

CANBY CITY COUNCIL
WORKSHOP SESSION
FEBRUARY 7, 2001

PRESENT: Mayor Terry Prince, Council members Walt Daniels, Patrick Johnson, Randy Carson, Shirley Strong, Teresa Blackwell, Budget Committee members Melody Thompson, Roger Harris, Jim Robison, J.D. Roth, and Dan Drazan, City Administrator Mark Adcock, Recreation Services Director Beth Saul, and Canby Adult Center Director Anna Phillips.

Mayor Prince called the session to order at 6:30 p.m. A light dinner was served.

The Canby Adult Center gave a status report on their programs and projects to the Council and Budget Committee.

Mayor Prince adjourned the session at 7:20 p.m.

REGULAR SESSION
FEBRUARY 7, 2001

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

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Recreation Services Director Beth Saul, Community Development Director Jerry Pineau, Police Chief Jerry Giger, David Howell, Marty Moretti, Donna Borges, Ann Skoe, Linda Runyan-Finden, Buzz Weygandt, Roy Zimmer, Bev Doolittle, David Eatwell, Donna and Len Walker, Barb Kirwan, Ben Settecase, Randy Tessman, Roger Harris, Amy Parks, Bob Trappe, Lisa Weygandt, Barb Austin, Laurie Sandsness, Craig Lewelling, Ray Hoen, Ted Kuntze, and Lila and Curtis Gottman.

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

SPECIAL PRESENTATION: Swearing-In of the New City Councilor - City Administrator Mark Adcock introduced Municipal Court Judge Jon Henricksen who administered the Oath of Office to the Councilor-designate Corey Parks. Judge Henricksen stated that this was the forty-ninth Councilor that he had sworn in during his tenure. Mayor Prince and the rest of the Council congratulated Councilor Parks and welcomed him aboard.

CITIZEN INPUT ON NON-AGENDA ITEMS:

Ray Hoen requested that it would be appropriate for the Council's consideration to add an opportunity just prior to closing for citizen input. Citizens would have an additional opportunity to present viewpoints and comments.

Keith Stewart, Chairman of the Planning Commission, expressed appreciation for Corey Parks' hard work and positive impact during his time on the Planning Commission and presented him with a plaque. "To Corey Parks, Thank you for the great job you've done. Best Wishes and Congratulations, The Planning Commission Jan-Dec 2000". All the traits he brought to the Planning Commission will serve the Council well.

Linda Runyan-Finden, President of the Canby Area Chamber of Commerce, addressed the Mayor and Council with concerns that the present course change indicated by the Mayor will lead to the demise of downtown unless the promotion of new business within the light-industrial area is accomplished. To provide jobs within the community and promote that area, Canby must make some initial investments in order to attract good employers. One of the main attraction points would be the inclusion and completion of Sequoia Parkway as this is proposed as a main artery for the industrial area. Without this development, many independent businesses will die. Urban renewal makes good sense; urban renewal agencies draw a boundary around a blighted area, freeze the property values and then borrow monies to finance improvements which spur further development and private investment. Property values eventually increase and taxes are raised which, in turn, repay the borrowed money. Without the URD monies, special tax levies will need to be imposed which will lead to tax increases. The public investment that will be going into the infrastructure of the light-industrial park, will more than repay itself in the return investment in our citizenry.

David Eatwell, Director of the Canby Business Revitalization, advised Council against entering into an Advanced Finance District and stated three reasons: 1) There is already an established urban renewal district that is structured to provide sufficient funds to cover state and regional loans to finance the infrastructure needed to revitalize the business district and create jobs in Canby. 2) AFD's put the burden on those who are least able to carry it, the business community. 3) AFD's send the wrong message to commercial businesses considering relocation when local government is not willing to share the risk. Tax increment financing would spread the risk over the entire community that would benefit from a revitalized economic environment.

Councilor Johnson asked of Mr. Eatwell if he were entirely against advanced financing, even partnering with urban renewal funds, and he acknowledged that for right now he would be against that type of funding and for strictly urban renewal funding, given the time frame. To go back and start over trying to figure different equations, would leave the business community wondering. The urban renewal district was implemented some time ago, but no work has been done to date in the downtown area, how much commitment to the business community is there?

Councilor Johnson urged the CBR, Chamber of Commerce, and the IAA to attend the workshop which will be discussing these issues. Please come with an open mind willing to share ideas for compromise. The more he learns about urban renewal, he sees that it does have a place in Canby.

Craig Finden with Canby Business Revitalization, welcomed Councilman Parks and looked forward to working with him. CBR Design Committee is in the process of trying to gather a marketing logo that reflects the historical, agricultural, and railroad traditions in Canby and

invited the public to give input. The logo will be used on pamphlets, banners, etc. around town, please call the CBR office with ideas. Mr. Finden asked Council to consider a request that Councilor Johnson be the liaison to CBR, foreseeing a good working relationship with him.

Roger Harris congratulated Councilor Parks on his selection and appointment to the Council. He commented that when considering modifications that might be made to the urban renewal district, remember that those in the commercial zones and industrial area have made decisions and investments based on a belief of a direction of where the district was going and what they have been told by the City. He would encourage input from the community and effort made to contact those people who probably will be impacted if the path of urban renewal is altered. They could be put into a position of litigation against the City.

Councilor Strong asked of Mr. Harris if it was his understanding that the Council was changing the original plan, because this topic has not even been discussed yet as a Council. He answered that he was mentioning this because the Mayor addressed this at the last meeting, in his State of the City address, and it was mentioned in an article in the *Oregonian*. If there is intent or a plan to make alterations in the URD, he would wish that it be a pro-active decision by Council to involve as many businesses as possible through more than a workshop.

CONSENT AGENDA: **Councilor Strong moved to adopt the consent agenda: minutes of the workshop and regular meeting, January 17, 2001; and accounts payable in the amount of \$211,268.76. Motion seconded by Councilor Carson and passed 5-0 with Councilor Parks abstaining.

PUBLIC HEARING:

ANN 00-05, Mountain West Investment Corp/Beck, 4.47 acres -

Mayor Prince opened the public hearing at 7:55.

Mayor Prince read the public hearing format.

The applicant, Mountain West Investment Corp., on behalf of the Property owner Melvin J. Beck, was granted approximately 15 minutes to speak. There was one person on behalf of the applicant who wished to speak. Proponents and Opponents were allowed 5 minutes each and 5 minutes would be allowed for rebuttal.

CONFLICT OF INTEREST:

Councilor Daniels - No conflict, plan to participate.
Councilor Johnson - No conflict, plan to participate.
Mayor Prince - No conflict, plan to participate.
Councilor Strong - No conflict, plan to participate.
Councilor Carson - No conflict, plan to participate.
Councilor Blackwell - No conflict, plan to participate.

Councilor Parks - Abstain, voted at Planning Commission level.

EX'PARTE CONTACT:

Councilor Daniels - No contact.

Councilor Johnson - Attended Planning Commission meeting.

Mayor Prince - No contact.

Councilor Strong - No contact.

Councilor Carson - No contact.

Councilor Blackwell - No contact.

Councilor Parks - Abstain, voted at Planning Commission level.

STAFF REPORT: Associate Planner Clint Chiavarini stated that the applicant is requesting approval to annex 4.47 acres into the City. The site is located on the east side of N. Pine Street, south of the T&J Meadows (NE 19th Court) subdivision and west of the Logging Road Trail. He reviewed the criteria of the annexation requirements after approval was recommended at the Planning Commission level by a 5-0 vote to send to Council for approval and on to the voters.

The points of discussion on the ten criteria are as follows:

1. Approval criteria has been met as this property is in keeping with prioritization with designation of Priority A.
2. Analysis of the "need" for additional property within the city limits, this will be the third annexation to potentially go on the May ballot. The standard is to keep a three year supply of buildable land within the city limits. The question raised during the Planning Commission review of this land, was how much high density land is currently within the city limits. The applicant has shown in his market analysis narrative that there is a deficiency of high density apartment-style housing and that is why the applicant is asking for this to be annexed. Staff has looked at approximately three dozen parcels and have found that most of them are small parcels between 1-2 acres; most are larger single family lots that could be subdivided into smaller lots, but not necessarily multi-family. Currently, there are no parcels this size within the city limits. Staff and the Planning Commission felt that the "need" requirement is satisfied. With the voting process, followed by development and building, the properties would not be occupied until 2002.
3. As a parcel of less than five acres, it is considered smaller, non-farmland, therefore meets this criteria.
4. Access is adequate to the site and a traffic study has been performed. The trips generated by this apartment will have no effect on the level of service. There will be slightly more delays at certain impacted intersections but not enough to warrant changes in signalization or turn lanes. The intersection at Territorial and 99E is still a concern, but this development will contribute SDC's and to the signalization on a proportional basis when that occurs.
5. All the public service providers stated that adequate services were available. The School District commented that Knight School was near capacity, with 22 available spaces at this time. They are in the process of a redistricting plan that will balance in-

town enrollments. The analysis of the School states that internal boundary shifts are scheduled for the 2000-2001 school year and there are no students expected to come out of this development prior to that time. Curran-McLeod, the City Engineering firm of record, commented that the grade and capacity may not be what is shown on the application, and it will need to be surveyed during the site and design review to make sure everything is being connected to the appropriate lines.

6. The application was found to be in compliance with other applicable city ordinances and policies.

7. It was found to be in compliance with the applicable sections of ORS Chapter 222.

8. No risks of natural hazards which might be expected to occur were identified.

9. It was determined that urbanization would not have a significant adverse effect on open space, scenic, historic or natural resources.

10. It was also determined that the overall impact of development would not have a significant adverse effect on the economic, social, or physical environment of the community, as a whole.

The annexation process only brings the land into the city limits, and this property is designated in the comprehensive plan as "high density". The most intense use of this property would be multi-family apartment-style dwellings, with a maximum of about 75 units. In this case, the applicant is intending to build to maximum density.

Mr. Chiavarini confirmed to Councilor Johnson that the impact at the intersection at Territorial and 99E would be in the area of 1% or less. The traffic study bore out that most people would go south down Pine or N. Redwood to enter 99E.

Councilor Blackwell stated that she has been asked what was the plan for the intersection at 99E and Territorial.

Mr. Chiavarini responded that this intersection involves a County road and a State highway and does not abut current city limits. Based on that, more negotiating needs to be done with these entities although the citizens of Canby are the main contributors to the traffic at that intersection.

Community Development Director Jerry Pineau stated that there do not appear to be funds now or in the near future for this project either from the County or the State Department of Transportation. If the developer or the City wanted to fund the project, they would support the plan. To make the correction at the intersection right now, it would cost around two million dollars and federal funds do not seem to be available now either.

In answer to the Mayor's question, Mr. Pineau stated that the real cost requires that 99E be raised at the railroad tracks, and a distance both north and south. Just to do that improvement, adds about \$750,000 to the cost of the project. Councilor Blackwell thanked Mr. Pineau for his explanation.

APPLICANT: Ben Suttease from Mountain West Investment Corp., Salem, stated that he was in agreement with the staff report and the findings of the Planning Commission, and that this

application meets the major approval criteria for annexation. He is encouraged that this is a Priority A site for annexation consideration and since 1984 has been designated as "high density" in the Comprehensive Plan and therefore, favorable for multi-family development. There is a limited supply of multi-family housing in Canby and believes this is a favorable location. They are comfortable with the understandings attached by the Planning Commission decision, with all comments by local utility providers, and with the traffic study requested by the City.

OPPONENTS: None.

PROPONENTS: None.

Mayor Prince closed that public hearing at 8:18 p.m.

DISCUSSION:

Councilor Carson stated that during the Planning Commission deliberation, a comment was made that an opponent was not aware that this was zoned R-2. On two sides of this parcel, the zoning is R-1 and Councilor Carson would like to see something during site and design review more upscale than box apartments, for esthetics reasons. It is also noted that there will be water lines connected and looped which will help this whole area. His feeling is that this will be a good use of the land.

Councilor Daniels stated for public information that with voter-approved annexations, the voters have the final say. Planning Commission procedure states that they cannot turn down a Priority A annexation based solely on the school criteria and wanted to make sure that citizens were aware of the process. He encouraged citizens to read their voters' pamphlet and be aware that R-1 would allow for 4 units, whereas R-2 "high density" would allow 11 units. The School District has plans to meet anticipated growth by redistricting, going out for a new school bond in 2004, and opening a school in 2006. With the demographics of .7 students per household, voters can calculate how many students this will add to the schools.

Councilor Johnson said that he met with a PTA member and a school boundary committee member who wanted a building moratorium in Canby until a solution to the school issues could be found. Mr. Johnson had responded that under state law since 1995, applications cannot be denied based solely on the need for schools. His concern is, however, that there are now only 22 seats left at Knight Elementary and with the approval of this annexation, capacity would be exceeded. It is, therefore, a real issue. Anyone interested, get involved and read the voters' pamphlet. Recently, a school district employee has calculated the ratio as 1.2 students per household, so the .7 demographics figure might even be conservative. The issues at Territorial & 99E should cause voters to weigh the needs between traffic safety, schools and this project.

Mayor Prince stated that he sees this as being a very challenging part of the city because of the problems at the intersection of Territorial and 99E. The school should be given a chance to work on the redistricting and this development will not happen until after the school's plan can be implemented. This property is also Priority A under the annexation process and justified to come into the City.

Councilor Johnson stated that at the Planning Commission meeting, a citizen had not been aware that the property was going to be R-2. He reminding everyone real estate companies are in business to sell homes. The Planning Department staff has put together information that has been distributed to local realtors so prospective buyers can be made aware that once a property falls within city zoning, it can differ from the zoning currently shown with the County.

Councilor Daniels reiterated that it is up to the buyer to be knowledgeable of the zoning.

****Councilor Carson moved to approve ANN 00-05, a request to annex one tax lot totaling 4.47 acres into the City Limits, and direct staff to return with written findings and ballot language at the next available regular meeting of the City Council. Motion was seconded by Councilor Johnson and passed 5-0, with Councilor Parks abstaining.**

COMMUNICATIONS: Letter from Canby Rotary re: Nothing But Net - City Administrator Mark Adcock stated that the Canby Rotary was requesting permission to close NW 3rd and 4th and N. Holly and Grant during their annual 3 on 3 basketball tournament on July 28-29, 2001.

Councilor Carson said that this year's plans are to have up to 150 teams and this event will tie into the Cutsforths' Cruise-In to be held on 4th Avenue at the corner of the Knight School property. He also requested that the park fees be waived again this year.

Councilor Blackwell asked if the merchants were supportive of this event and Councilor Carson said that last year they tied in sales promotions. With approval tonight, the group will start with notification and hopefully, have lots of participation. To date, Fisher's Meats is planning to participate again this year.

****Councilor Daniels moved to approve the waiving of fees for the Rotary Nothing But Net 3 on 3 Basketball Tournament scheduled for July 28-29, 2001 and directing the Rotary Club, City Police, Parks, and Street Departments to co-ordinate the street closures at Wait Park and the surrounding streets. The motion was seconded by Councilor Blackwell and passed 6-0.**

Letter from Milgard, Mfg. Co. re: Sequoia Parkway - City Administrator Mark Adcock commented on Mr. Woody Harris's letter regarding the future plans for the construction of Sequoia Parkway. In light of this letter, Mr. Adcock sent Council a supplemental mailing outlining funding options that would be available to the Council and the Urban Renewal Agency for the construction of Sequoia and SE 4th Avenue. One of the options would be the use of a loan from the State of Oregon which we have already made application for, and have received word from the State that they would like to know how this Council intends to secure the loan with a deadline of not later than March 5, 2001.

Mr. Adcock would recommend that a workshop be conducted to discuss these funding options to allow time for ample discussion and still respond to the OECDD by March 5th.

Councilor Carson requested that the Urban Renewal Task Force Advisory Committee and the

Industrial Area Association be involved in these meetings.

Mayor Prince also requested that the Fire District and interested Canby businesses and citizens be included.

Council agreed to hold this Workshop Session on February 15, 2001 at 7:00 p.m. at the Canby Adult Center.

Councilor Blackwell asked if the workshop were going to be a mediated meeting and Mr. Adcock responded that an agenda would be prepared for discussion items upon approval by the Mayor. She wanted to make sure that there was ample time for discussion and the Mayor indicated that he anticipated a lot of public comment.

Councilor Carson requested that the discussion be broadened to include funding options and combinations. Councilor Johnson requested that it be limited to funding options for Sequoia Parkway to 4th Avenue rather than open it up to a discussion about the whole Urban Renewal District.

Councilor Parks asked about alternative routing, utility options and other associated costs. Mr. Pineau responded that there would be that information at the workshop as it relates to Sequoia and 4th Avenue.

Mayor Prince reminded everyone that this will be a workshop session and the Council will not be making any decisions. There will be further discussion on the February 21, 2001 Council meeting and if necessary, schedule more meetings to meet the March 5th deadline.

Mr. Adcock summarized the Milgard letter by stating their concern is the certainty and completion time line of Sequoia Parkway. Milgard wants the Council to understand their decision to relocate to Canby hinges on the "if" and "when" of road construction regardless of the ultimate funding decision. They would urge the City to build Sequoia Parkway in 2001 as it is key to the location of their site. This letter goes hand in hand with the letter received from the State, so a decision needs to be forthcoming from Council.

Councilor Strong asked when the State would get back to us following our application, if the funding were approved. Mr. Adcock said that the State would award the loan in mid-March. She questioned whether there would be enough time to build the street and accommodate Milgard. Mr. Pineau responded that the State has assured the City that whenever the word to "go ahead" is received, funds will be reimbursed for engineering and bid package. This allows the City to have the bid package ready to be awarded at the same time that the final loan documents are being accepted. Construction can then start in mid-June and hopefully be completed by the end of the year, weather permitting.

As Councilor Johnson interprets the letter, Milgard will also start building in 2001 so that the road and the Milgard facility will be happening simultaneously. Mr. Pineau concurred and stated that as long as 4th Avenue was completed, Milgard could place their facility according to their

plans.

Councilor Carson pointed out from the letter that one of the conditions from the Planning Commission is that Milgard has to put in half road right-of-ways and utilities not only on 4th, but also on Sequoia Parkway. If we are going to be asking for a four lane road with turn lanes and median strips, it sounds like a big project to ask one company to buy off of at one time. There are also some annexation issues since not all of the property is inside the city limits and even if everything fell into place, planning staff would not even be able to get that to a vote of the people until November 3, 2001 and basically, the road needs to have been done before the vote even comes up. This just emphasizes the amount of work that is going to have to be done in the next couple of weeks or tell Milgard we can't do it and let them make their decision from there. Milgard wants to use Sequoia Parkway as their frontage, not 4th Avenue.

Mayor Prince said that while the City would like Milgard, there is still the process that has to be followed. Decisions on the part of surrounding landowners will decide how this land is to be sited as well as annexation issues.

Councilor Daniels encouraged everyone to review all the information and have questions ready for discussion. He would encourage a decision to be reached within two meetings to expedite the process.

Mayor Prince concurred, pointing out that there were other parties involved and everyone needs to be heard, including the public.

Councilor Strong asked if there would be a problem in financing if the road were built and an annexation vote failed. Mr. Pineau answered that the loan would not be in jeopardy. The City has the authority to build the road even through the County. The road would be the City's if it owned the underlying property regardless of whether or not it were in the city limits. The property owners are willing have an agreement with the City that would allow the road to be built through means such as dedications, right-of-way purchases, etc.

Councilor Parks stated that he thought that this could not be financed with URD funds if not annexed in. Mr. Pineau stated that it was in the Urban Renewal District and did not think that it was a requirement that it be in the city limits. Mr. Parks stated that some of the different financing structures depend upon whether or not the project is inside the city limits. There is a party to date who has shown concern about a portion of their land being needed for Sequoia Parkway and had not been a party to the prior annexation, so there still is work to be done with property owners.

Mayor Prince requested of Mr. Pineau to research State law to make sure it was appropriate to use those funds when the property was not annexed into the City.

Councilor Johnson also asked to see some historical information about the funding mechanisms on S. Pine as base of reference. He also requested weeding out the funding options that wouldn't be available because the land was not annexed into the City.

Councilor Daniels wanted to make sure that City Attorney John Kelley would be in attendance at the workshop.

Letter from League of Oregon Cities requesting Voluntary Contribution for Measure 7 - City Administrator Adcock stated that the letter wanted the Council to consider a contribution of \$5,000 to assist them in the legal fees relating to the Measure 7 litigation which the League has joined in as a plaintiff. The contribution is based on population range and the estimated cost of litigation is \$175,000. Mr. Adcock said that although this is a non-budgeted item, there would be money to cover the cost in a line item specifically for this type of expenditure and the remainder to be spread throughout the departments in the general fund.

Mayor Prince pointed out that the Oregon House of Representatives is looking into doing this litigation, but the Senate is preferring to wait for the legal opinion from the judge hearing this case.

City Attorney John Kelley stated that the Council's prior issue was the decision whether or not to join in the lawsuit as a party plaintiff, but tonight's request is whether or not to contribute money.

Councilor Parks declared a potential conflict stating that his law firm is representing one of the parties trying to intervene to defeat the measure. But his personal opinion is the problem of the City donating money to defeat a measure passed by the voters. 55% of the County voted for Measure 7 and the City percentage would be fairly close.

Councilor Daniels questioned whether a lesser amount could be contributed and Mr. Adcock stated that one of the options would be to spread out the contribution over two fiscal years.

Councilor Johnson stated that Measure 7 passed in some precincts by a two to one margin and felt that it would be out of order to use these voters' tax money to try to defeat the very measure they passed.

Councilor Strong and Councilor Blackwell concurred.

Councilor Carson echoed the same opinion and thought that another bill or legislation to correct the failings of the measure would be a better route to go.

Mayor Prince felt that they would be better served to see where this went in the courts and that the ramifications of the measure is dire to cities if it is retroactive, but at least wait for a legal opinion before spending any money. This money request from the League is to get a legal opinion that will interpret the measure, not necessarily defeat the measure.

City Administrator Adcock stated that he would relay the Council's decision to Mr. Townsend of the League.

Letter from Wil Brown, Eccles School student re: Family Night and Read-a-Thon Program - Council gave a consensus to make a \$25 donation to the Eccles program as a way of building

partnerships between the City and the schools.

NEW BUSINESS: Staff Report on Withdrawal from Tri-Met - Community Development Director Jerry Pineau requested that Res. 746 be moved from the Ordinance and Resolution portion of the agenda to be voted on at the conclusion of this discussion.

Members of the Public Transportation Task Force were introduced: Laurie Sandsness, representative from the Traffic Safety Committee, Barbara Austin of the Transportation Tech Committee, Lila Gottman of the Bike and Ped Committee, Curtis Gottman from the Traffic Safety Committee and Donna Borges, the consultant and co-ordinator.

Mr. Pineau presented a schedule on withdrawal and a plan to work with the employers and employees to make sure they are being served. The basic decision has been made to implement this bus schedule on January 2, 2002. The task force has been operating since September, 2000 and March 8, 2001 is the scheduled day to file the Petition to Withdraw from Tri-Met. There are still many policy decisions the Council has to make regarding the bus transit local shuttle service between the time after the petition has been filed and June 8, 2001. Authorization by City Council to order the buses will also have to be made, as well as the financing considerations.

Mr. Pineau also urged Council to start a process to work with the Mayor and City Council of Wilsonville about services, services to contract, equipment, to work towards a goal of connectivity from Canby to the I-5 corridor at Wilsonville and the Wilsonville transfer station. Another key part of the system besides access to I-205 and I-5 corridors, is a local shuttle service serving citizens, elderly, and youth, as a way to travel within the city and into downtown. It would also be used to feed the main system going out of town. The task force is working diligently to pull everything together. Once the petition is filed, the withdrawal petition will continue to be refined through inter-governmental agreements, negotiations, etc.

Based on the information available, there will not be a reduction in the employer payroll tax but rather will try to maintain a level of service that will not result in increasing the cost. The question they will be asking the employers is what can the bus service do, to better serve them and their employees.

It will be absolutely necessary to continue focused involvement of the City Council, the Planning Commission, the Tri-Met Board, the Canby Public Transportation Task Force, the Canby School District, Tri-Met and City staff, and the Canby residential and business community throughout the process.

The recommendation is to ask the Council, by resolution, to support the circulation of the petitions to withdraw from Tri-Met among the electorate of the City of Canby and all registered voters inside the Canby urban growth boundary. Based on the number of eligible voters inside this area, 15% of the registered voters, or 1,300 approximately people, will need to sign the petition. The signature gatherers will be reading from a script that will reflect pertinent, accurate information about the withdrawal:

“I represent Canby citizens who favor replacing our Tri-Met bus service with a bus

service operated by the City of Canby. This service will be as good as or better than the service we now have. This service will impose no new taxes. It includes plans for a local shuttle service. It will not increase the employer-paid transit district taxes. There will be a public hearing before the City Council in February or March and everyone will be invited to attend. At this time, we are collecting signatures of Canby electors who also favor replacing Tri-Met with our own service. These signatures will be included in the Withdrawal Petition submitted to Tri-Met."

"Are you a registered voter in Canby within the Canby Urban Growth Boundary?"

"Will you sign?"

Mr. Pineau responded to Councilor Parks that the 15% amount is based on 6,837 registered voters within the boundary obtained through the County Election office; that percentage is established by law. In March, the presentation will be given to the Chamber addressing the employers of the business community. Canby is the only city that is applying to withdraw. The Tri-Met Board will appoint a hearings officer who will come to Canby and hold a public hearing and will then make a recommendation back to the Board.

Mayor Prince reiterated that the reason Canby has this opportunity is because State Representative Kurt Schrader and his bill allowed one window of opportunity to withdraw. This is our chance to do something for the citizens of Canby that current bus service does not provide. There will be a lot of quick decisions to make as well as an aggressive time line. One of the decisions Council will have to be looking at is the type of ownership and employees.

Councilor Daniels said that when he went down to legislature to testify on behalf of this bill, there was a Tri-Met representative there who said as long as the rules were followed, Tri-Met would not oppose our withdrawal.

Councilor Johnson reported that Anna Phillips, Director of the Canby Adult Center, met with Council during a workshop session preceding this council meeting and wants to make sure that the elderly will have adequate transportation and service.

****Councilor Daniels moved to adopt Resolution 746, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY IN SUPPORT OF THE CIRCULATION OF A PETITION TO WITHDRAW FROM TRI-MET AMONG THE ELECTORS WITHIN THE CITY OF CANBY AND THE CANBY URBAN GROWTH BOUNDARY. Motion seconded by Councilor Strong and passed 6-0.**

Councilor Johnson thanked all the citizens who have been working on this project and are making this possible.

Staff Report on Canby Kids Proposal for Development of Fields at 13th and Ackerman - Recreation Services Director Beth Saul referred to a map which was the result of the public

process in which the City co-operated with the School District, the major property owner. The result was a master plan that describes the Recreation Complex utilizing all the Ackerman, Lee Campus, and City properties for the best configuration for recreational use by all parties. Canby Kids has looked at this master plan and would like to do something on a volunteer basis to make some of this happen. Walker & Macy, the consultants used for the public process, broke the Complex into several phases.

Canby Kids has looked at the phases that involve the sports fields and have come up with projects they believe they can do now. They have had a preliminary discussion with the school district since what they want to do falls completely on the district's property. The School District wanted to keep the City informed because the purpose of the project was to make sure that as each group made changes, they try to follow the plan that was worked on collectively with the public.

Mike Cushing, President of the Canby Kids Baseball, stated that this group was going to be doing the work on the ball fields.. He appreciated the support of Council coming to the 23rd annual fund-raiser breakfast. He then referred to the drawing and stated their first goal was to make two of the fields playable. Their emphasis will be to get water to the fields and to eliminate foul ball problems, two of the fields will be switched to alleviate the problem. They also plan to construct a building that will tie into existing restrooms and give them a storage facility for outside equipment. Part of that building will house a concession stand to help generate additional revenue.

Councilor Daniels noted that there was mention of electrical underground to new construction. Mr. Cushing said they intended to meet with Canby Utility and determine the best method to obtain power. The bids for the water line would involve putting a pressure tank on the existing well and running water lines to each field; the bids received are about \$5,200. Field construction would involve erecting a back stop is about \$4,500 and the price on the building is about \$4,000. The water line work would be contracted out by running feeders off of the existing line and to do additional work on the pump that would allow the feeders.

Mayor Prince questioned the if they would be using the well that was on site as it was his understanding that the well was sandy, and would the pressurization help alleviate that problem. Mr. Cushing could not address that issue.

Councilor Carson commended them for improving upon the plan to better serve the needs. Ms. Saul stated that only the ball fields were being worked on at this time, and not the soccer fields on the City portion.

Councilor Johnson questioned the on-going maintenance and who would be responsible for the concession building. Mr. Cushing stated that both would be the responsibility of Canby Kids. The restrooms are presently not functioning and Canby Kids will have them open when the concession stand is open. Other than that, it would be the School District's decision to have the restrooms open at other times.

Councilor Blackwell asked again about the water going to the restrooms and said they had been badly vandalized in the past.

Mayor Prince felt that the concession stand was a great fund raising opportunity and greatly appreciated that the restrooms would be open during sporting events.

****Councilor Daniels moved to approve the proposal by Canby Kids, Inc. to improve and reconfigure the fields for Ackerman Middle School as long as the property owner, Canby School District, also approves the plan and waiver of permit fees. Motion seconded by Councilor Strong and passed 6-0.**

UNFINISHED BUSINESS:

Findings, Conclusions, and Final Order for ANN 00-03, Scott/Postlewait Annexation

****Councilor Johnson moved to approve the findings, conclusions, and final order of ANN 00-03. Seconded by Councilor Blackwell and passed 5-0, with Councilor Parks abstaining.**

Findings, Conclusions, and Final Order for ANN 00-04, Vaudt Annexation

****Councilor Johnson moved to approved the findings, conclusions, and final order of ANN 00-04. Seconded by Councilor Strong and passed 5-0, with Councilor Parks abstaining.**

Discussion re: Council Liaison Assignment to Library and Canby Business Revitalization -

Mayor Prince assigned the remaining Council liaisons:

Patrick Johnson - Canby Library Board
Corey Parks - Canby Business Revitalization

ORDINANCES & RESOLUTIONS:

Resolution No. 743 -

****Councilor Johnson moved to adopt Resolution 743, 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 14.49 ACRES DESCRIBED AS TAX LOTS 1400 AND 1500 OF TAX MAP 3-1E-27C AND TAX LOT 800 OF TAX MAP 3-1E-34B LOCATED ON THE WEST SIDE OF N. REDWOOD STREET NORTH OF NE 14TH PLACE 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 MAY 15, 2001 GENERAL ELECTION. Motion seconded by Councilor Daniels and passed 5-0, with Councilor Parks abstaining.**

Councilor Parks felt that the wording in the Caption portion of the Notice of City Measure Election should read "Measure regarding annexation of" rather than "Measure approving annexation of"; his feeling is that the caption should be more neutral.

Councilor Carson stated that this had been the standard verbiage for the last several years and Mayor Prince noted that the vote count of the Planning Commission had been added to the Explanatory after Council agreement.

It was decided to leave the wording as written and look into the word changes at a later date.

Resolution 744 -

**** Councilor Daniels moved to adopt Resolution 744, 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 1.66 ACRES DESCRIBED AS TAX LOTS 1601 OF TAX MAP 3-1E-27C LOCATED ON THE WEST SIDE OF N. REDWOOD STREET SOUTH OF NE 18TH PLACE 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 MAY 15, 2001 GENERAL ELECTION. Motion seconded by Councilor Johnson and passed 5-0, with Councilor Parks abstaining.**

Ordinance 1064 -

****Councilor moved to adopt Ordinance 1064, AN ORDINANCE AUTHORIZING THE PAYMENT OF \$26,335.00 TO OREGON PACIFIC RAILROAD COMPANY AS REIMBURSEMENT FOR CONSTRUCTION OF TWO SIDEWALK RAIL CROSSINGS AT HIGHWAY 99E AND THE LOGGING ROAD OVERPASS, PURSUANT TO THE OREGON DEPARTMENT OF TRANSPORTATION RAIL DIVISION ORDER NO. 50020 ALSO KNOWN AS RX1022, AND DECLARING AN EMERGENCY be posted and come up for final reading on February 21, 2001. Motion seconded by Councilor Strong and passed 5-1 on first reading with Councilor Johnson voting nay.**

Councilor Carson asked if this was the area between Hwy 99E Mini-Storage and Fred Meyer "Y" on the railroad. He asked if there were any plans for backfill; he knew that the railroad had some issues and questioned of Mr. Pineau if the City were responsible for resolving any. The City has been dealing with Mr. Samuels of the Oregon Pacific Railroad who gave permission to clean out the brush and tentative permission to go back in and plant something that will look good and require low maintenance. Mr. Samuels did the actual crossing and the bedding; it has allowed the sidewalk to be completed from Fultano's to Fred Meyer's and at this point the reimbursement for construction is in order.

Mr. Pineau explained that the money for the project is in the Street Reserve account and although the project has been carried over several fiscal years, a supplemental budget process can allocate

the money into the proper year. In response to Council Johnson's question, Mr. Pineau said that the money was earmarked even though the project wasn't completed in the same fiscal year, the money was there and didn't need to be borrowed.

MANAGERS' REPORT: City Administrator Mark Adcock announced information about the Complete Communities Congress and contact City Hall if you would like go on Saturday, February 24th in Oregon City.

Also, the vacancies for the Planning Commission are still being advertised through 5 p.m. on February 21st. One application has been received for the Canby Utility Board and the Mayor suggested that the application deadline be set for 5 p.m., February 21st as well.

Councilor Johnson let the audience know that he has given a copy of the 100 Day Plan to the Council and is forwarding on to the newspaper.

Councilor Carson asked for as much citizen involvement as possible with the URD issues on the table; please attend the meetings.

Councilor Blackwell was grateful to start the discussion as a Council concerning the pertinent issues and thanks to staff for helping with the transition and providing all the information.

Mayor Prince addressed the RV dump, located behind the Car Wash. The dump is owned by the City, but arrangements have been made with the restaurant/laundromat/car wash business to maintain it and unlock it, for a nominal fee, when being used.

Community Development Director Jerry Pineau stated that in their inspections over the last year, it has been functional and working well. The restaurant owner has indicated that he has not had any problems maintaining it.

Councilor Carson had suggested contacting the new Space Age gas station to put a dump facility there, but that has not worked out. The access at the current one is difficult and there is no hose available, and he has noticed a constant drip whenever he has driven by.

Mayor Prince felt to provide better service, the property owners should be contacted and possibly check into providing hoses for the users. Councilor Daniels remembered that the litter and problems with keeping it washed down had caused the City to go to the present procedure and Councilor Strong also commented on the difficult access but that most RV owners are accustomed to carrying their own hose.

Mayor Prince had also been contacted by a citizen about the alley in back of Jarboe's to check on its one-way status. It is marked one-way on the Jarboe end but not on the post office side. Staff also needs to check into the conditions of the new Wilcox building that would indicate whether that is to be one-way. This has been forwarded to the Traffic Safety Committee since it was mentioned as a safety issue and confusing to the people using the alley.

Councilor Strong clarified to the citizens that the new recycling containers only need to be put curbside when they are full or when the owner can wheel it out without difficulty. It is more cost effective for the recycling service not to have to pick those up every week, rather only when they are full. The recycling company is not charging us for that service and we will be more assured of keeping that a free service if the recycling trucks only have to pick up the bins when full.

Mayor Prince announced that the American Legion Auxiliary Post 122 collected two tons of food for the food bank held at the end of January. Citizens of Canby continue to give and it is much appreciated.

ACTION REVIEW:

1. Approving Consent Agenda.
2. Bringing back findings, conclusions, final order, and ballot language for ANN-00-05 to February 21, 2001 Regular Council meeting.
3. Approving street closures and waiver of fees for Rotary's 3 on 3 basketball tournament to be held July 28-29, 2001.
4. Directing staff to notice a Workshop on February 15, 2001 at 7pm at Adult Center to discuss funding options and alternatives for Sequoia Parkway.
5. Declining Voluntary Contribution Request from League of Oregon Cities for Measure 7 litigation.
6. Approving modifications by Canby Kids for baseball fields at Ackerman to be forwarded to School District.
7. Approving Findings, Conclusions, and Final Orders for ANN 00-03 and ANN 00-04.
8. Assigning Council liaisons.
9. Approving Res. 743 and forwarding on to County Elections.
10. Approving Res. 744 and forwarding on to County Elections.
11. Approving Res. 746.
12. Bringing back Ord. 1064 for second reading, February 21, 2001.
13. Approving payment to Eccles PTA for reading program.
14. Directing staff to advertise for open Canby Utility Board positions closing February 21, 2001.
15. Staff to follow up on the RV dump.
16. Staff to follow up on the alley behind Jarboe's.

Mayor Prince adjourned the regular session at 10:27 p.m.

There was no Executive Session.



Chauncey F. Seifried,
City Recorder pro tem



Terry L Prince,
Mayor



Prepared by Marty Moretti,
Office Specialist