not take every urban renewal dollar, and they could not get anywhere until they got more industry in that area. She liked the idea of stretching the project out, but if federal funding did not happen she did not want to be locked into this project. She would be willing to look at outside sources, but she wanted the option to get out. There were things they could do about the park. This would be a good project.

Councilor Blackwell was concerned that if the funding mechanism didn't come through, Canby would be stuck with a mess. She thought it would be good for the future. She did not support it because of the funding especially in this hard economic time.

Mayor Thompson discussed some letters they received, one from Rick Mayer from the Parks and Rec Advisory Committee who was in favor, another from Roland and Pat Nelson who were citizens living on NW 12<sup>th</sup> and were opposed to the project, and one from Janet Haskins, a citizen also opposed. She wished that they had more time, but it was a project of opportunity. She thought the money would be there to fund it. The growth of SE 13<sup>th</sup> was a concern, and the lack of parkland especially with the loss of the acreage for the Regional Park. They should take the park issue seriously on how to relocate it. She liked the traffic modeling proposal from Mr. Williams. The opportunity was here now and unfortunately they could not have gotten enough citizen input. She thought it was a calculated risk, and she would like to see a professional financial model that assessed the urban renewal income with a ten or twenty year plan.

Councilor Daniels thanked John Williams and his staff. Councilor Blackwell thanked the committees and people who gave testimony. She wanted assurance that they did not have to follow through with this if the money did not come through. There was Council consensus that would be the case.

**Motion passed 4-1 with Councilor Blackwell opposed.**

**CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** None.

**ACTION REVIEW:**

1. Approving the consent agenda.
2. Approving Ordinance 1153 on second reading.
3. Approving Ordinance 1162 on second reading.
4. Approving Ordinance 1166 to come up for second reading on January 5, 2005.
5. Postponing Ordinance 1167 to January 5, 2005.
6. Communicating to the County the available dates for the Community Park dedication.

There was no executive session.

Mayor Thompson adjourned the regular session at 9:44 p.m.



Mark C. Adcock  
City Recorder Pro Tem



Melody Thompson  
Mayor

Assisted in Preparation of Minutes – Valerie Kraxberger & Susan Wood