

CANBY CITY COUNCIL
REGULAR SESSION
DECEMBER 19, 2001

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

Also present: City Administrator Mark Adcock, Community Development and Planning Director John Williams, Marty Moretty, Library and Parks Director Beth Saul, Leonard Walker, Curtis and Lila Gottman, Parks Supervisor Jeff Snyder, Chief Ken Pagano, Ben Johnston, Randy Tessman, Building Inspector Bob Godon, Barry Lucas, Bob Trappe, Rudy Prael, Jamie Johnk, Joyce Peters, Laura Dornbusch, Wayne Oliver, Buzz Weygandt, Lisa Weygandt, and David Howell.

Mayor Prince called the regular session to order at 7:31 p.m., followed by the opening ceremonies and a moment of silence for our police and firefighters.

CITIZEN INPUT ON NON-AGENDA ITEMS: None.

CONSENT AGENDA: ****Councilor Daniels moved to approve the Minutes of the regular session of December 5, 2001 and Accounts Payable of \$318,994.26. Motion was seconded by Councilor Johnson and passed 4-0.**

COMMUNICATIONS: Letter from Councilor Corey Parks Tendering Resignation - Administrator Adcock read the letter, explaining that Councilor Parks' new job and the extensive traveling that was going to be involved were his reasons for resignation from the Canby City Council. It was effective immediately. Mr. Parks thanked City staff, the citizens, and the other Councilors for all their hard work and wished them well.

Mayor Prince said he talked with Councilor Parks that day, and Councilor Parks wanted to be there to say farewell in person, but because of his business trips, he felt he needed to give an answer to the community that night.

Mayor Prince mentioned three new businesses in town: Kerrs, Canby Station Cleaners, and Wallflowers. Councilor Blackwell also mentioned Miller's Homestead, a new restaurant in town. Mayor Prince welcomed these businesses to Canby.

NEW BUSINESS: New Liquor License Application from Smoke 4 Less - City Administrator Mark Adcock said the Chief of Police recommended denial of the liquor license for two reasons. One was because there were sufficient licensed premises in the location that served alcoholic beverages, so it was not demanded by public interest or convenience. The Chief also cited that Smoke 4 Less was a very small business which sold fighting knives and swords which were accessible to the public.

City Attorney John Kelley said if they recommended denial, they would have to go through a public hearing process. The decision was made by the OLCC, all they did was make a

recommendation. He explained the timeline, they would have a public hearing the first meeting in January, and submit findings the second meeting with a recommendation to the OLCC shortly after that meeting.

The Mayor asked that Chief Pagano detail the recommendation of denial and asked if he had anything else to add. Chief Pagano said the smoke shop was a very small business, and accessible to the public were fighting knives and swords and within 10-12 feet of those knives would be where the alcohol would be served. It was near the high school, and there were several businesses next door that all served on-premises alcohol. Administrator Adcock said this application was for on-site consumption, which was different from what they had in grocery stores, and there were several other places nearby that did provide on-site consumption.

****Councilor Johnson moved that the Council recommend denial to the OLCC for the application submitted by Smoke 4 Less for a limited on-premise liquor license and establish a public hearing on January 2, 2002 to hear further testimony. Seconded by Councilor Daniels and passed 4-0.**

Interagency Agreement between the City of Canby and the Canby Boy Scout Troop 258 -

Administrator Adcock said there was a history between the boy scouts and the City specifically related to the A-frame structure within Community Park. Parks Director Beth Saul's report said back in 1970, the City Council passed a resolution permitting the boy scouts to construct the A-frame in the park and that they could use it for a 10 year period. This agreement ended 20 years ago, and had never been renewed. This was a housekeeping measure so they would have some current record of permission for the boy scouts to use the A-frame.

Councilor Daniels said he saw no date on this, was this going to be an ongoing agreement? Ms. Saul said the interagency agreements they developed over the past years with other partner agencies had a clause that gave a 30 day notice where either party could terminate the agreement, and that was the case with this one as well.

****Councilor Daniels moved to authorize the Mayor and the City Administrator to sign the Interagency Agreement with Canby Boy Scout Troop 258. Motion seconded by Councilor Blackwell.**

Councilor Carson brought up point four in the agreement where it stated the boy scouts would provide 20 hours of service projects annually, he thought they should ask them to do more than that. Ms. Saul asked if the Council would like an annual report telling them what projects the scouts did throughout the year? Councilor Carson thought that would be good, sometime in late fall.

Councilor Johnson thought the wording should be changed to say they could do projects in any park. Administrator Adcock said the boy scouts had been involved in other City projects. Ms. Saul asked if they wanted to tie their community service to parks, or to that specific park. Mayor Prince said that particular park needed a lot of help. The Council agreed the service would be specifically to Community Park.

Mayor Prince also let the public know the boy scouts were covered by a million dollar liability insurance policy.

The motion passed 4-0.

Appointments to Canby Utility Board and the Planning Commission - Administrator Adcock noted that both Mr. Stewart and Mr. Brown's terms on the Planning Commission were due to expire at the end of December and they both expressed interest in serving for another three year term.

****Councilor Blackwell moved to approve the reappointment of Keith Stewart and Jim Brown to the Planning Commission for another three year term for both. Motion was seconded by Councilor Carson and passed 4-0.**

Administrator Adcock then referred to the application of Shawn Carroll for an appointment to the Canby Utility Board; this was a mayoral appointment that was ratified by the Council. There was one vacancy, Peter Angstadt resigned the first of December, and Ron Berg was serving until such time as a replacement could be found for his seat which expired in February of 2000. The recommendation was that this appointment be for Mr. Berg's seat.

Councilor Carson said as liaison to the Canby Utility Board, he requested that this appointment fill Mr. Angstadt's position as it would leave this Board short; Mr. Berg was still willing to serve.

Mayor Prince said they had to keep term limits for this board, and they could not prolong someone's term. Attorney Kelley said they were not to have someone serve any longer than two terms and they had not found anyone to serve, but now they did have a replacement, they needed to remedy the situation so they were no longer in violation of their own ordinance, and then try to find someone to fill that additional spot.

Councilor Blackwell said they had to do it the correct way, and hopefully they could do some more aggressive recruiting.

Councilor Carson wanted to decide this at their next meeting on January 2.

Councilor Daniels thought Mr. Berg was ready to be off the board, and if they were in violation, he didn't think they should postpone the decision.

****Councilor Daniels moved to appoint Shawn Carroll to the Canby Utility Board to fill Ron Berg's term which expired in February 2000 and for Mr. Carroll's term to expire in February 2003. The motion was seconded by Councilor Johnson and passed 4-0.**

Request to Purchase new Mower for Parks Department - Administrator Adcock said a Hustler Hydrostatic Model 272 Mower was acquired by the Park department in 1974. They hoped it would last one more year, but it was now no longer serviceable. In the Motorpool Reserve line item for the Park department, they had been acquiring general fund money over a number of years

for replacement of this equipment. Staff asked that a new mower be approved for purchase at a cost of \$8,850.

Councilor Daniels asked if this would be similar to the one they had currently? Mr. Snyder said they already had fine finished mowers, this mower was to be used on rough terrain.

****Councilor Carson moved to approve the purchase of a Hustler Z 75 inch mower to be authorized from the Park Motor Pool Reserve fund for \$8,850. Motion was seconded by Councilor Blackwell.**

Councilor Carson said he had researched the quotes and this price was very competitive.

The motion passed 4-0.

UNFINISHED BUSINESS: Parking Behind Canby Builders Supply - Administrator Adcock said at the last meeting there was some concern as to whether Canby Builders had been consulted about the recommendation of the Traffic Safety Committee that there be an amendment to the parking configuration on the north side of SE Second, and limit it to two hour parking. Also across the same street, that would be configured as a loading zone only with no parking 50 feet back from the extended curb line. The Police Chief was endorsing this recommendation.

Councilor Daniels said there had been a complaint filed with the Traffic Safety Committee in regard to trucks unloading and obstructing traffic. He talked with the general manager of Canby Builders, Ken Guisinger, and he said the loading was not on the side street, but they were loading machinery on Pine. The Traffic Safety Committee thought they should put the loading zone on a side street. The two hour limited parking idea was in reaction to a citizen who had his business in a van on the road as an advertisement and was obstructing traffic so the trucks couldn't get out. That was no longer a problem, but it was tight for trucks to turn from that street onto Pine, and they would like to have 50 feet back from the corner for turning.

****Councilor Daniels moved to leave the parking as designated on the Canby Builders' side of SE Second to unlimited timed parking, marking a no parking zone from the corner of S. Pine Street on SE Second back 50 feet, and putting a loading zone only on the south side of SE Second. The motion was seconded by Councilor Carson and passed 4-0.**

Recommendation to Clackamas Coordinating Committee re: Library and Parks Levy Options - Administrator Adcock reminded the Council that they appointed Councilor Blackwell, with Councilor Carson as the alternate, to represent the City on the Clackamas County Coordinating Committee. The Committee was considering various ways of funding parks and libraries on a County-wide basis. They asked the City to prepare a majority recommendation as to where the Council stood in regard to those options.

Beth Saul said there were a number of options, some of them were rejected like the ones that had to do with forming county service districts, which was found not to be legal since they would have overlapping districts that did the same thing. Another option was eliminated because in

addition to other problems, it did not have the authority to levy taxes. The option to form a separate library district was of interest and was recommended, and the option to form a library and park levy was also of interest. According to the County, a levy was not a problem the way a district was. If they formed a district that overlapped another district, that was not allowed. But if they had a county-wide levy, that was fine. They were also interested in a local levy and had concerns whether a county-wide effort would compete with or make it difficult to do local projects.

Mayor Prince said there were other cities who were looking at their own parks levies also. The only other option would be to disband Blue Heron, or give up their local option for an option with the County, which usually meant they took a cut.

****Councilor Johnson moved to request staff to set up a meeting with Blue Heron and the Council to discuss these issues and that staff direct a letter to Blue Heron outlining the critical timeliness to get some funding solution for parks in the City. The motion was seconded by Councilor Carson and passed 4-0.**

They would like to set up the meeting for sometime in January 2002.

Mayor Prince said they also had to recommend an option to the County.

****Councilor Johnson moved to recommend Option 4, establishing a county-wide library district, to the County. Motion seconded by Councilor Daniels.**

Councilor Carson said a levy was for five years, a district was permanent. The question was did they feel the County would disperse the money equitably to all the libraries? Ms. Saul said for the past 25 years, they had been dividing up money between the county libraries. It was the question did they want the permanent rate or one that only lasted for a five year period with an option to renew.

Councilor Carson asked if they assumed they would use the same amount of money in the district or levy? Ms. Saul said taxes were rate based, and if there was growth, they could set a reasonable goal for what they needed to operate and set the tax number and because of growth, it would bring in the needed amount. If growth stopped, there could be a problem. Setting a rate that would be good forever might be difficult, but it did give more stability.

Administrator Adcock said what the County Committee wanted was a majority opinion as to what particular option would require further research. They were not to the point of talking about specific numbers.

Councilor Johnson asked if the levy would go against their Measure 5 \$10 cap, and would a permanent rate do the same thing? Ms. Saul said they both would, when they had to go into compression, levies were gotten rid of first, and then the districts. Administrator Adcock said under measure 5, no tax payer in the state of Oregon should pay anymore than \$10 per \$1,000 assessed valuation of real property. This set a ceiling on the amount of property taxes that would

be assessed against any property owner, and it took into account all taxing entities.

Councilor Blackwell said most jurisdictions preferred keeping their funds local.

Mayor Prince said that even with the library levy, the County always seemed to take a cut, but the libraries were used by everyone in the County and were used to working together. The parks were split between the cities, however, nothing had been done county-wide before.

Councilor Johnson said it was important not to step on any toes regarding parks. He thought libraries were more ready to go, and they would be done well County-wide.

The motion passed 4-0.

Discussion re: Staff Recommendation to Merge Bike and Pedestrian Advisory Committee with the Traffic Safety Committee - Administrator Adcock said several months ago they had talked about merging these two committees because they both dealt with traffic safety related issues. Chief Pagano recommended this merger.

Curtis Gottman, member of the Traffic Safety Committee, stated that his concern was in the five years he had been involved in both the committees, police staff did not go to the Bike and Ped Committee meetings. Also, he remembered times when the Traffic Safety Committee said they didn't want to deal with bicycle issues. The Traffic Safety Committee met once a month for an hour, and he did not think there would be enough time for them to deal with the issues of both committees. He was also concerned with how many members the committee would have.

Mayor Prince said they had a chance to meet with the Traffic Safety Committee and they were not opposed to combining; the Bike & Ped group was having a hard time getting a quorum for the meetings.

Councilor Daniels said the advantage of combining was because sometimes it was hard to decide what was bicycle safety and what was pedestrian or traffic safety. He did not recall them saying they did not want to do bicycle issues. As far as promoting bicycle lanes, the Traffic Safety Committee was not looking at that so much as the Bike and Ped Committee, they were more concerned with the safety aspect.

Chief Pagano stated it was a problem to have the traffic officer go to both meetings, it would be easier on the officer to only go to one meeting and everyone just work together. He talked with Robi Kurth, Chair of the Bike and Ped Committee, and his concern was how long the meetings would be and that the noon meeting would be difficult for him to attend. The Chief thought it would be better if these two committees were combined.

Attorney Kelley said in Ordinance 965, the Bike and Ped Committee Ordinance, there was a list of 11 functions and he wondered if the Traffic Safety Committee looked at the list and did they want to assume the responsibility for those duties? Councilor Daniels thought they had never looked at the list, but he did not think the Traffic Safety Committee would turn down any of the

duties, of course, he couldn't speak for the committee.

Mayor Prince said other cities have one committee do both of these functions, but the Council had to make sure the committee that would be taking over accepted the direction of the ordinance.

Attorney Kelley said that both ordinances had to be repealed and a new ordinance would have to be brought forward that combined the duties and responsibilities plus they would have to make a decision in terms of number of members and many other issues.

Administrator Adcock said he thought the Council should conceptually agree to merge the committees and let staff work out the details. The staff recommendation stood in his opinion.

Councilor Carson wanted to see the Bike and Ped Committee Ordinance again, perhaps they did not need all 11 functions anymore. Mayor Prince said that would be something staff could do, and then give a recommendation that would keep the integrity of both groups.

****Councilor Carson moved to conceptually agree to have a staff report prepared for merging the Bike and Ped Committee with the Traffic Safety Committee. Motion was seconded by Councilor Daniels.**

Councilor Johnson said conceptually he understood what they were trying to do, but he felt that the process was disturbing and he was concerned that the Traffic Safety Committee did not know what increased duties they would acquire. He thought it might be better if they just threw both committees out, made one committee and made everyone reapply so they knew what they were getting into.

Mayor Prince said he thought it was doable, other cities had one committee that did both functions. He thought they could come up with a committee that would answer the duty of both.

The motion passed 2-1, Councilor Johnson opposed, and one abstention from Councilor Blackwell.

ORDINANCES & RESOLUTIONS:

Ordinance 1084 -

****Councilor Johnson adopt Ordinance 1084, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE AMENDMENT NUMBER 3 TO THE AGREEMENT FOR ENGINEERING SERVICES DATED FEBRUARY 3, 1998 WITH CURRAN-MCLEOD, INC. TO PROVIDE ENGINEERING SERVICES FOR THE WASTEWATER TREATMENT FACILITY PHASE II EFFLUENT FILTRATION PROJECT, FOR AN AMOUNT NOT TO EXCEED \$74,600; AND DECLARING AN EMERGENCY on final reading. Motion was seconded by Councilor Daniels and passed by roll call vote 4-0.**

Ordinance 1086 -

****Councilor Johnson moved to adopt Ordinance 1086, AN ORDINANCE AMENDING THE BOUNDARIES OF THE CANBY URBAN RENEWAL DISTRICT on final reading. Motion was seconded by Councilor Carson and passed by roll call vote 3-1, Councilor Daniels opposed.**

Ordinance 1085 - Planning Director John Williams said the rationale for this ordinance was that building codes changed over time and they needed to keep adopting the updated code references. Right now they were referring to the 1996 version, and this ordinance would update that to the latest version. There was also one substantive change. Right now they had a local appeals board for decisions made by the building official, and this had been rarely used. The State created a new streamlined process that decisions made here could be appealed to a state group. It would be a fast and efficient process and would give people a better way to appeal local decisions.

Councilor Carson asked if the appeal decision was final? Bob Godon said in the last 25 years, there had been three appeals board meetings in the City, and any decision of the appeals board could be taken to the State board, and only one of those three was referred to the State. It was a very cumbersome and slow process. The new process would be more user-friendly and take far less time. The state boards had always been the final appeal before going into the court system. The City could still keep the local appeals board, but it would be one more step in the way of getting a final decision, and the state was the final authority over building codes.

****Councilor Carson moved to adopt Ordinance 1085, AN ORDINANCE ADOPTING BY REFERENCE CERTAIN SECTIONS OF THE STATE OF OREGON BUILDING AND SPECIALTY CODES TO PROVIDE A UNIFORM BUILDING CODE FOR THE CITY OF CANBY, REPEALING THE CURRENT CHAPTER 15.04, AND DECLARING AN EMERGENCY; to come up for second reading on January 2, 2002. Motion was seconded by Councilor Johnson and passed 4-0.**

Ordinance 1087 - Administrator Adcock said this was an ordinance to acquire two replacement police cars. This acquisition would take the place of three vehicles they recently turned back in due to a lease. Staff recommended this purchase.

Councilor Johnson asked where the funding for the cars was coming from? Police Chief Pagano said it was in their vehicle lease agreement program. Councilor Johnson asked if the money could be used elsewhere in the general fund? Chief Pagano said no, it was a leasing program and they did not own the cars. They leased them for four years, and then bought them for a \$1. He wanted to get out of the leasing only program, and do a lease/purchase program where they would save more money in the long run. Councilor Johnson said they were gaining equity instead of just turning them back in.

Councilor Johnson wondered if this fund would be used up by this purchase or would there still be money left? Chief Pagano said they turned in three vehicles earlier this year, and this purchase would not zero out the fund.

Administrator Adcock said that he had spoken with Joe Witt, and in the previous lease agreement they turned the vehicles back in and the City lost whatever residual value went along with the asset. He asked what a typical Crown Victoria police package went for, and Mr. Witt said they went for about \$9,000. By doing this, at the end of the lease, they had an asset that did have some value and they could sell the cars and use the money as a revenue source.

Councilor Daniels said that Gresham Ford had the low state bid and that was why they were going with them.

****Councilor Daniels moved to adopt Ordinance 1087, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A LEASE/PURCHASE AGREEMENT WITH GRESHAM FORD AND FORD MOTOR CREDIT COMPANY FOR THE LEASE/PURCHASE OF TWO 2002 FORD CROWN VICTORIA POLICE SEDANS AND DECLARING AN EMERGENCY; to come up for second reading on January 2, 2002. Motion was seconded by Councilor Johnson and passed 4-0.**

Resolution 772 - Administrator Adcock said they met in two workshop sessions with representatives from Tri-Met and this resolution set forth the terms and conditions of the intergovernmental agreement they needed to contract with Tri-Met in the early stages of their transit department until they could acquire buses and break away from Tri-Met. The agreement included terms and costs of contracting with Tri-Met, providing lift service, routes 35 and 79 services until September 1, and addressed bus stop signs, park and ride, and many other items.

****Councilor Blackwell moved to approve Resolution 772, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CANBY AND THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON. Motion was seconded by Councilor Carson and passed 4-0.**

Mayor Prince thanked the Transportation Committee and John Williams for all the work that had gone into this and getting it to this point.

Councilor Carson said that they would be appointing the Transit Advisory Committee on January 2 and people were welcome to apply.

Councilor Johnson said this was a real community effort and though not everyone agreed on all the issues, they all came together and kept the ball rolling, and now they were going to have a great transit district. He thought they should thank former mayor Scott Taylor, Rep. Kurt Schrader, and the previous councils that had the vision to get this started. He felt lucky to be involved in the process.

Councilor Daniels was excited to see a sample of the type of bus they might be using which had driven around the City a few weeks ago.

Mr. Williams said that the closing for the Transit Director applications would be January 11, 2002 and he had received calls from all over the country.

Resolution 773 - Administrator Adcock said that there had been a number of discussions as to the financial advantages of member cities pooling their retirement assets in the same fashion as they pooled their risk management efforts.

****Councilor Johnson moved to adopt Resolution 773, A RESOLUTION AUTHORIZING THE CITY OF CANBY TO PARTICIPATE IN THE OREGON PUBLIC EMPLOYEES RETIREMENT SYSTEM STATE AND LOCAL GOVERNMENT RATE POOL. Motion was seconded by Councilor Carson and passed 4-0.**

MANAGERS' REPORT: None.

CITIZEN INPUT: Barry Lucas, 635 NW Knights Bridge Road, asked the Council to reconsider merging the Bike and Ped and Traffic Safety committees. Earlier they talked about how hard it was to get people to volunteer to be on committees, they had a committee that cared about bikes and pedestrians. He did not think there was any advantage to the City in doing away with the Bike and Ped Committee.

COUNCILORS' ISSUES: Councilor Johnson as liaison to CBR, said he was impressed that the facade project on First Avenue was moving forward, 28 total facades were going to be done. They were also planning to put gateways along 99E and they were working with John Williams and the Planning Department in sign placement. That project was still in the conceptual stages.

He also said they finished the Urban Renewal District boundary discussion, and he thought it was important to move forward and get some projects going. A number of citizens thought the funding and building of Sequoia Parkway was important to the community, and he urged the Council to think hard about how to solve the issues surrounding the industrial park.

Councilor Daniels said that the Urban Renewal Advisory Committee had been charged with bringing back a list of priorities for the projects in January.

Mayor Prince thanked the Police Department for solving the recent rash of burglaries and break-ins.

He also announced that at the Diamond Batting Cages, 203 SE First, there would be sorting of food and toys on December 22 for the Kiwanis Christmas Baskets. Deliveries would start at 8 a.m. that day. Councilor Daniels said the sorting would start a few days before that, and they were expecting to give out around 270 baskets locally. Citizens were encouraged to participate.

ACTION REVIEW:

1. Approving the consent agenda.
2. Scheduling a public hearing for Smoke 4 Less' liquor license application.
3. Approving Ordinance 1084 on final reading.
4. Approving Ordinance 1086 on final reading.
5. Approving Ordinance 1085 for second reading on January 2, 2002.
6. Approving Ordinance 1087 for second reading on January 2, 2002.

7. Approving Resolution 772.
8. Appointing Shawn Carroll to the Canby Utility Board and reappointing Jim Brown and Keith Stewart to the Planning Commission.
9. Entering into an Intergovernmental Agreement with Tri-Met.
10. Approving Resolution 773.
11. Entering into an Interagency Agreement with Canby Boy Scout Troup 258.
12. Bringing back for January 2, 2002 the details surrounding the merging of the Bike and Ped and Traffic Safety Committees.
13. Setting up meeting with the Council and Blue Heron for January 2002.
14. Approving the purchase of a replacement mower for the Park department.
15. Approving the modified version of parking behind Canby Builders Supply.
16. Forwarding to the Clackamas County Coordinating Committee the Council's desire to move forward with Option 4.

****Councilor Daniels moved to go into Executive Session under ORS 192.660 1(e) real property transaction. Motion was seconded by Councilor Johnson and passed 4-0.**

Mayor Prince announced that there would be an Urban Renewal Agency Board meeting after the regular Council meeting for the purpose of moving into Agency Executive Session.

Mayor Prince read the executive session format and recessed the regular session at 9:28 p.m.

Mayor Prince reconvened the regular Council session and immediately adjourned at 11:43 p.m.

EXECUTIVE SESSION
DECEMBER 19, 2001

Present: Mayor Terry Prince, Councilors Walt Daniels, Patrick Johnson, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Library and Parks Director Beth Saul, and David Howell.

Mayor Prince called the session to order at 10:30 p.m.

ORS 192.660 1(e) - The Council discussed real property transaction.

Mayor Prince adjourned the session at 11:40 p.m.

Chaunee F. Seifried

Chaunee F. Seifried
City Recorder pro-tem

Terry L Prince

Terry L Prince
Mayor

Susan Wood

Prepared by Susan Wood
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