

CANBY CITY COUNCIL
REGULAR SESSION
AUGUST 15, 2001

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

Also present: City Administrator Mark Adcock, Police Chief Jerry Giger, Sgt. John Watts, Sgt. Brian Howarth, Lt. Ken Pagano, Robin Adcock, Barry Lucas, Roger Harris, Planning Director John Williams, Marty Moretty, Donna Walker, Karmin McKenney, Joyce Peters, Curtis and Lila Gottman, Jeff Snyder, Buzz Weygandt, Leonard Walker, Scott Taylor, Ray Hoen, Ben Johnston, Lisa Weygandt, Susan Skites, Barbara McMillan, Linda Baty, Sheila and Wayne Job, Nancy Wilmes, Keiichi Nishiwaki, Takahi Okawa, Shin Karube, Takaharu Hashitani, Hitomi Sato, Yoshie Hayashi, Kana Yonetsu, Mackalla Harbison, Dee Harbison, Suzan Duffy, Greg Kroeplin, and Bev Doolittle.

Mayor Prince called the regular session to order at 7:34 p.m., followed by the opening ceremonies.

PRESENTATIONS: Home Town Hero Award - Mayor Prince announced the third recipient of the Home Town Hero Award, Scott Taylor. The award was presented in recognition of Mr. Taylor's outstanding community leadership through 18 years of service on the City Council and as Mayor of Canby. Mr. Taylor thanked the Council for the recognition. It was very meaningful to him because of the sense of community and contribution that it reflected. During his time with the City, he strived to be a catalytic leader and help the City move forward. This award said that the community he loved and enjoyed so much was continuing to work on the things they all wanted so they could still love being there and value their everyday life in Canby as a special place. To share this award with the other two recipients was deeply appreciated and meaningful.

Retirement Recognition for Sgt. John Watts, Canby Police Department - Mayor Prince gave a brief history of Sgt. Watts' career at the Police Department. He had served the City for 25 years, starting as a patrol officer and detective, and then promoted to the rank of Sergeant. Mayor Prince presented Sgt. Watts with a plaque. Sgt. Watts said the time had gone by fast, and the closer he got to retirement, as much as he thought he wanted it, he realized it was going to be different not seeing his co-workers and members of the community every day. It had been a pleasure working for the City and he thanked everyone for the recognition.

Chief Jerry Giger said back in 1976, there was quite a shake-up in the Police Department. Back then, there was a core group of about five employees who were hired that had been there since that time, Sgt. Watts, Brian Howarth, Jim Scharmota, Ken Pagano, and himself. They were all different, and that was a check and balance system. They all ended up as supervisors and management of the department. Sgt. Watts was the rock that held them together. He had been called "Father John" and was a conscientious person who made sure things were done the right way, that one person didn't benefit at the expense of someone else, and that things were done for the benefit of the community and the operation of the department. He thanked Sgt. Watts for all

his contributions and how he helped support the department and community through the years.

Retirement Recognition for Chief of Police Jerry Giger - Mayor Prince briefly described Chief Giger's work with the City. He had served the City for 29 years, starting as a reserve officer and through many promotions, became Chief of Police in 1982. He had also served on many other state and national boards. Mayor Prince said that Chief Giger represented everything that was good about Canby, especially his integrity. He appreciated everything the Chief had done for the City.

Chief Giger said 1970 was a long time ago. Throughout his career, he had the pleasure of working under 12 mayors, 6 city managers, and with a countless number of employees. He attributed his professional life to his father who had served 32 years in the fire department and 24 years on the City Council. His dad always said that if he ever wanted to have something of value in his life, go out and make service happen, do things for other people, and he was right. Through his career he had gotten to know the greatest people that anyone could ever know. It had been a wonderful opportunity and a distinct pleasure to work with everyone associated with the City and the citizens of the community.

Service Recognition for Stephen Hanson - Steve was recognized for his 15 years with the City both as Supervisor of the Wastewater Treatment Plant and since 1998 as the Technical Services Manager. Mayor Prince thanked him for all his work. Mr. Hanson thanked the Council for the recognition.

Special Employee Presentations for Neighbor to Neighbor Day - Ben Johnston and Jeff Snyder with the Parks Department, Karmin McKenney from the Canby Public Library, Marty Moretty from General Administration, Matilda Deas in the Planning Department, Police Chief Jerry Giger, and Beth Saul, Library and Parks Director, were thanked for giving of their personal time, planning and implementation of the Neighbor to Neighbor Day event and providing support as representatives of the City of Canby. Mayor Prince said the Neighbor to Neighbor Day on July 21 was very well attended, they had 1,200 people working in the community that day. He appreciated everything everyone did. He presented each of them with letters of thanks.

Nancy Wilmes introduced the Sister City Kurisawa Delegation - Nancy Wilmes said this was the twelfth student delegation since the Sister City agreement was signed in July of 1989. Mr. Keiichi Nishiwaki represented the Kurisawa Board of Education and he had six students with him. Mr. Nishiwaki was the escort of the students to Canby. He thanked them for making them feel welcome. They were happy to see the Friendship Garden which represented the continuing friendship between their towns. He had heard that Canby was once the garden spot of the country. They were very fortunate to have such fruitful grounds. They in Kurisawa had a beautiful garden and fruitful soils. He invited them to visit Kurisawa. The town of Kurisawa sent them greetings and wished them well in the new millennium. He thanked the City Council for showing them friendship and all the host families for sharing their houses with the students. Ms. Wilmes said the students wanted to introduce themselves and then they were going to a sayonara party. The delegation had their picture taken as well with the Mayor and Council.

CITIZEN INPUT ON NON-AGENDA ITEMS:

Chamber Executive Director Bev Doolittle - Ms. Doolittle said she was there to share some information with them that would help in considering the future of Canby. The data came from the Metro Chief Economist Dennis Yee, the Oregon State Employment Economist Art Ayre, and the Tualatin Finance Director Nancy Gritta. The residential and non-residential tax base evaluation split for Canby was 81% to 19%. That meant that the homeowners in Canby were carrying the City's tax burden. In comparison, Wilsonville had a more balanced tax split, it was 56% residential and 44% non-residential, as did Tualatin with 60% residential and 40% non-residential. The comparison between the City's population numbers and its work force population was done in July of 2000, the population then was 12,910, but the workforce population was only 7,000 which indicated that everybody left Canby to go to work. In comparison to Wilsonville with their population of 14,365 and their work force 18,450. Tualatin had nearly 2,000 more workers that came into town than their population. With those kinds of numbers, Wilsonville and Tualatin not only received more tax dollars because of the high number of businesses, but the local businesses also benefitted from the commuter money that was spent there daily. The further benefit was the money they gave to the schools and the support they gave to other local activities. The regional industrial land study for the Portland/Vancouver metropolitan area calculated the projected growth for Canby in 10 years was going to be 2.5% resulting in a population of 16,800. The study concluded that in order to produce 10,000 new jobs in Canby, they needed 505 acres to build those businesses. Canby would need 275 acres to produce approximately 5,000 jobs. She hoped they would take that information into consideration when they were doing their calculations.

CONSENT AGENDA: **Councilor Strong moved to approve the Minutes of regular session and executive session of August 1, 2001 and Accounts Payable of \$266,708.24. Motion was seconded by Councilor Carson and passed 4-0.

COMMUNICATIONS: None.

NEW BUSINESS:

Appointment to Canby Utility Board - Administrator Mark Adcock stated that this was an application from John Hill requesting appointment to the Utility Board. This position was open due to a resignation of a board member and the applicant would be filling this unexpired term through February of 2004.

****Councilor Johnson moved to approve the Mayor's recommendation to appoint John Hill to the Canby Utility Board to fill an open position created by a resignation. The unexpired term would end in February of 2004. Motion seconded by Councilor Blackwell.**

Councilor Carson said Glenda Michaels had been appointed to that position, but was unable to take the position after all, and Mr. Hill was already getting up to speed on the issues facing the Board and he would work out very well.

The motion passed 4-0.

Appointment to Traffic Safety Committee - Administrator Adcock explained that the Council recently appointed Terri Duncan to serve as a member of this committee but she determined she was unable to serve another term. They received an application from Barbara Kirwan requesting to take Ms. Duncan's seat. This term would run until June 30, 2004.

****Councilor Johnson moved to appoint Barbara Kirwan to the Traffic Safety Committee to fill an open position created by a resignation. The unexpired term would end June 30, 2004. Motion was seconded by Councilor Carson and passed 4-0.**

Appointment to Budget Committee- Administrator Adcock stated that there were two open positions on the City Budget Committee, both to be appointed to three year terms. They received two applications from citizens Leonard Walker and Geri Leussen.

****Councilor Carson moved to appoint Leonard Walker and Geri Leussen to the Canby City Budget Committee for three year terms ending June 30, 2004. Motion was seconded by Councilor Strong and passed 4-0.**

Discussion re: Approval of the Labor Contract between the City of Canby and Canby Police Association - Administrator Adcock stated that the contract and supporting resolution had been approved at the last Council meeting, and the Council asked that this matter would be brought back to summarize it for members of the public. This was a two year contract, expiring June 30, 2003. Resolution 760 provided for several changes: it included language with regard to the four 10 hour day schedule for patrol personnel with the stipulation that management retained the rights to change the schedules as operational needs dictated; raising the comp time accrual maximum from 40 hours to 60 hours; sick leave accrual maximum was raised to 1,200 hours from 1,040, but it did not raise the amount paid for unused sick leave upon retirement which was still capped at 480 hours; added Russian as a language for which premium pay was given to officers fluent in the language to receive a 3% premium pay; it provided counseling and time off for those officers involved in traumatic or stressful incidents incurred in-the-line-of-duty; permitted light duty provisions for union members that were injured and could not perform his/her normal duties; and provided for a 3% salary adjustment in wages for each of the two years of the contract.

Mayor Prince thanked the Police Department for their work during negotiations.

Discussion re: Compensation for the City Administrator - Mayor Prince said at the last Council meeting they discussed a salary adjustment from step 3 to step 4 for City Administrator Mark Adcock. This would be effective June 21, 2001 and was approved on August 1. He appreciated everything that Administrator Adcock had done in the last two years, especially in his communications with the Council, implementation of Council policy, and relationship with the community as a whole. The Council also appreciated his rapport with staff and financial management during a difficult budget year.

Councilor Johnson said this had been one of the most tumultuous times in his experience, and meanwhile Administrator Adcock was trying to school new councilors on City policies and role

of the City Council. He appreciated Administrator Adcock and thought he was doing a great job.

Discussion re: Replacement of the Police Department Roof - Lt. Ken Pagano explained that the Police Department roof had been in a state of disrepair for several years, especially in the conference and records rooms. About five years after the roof had been put on, it started leaking and was an ongoing problem. They had three bids for the roof repair, and two of the bids were for the same type of roof they already had and it was recommended by Public Works Supervisor Roy Hester and Police Chief Jerry Giger that they not purchase that kind of roof. The third bid was for \$14,700 for a thermal plastic roof with a ten year warranty. He strongly recommended to go with that bid. There could be more structural damage if they did not replace it. There had been attempts to patch repair the roof, but it would only be a short term solution and they were worried that the existing roof would start leaking in other places. Mayor Prince said during the Neighbor to Neighbor work day, the outside of the police station was painted, so that would hopefully last ten years and extend the life of the building on the outside. The funds for the roof repair were available in the capital reserve fund.

****Councilor Carson moved to authorize the City Administrator and Canby Police Department to contract with Metro Roofing for replacement of the Police Department roof in the amount of \$14,700 with a ten year warranty. Motion seconded by Councilor Johnson.**

Councilor Johnson asked how much money they would have left in the reserve fund after this expenditure? Lt. Pagano stated that there would be \$300 left.

Motion passed 4-0.

Letter of Agreement re: the Use of Molalla Forest Road - Administrator Adcock referred to a staff report from Beth Saul recommending that the City enter into an agreement with Canby Excavating for the use of the Molalla Forest Road as a primary route for their trucks to use to bring fill material to the end of N. Maple. Canby Excavating had been using the road with the permission of the former owners, Caffal Brothers, and now the City owned it, they were requesting continued use of the road. This agreement would set forth terms and conditions to memorialize their understanding on the use of the road.

Mayor Prince indicated that there was going to be a 15 mph speed limit.

Chuck King, president of Manor on the Green Homeowners Association, complemented the City for working with them on the road, gates, traffic, and speed limits. He wondered how many gates there would be on that road? Administrator Adcock said there would be three, which should help decrease speeding on the road. Mr. King also inquired who would be maintaining the road? Mayor Prince said it would be the City, but Canby Excavating would be responsible for annually re-graveling and grading the road. Mr. King wondered if they would water it in the summer to keep the dust down? Administrator Adcock said if that became a problem, contact the City. It was not included in the contract, but Canby Excavating was going to try to be as

good a neighbor as possible. The City would also be taking care of speed limit signage.

Councilor Strong referred to the contract that stated the road was in a rough condition. Would Canby Excavating be bringing it into a better condition since they would be annually re-graveling and grading it? Administrator Adcock stated that there was no expectation they would ask Canby Excavating to upgrade the road. The purpose for that language was to indemnify the City in case there was any damage caused by the road.

Councilor Carson stated that they were not opening the road to general use, so they did not need it to be in a specific condition at this time. When they made other arrangements for use of that road, they could terminate the agreement. City Attorney John Kelley said they had the ability to cancel the agreement at any time for any reason.

**** Councilor Blackwell moved to authorize the City Administrator to sign a letter of agreement with Canby Excavating for use of the Molalla Forest Road. Motion seconded by Councilor Carson.**

Councilor Johnson stated that they just put a parking lot in there so people could use the road. Attorney Kelley said they were not supposed to use this portion of the road. Councilor Johnson had misgivings about this, because mixing these big dump trucks with citizens who were using that as a recreational area was asking for potential trouble.

Councilor Carson said now they had an agreement, Canby Excavating would have to follow the rules and educate all their drivers on the speed limit, they could legally use N Maple all the way down to the end of 23rd, and that was strictly residential and would make for worse conditions. He thought it was a good compromise to still allow Canby Excavating to use the road, and put some restrictions on the road with the homeowners in the area watching and coming to the Council if there were problems.

Mayor Prince said that much truck traffic on Maple would break down that road, and the City budget could not afford to repair another road. This option allowed them to have less traffic on Maple and also kept the road lasting longer. When the park was open, the truck access would be terminated.

Councilor Johnson still thought it was asking for trouble, they had designated that a walking/bike path and now they were running trucks on it.

Councilor Strong asked why they were dumping down there? Councilor Carson said they were doing fill on the property, they had low areas on their property. Planning Director John Williams said they did have a grading permit to fill. There were two wetland areas that were protected, but other than that they could do the fill and they were preparing the site for some future use.

Councilor Blackwell said they were doing a fill job, so it was a temporary situation? Mr. Williams said one would assume eventually they would be done. He didn't know what the end result of the project was or how close they were to the end.

Mayor Prince said the vegetation was right up to the edge of the road and some was going into the road, but if they kept to the 15 mph speed limit, there shouldn't be a problem. They still were able to cancel the contract if they didn't follow the speed limit. He would rather work with them instead of forcing them to use Maple Street and going into further disrepair.

Council vote was tied 2-2.

Mayor Prince believed because of the alternatives they had with Maple Street looking to deteriorate quickly with that type of traffic, and because they had a 15 mph speed limit and other provisions, they should at least try this option and see if it would work. He hoped the citizens and the City would monitor this and that it would end up being a win win situation.

Motion passed 3-2, Councilors Johnson and Strong opposed.

Request for Water Service Extension - Administrator Adcock stated that the City had received another request for water service from Wayne and Sheila Job who lived outside the corporate city limits at 2483 E Territorial Road. Previously they had approved a similar request from New Life Foursquare Church at Territorial and 99E to extend water service to that location. In order for Canby Utility to extend water to an outside location, there must first be approval by the City Council.

Planning Director John Williams further explained that the property was across the road from the Foursquare Church where the water extension would end. As part of their application, they would be building the water line across the full frontage of their property, which was over 200 feet. They had well problems for years and would like to take advantage of this opportunity.

Councilor Strong asked how many more homes were down that road? Mr. Williams said there were quite a few.

Mayor Prince said there was a possibility of over 100 people hooking up to this, it was legal for them to run infrastructure out beyond the City, but he was getting uncomfortable about having these come before them when it should be based by the distance from the City limits, not necessarily where the urban growth boundary was. Mr. Williams said there had been a rash of these lately, but this was the same sort of request as the previous one. However, it was a discretionary decision on the Council's part and he would be happy to work up some kind of criteria for the future.

Councilor Johnson asked if their well was failing now? Sheila Job stated two weeks ago the church had moved the waterline up to their property and they had a very poor well right now, producing slightly less than 4 gallons a minute and it was filled with iron. The well also failed in late summer and picked up around December.

Councilor Carson said the purpose for allowing the church to get water was partly to get a mainline underneath 99E and to get water on that side of the road and the church was willing to pay for that. He did not think they knew how that area was going to be developed, and he hated

to start putting in infrastructure when the future of the area was not known. He would like to back off and do more research before they started allowing infrastructure in the area.

Councilor Johnson thought if they needed water and the pipe was there, then why not do it? However, the issues Councilor Carson was talking about were a real concern. The land was zoned as R1, single family residential, and they didn't know the water capacity they would need there. It was very possible that the next property closest to this line would want to connect as well. He would like to make policy to define how far they would extend the service.

Councilor Carson said that the Utility Board's stance was whatever the Council determined as a policy, they would implement.

Mayor Prince said they had talked about doing a master plan for the area for long term development. Mr. Williams said whenever they got done with periodic review, they would get started with that area, which would be within the next year or two. Mr. Williams said his best guess would be that Territorial would always exist as a road whatever the master planning would be. This was a trunk line being put in that Canby Utility had in their infrastructure plan, and he thought it was a fairly safe bet that the pipe would always need to be at that size, and they had sized it to serve the whole eastern area.

Councilor Blackwell's concern was there needed to be a mechanism or policy where they could say this was as far as they were going to extend the line.

Mayor Prince said they were doing this as a case-by-case basis currently, it wasn't a policy yet, although it sounded like the Council wished to put a policy in place.

Councilor Johnson asked if this request was denied, could another well be drilled? Mr. Job said they were in an area where a number of wells had been drilled upwards of 500 feet for a dry well. He spent \$5,000 four years ago to drill a well, and they ended up getting a half gallon a minute out of that well and he went down 350 feet. His current well was doing less than four gallons a minute currently, and he had replaced several pumps, raised the pumps, etc. They were willing to pay to have the water line extended.

Councilor Carson wanted to see more information come back first, this was fairly short notice, and he wanted a broader view to see how the area would be laid out. They needed to create a policy for this, because they could conceivably get requests from all the other properties out there for the same thing.

Councilor Johnson asked Administrator Adcock if they came back with a policy, could this be grandfathered in somehow? Administrator Adcock said if they approved this that evening, and subsequently took policy action that was counter to this action, their policy action would be prospective and it wouldn't have any effect on what they approved that evening. They as a Council could not grant this, and then say now they had a policy, they would make people adhere to it when it wasn't in effect when they granted approval. If they had a policy or criteria they wanted to use, so long it was always prospective, they would be fine process-wise. Mayor Prince

said this had always been on a case-by-case basis.

****Councilor Johnson moved to extend the City water service to a residence at 2483 E Territorial Road. Motion seconded by Councilor Carson.**

Councilor Johnson said he was going to vote against this at first, but changed his mind because of the letter from Wayne and Sheila Job that stated Mr. Brown volunteered to extend Clackamas County's approval with the addendum requiring no additional County permits or construction bonds, Mr. Williams said they were putting in a trunk line so capacity would not be an issue, and these folks were having trouble with their well and would have to wait on the government to create a policy. This would prompt them to set up a work session and a policy.

Councilor Carson said they were more than 500 feet outside the city limits at this time, but so was the church.

****Motion failed 3-1, with Councilor Johnson voting in support.**

Administrator Adcock said as related to these kinds of requests, the Council wanted some additional information as to processes and ramifications that might be incurred as a result of these kinds of extensions and wanted some policy on how the Council should govern these and move away from a case-by-case basis. They sometimes received requests for sewer extensions, and he wanted to know if they thought it would be beneficial to look at that as well and set up some policy for sewer extensions. Mayor Prince said he was also concerned when they hooked up areas outside the City, when they expanded and went for bonds, the bonds were only paid by people in the City, not outside.

Policy re: City-paid Health Benefits upon Retirement - Administrator Adcock recommended the legal opinion for this item be discussed in executive session and then they would come back to the regular session and make a decision. City Attorney Kelley said the executive session was not for the purpose of discussing the policy, it was for the purpose of reviewing the legal opinion from the attorney. Councilor Johnson let the public know that when they went into executive session, they discussed things that normally they didn't do in public, and then they came back and could take action on those items. People could wait for them to come back, although it was usually late in the evening, but he was extending the invitation that if people were concerned about issues they saw in executive session to stick around.

UNFINISHED BUSINESS:

Findings, Conclusion, and Final Order for ANN 01-01, Sheldon Annexation - Administrator Adcock said at their last meeting they had a public hearing and directed staff to prepare the findings, conclusion, and final order for this annexation. Companion to this action was Resolution 761 which referred the annexation to the voters.

****Councilor Johnson moved to approve the findings, conclusion, and final order for ANN 01-01, Sheldon Annexation. Motion seconded by Councilor Strong and passed 4-0.**

ORDINANCES & RESOLUTIONS:

Resolution 761 -

****Councilor Johnson moved to adopt Resolution 761, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 0.61 ACRES DESCRIBED AS TAX LOT 300 OF TAX MAP 4-1E-03BB LOCATED ON THE WEST SIDE OF S. REDWOOD STREET ACROSS FROM TROST ELEMENTARY SCHOOL TO THE CITY OF CANBY; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE NOVEMBER 6, 2001 GENERAL ELECTION. Motion was seconded by Councilor Carson.**

Councilor Carson stated that this got rid of one more island in that area, and filled in all of Redwood Street on the southwest side. There was only one other property in the area that was not inside the city limits.

Councilor Johnson asked if they already had sewer. Planning Director Williams said this was the one they approved for a sewer connection pending annexation.

Mayor Prince wanted to make sure that the vote count of the Council and Planning Commission were included in the explanatory statement for the voter's pamphlet. City Attorney Kelley said the language stated it was unanimously approved.

The motion passed 4-0.

Ordinance 1077 - Administrator Adcock stated they received a letter from Jim Coleman of the Clackamas County Counsel asking if the City wanted the County to carry on the administration of animal control activities and animal licensing within the City as it basically was doing now. They were asking the Council to approve an ordinance which would authorize them to do that, and staff would send a certified copy to the County. They also had a letter from Lt. Pagano which recommended to repeal the current City ordinance and adopt the enabling ordinance that would allow the County to administer animal control and licensing. Citing violations would go to the County rather than the City.

Attorney Kelley explained that the person coming out to pick up an animal would be County, if they had a citizen that allowed the animal to run at large and they wanted to cite that person, the City had done that in the past and cited them into Municipal Court. With this proposal, everything would be handled through Clackamas County.

Councilor Carson asked if there was any benefit to the City to transfer this over? Attorney Kelley said if the Council felt it was their responsibility to provide a service for the citizens of Canby so they would have their court trial here instead of the County for violation of the

ordinance, then they might feel that's what they should provide. The fine imposed by the City would stay in the City, if it went to Clackamas County, the fine would go to the County. As far as the police were concerned, they favored sending it to the County so they didn't have to worry about it, and he felt the same way.

Councilor Carson said the County did have dog licensing regulations at this time, and the City did not.

****Councilor Carson moved to adopt Ordinance 1077, AN ORDINANCE CONSENTING TO CLACKAMAS COUNTY ADMINISTERING ITS DOG CONTROL AND LICENSING ORDINANCE WITHIN THE CITY REPEALING CHAPTER 6.12 OF THE CANBY MUNICIPAL CODE; AND DECLARING AN EMERGENCY be posted and come up for second reading on September 15, 2001. Motion seconded by Councilor Blackwell and passed 4-0.**

MANAGERS' REPORT: Status Report on Canby Public Transportation System - Councilor Johnson thanked Planning Director John Williams for his comments in the *Canby Herald*. Planning Director Williams said that article summarized the meeting with the Tri Met Board very well. They were disappointed that the Board was not as eager to get going, but he was going to send a letter to answer some of their direct concerns they mentioned at the meeting. The next meeting workshop was on September 12 and he was going to find out from Tri Met staff whether it was appropriate for them to attend. There was a lot of work being done behind the scenes to make sure they were prepared if they got the go ahead. One of the issues related to that was they were still trying to get the federal appropriations requests from Congress for a quarter million dollars for the transit vehicles. It was a 80/20 match, so they would only have to match 20% of that total. They had been working with their representatives and senators for a long time on this, and Congresswoman Darlene Hooley was able to get the money included in the House version, but nothing came out of the Senate version. They both passed their versions, and at this point the House and Senate both sent these to a committee to haggle out the details. He prepared letters to Senators Ron Wyden and Gordon Smith asking for their continued support and a thank you letter to Darlene Hooley. He passed the letters to the Council for their signature.

They still planned that if approved, they could get the service running in January, but he thought Tri Met had a lot of work to do before they would get to the approval point. He expected after their September 12 meeting they would direct their staff on what to bring back for the hearing at the end of September.

Mayor Prince appreciated all that Darlene Hooley had done for them. Planning Director Williams said the House version favored a lot of the smaller requests, and the Senate version went for the bigger requests.

Mayor Prince said during the conversation they had with the Tri Met Board, they emphasized that the City would be offering significantly more service. The successes in Sandy and Wilsonville were hard to ignore, and the whole idea was to get people out of their cars and into buses and that's what their plan did and it went along with the goals of Tri Met.

Report on Proposed Clackamas County Coordinating Committee - Administrator Adcock updated them on the annual Timothy Lake Retreat held at the end of July. Mayors and city managers met for a two day retreat to talk about common issues and concerns. This year a major topic was what could they do as cities to better represent the views, opinions, and concerns of the various governing bodies of the County on those issues that had regional impact and concern where they could go as a unified group to present their views. They also needed to have some way to come together and discuss what the issues and concerns were. They presently had Clackamas Cities Association, Clackamas County mayors and managers met monthly, but there was discussion about forming a more formal, organized group to represent Clackamas County interests. As an outgrowth of that retreat, the County Commission was directed to put together by-laws that might govern this organization. There would be one elected official from each city as a voting member of this group, there were sub-committees which would do the staff work and research associated with the issues, there was a management advisory committee to the larger committee comprised of city administrators, and then there were some standing committees on transportation and land use. The reason he reported this information to them that night was to make them aware of the goal of the cities to put together this committee, to have them look at the by-laws, and give him feedback. Clackamas city managers would meet August 24 to bring back comments from their various jurisdictions, incorporate the suggestions, and further refine the by-laws. He would like the Council's feedback prior to his meeting on the 24th.

CITIZEN INPUT:

Lila Gottman, resident of 10381 S. Mulino Rd, said they had purchased a bike and were going to raffle it off. She requested to have that drawing on September 5 during the Council meeting and the purpose of the raffle was to provide funds to the Bike Rodeo Committee to enhance the activity of the day for the kids. There was already funding through several non-profit organizations, but they would like to be a little more self-sufficient.

Councilor Strong asked if the Bike and Ped Committee was doing this raffle? Ms. Gottman said no, she and her husband purchased the bike.

Councilor Carson asked how much the tickets were and where could people purchase them? Ms. Gottman said they were \$1, and they could be purchased at the Clackamas County Fair at the Police booth.

Council consensus was to allow the raffle during Citizen Input at the September 5 Council meeting.

Donna Walker, resident of 1526 N. Plum Court, asked regarding the dog control issue, would it include the logging road and parks because Clackamas County told her they couldn't enforce the rules in those areas. Attorney Kelley said he had never heard that, but would look into it.

Ray Hoen, SE First, Canby, said the Canby Revitalization Board recently came up with a plan to help bring business to Canby using "I'LL BE BACK" signs. The objective was for people to say

“I’ll be back” to shop, visit, live, and work in Canby. All businesses would have the sign on their doors because every business wanted their customers to come back.

He also received an urban renewal agency agenda, and requested that they open their agency meeting for citizen input; he had some input he would like to share. Administrator Adcock said they had a single item on the agency agenda, which was an executive session item. The published agenda called for an opening of the meeting and an opportunity for citizen input. Attorney Kelley explained the options to legally open and close the regular session and the agency meeting.

****It was decided that with two councilors gone that night, consensus was not to hold the Agency meeting.**

Mr. Hoen asked when the meeting would be rescheduled. Mayor Prince said it would be concurrent with the next Council meeting, September 5.

Councilor Strong said she saw one of the “I’ll be back” signs, so it worked in catching her eye. Mr. Hoen said it was a green sign, and a real impetus for the merchants.

Councilor Blackwell said she saw also saw the signs at the Canby Business Revitalization booth at the fair.

COUNCILORS’ ISSUES: Councilor Strong knew of two Councilors who would not be able to attend the Budget Committee meeting scheduled for September 10. Administrator Adcock said they wanted to get together to discuss revenue options, and Budget Chair Daniels established some dates, but at the time they didn’t know some people would be absent. If those were inconvenient dates, they could be rescheduled, but the intent was to have two meetings very soon. Mayor Prince said when Councilor Daniels got back, they would reschedule. Administrator Adcock verified when the Council would be available.

Councilor Carson said on September 17 at 7:30 p.m. at the Adult Center there would be a public rate hearing in which they would discuss an increase in electrical rates. The new substation across from Fred Meyer was coming along and should be finished by the end of September. Also, the Molalla River gravel pit issue was being looked at by Canby Utility staff.

Mayor Prince welcomed West Coast Bank in the Fred Meyer complex who just had their grand opening this week.

Councilor Blackwell said the new Alzheimer’s clinic also opened, called Canby Country Living. There was a new Mexican restaurant that opened as well. Councilor Carson said the Parkside Restaurant recently opened across from Wait Park as well.

Councilor Johnson wanted citizens to know they could email him at pat@canby.com or call him at 860-1455 to discuss community issues.

ACTION REVIEW:

1. Approving the Consent Agenda.
2. Approving the appointments to the Traffic Safety Committee, Canby Utility Board, and Budget Committee.
3. Approving the replacement of the Police Department roof.
4. Approving the letter of agreement with Canby Excavating governing the use of Molalla Forest Road.
5. Disapproved the extension of water service to the Job Property on S. Territorial, and staff would prepare additional information and proposals for policies on this subject and the extension of sewer.
6. Approving Res. 761 to refer ANN 01-01 to the voters.
7. Approving Ord. 1077 to come before Council for second reading on September 5, 2001.
8. Accepting the findings, conclusions, and final order for ANN 01-01, Sheldon annexation.
9. Following up with County Counsel in response to Mrs. Walker's concern about animal control regulations in City parks and on the Logging Road.
10. Facilitating the drawing for the bicycle to help with the Bike Rodeo to the next Council meeting on September 5, 2001.
11. Rescheduling Budget Committee meetings.
12. Bringing back comments to Administrator Adcock on the proposed by-laws for Clackamas County Coordinating Committee.

****Councilor Strong moved to go into Executive Session under ORS 192.660 1(f) review exempt public records. Motion was seconded by Councilor Johnson and passed 4-0.**

Mayor Prince read the executive session format and recessed the regular session at 9:45 p.m.

Mayor Prince reconvened the regular session at 10:25 p.m.

NEW BUSINESS: Policy re: City-paid Health Benefits Upon Retirement, Continued -

****Councilor Strong moved to rescind the City's current policy of City paid health insurance for retirees who had not yet retired by August 15, 2001. Motion seconded by Councilor Carson and passed 4-0.**

Mayor Prince adjourned the regular session at 10:26 p.m.

EXECUTIVE SESSION
AUGUST 15, 2001

Present: Mayor Terry Prince, Councilors Patrick Johnson, Shirley Strong, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock.

Mayor Prince called the session to order at 9:54 p.m.

ORS 192.660 1(f) - The Council discussed exempt public records.

Mayor Prince adjourned the session at 10:20 p.m.

Chauncey F. Seifried

Chauncey F. Seifried,
City Recorder pro tem

Terry L Prince

Terry L Prince
Mayor

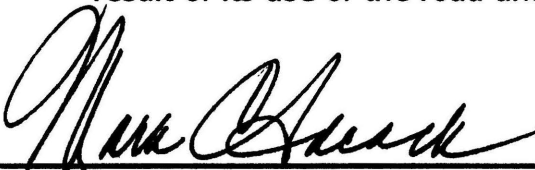
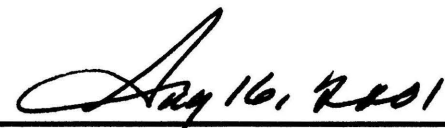
Susan Wood

Prepared by Susan Wood,
Office Specialist


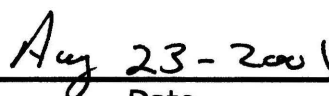
LETTER OF AGREEMENT REGARDING USE OF MOLALLA FOREST ROAD

1. This letter of agreement is between the City of Canby and Canby Excavating, Inc.
2. The purpose of this document is to clarify the conditions under which Canby Excavating, Inc. may use the City-owned Molalla Forest Road north of Territorial Road and up to the first lot of record on the Willamette River for access to property owned by Canby Excavating, Inc. at the northernmost end of N. Maple Street.
3. The City of Canby intends to convert the Molalla Forest Road into a walking and biking path at some point in the future if the remainder of the road becomes public property. In the meantime, the road is officially closed to vehicle traffic, except for authorized vehicles, and the gate is to be kept locked.
4. Canby Excavating, Inc., can be considered an authorized user of the road under the following conditions:
 - a. Dump trucks are to travel no faster than 15 miles per hour on the road.
 - b. Dump truck drivers are to keep the gate closed and locked any time they will not going through it within a two-hour period. This is to prevent unauthorized vehicles from accessing the road in between dump truck loads.
 - c. Dump truck drivers are to be cautious at the entrance to the road of pedestrians and bikes that may be present. Although the road is not officially open to public use, citizens may be in the area and dump truck drivers need to be cautious and courteous. Citizen comfort and convenience are a priority for the City. The Citizens are the true owners of this road.
 - d. The City is installing a parking lot near the road for the Eco Park (the forested park/trail system that is next to the road). Dump truck drivers will need to be cautious of cars exiting and entering the parking lot.
 - e. The keys to the gates are available from the Park Maintenance Supervisor. A set of keys will be issued to Canby Excavating, Inc. for the duration of this agreement. Any problems with the keys or the gates should be handled through the Park Maintenance Supervisor.

- f. Canby Excavating, Inc., as a primary user of the road, will annually re-gravel and grade the road where needed in order to contribute to the maintenance of the road.
5. This agreement may be terminated at any time by the City of Canby.
6. The road is in rough condition. Canby Excavating, Inc. acknowledges that it is aware of the present condition of the road and accepts the risk of any damage to its vehicles or injury to its personnel operating its vehicles, including any passengers in its vehicles while operating on the road. Canby Excavating, Inc. agrees to defend and hold harmless the City of Canby from any and all claims brought against the City as a result of its use of the road under this letter of agreement.

Mark Adcock, City Administrator Date
City of Canby

Canby Excavating, Inc. Date

**BEFORE THE CITY COUNCIL
OF THE
CITY OF CANBY**

| | | |
|--------------------------------|---|--|
| A REQUEST TO ANNEX 0.61 |) | FINDINGS, CONCLUSIONS & ORDER |
| ACRES OF LAND INTO THE |) | ANN 01-01 |
| CITY OF CANBY |) | (David and Donna Sheldon) |

NATURE OF APPLICATION

The applicant is requesting approval to annex one parcel (Tax Lot 300 of Tax Map 4-1E-03BB) totaling 0.61 acres into the City. The site, 687 S. Redwood Street, is located on the west side of S Redwood Street across from Trost Elementary School and is completely surrounded by City Limits.

HEARINGS

The City Council held a public hearing and considered this application at its meeting of August 1, 2001.

CRITERIA AND STANDARDS

The Planning Commission forms a recommendation that the City Council may consider after conducting a public hearing. If the City Council approves the application, it forwards its recommendation to the voters of Canby as a ballot measure where a final decision is reached during a general election.

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan).
2. Analysis of the "need" for additional property within the city limits shall be provided.
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;

6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;
9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

FINDINGS AND REASONS

The City Council deliberated on all input presented at the August 1, 2001 meeting, and incorporates the June 29, 2001 Planning Commission staff report, the Planning Commission Finding, Conclusions, and Order of July 23, 2001, and Commission and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the June 29, 2001 Planning Commission staff report and adopts the following supplemental finding:

- The City Council finds that traffic safety at the intersection of SE Township Road and S. Redwood Street is a concern and that the City should maintain an ongoing investigation of traffic safety of at that intersection.

CONCLUSION

The City Council of the City of Canby concludes that based on the findings and conclusions contained in the June 29, 2001 Planning Commission staff report, and from Council deliberations at the August 1, 2001 public hearing:

1. The land is designated as Priority "A" for annexation.
2. The need for this property to be annexed is derived from its priority designation, minimal impact on facilities, and being islanded by city limits.
3. The property is small and not in agricultural production.
4. Access is adequate to the site and will be further improved by the improvements of the roadway in conjunction with development.
5. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services upon future development.
6. The annexation proposal is in compliance with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.

8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
10. No adverse economic impacts are likely to result from the annexation of the subject property.

RECOMMENDATION

THE CITY COUNCIL OF THE CITY OF CANBY APPROVES application ANN 01-01 and sends the application to the Canby Voters for a final decision with the following understandings:

1. The zoning classification for the property will be R-1, Low Density Residential.
2. All service connection, recording costs and future development costs are to be borne by the property owners.
3. Advanced financing charges for the properties are to be paid at the time of connection to City Services.
4. All City and service provider regulations are to be adhered to at the time of connection of services and/or future development.
5. Sidewalks are normally conditioned as a part of new development. As no new development is proposed, sidewalks will be required upon any future land use application including issuance of a building permit or an application for redevelopment.
6. The City shall maintain an ongoing investigation of Traffic Safety at the nearby intersection of SE Township Rd. and S. Redwood St.

I CERTIFY THAT THIS ORDER recommending APPROVAL of ANN 01-01 to the City Council was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 15th day of August, 2001.



Terry L Prince, Mayor
City of Canby



Clint Chiavarini
Associate Planner

ATTEST:

ORAL DECISION - August 1, 2001

AYES: Daniels, Strong, Carson, Blackwell, Johnson, Parks

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS - August 15, 2001

AYES: Strong, Carson, Johnson, Blackwell

NOES: None

ABSTAIN: None

ABSENT: Daniels, Parks