

CANBY CITY COUNCIL
REGULAR SESSION
AUGUST 1, 2001

Mayor Terry Prince presiding. Council members present Corey Parks, Walt Daniels, Patrick Johnson, Shirley Strong, Randy Carson, and Teresa Blackwell.

Also present: City Administrator Mark Adcock, Police Chief Jerry Giger, Library and Parks Director Beth Saul, Planning Director John Williams, Finance Director Chaunee Seifried, Marty Moretty, Bob Kauffman, Leonard Walker, Curtis and Lila Gottman, Nancy Murphy, Catherine Davis, Esther Nelson, and David Howell.

Mayor Prince called the regular session to order at 7:32 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: Nancy Murphy, President of Canby Kiwanis announced major changes in the parade rules for the 53rd Kiddie Caper Parade which will be on the opening day of the Clackamas County Fair on August 14. Helmets will be required by all adults and children on wheeled entries including bicycles, tricycles, skateboards, roller skates and blades, scooters, etc. She publically thanked the Police and Street Departments for their assistance. Entry forms can be picked up at the Canby Herald, Canby, Molalla, and Wilsonville Libraries, Canby, Molalla, and Wilsonville Chamber of Commerces, Molalla Windemere Real Estate, the Wilsonville Spokesman, and the Clackamas County Fairgrounds office. The parade route is planned to be published in the *Herald*. Registration begins at 8am behind Knight School, judging at 9am and the parade will start at 10am.

Jamie Johnk, Director of Canby Business Revitalization announced that CBR and a group of volunteers would be painting the Masonic Lodge and requested permission from the City Council to block the westbound lane of NW 1st Avenue on Sunday, August 5th and part of Pioneer Plaza on Monday, August 6th to allow for any over spray when doing the project.

****Consensus was granted to allow the street closure and co-ordinate with the Police and Public Works Departments for the Masonic Lodge painting project.**

CONSENT AGENDA: **Councilor Strong moved to approve the Minutes of the regular session and executive session of July 18, 2001 and Accounts Payable of \$208,025.81. Motion was seconded by Councilor Carson and passed 6-0.

PUBLIC HEARING:

Ann 01-01, Annexation of 0.61 acres at 687 S. Redwood -

Mayor Prince opened the public hearing at 7:38 p.m.

Mayor Prince read the public hearing format.

The applicants, David and Donna Sheldon, were not present. There were no proponents or applicants on hand.

CONFLICT OF INTEREST:

Councilor Parks - No conflict, plan to participate.

Councilor Daniels - No conflict, plan to participate.

Councilor Johnson - Watched Planning Commission proceeding, no conflict, plan to participate.

Mayor Prince - No conflict, plan to participate.

Councilor Strong - No conflict, plan to participate.

Councilor Carson - No conflict, plan to participate.

Councilor Blackwell - No conflict, plan to participate.

EX'PARTE CONTACT:

Councilor Parks - No contact.

Councilor Daniels - Driven by site, drew no conclusions.

Councilor Johnson - Watched Planning Commission meeting, driven by site, drew no conclusions.

Mayor Prince - Driven by site, drew no conclusions.

Councilor Strong - Driven by site, drew no conclusions.

Councilor Carson, Driven by site, drew no conclusions.

Councilor Blackwell - Driven by site, drew no conclusions.

STAFF REPORT: Planning Director John Williams stated that the property is across from Trost School and is one of two properties that is islanded entirely by city limits and residential zoning, the other being around the corner on Township Road. This property would be zoned for low density residential; the Planning Commission held a public hearing on July 9th, 2001 and voted 7-0 to recommend approval to Council. The driving factor for this property coming in at this time is a failed septic system creating a health hazard. Approval of a provisional connection to the sewer system was granted for this property at the last Council meeting should the annexation pass. The Planning Commission based that fact, plus the small size of the property and the findings and conclusions in Mr. Chiavarini's staff report and recommended approval.

Councilor Carson reaffirmed that they were hooking up to the sewer at this time before annexation and Mr. Williams stated that if the annexation failed after a vote of the people, the Council would have the option of disconnecting. The applicants were paying for all the hook up charges at this time.

Mayor Prince recalled that this happened one other time and Mr. Williams answered that the property just to the north incurred the same set of circumstances and that they annexed in. Mayor Prince stated that this is within the urban growth boundary and is surrounded by city limits.

APPLICANT: Not present.
OPPONENTS: None.
PROPONENTS: None.

Mayor Prince closed the public hearing at 7:47 p.m.

DISCUSSION:

Councilor Blackwell inquired on packet page 12 of the recommendation 6 regarding "ongoing investigation of intersection" where the notation is penciled in. Mr. Williams said that there are always concerns of the intersection at S. Redwood and Township, this was a note that came out of the Planning Commission meeting to put the applicant on notice that there are traffic concerns there.

Councilor Parks noted that the recommendation is not reflected in the attached findings and conclusions on packet page 24 of final order. Mr. Williams so noted that it should be included in that document as well. ****Mayor Prince so noted for the record.**

****Councilor Parks moved to approve ANN 01-01 as amended, a request to annex one tax lot totaling 0.61 acres into the City of Canby city limits, and direct staff to return with written findings and ballot language at the next available regular meeting of the City Council. Motion was seconded by Councilor Strong and passed 6-0.**

Councilor Carson noted that it is zoned R-1 low density not R-1½..

COMMUNICATIONS: None.

NEW BUSINESS: Discussion re: Extension of City Sewer Service Beyond the Urban Growth Boundary - Administrator Adcock stated that this matter was brought to Council at the request of Three Sister's Ranch, LLC, who owns property at 1570 NE Territorial outside the city limits and the urban growth boundary requesting to hook onto the City sewer system in light of a failing septic system. They were referred to Council by Clackamas County.

Mr. Williams said that normally when someone in the County has a failing septic system, an application is made to the County. In this instance, the County has stated that septic systems that are within 300 feet of a city system and the applicant first has to demonstrate that the City will not serve it. It is a discretionary decision by the City to serve properties outside the urban growth boundary. This then, becomes a policy decision whether or not to make connections outside the UGB; he is not aware that this has ever been done before.

If the connection were made, they would pay all the applicable fees and not to be supported by the City in any way. They would be paying all the sewer rates and the system development charge. After staff research, it does become a discretionary decision by the Council. The City is surrounded by a lot of properties at this time that might eventually fall within this category. The City Engineer had some concerns about making a lot of connections outside the UGB; DEQ would prefer not to deal with these scenarios in terms of their supervision of the sewer system

and the Engineer's recommendation is not to allow it, which is indicated as the recommendation in the staff report.

If the Council wishes to grant approval, there is a Resolution drawn up as such.

Mayor Prince stated that the County has said "no" but if the City were to say "no", the County would then allow it. A permit could then be issued by the County to rebuild the septic system. This is the process since this property falls within 300 feet of City sewer system.

Mr. Williams said that it is also an environmental concern that it is better overall to have things going into a sewer rather than septic system, especially when this property is fairly close to the Willamette River and close to park land.

Councilor Parks referred to Mr. Williams's statement that DEQ had a policy that they would prefer not to have this hooked up to the City system. Mr. Williams answered that it did seem counter intuitive and that they were forming a lot of rules to control subsurface injections that go into the ground but this was the City Engineer's opinion. Mr. Parks asked what the distance was from the current septic system to the river and Mr. Williams thought it was over a 1/4 mile.

Councilor Parks asked if this property were in an area where Mr. Williams would expect UGB expansion in the next phase and Mr. Williams said that it was in an interesting place surrounded by the City on two sides, the river on one side and thereby not conducive to opening anything up in that area. It was, however, near a park and the rural zoning fit well there. Mr. Williams did not feel that this would lead to any commitment to UGB expansion in the future. If this request were approved, the Council could easily make statements into the record sealing future commitments.

Councilor Carson wanted to hear the differences in cost structure between what the estimate price is for the sewer vs. the hook-up and SDC fees. Mr. Williams said that those fees were ramping up under the new fee structure and were somewhere in the \$1300 range presently and by April, 2002 would be over \$2000. He did not know the cost of the private connection if they went the septic system route.

Catherine Davis said that her family had owned the property for longer than 40-50 years and are finding that the property is becoming an island with the City on both sides and the State on one side and the River on the last. They are also directly across from Willow Creek Estates and some apartment complexes. She is asking that the Resolution be passed which will allow them to connect to the City sewer. When they had gone to the County, the County representative had looked at their property's location, and cited a DEQ ruling calling for connection to a community sewer system since it was within 300 feet of Canby's system. They had gone to County expecting to have to obtain a new septic system, so County's response was a shock to them. They were not referred to the City, they were mandated. She has had good dealings with the City through all of this process and understands their position since the property is outside the UGB, but knowing that the City can do this at Council discretion she would encourage passage of the Resolution.

Ms. Davis also stated that this property provides the drainage path that carries the City storm water to the Willamette River. In 1998, they worked with the City when the Redwood Street Stormwater Drainage expansion was constructed along Territorial. They granted an easement across the property to facilitate the City's construction work and made an agreement with the City for ongoing access to maintain the creek's flow. The connection seems to be the best practical solution to the public health hazard that presently exists and a good environmental decision for the City and the County. It is intertwined with the ongoing Redwood Stormwater project, thereby seeming feasible.

Councilor Parks asked if this property flooded in 1996 and Mrs. Davis responded that it did not but that it was in the 100 year flood plain. Mr. Parks asked what this process had delayed and she stated that they had gone to the County in June and the delay has only been for providing good septic service to the rental house not to any further project plans. She stated, in response to the Mayor's question that the property ends at the creek and goes to the State portion along the Willamette River.

Resolution 758 -

****Councilor Carson moved to adopt Resolution 758, A RESOLUTION EXTENDING MUNICIPAL SEWER SERVICE TO 1570 NE TERRITORIAL ROAD (TAX LOT 300 OF TAX MAP 3-1E-27 LOCATED OUTSIDE OF THE CANBY CITY LIMITS AND URBAN GROWTH BOUNDARY), PURSUANT TO OAR 660-011-0060 IN ORDER TO ABATE A PUBLIC HEALTH HAZARD. Motion was seconded by Councilor Parks.**

Councilor Johnson inquired about setting a precedence, would other property owners in the same situation expect to be able to hook up to City sewer? Mr. Williams felt that the Council could establish a policy in several ways, one to say that they would want to connect anything in this same circumstance in the future, or to say that each circumstance would be looked at on a case-by-case basis. Mr. Williams didn't think that because they granted this request, they would be hooked into anything in the future; a resolution process would still be required in each instance. Mr. Johnson felt it was a dangerous path to go down, in light of the cautions staff gave in the staff report and the recommendation of the City Engineer.

Mr. Parks would also prefer not to set a policy. But, this particular property given its location and its proximity to a waterway containing threatened or endangered species, and with an already failing system, presents a good opportunity to take a sewer system off of that land and would be in support of this particular case. He was curious that DEQ said they would like to maintain control and have a septic system, because DEQ is usually just the opposite desiring to take systems out of the ground and away from water - a treatment facility would be advantageous. Mr. Parks therefore, would be in favor of this particular resolution. Mr. Williams noted that the resolution was written in a way that it does not contain anything about a general policy.

Councilor Blackwell asked if a specific policy were needed and Mr. Williams said only to save staff and applicant time. She said that the policy could be to have these cases brought to Council on a case-by-case basis.

Councilor Daniels stated that if the County were refusing this on a health hazard rather than just the 300 foot ruling, it is something the City should do. If Council turned it down, it might not be safe to put a new septic system out there - what failed is not spelled out. Was a new drain field required, or was it just the tank that failed?

Another applicant, Esther Nelson, stated that the failing was with the drain lines in the whole system not just a new tank or septic pumping.

Councilor Carson felt that with the extenuating circumstances in this case, it would be advantageous to get the septic system out of this area. There are already designated easements across it for the stormwater and since it is up against the city road, there isn't anything past it that could be hooked up. The cost does not appear to be a major factor. He would be in favor of this on a case-by-case basis.

Councilor Strong said she was inclined to approve this after listening to the applicant explain how the City is using this property for stormwater drainage access to the River. She would also want this to be on a case-by-case basis.

Councilor Johnson still preferred to defer to the staff recommendation of denial citing the County report stating that there was good soil and adequate space for a new septic system. It is outside the UGB and most likely not going to come into the city limits for quite some time. He does not think there is enough evidence to overrule the staff recommendation.

Councilor Parks asked what the downside would be to this decision or the harm to the City, and Mr. Johnson answered that he would just defer to the Engineer's recommendation that this property was outside the UGB since he was not a sewer expert.

****Motion passed 4-2 with Councilors Daniels and Johnson voting nay.**

UNFINISHED BUSINESS: None.

ORDINANCES & RESOLUTIONS:

Resolution 759 -

Administrator Adcock referred to a letter in the packet from Jerry Barkman, Director of HOPE Village and stated that Mr. Bob Kauffman was in the audience tonight as a representative to answer any questions. Mr. Adcock explained that they were applying for federal tax credits to assist in financing improvements to the facility and part of the application process requests that they obtain a resolution of support from the City for their project.

Bob Kauffman, HOPE Village Project Manager briefly outlined that they were planning on building another 50 unit apartment building similar to Cascade House, an "affordable housing" complex. Cascade House was at 100% capacity within two months of completion and they are no longer taking names for the waiting list as it has grown too large. This has made it obvious

that there is a real need for similar housing. The income level for the proposed project "The Meadows" will be a notch higher so that people who weren't eligible for Cascade House, would qualify. The income level would be up to 60% of the median income whereas Cascade House is at 30-40-50% of the median income. There would be 50 units in the new Meadows complex and would be built between Cascade House and 1st Street. It would be an L-shaped building, just the flip-flop of Cascade.

Councilor Carson stated that this resolution makes it easier for HOPE Village to file with the federal government for tax credits, or was it mandatory. Mr. Kauffman said that it would help in the application process if the support of Council were gained.

Mayor Prince felt that there was a need for more of this type of housing in Canby and obviously with the backlog of names on the waiting list, it certainly showed that the need was there.

Councilor Strong asked why only build 50 units when there were 100 applicants waiting and Mr. Kauffman said that the lot would only allow a complex for 50 more. He also stated that this complex would be to the west in the southwest corner of the HOPE campus adjoining 1st Street. It will require a half-street improvement the entire length of 1st Street.

Mayor Prince said that this would need to go to the Planning Commission for design review.

****Councilor Johnson moved to adopt Resolution 759, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY IN SUPPORT OF HOPE VILLAGE LOW INCOME APARTMENT DEVELOPMENT. Motion was seconded by Councilor Strong and passed 6-0.**

Administrator Adcock recommended that Resolution 760 be taken up after reconvening from Executive Session so the details could be gone over. Consensus was given.

MANAGERS' REPORT: Update re: Gate Options on Molalla Forest Road - Parks Director Beth Saul reported that research had been done to find the costs involved in a gate similar to the one that the City already had and then during the Neighbor to Neighbor Day, a gate was found during the clearing process in the Eco Park area. It was an old logging gate that had been abandoned at some point and could be refurbished a little cost with a couple of days of staff time. There is also a tentative deal in the works for Canby Utility to do some of it in return for work they need done from the City.

It will be located at the end of the pavement where the gravel begins and at the Country Club's maintenance entrance. If it were decided to install the gate forward of that entrance, the maintenance would be given a key. Councilor Carson said that the residents in that area would like it as far forward as possible and it would be good to check with them. Ms. Saul said that in talking with Mr. King of the homeowner's association there, that they wanted it near the maintenance entrance but that she would double check.

Councilor Parks asked what that did for walking and biking and Ms. Saul said that the official

position has remained that it is not open. At the other gate, there has been a small opening to allow passage and in this case, there would probably be an opening for pedestrians. What is wanted is to stop vehicular traffic beyond the gate.

****There was Council consensus to move forward with the proposed gate installation project.**

Verbal Update on Public Notice Procedures - Planning Director John Williams reported to the Council on the changes that have been made in the land use notifications to the public making them more user friendly. There are four kinds of notices for land use applications: notices to the newspaper, posting on properties, mailed notices to surrounding neighbors, and postings around town at the Post Office, Library and City Hall. He has been working to change those in an effort to make the format more user friendly and productive. He has changed all of them and wants any suggestions from Council. Often on land use hearings, there is a concern that it hasn't been noticed enough for people to be made aware.

The notices in the newspaper have been moved to a display format rather than being buried in the legal section. The ad briefly says when and what it is, and states that further details can be obtained through the Planning Department. It has been more effective and doesn't cost any more. The suggestions from the Planning Commission have been to print a little map to generally give people an idea of the location and also find a regular, consistent place for them to appear in the newspaper.

The same information contained in the display is posted at the Library, Post Office and City Hall.

The notices to the neighbors are now contained in three pages, one with a box outlining the quick facts, the second with a map and the legal language necessary to be sent, and the third is a comment form that can be faxed or dropped by the Planning Department.

It has been noted that these notices don't extend far enough around the property. The current requirement is 200 feet with the option of going further, which hasn't been done to date. There is more cost incurred to go further, but in some cases 200 feet doesn't even reach the second neighbor or in the instance of a wide street, doesn't even reach the first neighbor.

Mr. Williams suggestion is to broaden the area when it makes sense; some things are very local but others have a broader impact. For instance, they took the current subdivision on 9th and Juniper and the current 200 foot notice reached 37 properties, increased to 500 foot notification area would reach 120, and to a 1000 foot notification would reach 320 properties. The increased costs could be tacked on to the fee but not wanting to send it out beyond where people would be impacted. These scenarios were run past the Planning Commission. They felt that the 1000 ft. was too far, but preferred the 500 ft. radius for major notification. So it has been decided for annexations, subdivisions, zone changes, and major design reviews to receive a 500 ft. notice and for partitions, and minor variances to continue to use the 200 ft. notification area.

Mayor Prince concurred with the Planning Commission recommendation since Council always

seems to have to deal with controversial issues longer because people haven't been noticed partly because of the 200 ft. limitation; this will save time in the long run.

Councilor Daniels added that the notices to the property are a great improvement. Mr. Williams said that it is the applicant's responsibility to notice the property but the Planning Department has designed a generic sign that can be loaned out with a deposit and can be used across City departments. There have been favorable comments; Councilor Daniels said his suggestion would be to add a phone number when they were reprinted.

Councilor Blackwell suggested that the Post Office could be approached to have a separate posting area for City notices and Mr. Williams said he would ask them, even a glass case.

Status Report on Canby Public Transportation System - Mr. Williams stated that there was a good turnout at last night's public hearing and that current Tri Met riders are concerned about the service. In trying to mitigate some of the concerns that they have, he has several ideas in an effort to work with them. One he suggested at last night's meeting was the idea of an express bus. The Transportation Task Force which met just prior to the hearing, discussed a detailed list of hours. The Task Force recommendation was to go to business hour service for the local shuttle on weekdays thus freeing up hours and a vehicle early in the morning. This would allow a morning express bus route to downtown Portland with no stops, or only stops that people might need. This would certainly be better than what people have now and would take 50 minutes compared to the 1 hr. 5-10 minutes currently. This would go a long way to help those current Tri Met riders.

Councilor Johnson also heard the frequent concern of loss of service on South End Road and along 99E. Will this be something that the City can have an opportunity to testify about at next week's Tri Met workshop? Would it be out of order to ask Tri Met to run a circular bus route on South End Road? Mr. Williams said that Tri Met's concern about that is that without Canby, there is no anchor on that route. Although they are vocal, there are probably only about 3-4 users on that route now and it would not be enough population for a fixed route. That route does consist of some handicapped and visually impaired individuals, so it certainly is an important group who cannot be left out of the equation. Councilor Johnson asked if the Canby bus along 99E to Oregon City could stop and pick those people up. Mr. Williams said that we could offer up things that are beyond our responsibility and pick up those individuals, even though they would not be paying us and it would possibly slow down the time to Oregon City.

Councilor Johnson after speaking with Councilor Strong after last night's meeting, felt there were two things to consider when implementing the transit system - what's best for the region and what's best for Canby. He goal would be to improve traffic flows from Canby to Portland, and if it requires some stops to pick up people along the way who don't pay into the service, it would overall make the system better regionally. We need to be good stewards to the entire transportation system.

Councilor Blackwell also heard about the financial concerns at the meeting. In general, Mr. Williams stated that Tri Met estimated their Year 2000 revenues at \$570,000 for Canby. Using

that number, he has made some adjustments. Canby's tax rate will be slightly lower and will collect a little bit less than that figure. They are also building a factor for non-collection since Canby will be needing to inform all the local businesses to route checks to the City and not the State Department of Revenue, which collects for Tri Met. This leaves an amount in the area of \$520,000-\$530,000 and service hours based on that amount, still leaves a good service and more than twice the hours now receiving from Tri Met. The Oregon City bus would go on week nights later, on Saturday and Sundays, and a local shuttle for the whole week.

Mayor Prince said that the second option stated \$540,000.

Councilor Blackwell asked Mr. Williams to tell the viewing audience about the people who would need to be hired for the service. Mr. Williams stated that the budget lists a sum cost for an annual service which includes personnel. It was derived by putting together hourly estimates for the contractor, the fuel, maintenance, etc. which has been put into one line item. The vehicle acquisition is a big issue, there will be the capability to obtain low interest loans from the State to finance capital improvements, like buses. Small payments would be made yearly over a long time to pay those loans off. There is also a federal appropriations request in currently, which is funneling through the House and the Senate for \$250,000 in capital costs which would go a long way towards buying the vehicles. The version that came out of the House still had the full amount, but the version that came out of the Senate had zero. Now, the Senate and the House will be holding a conference committee in September to compromise on these disparities. To find a friend on that Committee, would be extremely beneficial to Canby. He will be bringing back letters addressed to the Senators and Representatives encouraging support for Canby. If that money comes through, it will solve 75% of the vehicle acquisition in the short-run.

Mayor Prince has spoken with Representative Hooley's office and they are very much in support of Canby's grant and will try to do what they can. It is hoped that this will get carried over to the Senate.

The next deadline is on August 8th with a Tri Met hearing at 8 a.m. in the Tri Met offices at the Portland Building in downtown Portland. A regular meeting will be held first, followed by a special workshop on the Canby withdrawal. The Council has been specifically been invited to attend, it will be the main chance to interact with them informally. Mr. Williams's handout states the agenda, directions, and a list of the current Tri Met Board members. Their official hearings will be held in September and it is hoped that the workshop will give a good direction of how they intend to go.

Councilor Parks asked what the enforcement mechanism was for failure to pay by the local businesses. Mr. Williams stated that there still wasn't a tax ordinance in place yet and it would be coming by October at the latest.

Councilor Carson said that several people had wanted Canby to do the short local shuttle routes but to let Tri Met keep the longer Portland routes. But, another source of funding would have to be derived and could not come out of Tri Met funding. Unfortunately, Mr. Williams stated, the State law says it's all or nothing. Tri Met could be contracted by Canby to keep running that part

but they have stated that they won't. So, if the City were to voluntarily come up with their own local service, they would need to find funding on their own of \$250,000-\$300,000 which is something we couldn't afford without an additional business tax, for instance.

Councilor Daniels remembered that this whole idea began because Canby wasn't getting adequate service or schedules to Portland.

Mayor Prince said the question had been raised if Canby had ever asked Tri Met to increase their services to Canby and the Mayor remembered that it was sometime in the mid-90's. Mr. Daniels also remembered that Tri Met had been asked. Mr. Williams said that he would research.

CITIZEN INPUT: None.

COUNCILORS' ISSUES: Councilor Strong stated that at the last Bike and Ped Committee, they had been asked by the Traffic Safety Committee to look into an ordinance banning skateboards, inline skates, and bicycles on downtown sidewalks in the C-1 zoned area. The Bike & Ped Committee's recommendation was to support an ordinance. The area would be approximately 3rd Street to 1st Street and Ivy to Elm, an area a little smaller than the downtown C-1 zone. There had also been the recommendation to include the Cutsforth area.

Mayor Prince wanted to make it clear that the ban would just be on riding them in the designated area, not from walking them. Bicycles could be ridden in the streets, just not on the sidewalks.

Councilor Daniels said that there have been occurrences in the past when pedestrians have been hit or almost hit.

Councilor Parks was not opposed to looking into an ordinance but that certainly there should be public input. The skate park has been put in an area that necessitates a corridor to get there. Councilor Daniels recalled that there had been an ordinance drawn up but it was decided to wait until after the skate park was completed to make sure there was an alternative.

Mayor Prince felt that the idea of a public hearing was valid.

Councilor Strong thought that this was more of an issue for the people who are in Canby during the day rather than those who work out of town. Councilor Parks thought that it would need to be on the honor system since there were no longer code enforcement officers to handle it. Attorney Kelley asked for direction on how to proceed.

Councilor Daniels said that the Traffic Safety Committee still needed to make its recommendation and would come before Council.

Mayor Prince felt that a draft ordinance to give to the Traffic Safety committee along the line of the Corvallis ordinance would give them some guidelines. Mr. Kelley said that he knew there was a file that had several ordinances from around the State and could circulate that to the Committee. From their suggestions, a draft model could be recommended to Council and at that

time public hearings could be held.

Councilor Strong felt the ordinance could be presented on the agenda and public input taken at that time without having to hold public hearings. Mr. Kelley said that public input could be obtained in several ways, it would not need to be in the public hearing format.

Mayor Prince suggested a workshop could be held and Councilor Carson said that the skate park could be noticed.

To restate, Attorney Kelley said he would get examples of other ordinances to Traffic Safety and that if the Traffic Safety Committee returns with a positive recommendation, he would then put together a sample ordinance that will be then brought to Council in a workshop session.

Curtis Gottman, a member of the Traffic Safety Committee, stated that the Bike and Ped Committee came before the Safety Committee and presented a plan of what they thought would work. Traffic Safety then made a change to extend the area to Cutsforths. They are also reworking a pamphlet obtained from the City of Ashland, to refine for Canby.

Councilor Johnson referred to the articles in the *Herald* about the seatbelts and feels that there is a perception that police officers are getting paid from seat belt fines. Perhaps the Judge could explain the seatbelt diversion class program and alleviate the police officers from doing so. He feels that somehow there needs to be more education involved because there is a misconception about the program.

City Administrator Adcock said that he was sending a letter to the *Herald* that explains how the \$20 fee is distributed in terms of expenses and personal financial gain. He would rather defer to the Chief and Lt. to handle the management and operational consideration of the police officers dealing with the public at a traffic stop.

Mayor Prince publically thanked all the volunteers involved in the Neighbor to Neighbor Day. He is aware that some of those projects were continuing to be completed, painting was finishing up at the Library. Two hundred youth volunteers assisted in the collection of clothing and food bringing the number of volunteers to 1,500. He especially thanked Canby Builders Supply, and Wilco Farmers for all of their donations, Cutsforths contributed the watermelon and food for the booths, Benjamin Moore Northwest Paint Center provided 60 gallons for the Police Department, and Canby Funeral Chapel contributed headstones for the Baker Prairie Pioneer Cemetery, Green Seasons Turf provided the heavy equipment for the trails, and even the City of Aurora contributed some railroad ties. Some of the projects, and certainly not all, included the painting of the restrooms and restoration of the wetlands trail, renovation of the amphitheater at Community Park, painting at the Police Department, Library, and City Hall, Adult Center, donations to Veterans Hospital, Canby Food Bank, Clackamas County Child Care, 7,500 lbs. of food. The Wait Park restroom project is still incomplete, approximately 1/3 of the \$75,000 cost is labor and that part is taken care of; donations for the rest are still being sought.

The recipient of the quilt was given to the Kummers from rural Canby.

At the end of the festivities, it was decided to try to get the local churches of Canby, and possibly Canby Kids, to continue this event next year. There were at least 25 projects done and another 8-9 residents had private projects done.

Councilor Strong added that one of the projects she was working on was sprucing up the Japanese garden at Triangle Park. Councilor Carson was working on the trail which will soon be bicycle friendly, Councilor Daniels was painting at the Police Department, as well as Councilor Johnson at the Police and Library.

Councilor Daniels thanked the church co-ordinators Larry Blunck, Jim Brown, and Eminent Mikkelsen. The organization of the event was outstanding - 1500 volunteers is a lot to organize. Materials were there, all the projects were staffed with radios so they were all in contact with each other.

Administrator Adcock thanked the City staff that came in on their own time to work for the event: Ben Johnston from the Parks Department who drove truck all day, Jeff Snyder from the Parks who had done a huge amount of the co-ordinating work, Marty Moretty, General Administration and Matilda Deas, Planning Department, Police Chief Jerry Giger, and Library and Parks Director Beth Saul. Mayor Prince also thanked Mark and Robin Adcock for all their work in co-ordinating.

ACTION REVIEW:

1. Approving Street Closure request from CBR for painting of Masonic Lodge.
2. Approving the Consent Agenda.
3. Bringing back findings, conclusions, and ballot language for ANN 01-01 to August 15, 2001 regular Council meeting for November 6, 2001 election.
4. Approving Resolution 758.
5. Approving Resolution 759.
6. Facilitating the Kiwanis Kiddie Caper Parade on August 14th.
7. City Attorney to forward examples of ordinances to Traffic Safety Committee for review of prohibition of bicycles and skateboards in downtown Canby.

****Councilor Strong moved to go into Executive Session under ORS 192.660 1(d) labor negotiations, ORS 192.660 1(e) real property transactions, and ORS 192.660 1(i) performance of a public officer. Motion was seconded by Councilor Daniels and passed 6-0.**

Mayor Prince read the executive session format and recessed the regular session at 9:18 p.m. to go into Executive Session.

Mayor Prince reconvened the regular session at 11:40 p.m.

ORDINANCES & RESOLUTIONS:

Resolution 760 -

****Councilor Carson moved to adopt Resolution 760, A RESOLUTION ADOPTING A CONTRACT BETWEEN THE CITY OF CANBY POLICE ASSOCIATION (UNION) FOR THE PERIOD FROM JULY 1, 2001 THROUGH JUNE 30, 2003. Motion was seconded by Councilor Johnson and passed 6-0.**

NEW BUSINESS: Discussion Re: City Administrator's Compensation -

****Councilor Carson moved to adjust Salary Schedule B of the Management Pay Plan for the City Administrator from Step 3 to Step 4 set at \$6,683 per month. Motion was seconded by Councilor Daniels and passed 6-0.**

Recognition of Neighbor to Neighbor Day - Council consensus was not to have a plaque but to do some other process pending next year's Second Annual Neighbor to Neighbor Day.

Mayor Prince introduced the matter of a request from the retiring Police Chief Jerry Giger, that consideration be given to his request for a cash payment equal to 480 hours of unused sick leave. It was discussed that this was not a benefit currently afforded to management personnel. After further discussion, the request was denied.

City Administrator Mark Adcock discussed conferring the title of *Police Chief Emeritus* on Chief Giger upon his retirement. The Council agreed to the Administrator's recommendation to present the Police Chief emeritus honor at his retirement function.

Discussion re: Use of \$15,000 for Wait Park Restroom - It was decided by Council to use this money only after all other options have been exhausted.

Council was agreed to bring back the matter of the approval of the new labor contract with the Police Association as well as the adjustment to the City Administrator's compensation following his satisfactory performance appraisal for FY 2000-2001.

Since the Council acted on approving both items after Executive Session in open session, there was agreement to summarize these actions for the television audience and public.

Mayor Prince adjourned the meeting at 12:10 a.m.

EXECUTIVE SESSION
AUGUST 1, 2001

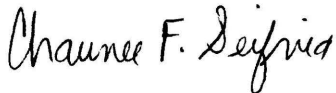
Present: Mayor Terry Prince, Councilors Corey Parks, Patrick Johnson, Walt Daniels, Shirley Strong, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, Finance Director Chaunee Seifried, Mike Swanson, City Attorney John Kelley, Library and Park Director Beth Saul, and Chris Beck.

Mayor Prince called the session to order at 9:30 p.m.

ORS 192.660 1(e) - The Council discussed real property acquisition. At 10:25 p.m. Beth Saul and Chris Beck were excused.

ORS 192.660 1(d) - The Council discussed labor negotiations with the Canby Police Association and AFSCME.

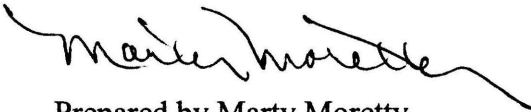
Mayor Prince adjourned the session at 11:35 p.m.



Chaunee F. Seifried,
City Recorder pro tem



Terry L Prince
Mayor



Prepared by Marty Moretti,
Office Specialist