

**CANBY CITY COUNCIL
REGULAR SESSION
March 19, 2003**

Mayor Melody Thompson presiding. Council members present: Georgia Newton, Paul Dawson, Wayne Oliver, Pat Johnson, Randy Carson, and Teresa Blackwell.

Also present: City Administrator Mark Adcock, Community Development and Planning Director John Williams, City Attorney John Kelley, Library and Parks Director Beth Saul, Transit & General Services Director Margaret Yochem, Finance Director Chaunee Seifried, Associate Planner Clint Chiavarini, Police Chief Ken Pagano, Police Lieutenant Greg Kroeplin, Representatives of the Canby Police Department Brian Howarth, Dennis Swanberg, Tim Sommer, Jason Deason, Jorge Tro, Chris Mead, Greg Larrison, Lisa Panoff, Delores Kilpela, Steve Floyd, Greg Libbey, Nick Gonzales, Chris Macon, and Nate Dincenzo, Administrative Specialist Kim Scheafer, Jamie Johnk, David Howell, Dennis Cone, Tina Skiles, Bob Root, Curtis & Lila Gottman, Scott Gustafson, Ed Netter, Steve Buchanan, Tony Marnella, Pat Sisuz, and Richard Zorr.

Mayor Thompson called the regular session to order at 7:30 p.m., followed by the opening ceremonies.

PRESENTATION: Presentation to Officer Deason - Chief of Police Ken Pagano presented Canby Police Officer Jason Deason with a Chief's Medal of Merit due to an incident where he was attacked by a felon on a routine traffic patrol on December 7, 2002. The Chief also commended the other police officers for their response time to calls for service which had increased substantially that year. Lieutenant Kroeplin read the citation in recognition of Officer Deason's actions, his calm and professional demeanor, and extraordinary judgement in the face of extreme personal danger. Officer Deason thanked them all for the award.

Mayor Thompson asked the Chief if he could tell citizens how Canby was poised for emergency operations. Chief Pagano said they had an emergency operations center at the Fire Department and an emergency preparedness plan. Canby police officers were on heightened awareness. Citizens were encouraged to report suspicious activity. The Red Cross web site had information on emergency preparedness at home.

CITIZEN INPUT ON NON-AGENDA ITEMS: Bob Root asked to use the property by Burgerville for a Support Our Troops Rally on April 19, 2003 from 1-3 p.m. The purpose was to show support for the troops and families of the troops. Mr. Root said he had spoken with various people for permission.

****Councilor Carson moved to allow the use of the property for the rally on April 19, 2003. Motion seconded by Councilor Blackwell and passed 6-0.**

CONSENT AGENDA: **Councilor Carson moved to approve Minutes of the Workshops of February 26, 2003 and March 4, 2003; Minutes of the Regular Meeting of March 5, 2003; and Accounts Payable of \$322,274.93. Motion was seconded by Councilor Blackwell and passed 6-0.

COMMUNICATIONS: Letter from Mural Committee - Jamie Johnk said they had selected four different buildings in Canby to be good visual displays to depict Canby's diverse culture and heritage. The buildings were the Canby Swim Center, the backside of Norm Kenagy's building in Pioneer Plaza, the T-Line Design building facing First Avenue, and Austin's Body Shop facing 99E.

Councilor Dawson asked if they were going to do all the murals at once. Ms. Johnk said the grants were being written for all four buildings to be done at once. They were hoping to do more buildings than these four.

Councilor Carson asked if they were going to ask for ideas from citizens. Ms. Beth Saul said the committee had already selected some themes and were planning to let the artists present their ideas and pick from those depictions.

Council would be appraised of what would be put on the Swim Center since it was a City building.

Administrator Adcock said he would write a letter of support if the Council agreed. The Council gave verbal agreement.

Letter regarding Haute Air Faire - Administrator Adcock said they were seeking a letter of support for the festival. The festival would not be held in the City limits so there were no real concerns for them. Councilor Dawson thought this was a great event for the community. Councilor Newton said in the letter they talked about getting non-profit groups involved in the event and splitting the proceeds with them, and she was unsure how that would work. Councilor Carson said he was in support but would like more information. Administrator Adcock asked if the Council would like Ms. Malloy to appear at the next Council meeting to answer questions. The Council agreed. Councilor Johnson said maybe there was something the Council could do to foster this as a good tourist event. Administrator Adcock would send a letter of support.

PUBLIC HEARING: Zone Change/Comprehensive Plan Amendment ZC 03-01/CPA 03-01 -

Mayor Thompson opened the public hearing at 7:55 p.m. and read the public hearing format.

CONFLICT OF INTEREST:

Councilor Newton - No conflict, would participate.

Councilor Dawson - No conflict, would participate.

Councilor Oliver - No conflict, would participate.
Councilor Johnson - No conflict, would participate.
Mayor Thompson - No conflict, would participate.
Councilor Carson - No conflict, would participate.
Councilor Blackwell - No conflict, would participate.

EX'PARTE CONTACT:

Councilor Newton - Drove by the site everyday, drew no conclusions.
Councilor Dawson - Drove by the site everyday, drew no conclusions.
Councilor Oliver - His daughter lived by the site, drew no conclusions.
Councilor Johnson - He had attended the residential rezoning meetings and spoke with Mr. Sisul before anything was filed for this project.
Mayor Thompson - Drove by the site, drew no conclusions.
Councilor Carson - Visited the site, drew no conclusions.
Councilor Blackwell - Drove by the site, drew no conclusions.

STAFF REPORT: Associate Planner Clint Chiavarini said this was a zone change and comprehensive plan amendment for 4.79 acres in the NE corner of 99E and Redwood. The Planning Commission voted 6-0 for approval. The property was appropriate for higher density development and had close proximity to retail services.

QUESTIONS: Councilor Johnson asked about the City and State standards for grading of intersections, what were the differences? Mr. Chiavarini said the City typically looked at the amount of time people waited at an intersection, and ODOT was concerned with the functioning of the intersection as far as moving traffic through, the volume/capacity ratio. They did recommend a dedicated right turn lane southbound off of Redwood onto 99E be installed by 2017.

Councilor Carson said they were proposing 55 homes to be built, and this would not double or triple traffic? Mr. Chiavarini said that was correct, the type of housing they were proposing was a less intense use in general.

Mayor Thompson asked regarding the concerns that were expressed by the Planning Commission regarding water runoff. Mr. Chiavarini said that a condition had been put on the developers that required it to be approved by the City Engineer, Public Works, and DEQ.

Councilor Newton asked if the street was wide enough to get emergency vehicles through adequately. Mr. Chiavarini said it would, the Fire Marshall had put specific restrictions on the subdivision design. There would also be internal parking rules enforced by a management company.

PUBLIC TESTIMONY: None.

Mayor Thompson closed the public hearing at 8:10 p.m.

DISCUSSION BY HEARING BODY: Councilor Johnson thought this was great for Canby and spoke to the need for higher density, affordable housing, and getting people closer to where they worked. Councilor Carson agreed and said it was a big plus that it was private ownership. Councilor Blackwell agreed and thought it fit in with Canby's comprehensive plan. Councilor Dawson said this was the right thing to do, this should have been zoned R2 long ago. He said those in the area around the zone change could find this difficult. Councilor Oliver thought it was a good fit for the community.

****Councilor Carson moved to approve CPA 03-01/ZC 03-01. Motion seconded by Councilor Johnson and passed 6-0.**

****Councilor Carson moved to adopt Ordinance 1118, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON AND THE COMPREHENSIVE PLAN MAP DESIGNATION FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL FOR TAX LOT 200 OF TAX MAP 3-1E-34B, A 4.79 ACRE PARCEL ON THE NORTHEAST CORNER OF HIGHWAY 99E AND N. REDWOOD STREET to come up for final reading on April 2, 2003. Motion was seconded by Councilor Johnson and passed 6-0 on first reading.**

Councilor Johnson addressed Councilor Dawson's concerns about this project, he thought that this was a good quality project and would impact the neighbors as little as possible.

NEW BUSINESS: Proposal for Modified School Crossing - Dennis Cone, former principal of Knight School, said for a number of years he had been concerned about the crossing at Knight School because Grant was such a busy street. They talked with the Traffic Safety Committee, and came up with a proposal to have bump outs in front of the school similar to what had been done in the downtown. Knight Principal Tina Skiles said that neighbors on the north corner were also concerned by the speed of traffic.

Councilor Johnson said this proposal was the least they could do.

Councilor Blackwell said she was concerned about the labor costs and was grateful the PTA offered money for the materials. She asked what the width of the travel lanes were currently. Ms. Skiles said the width wouldn't be changed. Councilor Johnson said the Traffic Safety Committee should pound out those kinds of details.

Administrator Adcock suggested that if the Council approve this conceptually it be returned to staff to get the appropriate information and return on the April 2 council meeting for a formal motion. Ms. Skiles handed out a letter of support from the Knight School PTA and a picture of the plan.

Councilor Newton asked about the quality and permanency of the bump outs. Ms. Skiles said

they were planning to continue the look of those done in the downtown.

Council agreed to have staff proceed.

Lila Gottman, resident of 10381 S Mulino Rd, said she had been to numerous workshops on pedestrian planning. The particular plan they were looking at did not change the traffic, and she thought they could put an island in the middle of the road that would have a bigger impact. Mayor Thompson suggested Ms. Gottman attend the meetings where they could discuss that option.

Management Plan Process for Log Boom - Library and Park Director Beth Saul said that they needed to do a management plan that would determine what development would happen on the northern section of the logging road and the old fish eddy. Part of the requirements of the grants was that a management plan be put into place to make sure that the 200 foot conservation easement was maintained and the fish and habitat enhancement activities would not be adversely effected. She had received many ideas for what to do with this area. She was requesting approval to call in graduate students to help them, which were about half the cost of regular consultants. They would bring back a proposed contract.

Councilor Oliver asked if there was a timeline for this. Ms. Saul said there was not anything in the grant that said when it had to be done.

Councilor Dawson asked about the difference of the quality of work between graduate students and professional consultants. Ms. Saul said students needed more interaction with staff, but she was happy to work with them and it benefitted both parties.

Councilor Carson said he thought this group of students did an excellent job a few years ago. This was what they did in their graduate studies and they had good professors who worked with them.

Councilor Newton asked if they ever considered having a professional look at the end product. Ms. Saul said City staff usually reviewed the whole product.

****Councilor Blackwell made a motion to allow staff to begin negotiating with the graduate student program at University of Oregon to develop the scope of work and cost of a management planning process for the Log Boom/Fish Eddy properties. Motion was seconded by Councilor Johnson and passed 6-0.**

Planning Commission Appointment - Councilor Blackwell said they interviewed three candidates for a Planning Commission opening and recommended Robert Able to fill the position. She also requested that the other applicants' applications not be removed from the table as there may be another opening occurring on the Planning Commission.

****Councilor Blackwell moved to appoint Robert Able to the Planning Commission for a**

term ending December 31, 2005. Motion was seconded by Councilor Johnson and passed 6-0.

Banner Replacement on Logging Road Bridge - Community Development and Planning Director John Williams said during the recent high winds a banner had blown down and took out the brackets and it all landed in the road. The signs were a potential liability, yet they were valuable to community groups. The City was insured, they could require punch holes in the banners, although they could not get rid of the risk of vandalism. They had looked at asking the groups to provide their own insurance, but it took a lot of staff time to get the procedure in place.

Councilor Carson thought the signs were good for communication and that they should be put back up. Councilor Newton said to put heavy duty brackets up. She thought it was good for the City. Councilor Blackwell thought maybe a different type of engineering could be done for the brackets and holes in the signs was beneficial.

Councilor Johnson suggested putting up a more permanent sign, would they have issues with ODOT? Mr. Williams said they had specific requirements for what they could do on the bridge. Councilor Johnson thought if all the groups who used the signs came up with money, he thought they could do something better. Mr. Williams said he could look into it. Councilor Dawson said there was still the problem with vandalism. Administrator Adcock suggested that CBR's design committee look at the suggestion.

Councilor Oliver said he was in favor of the banners, but wondered why it was hard for the groups to get insurance. Scott Gustafson, the City's insurance representative, thought the smaller groups might not be able to afford the insurance. Councilor Oliver thought it should be a requirement.

Mayor Thompson said if the amount of time to keep them safe and free from liability merited a charge, he should let the Council know and they could revisit the issue of waiving the fees.

Maple Street Park Lights - Library and Parks Director Beth Saul said that she had a request from Canby Kids to schedule a workshop with the Council regarding the lights on April 2 before the regular meeting. The lights were going out in the park, and they had some solutions to discuss.

Richard Zoar, president of Canby Kids Softball, said they had a short term solution where the IBEW lineman and equipment would be donated to resolve the situation. Mayor Thompson asked if he would work with staff to do the short term fix before the April 2 Workshop? Mr. Zoar said it was unsafe to play there now, so they wanted to do this before they started talking with the Council.

Chris Mead, vice president of Canby Kids Softball, said that Tony Helbling with Wilson Construction was willing to donate materials and IBEW was a union of lineman. The work would be certified and be approved by the City's insurance. He thought the long term issue was that in the outfield the lights were pointed down. They serviced about 200 girls and only had two fields

they could use. They had a tournament scheduled for the third week in April.

Councilor Blackwell suggested that they have a workshop before April 2. The workshop was rescheduled for March 27 at 7 p.m.

UNFINISHED BUSINESS: None.

RESOLUTIONS & ORDINANCES: Resolution 823 -

Councilor Johnson asked how increasing their roads was going to save money. Community Development and Planning Director John Williams said that if they didn't take this street over the County might not be interested in doing any more improvements on the roads in town because they did not want the long term maintenance of the roads. Street maintenance was still an issue, however.

Councilor Dawson asked how the County determined when they redid roads. Mr. Williams said they had a budget and projects were prioritized based on the traffic generation and condition of the road.

Councilor Carson said that Township Road was a good example of a partnership with the County that ended up with a good road that was owned by the City.

Councilor Johnson said they did not have money to hire staff, and they were increasing the roads they needed to maintain and they could not take care of what they had. They had to ask citizens for more money, and he had a hard time justifying this.

Councilor Newton said if they didn't take this over, the County might not be amiable to doing other roads and they would be left with more roads in town that were bad. If their street maintenance plan could factor in these potential costs, that might be a good move.

Councilor Dawson asked if this could be tabled until the street maintenance plan was in place? Councilor Johnson agreed. Mr. Williams said the County was making ongoing decisions about maintenance on roads, and they were asking them to help on Pine and Maple. He said a delay would probably be fine, but he could talk with them about it further.

Councilor Oliver said if they got the funding, they would get more streets. It was going to be a year before they could even get the maintenance plan to the voters. He was in favor of going ahead and doing it. Mayor Thompson said the County was in no better shape than they were and for the record she agreed to just do it.

****Councilor Newton moved to adopt Resolution 823, A RESOLUTION REQUESTING CLACKAMAS COUNTY TO SURRENDER JURISDICTION OF 1.72 MILES OF N. TERRITORIAL ROAD AND 0.09 MILES OF N. HOLLY STREET TO THE CITY. Motion was seconded by Councilor Carson and passed 4-2, Councilors Johnson and**

Dawson opposed.

Resolution 824 - Finance Director Chaunee Seifried said the League of Oregon Cities was encouraging all public employers to protest the PERS rate order. The rates were based on unlawful actions and crediting practices by the PERS board, and by filing an appeal Canby might get the full amount of rate relief.

****Councilor Johnson moved to adopt Resolution 824, A RESOLUTION TO APPEAL THE EMPLOYER RATE ORDER ISSUED BY THE PUBLIC EMPLOYEE RETIREMENT SYSTEM BOARD EFFECTIVE JULY 1, 2003. Motion was seconded by Councilor Dawson.**

Councilor Carson said this had nothing to do with how they felt about City staff. This was long term benefits that had now climbed above the 50%-60% that was originally planned. They were trying to stop the degradation of their City finances.

Councilor Blackwell said she would be abstaining from the vote because she was a PERS employee.

Motion passed 5-0 with Councilor Blackwell abstaining.

MANAGER'S REPORT:

Scheduling of workshops - Administrator Adcock wanted to know if the Council wished to set up some workshop dates. The Council set up a 13th Avenue Park Master Plan workshop for April 23 at 7 p.m.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES:

Councilor Blackwell thanked Officer Floyd who executed a narcotics search warrant. She also gave the Council a draft copy of the ordinance amending the Clackamas County Code by adding a new chapter on transportation maintenance fees.

Councilor Carson thanked citizens for passing the industrial area annexation. He also asked that citizens keep the war in their thoughts and prayers.

Councilor Johnson thanked the families whose loved ones were serving in the war. He also said there was an opening on the Budget Committee and on the Urban Renewal Advisory Committee.

Councilor Dawson asked about his email on ideas about how to make workshops run smoother and more efficient, was there any feedback? Councilor Newton thought it was great. Administrator Adcock said he passed it out to staff as a policy. Councilor Dawson thought it

should be passed on to the City committees. Councilor Johnson said that if an advisory committee or councilor was bringing a plan forth that they be a little more lenient with them.

Mayor Thompson said they had an excellent police and fire staff in these worrisome times.

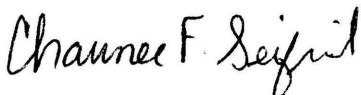
Councilor Newton said that she enjoyed her liaison position with the library. She read a list of some of the things that the Friends of the Library had done since January. They had raised \$1,400 in book sales and \$130 in art print. They made improvements to the Library and were putting on the summer reading program. They were preparing a local t.v. production explaining the library, presented monetary gifts to the Library, and scheduled classes.

ACTION REVIEW:

1. Approving the consent agenda.
2. Approving Mr. Root's request for a Support Our Troops Rally on April 19.
3. Authorizing a letter from the City in support of the Mural Committee.
4. Writing a general letter of support to the Hot Air Balloon Festival.
5. Appointing Robert Able to the Planning Commission.
6. Approving Resolution 823.
7. Approving Resolution 824.
8. Approving Ordinance 1118, to come up for second reading on April 2, 2003.
9. Bringing back a more comprehensive report of Mr. Cone's proposal for modifying the Knight School crossing.
10. Discussing use of graduate students for the management plan for the Log Boom.
11. Working on long term alternatives for the banners on the Logging Road Bridge, and in the meantime making repairs.
12. Scheduling a workshop on March 27 at 7 p.m. with Canby Kids.
13. Scheduling a workshop on April 23 at 7 p.m. regarding 13th Avenue Park Master Plan.

There was no executive session.

Mayor Thompson adjourned the session at 9:40 p.m.



Chauncey F. Seifried
City Recorder pro tem



Melody Thompson
Mayor



Prepared by Kim Scheafer
and Susan Wood Office Specialists