

CANBY CITY COUNCIL
WORKSHOP
NOVEMBER 7, 2001

Present: Mayor Terry Prince, Council members Walt Daniels, Patrick Johnson, Shirley Strong, and Teresa Blackwell, City Administrator Mark Adcock, Community Development and Planning Director John Williams, Library and Parks Director Beth Saul, Bob Rapp, Bob Trappe, Craig Finden, Jamie Johnk, Carol Prael, Wayne Scott, Marty Moretty, Vicki Adamson, Georgia Newton, Curtis and Lila Gottman, and Vince Kohler.

Mayor Terry Prince called the session to order at 6:31 p.m. A light dinner was served.

The Council met in workshop session with the Canby Business Revitalization Group.

Mayor Prince adjourned the session at 7:24 p.m.

CANBY CITY COUNCIL
REGULAR SESSION
NOVEMBER 7, 2001

Mayor Terry Prince presiding. Council members present: Walt Daniels, Patrick Johnson, Shirley Strong, and Teresa Blackwell.

Also present: City Administrator Mark Adcock, Community Development and Planning Director John Williams, Marty Moretty, Library and Parks Director Beth Saul, Donna and Leonard Walker, Curtis and Lila Gottman, Robin Adcock, Wastewater Treatment Supervisor Darvin Tramel, Kim Timeus, Marlene Elmore, Randy Tessman, Ed Kirsch, Kevin O'Keefe, Vince Kohler, Kevin Vodka, Clayton Pugsley, Andrew Hoskins, and Tyler Hoskins and numerous friends and family of Chief Ken Pagano.

Mayor Prince called the regular session to order at 7:33 p.m., followed by the opening ceremonies and a moment of silence for our service people.

PROMOTIONAL CEREMONY: Police Chief Ken Pagano - City Administrator Mark Adcock made the announcement of the formal appointment of Ken Pagano to the position of Police Chief for the City of Canby. Mr. Adcock said that he has done an exemplary job in the last two years running the day-to-day operational end of the Police Department serving as Lieutenant. When Chief Giger retired after 29 years of service, a significant void was left in the organization but he didn't have to look far to know how he was going to fill the position. Ken Pagano did everything that was asked of him with great enthusiasm and accomplishment, most notably graduating from the FBI National Academy. On September 1, 2001, Ken Pagano was appointed Interim Police Chief and followed by a sixty day evaluation period and tonight is the culmination of that process.

Mayor Prince presented Chief Pagano with his badge and complimented the Canby Police

Department. He noted that the transition between former Chief Giger and Chief Pagano has gone smoothly with everything being carried forward and programs staying in tact. Ken will bring his own style to the job and the Mayor is appreciative that he chose Canby as his police department to head. The audience was filled with people who were here to support him in his position and he knows that Chief Pagano will carry on the high standards and traditions of the Department.

Mr. Adcock and Ken's wife Marian, pinned the stars on Chief Pagano's lapel signifying the position of Chief of Police and when the day came for the Chief to retire, that he give them back to the City knowing the honor he had of wearing them and now, the honor that Mark has in giving them to him tonight.

Chief Pagano thanked the many people in the audience tonight here to wish him well and introduced the members of his family and personal friends as well as fellow law enforcement officers from other cities and the support of the members of the Canby Police Department. He introduced and thanked Greg Kroeplin who was promoted to Lieutenant; to Chief Jerry Giger for all of his help over the years; and members from the Clackamas County C-Com and the Sheriff's office. He also thanked Administrator Adcock for all of his help and support as well as City staff and a special thanks to his four Sergeants who have direct contact with the citizens while on patrol. The last was a special acknowledgment to his wife Marian who held down the fort at home for the fifteen years he worked nights as Sergeant. He thinks Canby is a great town and is proud to serve all the citizens.

CITIZEN INPUT ON NON-AGENDA ITEMS: Leonard Walker commented on the Urban Renewal Advisory Committee's report which had been described as unbiased, but he felt that it was biased and reflected members who had their own agenda and contrary to the majority of the Councilors. The Agency charged the Advisory Committee to find projects downtown, but most of the report ended up to be about the industrial area. He pointed out that there was not a downtown project mentioned in the report. Council should ask themselves how the area of S. Redwood where Canby Builders, Redwood Meadow, and Canby Disposal were developed, was paid for? The answer was by forming an advanced finance district.

The heart of the controversy of the Urban Renewal District is not the Fire Board, not the concept of urban renewal, not even if the area should be developed. The heart of the matter is, will the taxpayers foot the bill for the development of the industrial area? This is a question the Council will have to answer.

He commented on the letter handed out at the last meeting and signed by 59 citizens in support of Councilor Johnson's Urban Renewal report which proposed to reduce the URD boundary to 4th and Sequoia. The breakout of the households who had signed the letter had been: 7 households of friends and neighbors he knew would support the proposal; 6 households who didn't know enough about the subject to support signing; only 4 said "no". That's about an 82% average of those who would support it, so he felt that the matter needed to be moved forward and tackled. It would make the Fire Department's question mute.

He asked everyone to read the informational flyer on the Urban Renewal that would be coming

out in the Canby Utility's December billing. He stated that the money in the URD is everyone's tax dollars; there have been enough tax giveaways.

CONSENT AGENDA: **Councilor Strong moved to approve the Minutes of regular and executive session of October 17, 2001, Minutes of the special session of October 24, 2001, and Accounts Payable of \$216,063.95. Motion was seconded by Councilor Johnson and passed 4-0.

COMMUNICATIONS: Request for Waiver of Fee to use Wait Park, Fee to Place and Remove Banners on Logging Road Bridge, and Request to Barricade Streets for Slice of Summer, 2001 and Request for Waiver of Fee to use Wait Park, and Request to Barricade Streets for Canby Jr. Festival of Jazz, Saturday, May 18, 2002. Administrator Adcock explained that these requests had been received yesterday from Jack Pendleton, co-ordinator of both events.

The Council decided to table the discussion until the next meeting after Councilor Johnson commented that at this time we didn't even know what the fees would be in light of the cost of services study that was still underway. Council needed to withhold making a decision until the financial impact was decided. Councilor Strong concurred and recalled that there had been a discussion of the fee-waiving process and didn't remember that the Council had come to an agreement on what the process would be. She would also like to wait on the financial impact of the fee study is known.

Mayor Prince said two Council members were gone tonight and he knew that the Budget Committee would be discussing it at a future meeting to establish a policy. Councilor Daniels felt that a general policy discussion about whether to waive fees or not would be a Council decision.

****Councilor Daniels moved to table the discussion of waiving fees for Slice of Summer and Jr. Festival of Jazz to the meeting of November 21, 2001. Motion was seconded by Councilor Johnson and passed 4-0.**

NEW BUSINESS: Report from Clackamas County Domestic Violence Group - City Administrator Mark Adcock told the Council that this was in response to their request made several meetings ago when a resolution about domestic violence was passed. He introduced Kim Timeus, a representative from Clackamas County to explain in more detail about the program and the magnitude of the problem in our County.

Ms. Timeus stated that she is a detective with the Clackamas County Sheriff's office. She has been employed by that office for eighteen years and is currently assigned to the detective division and has been in that capacity for about seven years. For the past two years she has worked exclusively domestic violence cases.

Domestic violence is a wide-spread societal problem, reaching far beyond the realm of the family. 95% of domestic violence is committed by men towards their female partners; there are male victims but the percentage is low. Studies indicate that anywhere between 45% - 75% of men who batter their women also batter their children. The crime has devastating effects on not only

the victims of domestic violence but also their children and the community as a whole. Some examples of problems caused in the community are domestic violence in the workplace spilling over into absenteeism, and rising medical and legal costs. There have been a lot of studies that show that family violence is directly connected to other violent crimes, juvenile delinquency, substance abuse, and violence in schools. Domestic violence is a learned behavior; it isn't caused by alcohol abuse or anger. It is a choice and learned by the children in the relationships and witness this behavior for many years; they then learn to become batterers or victims. After researching programs around the country, the Clackamas County Sheriff's Office decided it would take a coordinated community response through other agencies emphasizing arrest and criminal prosecution with comprehensive follow-through such as court orders, monitoring and enforcing laws, services and protection for the victims and children, mandatory service for offenders with coordination among all the agencies. This will ultimately promise a reduction of future violence in the community.

The children who witness this violence in the family becomes a greater predictor of that child's later involvement in violence than them being abused themselves. So, the witnessing of the violence is almost worse than being abused.

In Oregon, domestic violence is a very serious problem. The most recent statistics are from 1998 in the Oregon Governor's Council on Domestic Violence study. In their needs assessment, it was discovered that one out of eight Oregon women between 18-64 have been physically or sexually abused by their partners amounting to about 132,800. Three out of four of the victims have experienced multiple acts and three out of five children living in these households have witnessed that abuse amounting to 123,000.

In 2000, the Clackamas County Sheriff's Office responded to over 2,500 incidents of domestic disturbances not including any other law enforcement agencies within the County; of those, crime reports and/or arrests were done on over 1,200. In 2000, there were 782 arrests and for a nine month period in Canby, 136 responses and to date in Canby this year, there have been 130. Police officers are required to hand out resources and information by statute to victims.

Ms. Timeus handed out a folder to all the Council with various resources such as agencies and hotlines, Clackamas County Family Violence Co-ordinating Council information, shelters, teen dating violence and various statistical data.

Mayor Prince asked what she would tell someone that this was happening to who might be watching now and she said she would encourage them to contact the Sheriff's office and/or call the 24 hour crisis line. Mayor Prince asked that the information be given to the Library for public resource.

UNFINISHED BUSINESS: None.

ORDINANCES & RESOLUTIONS:

Ordinance 1080 -

Community Development and Planning Director John Williams indicated the amount of time and work that has gone into the modifications to the residential zoning code. The staff as well as the whole community has been involved in seeing that this has been accomplished. Former Planning Director Jason Kruckeberg had initiated this process by applying for grants to get the original consultant on board to look at the problems, identify the fixes, and is culminating before them tonight in the form of an ordinance with the code changes. There has been a tremendous amount of public involvement in the process. The Planning Commission held a public hearing and this is a recommendation from them. Most are changes to allow uses, changes to development standards such as lot sizes, density requirements, and changes to the process such as simplifying the code to make it easier to understand and reordering the code by putting things in places where it is easier to look up and see what the entire process will be. There were several direct mailings that notified residents of two sets of neighborhood meetings, there were advertisements on OCTS, *Oregonian*, and *Canby Herald*.

This process originated as a work task from the Department of Land Conservation and Development which stated that the City needed to look at the residential zoning code when periodic review began. The State then made recommendations as suggestions that they would like us to look at and we were able to obtain two different grants from the State to hire consultants to look at the existing code, make suggestions, and do some of the code language. Then that information was taken to the neighborhoods for discussion and back for Planning Commission workshops, cutting out what didn't fit for Canby. It now reflects what people in Canby wanted to see in the way of changes. By the time that the second round of meetings took place based on suggestions out of the first neighborhood meetings, everything was entirely positive. The residential design process is still a project that will need further work and now a grant has been received to concentrate on that next. The changes identified changes in zoning are: "granny flats" with restrictions and controls on how they are used; lot size averaging concept where more creativity could be done in a larger development to allow preservation of larger open spaces and natural areas; maximum lot sizes were proposed; zero lot line development; reduction in front yard setback to encourage people to put on porches and allow for bigger backyards; allowing 4-plex units as a conditional use. The high density zoning will reflect a lot of change, there will now be only a minimum density requirement as long as all other requirements are met; reducing frontage requirements to allow for more flexibility, changes in the parking standards for duplex units.

Changes on the process side include: creating a minor variance procedure to allow a way to give "inches" to people when that is what they need to make a project successful; creating a formal code interpretation process by standardization; the public notice process to expand the mailing radius for certain projects; require review of some applications by neighborhood groups with feedback to the Planning Commission; creation of neighborhood associations; standardized and simplified process for land use applications; minor corrections and typographical corrections; and lastly, allowing some extensions on certain land use projects. The Planning Commission voted 7-0 to adopt the changes that are encompassed in this ordinance.

Mayor Prince thanked Mr. Williams and Associate Planner Clint Chiavarini for all the neighborhood meetings that they organized and attended and to the citizens who attended, bringing forward a lot of good ideas. The residential design came out of this process and will make Canby look better. As density increases, the hope is to keep the town charm we now enjoy and these zoning changes will enhance that.

Councilor Johnson also thanked Mr. Williams for all his "Superman" work and he focused on four major points that this plan does: creative ways to encourage creative development, gives options in other areas such as parks, notification expansion, and the creation of neighborhood organizations.

****Councilor Daniels moved to adopt Ordinance 1080, AN ORDINANCE AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE be posted and come up for second reading on November 21, 2001. Motion was seconded by Councilor Johnson and passed 4-0.**

Councilor Blackwell having served on the Planning Commission, was very pleased to see the standards established, the expanded notification, and the interpretive process. She knows that this will greatly assist the Commission in their decision making.

Councilor Johnson would be willing to help in gearing up for the neighborhood associations. Mr. Williams said that he was planning on holding a Planning Commission workshop on that subject on the second meeting in November.

Ordinance 1081 -

John Williams recapped that on October 24, 2001, the Tri-Met Board of Directors approved Canby's withdrawal application on the second reading which means that as of January 1, 2002, Canby is its own transit provider. For the first seven to nine months, we will be contracting back to Tri-Met to continue their existing services. This has several advantages; the cost will be less than running our own service because we will just be paying them for the lower level of service that they now provide allowing us to save up some money during this time period. The larger advantage is that it will give us the opportunity to plan carefully for the services - publicity, routes, scheduling, and notices, etc. So when the services start up in September 2002, they will be "dynamite". A full time transit manager will be hired soon to lead all these efforts.

This tax ordinance is an outcome of the process. As of January 1, 2002, Tri-Met will not be taxing the business and self-employment earnings in Canby which is what provides the money for transit systems. In order for Canby to have any funding, the Tri-Met tax needs to be replaced with our own. Our ordinance is literally a "cut and paste" copy of the City of Sandy and City of Wilsonville with a few minor changes. He has met with their staffs and they had no major suggestions for changes in the ordinance so what is before them tonight has been tested and Mr. Williams is confident that it will function well. Basically, it is a taxation on payroll payments and self-employment earnings so all businesses that are doing business within the urban growth boundary will be taxed.

Our rate is a little lower than Tri-Met's, theirs is at a .006195 and ours will be .006 (0.6 percent) as provided for in the State law. Payments are made quarterly to the City and Canby and the City will be responsible for collecting the tax. Once people see the benefits of the local transit system, they will have input on how it is spent. The local transit systems have been good for the businesses in the towns of Sandy and Wilsonville.

Mayor Prince asked when he was going to start publishing for a transit manager and John stated that he would be doing that sometime next month, and hoped to have the manager on board by January 2002. Mayor Prince said there was also the decision surrounding the purchasing or leasing of the buses and service. Mr. Williams said that we would have time to make those decisions now that Tri-Met is willing to continue up until September.

Councilor Johnson clarified that the money collected must stay in the transit system coffers by law. Money can't be taken out and used for anything else. Mr. Williams referred to some basic transit questions and sent out informational brochures trying to answer a lot of questions that people might have.

****Councilor Johnson moved to adopt Ordinance 1081, AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ASSESS, LEVY, AND COLLECT A BUSINESS TAX BASED ON PAYROLL EXPENDITURES, AND SELF-EMPLOYMENT AND AMENDING THE CANBY CITY CODE BY ADDING CHAPTER 3.24 be posted and come up for second reading on November 21, 2001. Motion was seconded by Councilor Strong and passed 4-0.**

Ordinance 1082 -

City Attorney John Kelley noted the changes that were made as a result of discussion at the last meeting. One change was in the description of where to prohibit the riding area due to where there were sidewalks along N. Elm. He drove over there and looked and there are portions of sidewalks but not any continuous sidewalk that runs from the railroad to NW 3rd or 4th. It is not a commercial area so he tried to write the ordinance to allow people to ride in that area. The other change was taking out the language that referred to the yielding of right-of-way for vehicles pulling out of driveways to pedestrians and bicyclists.

Mayor Prince asked if there were anyone in the audience who wished to speak. There was no one present who wanted to make testimony.

****Councilor Daniels moved to adopt ORDINANCE 1082, AN ORDINANCE REGULATING THE OPERATION AND USE OF BICYCLES, SKATEBOARDS, SCOOTERS, ROLLER BLADES AND ROLLER SKATES WITHIN THE CITY OF CANBY, AND SETTING FORTH PENALTIES FOR THE VIOLATION THEREOF be posted and come up for second reading on November 21, 2001. Motion was seconded by Councilor Strong.**

Councilor Daniels clarified that this ordinance was addressing only the specified areas in the downtown zone.

Mayor Prince said this has been a year long process and has been reviewed by the Traffic Safety Committee as well as the Bike and Pedestrian Committee.

Councilor Johnson asked what the difference was between this ordinance and the State Vehicle Code. Mr. Kelley said that our ordinance would prohibit the riding of any of these identified modes within this area that is prohibited in Section 3 of the ordinance. Mr. Johnson clarified that the Vehicle Code only refers to bicycles and not the other modes, and that is why we need this ordinance. Mr. Kelley responded that was correct and that there were different provisions in the State Code that we have incorporated into this ordinance as well.

Councilor Johnson did not believe that the ordinance should be passed because he feels that the bike portion is covered under current Oregon state law. He would rather have the bicycle portion of the ordinance removed because he doesn't think this is a viable solution in downtown for bike traffic. The bike lanes were removed because they proved to be dangerous and now we're telling people not to ride on the sidewalk; the essence of what we're saying is that "you can't get there from here". He thinks that the Vehicle Code for bicycles covers the issue and wants the bike portion of the ordinance removed. He doesn't think that bikes should be banned from downtown.

Councilor Daniels said it wasn't banning bikes from downtown, but asking that bikes, skateboards, etc. not be ridden on the sidewalk in the designated areas. The bikes can be walked but not ridden.

Councilor Johnson felt that this would create the same situation as when the bike lanes were in, people would not want to ride their bikes downtown for fear of getting backed over by the diagonally-parked motorists.

Councilor Daniels felt that this was addressing the safety issue of pedestrians on the sidewalk. Mr. Johnson said that was addressed in the Vehicle Code because cyclists could not ride faster than a person would walk and can be charged if they do. Currently, we are not even enforcing the law that is already on the books, so why create a new set?

Attorney Kelley said that bikes could ride at a speed greater than a walk except when they are approaching or crossing a driveway and when they are crossing a driveway when a motor vehicle is coming in or going out; other than that, they are not prohibited from riding at a speed greater than a walk on a sidewalk. Councilor Johnson added that when they are riding in a careless manner or into the path of a vehicle, they must give an audible warning before overtaking in passing pedestrians in the yield of right of way to all pedestrians on sidewalks. So, if a bike hits a person that would be a Class D infraction of the current State Vehicle Code. Mr. Johnson understood the need for the ordinance to cover skateboards and modes not covered by the state code, but not the bikes.

Councilor Strong pointed out that this ordinance was reviewed step-by-step by the Bike and Ped Committee and they support it. She also does not like to see bikes on the sidewalks because of the difficulty of our senior population to move out of the way quickly and for general safety issues.

Councilor Blackwall understands Mr. Johnson's opinion but supports the ordinance based on the

safety issue and because it has the support of Traffic Safety and Bike & Ped Committees.

Mayor Prince said that when the State regulations don't seem to work, it becomes the City's responsibility to step in. It is well written and passed through both committees and will hopefully help with the problem. It will hopefully be advertised and the public be educated.

Councilor Daniels referred to the City of Corvallis and their method of putting painted signs directly on the sidewalks at the corners where they wish to prohibit bikes and skateboards. Canby's public works department is currently checking into the cost of that project. Mr. Daniels pointed out that this came about by people coming out of stores, for instance at Parson's where there is a blind corner.

****The motion passed 3-1 with Councilor Johnson voting nay.**

Resolution 765 -

Administrator Adcock stated that this resolution was required by EPA and DEQ for municipalities that have EPA-approved industrial pretreatment programs and must establish discharge limits for industrial users.

John Williams stated that he had reviewed the report and referred the discussion to Darvin Tramel, the Wastewater Treatment Plant Supervisor.

Mr. Tramel said that he was also the industrial pretreatment co-ordinator for the City of Canby and that this resolution established the local discharge limits that an industry must stay within. The limits represent the amount of a pollutant, such as mercury, zinc, and lead, that can be discharged into a sewer, processed at the treatment plant, and assimilated in the biological process. The workers' health and safety, the pass-through to the Willamette River, and the biological process are all trying to be protected, thereby these limits are established every five years, as required by the EPA and DEQ. This ensures that the pollutants that are discharged will not interfere with the City's or River's process. Wastewater discharge permits, fees and other charges are established so that some of the costs incurred can be recovered.

Councilor Daniels asked if these were State-set standards? Mr. Tramel responded that the State sets water quality standards so that the sewer's documentation has to show that at the end of their process, water standards are met. This is figured out by back calculating through a process called Maximum Allowable Headworks Loading. A 20 percent safety factor is figured in and allocated so that there is a uniform limit allowed for pollutants for each industry. The process needs to be recalculated every five years because the industry base changes or a certain industry comes in that is going to eat up a large portion that is allocated.

Mr. Tramel said there would be a complete copy of the document at the Canby Public Library for public review. Mayor Prince thanked Darvin for explaining the process in terms that everyone could understand and appreciated all of his efforts.

****Councilor Daniels moved to adopt RESOLUTION 765, A RESOLUTION SETTING INDUSTRIAL WASTE DISCHARGE LIMITS DEFINING NORMAL WASTEWATER POLLUTANT CONCENTRATIONS, REQUIRING INDUSTRIAL WASTEWATER DISCHARGE PERMIT FEES, AND ESTABLISHING FEES AND CHARGES FOR THE TESTING OF INDUSTRIAL WASTEWATER, AND REPEALING RESOLUTION NO. 621. Motion was seconded by Councilor Strong.**

Councilor Daniels asked when there had been a discharge into the river because the City was over-polluted and Mr. Tramel said that there hadn't been a violation and couldn't recall in his 13 years that there had ever been. During the treatment plant expansion and construction, they had a mutual agreement order for ammonia limits because they were only running half of the plant; that allowed the limits to be a little higher. Mr. Daniels said he brought that up because reading about problems other plants had dumping pollutants into the Willamette, it spoke very highly of Canby's competent staff. Our plant gives tours to schools and to anyone who would like to see the operation in more detail, and they are also involved with Clackamas Community College one of two schools in Oregon that has a wastewater program.

**** Motion passed 4-0.**

Resolution 768 -

Mr. Adcock said that this resolution was necessary to meet the City's goal of expanding N. Redwood Street width to sixty feet.

****Councilor Johnson moved to adopt RESOLUTION 768, A RESOLUTION TO ACCEPT DEDICATION OF LAND FOR NORTH REDWOOD STREET RIGHT-OF-WAY PURPOSES. Motion was seconded by Councilor Blackwell and passed 4-0.**

MANAGERS' REPORT: Status Report on Canby Public Transportation System - John Williams briefed the Council on the latest update. There may be some issues with Tri-Met when working out an Intergovernmental Agreement to finalize the terms of the contract. Could there be a workshop on the agreement with Tri-Met before the meeting of November 21, 2001? The agreement can then be placed on one of the December meetings because it needs to be signed before the end of December 2001. Council agreed to start the workshop at 6:30 p.m. prior to the next regular Council meeting on November 21st.

Report on Cable Television Franchise Transfer from Direct Link to Willamette Broadband - City Administrator Mark Adcock referred to the discussion close to a year ago when DirectLink let the Council know that they were intending to transfer the franchise agreement to a firm in Missouri; that transaction did not materialize and DirectLink has continued to look for a firm to acquire their system. Another buyer has been in discussions with Clackamas County and this company, Willamette Broadband, is also being considered as the potential service provider for Canby. City Attorney John Kelley has been working with our contract attorney who has done these franchise agreements for us in the past.

City Attorney Kelley stated that in May of 2001, DirectLink let us know that they intended to try to sell the franchise to Willamette Broadband located out of Westfield, New Jersey. Apparently, Willamette Broadband also wants to purchase the franchises of Clackamas County, Molalla, Barlow, Gervais, and DirectLink Woodburn. Because Clackamas County was involved, the County hired Pam Beery, the same firm that Canby had used, and a financial expert to go through the books of Willamette Broadband in order to determine whether they would want to consent to the transfer. Canby's cable franchise agreement is only a few years old and according to Ms. Beery, is still a good, up-to-date agreement. Clackamas County's franchise agreement, however, was ten years old so they felt the importance of having theirs reviewed. Mr. Kelley approached Ms. Beery to see if Canby could get the results of the County's findings about the company and upon completion, to give us the results. After the study, the County agreed to the transfer and given the fact that our ordinance was relatively new, Ms. Beery saw no problem with our consent to the transfer. Attorney John Kelley's recommendation was to consent to the transfer.

The Council was in agreement that in the communications with Willamette Broadband to stress their wish that Channel 5, our local public access station, remain where it was in the channel lineup. In the case of a transfer, the only thing we can look at is the financial aspect of the potential buyer; we cannot renegotiate a franchise agreement on a transfer. Mr. Kelley said that Council could certainly relay our preference about the alignment of the channels to Mr. Peter Luscombe, the owner of Willamette Broadband, He lives on the east coast but would like to come introduce himself and answer any questions that the Council might have.

Councilor Blackwell asked if there were any literature about the company and Mr. Kelley said that there was a whole application regarding the transfer and financial information and it would be available to them for further details or to help them formulate any questions they might have.

Mayor Prince appreciated the fact that he wanted to come out, introduce himself and talk to the Council. The Mayor asked how that would affect our current franchise fees and Mr. Kelley said the transfer would not affect the fees. This company would be required to assume the current franchise agreement so everything in it remains as it is.

Mr. Kelley said that the closing of the transaction is to occur in the first week in December so Mr. Luscombe could come as early as the December 5th meeting.

****Councilor Daniels moved to authorize the transfer of the cable franchise from DirectLink Oregon to Willamette Broadband, LLC. Motion was seconded by Councilor Strong.**

Councilor Johnson said that he was having issues passing this before speaking with Mr. Luscombe and Mr. Adcock that there would have to be a very significant reason why we would not want to transfer the franchise to his company. There is little that Canby could do to withhold the transfer and since the effective date is December 5, 2001, it would certainly go more smoothly if our consent was given and a letter was written to that effect.

Councilor Daniels said he would want this gentleman to express an interest in being part of this community, keep the current employees, and keep channel lineup the way it is currently.

Councilor Johnson asked if the new company could raise the rates and Mr. Kelley said they could only if that were provided for in the current franchise agreement. He assumes responsibility for everything that is currently addressed in the present franchise agreement.

Mr. Adcock said that in current conversations with DirectLink, Mr. Luscombe has indicated that he intends to keep the current staff employed and wants to make the transfer as seamless as possible to the customers.

****Motion passed 4-0.**

Meeting with Clackamas County Commissioner Jordan, County Development and Transportation Department, Foursquare Church and Oregon Department of Transportation. Mr. Adcock reviewed this meeting that he, John Williams and Public Works Supervisor Roy Hester had attended for the purpose of getting all the parties together in an effort to talk about potential temporary solutions to traffic concerns at the 99E and Territorial Road intersection, specifically accidents that have occurred because of lack of four way traffic signalization. He referred them to the letter that Mr. Jordan had sent to the Council asking for specific concerns they might have if the County moved forward in a collaborative effort with ODOT on some temporary measures regarding the safety of the intersection.

The original cost of the project for signalization was \$1.7 million and the County applied for grant funding through the State. It looks as though that project will not be funded so the meeting was held to find some temporary solutions to mitigate the safety concerns there. Specifically discussed was a proposal for a right turn only onto 99E from Territorial in both directions and a right turn only off of 99E onto Territorial. In the meeting, earlier traffic studies were also discussed as well as concerns of the church.

Both Mr. Adcock and Mr. Williams told the other parties present, that there needed to be some sort of public process and participation to hear from the people in this community who would be impacted by any temporary measure that the County and ODOT might impose and there was agreement. So Mr. Adcock's sense is that before anything happens, there will be an opportunity for public input. None of that has been decided yet, and he will rely on Commissioner Jordan to set that up and let the City know.

Concerns would be that if the right turn only were implemented, what impact that would have on the intersections at 4th and Pine and N. Redwood? The fix would need to be engineered at a low cost since the County is also concerned about costs as well. He will pass on more information as it becomes available and Council will be appraised as the process goes along.

Mayor Prince said that he hoped the County will make this a local meeting and both Mr. Adcock and Mr. Williams said they didn't foresee any problems about having it held locally.

Mayor Prince said that this would inconvenience the citizens of N. Canby by making them go a mile out of their way to go north on 99E. He is disappointed that the County is taking this tact and was hoping that Canby would rank higher on the list. Mr. Adcock said that it was the County's

project that didn't get funded; they had submitted intersection improvements and it wasn't ranked as high as some of the other Metro projects. It was unfortunate for us that our projects were not rated very high. We attempted to support their application but they did not receive the grant funding.

Councilor Strong's concern with the potential right turn only would be that a vehicle would turn right on 99E as proposed, and then head into town just far enough to turn around at the Spinning Wheel in an effort to head north more quickly. It would just move the traffic problem from one intersection down to another area.

Mayor Prince said the purpose of the proposal was not to have traffic crossing over the highway and this would create u-turns which would make it more dangerous than the current situation.

Mr. Adcock said that hopefully some of these problems will surface and County staff would take them into consideration.

Councilor Johnson remembered when he had first mentioned the possibility of a right turn only to the citizens in that area of town, so knows that the County will have an "eye-opening".

Councilor Blackwell knew that it might not be a popular decision, but knew that all avenues of safety would need to be looked at.

Acknowledgment by the League of Oregon Cities and City-County Insurance for a reduction in liability premiums due to the good work and diligence of the city staff and Safety Committee. The City will be receiving a Safety Award for this achievement at the League Annual Conference.

CITIZEN INPUT: None.

COUNCILORS' ISSUES: Councilor Johnson stated that this week he had met with the Library Board and also had gone to the Park & Rec meeting at the Adult Center on Monday evening. He heard from the Library Board especially that they would support any local option or funding mechanism to solve our budget problem and not wait for the County to do something with libraries and parks. They feel they can obtain the support locally for whatever funding mechanism is sought. He has also spoken with a number of citizens who have also said they were in support of a local option. The question is, how are we going to get funding for next year? From where he sits, he wants to work as hard as he can to help Mr. Daniels and the Budget Committee ramp up to decide what they are going to do next year. We need to communicate well to make sure everyone is going in the same direction. It is critical that the Council show leadership and get this issue dealt with as soon as possible.

Councilor Blackwell said that she appreciated the workshop with Canby Business Revitalization; positive things are coming out of the group. Communication is the key.

Mayor Prince heard from some of the meetings he attended this week that it is important to keep the programs we already have such as the Pool, and the Adult Center, they are part of our quality

of life. It is the aim of the Budget Committee and the Council to keep as many of these programs as possible and then if it is not possible to keep all the programs, to let the citizens know so they have a choice and have input.

Councilor Daniels restated the importance of letting the public know that next year's Budget hasn't been looked at yet. One person's comments and feelings are just that; he knows that the budget will be tight but no commitments or decisions have been made. Let the Budget Committee know about any good ideas for raising funds.

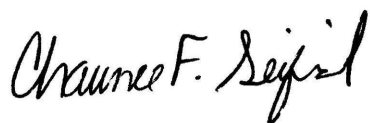
ACTION REVIEW:

1. Approving the Consent Agenda.
2. Bringing back the tabled request for fee waivers from Slice of Summer and Jr. Jazz Festival to the November 21, 2001 meeting.
3. Approving Ordinance 1080 for second reading on November 21, 2001.
4. Approving Ordinance 1081 for second reading on November 21, 2001.
5. Approving Ordinance 1082 for second reading on November 21, 2001.
6. Approving Resolution 765.
7. Approving Resolution 768.
8. Authorizing the transfer of the cable franchise from DirectLink to Willamette Broadband, LLC.
9. Scheduling a meeting with Willamette Broadband to meet with Council on first meeting in December, 2001.
10. Setting a workshop with Tri-Met on November 21, 2001.

Councilor Johnson congratulated the Scout group for staying for the entire meeting. He asked them to come to the podium and introduce themselves. They were from Troup 503 and were attending to gain their Citizenship in Our Community requirement. Attending were Clayton Pugsley, Andrew Hoskins, Kevin Vodka, and Tyler Hoskins.

Mayor Prince adjourned the regular Council session at 10:41 p.m.

There was no Executive Session.



Chaunce F. Seifried
City Recorder pro-tem



Terry L Prince
Mayor



Prepared by Marty Moretty
Office Specialist