

CANBY CITY COUNCIL
SPECIAL SESSION
JULY 3, 2001

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

Also present: City Administrator Mark Adcock, Library and Parks Director Beth Saul, Interim Community Development Director Mike Swanson, Police Chief Jerry Giger, Planning Director John Williams, Marty Moretty, Finance Director Chaunee Seifried, Jim Brown, Lila and Curtis Gottman, Robin Adcock, Leonard and Donna Walker, Patty Welch, Julia Heck, Ron Berg, Linnell Mikkelsen, Nancy Wilmes, and Robi Kurth.

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

CITIZEN INPUT ON NON-AGENDA ITEMS: Jim Brown 1207 SE 14th Avenue Canby, gave an update on the Neighbor to Neighbor Service Day scheduled for Saturday, July 21, 2001 and some of the events that day. There has now been a list of projects selected and project coordinators have all made contact with City staff. The Mayor and Council, Mr. Adcock, and City Staff have contributed greatly of their time and it has been appreciated. Several projects have been assigned to the Community Park - completing the amphitheater, graveling the trail along the base of the bluff, clean up, and painting. At the Adult Center, the main cafeteria will be painted as well as Classroom 2. The public entry at City Hall and the exterior at the Police Department will be painted as well. They will do painting projects and book cleaning at the Library.

One of the project coordinators, Troy Parker, has taken some initiative at the Baker Prairie Cemetery and after some research, has found an original plot plan naming everyone who is buried there. As some headstones are missing, the project will include making a marker so that every grave will be identified. They will also be cleaning the headstones and resetting some. It was discussed to put a PVC fence across the front of the cemetery and an entry structure and with a donation received, this looks like it will happen.

A project is planned on the Molalla Forest Road between Township and 13th Avenue; and at Eco Park, grading and gravel installation will be done to prepare for a parking lot. 100-200 people will be assigned to projects at Knight, Eccles, Trost, and Canby High Schools.

The drawings have been completed for the Wait Park Restroom, submitted to the City, and received back a small compliance list. The plans have also been submitted to the County and the plan check has been completed by the County. There has been a detailed cost list done including cost of materials and labor; \$25,000 of labor will most likely be donated but there still needs to be \$50,000 for materials, either in cash or in-kind donations. That effort will continue even if it is beyond July 21st.

Mr. Brown introduced Linnell Mikkelsen who spoke of the other things going on that day.

Linnell Mikkelsen residing at 13141 S. New Era Road spoke of the enthusiasm and response from the community. She concurred with Mayor Prince's thoughts that the neighborhood projects involving neighbors helping neighbors are at the heart of the day. Residents in Canby have been invited to see if there are people in their own neighborhoods in need of assistance and then organize projects with the help of their other neighbors. There are eight such projects lined up for the day, most of the recipients are elderly women in need of such things as roof repair, yard work, fencing, etc.

The third component of the service day will be a collection drive. Approximately 400 youth on the Wednesday before the 21st will distribute collection bags around the community with a flyer inviting Canby residents to participate in the service projects as well as donating certain commodities needed by some designated groups. Some of the organizations who will receive contributions will be the Clackamas County Domestic Violence Project, the Foster Children's Clothes Closet, and the Canby Food Bank.

The humanitarian service projects are the fourth part of the day, conducted at Knight School. The School District is to be given special thanks for all they have done, and opening up the facility for the day. Quilts done there will go to assist needy mothers and children, wall hangings, stationery packets for senior citizens, etc. These projects will probably involve several hundred people.

The finale will be held at Wait Park from 5pm - 7pm when the work projects end. Service organizations are invited to set up food booths with the stipulation that 100% of the profits will go to support service endeavors in our community. There will be local musicians on hand with the highlight being the presentation of the Great Neighbor Quilt. This quilt will go to a person in the community who has been a wonderful neighbor. It has been on display at the Canby Adult Center and there are nomination forms available. From among the best, one will be randomly drawn and the quilt awarded at the finale festivities.

Patricia Welch who designed and created the quilt was present to show it to the audience, Mayor and Council. The predominately blue quilt comprised of the Neighbor to Neighbor logo, along with a church, rising sun, Canby Pioneer Church, a home, and City Hall, filbert orchards - the general feeling of tying church, home, and community together for that special feeling that is Canby.

Mr. Brown requested that the streets be closed around the park to allow for the finale festivities, that the Community Park and Eco Park be closed for the day so that their scheduled work can be accomplished and done safely without any hazard to the public. He also requested that the City pay for the County plan review fees for the Wait Park Restroom structure in the approximate amount of \$500. He made a special invitation for the Mayor and Council to be involved that day to lead the community by example and to also help by spreading the word. He also encouraged that everyone bring their families since there are activities for all ages. There will be 16 ham operators to help with communication. There will be a booth set up at Knight School for citizens

to check in to volunteer; with the aid of the radios, volunteers can be assigned to the different projects. The projects will take place from 1pm until completion or until 5pm when the event starts at Wait Park.

Councilor Parks asked if people could show up and offer less than the four hour time commitment, would there be projects for them or be able to do assignments that would suit their skills? Mr. Brown answered that people could do all of those things. There are going to be a lot of painting projects, and people are even encouraged to bring their own supplies. They will give every opportunity for people to be involved in the projects they want to be, however, not knowing how many people will show up, workers could be moved from site to site. Obviously, there can only be so many people working on certain projects to be effective so they will try to distribute the workers as best as possible. There will be prep work done ahead of time where necessary so that the volunteers who show up on Saturday will see real accomplishments.

Mayor Prince said that last year people had shown up and been given a choice of projects they wanted to work on. Even working for part of the day would be a great help, or at least, dropping off suggested donations at Knight School. He suggested that any citizens who knew of neighbors in need, contact the organizers or City Hall.

Councilor Johnson asked if all the requests could be combined into one motion and Administrator Adcock felt that they could all be in one motion as they all related to this event.

Councilor Strong asked if they would have a booth at General Canby Day and Mr. Brown said they hadn't planned on it. Several options were discussed to pair with other organizations who would be willing to display the quilt and have the "good neighbor story" forms.

Mayor Prince knew that this was coming down to the wire, and thanked the Church of Jesus Christ of Latter Day Saints for organizing this event that would be so beneficial to the community.

Mr. Brown read the list of supporting organizations - City of Canby, State of Oregon Community Partnership Team, Clackamas County Social Services Connection, Canby Adult Center, Canby Unified School District, Canby Food Bank, Interfaith Volunteers of Clackamas County to name a few. His hope was that every faith-based group and every service organization in the area would join together to help so that it was truly a neighbor to neighbor service day and not just one church's effort to try to help the City.

Councilor Johnson clarified that it was intended that just the parks involved in the projects would be closed and Wait Park for the ending events.

****Councilor Johnson moved to close the streets around Wait Park between the hours of 1pm to 10pm, to close Eco Park, Community Park, and Wait Park on July 21st, 2001 to accommodate projects and closing ceremonies; and to pay for the County plan review fees for Wait Park restroom project. Seconded by Councilor Daniels.**

Councilor Strong asked if there were money in the budget to pay for the \$500 plan review fee and Mr. Adcock stated that this would specifically come out of Capital Reserve Wait Park Restroom project and there was \$15,000 in that fund.

****The motion passed 6-0.**

Kerry Naylor residing at 11438 Arabian Lane, Hubbard and is the President of the Canby Growers Market. She requested that they be allowed to move the Market one block east on the railroad right-of-way property and close NW 1st Avenue between Grant and Holly. The driveway on Grant Street could be utilized so that the area could be bypassed by using the public right-of-way parking.

Councilor Johnson and Councilor Carson were pleased that the group had contacted the affected businesses along 1st Avenue. The Councilors had spoken with several of the business owners and they were all aware of the move and were looking forward to it. Councilor Carson asked if it would be possible to give this street closure a try for a few weeks and make sure that things were going smoothly and that it was working out as anticipated. Ms. Naylor was concerned for the customers if they would move the market back and forth. The group had spoken with the Police Department, the City, and the Fire Department and they were all very positive that it would still be a very workable area for vehicles. There is a bus stop there but buses do not run on Saturdays.

Councilor Carson did think it was a better location for accessibility and from an esthetics standpoint.

Ms. Naylor said that their organization's goal was to include everyone and help revitalize the downtown.

Mayor Prince thought that this location blended well with the businesses that were already there and open at that time. It also will be close to the Gateway project which will have the new bank and restaurant coming near Thriftway and the area to be developed by Ivy.

Councilor Johnson appreciated the fact that they had done their homework by making everyone in the area aware of the move, as he received positive feedback.

****Councilor Johnson moved to close First Avenue between Grant and Holly Streets for the Canby Growers Market on Saturdays between the hours of 7 a.m. to 2 p.m. The motion was seconded by Councilor Strong.**

Councilor Daniels stated that the City staff would deliver the barricades on Friday and that it would be the Growers Market's responsibility to move them back on the curb when the event were done. He also had noticed that the signs along 99E were not getting picked up after the event was over on Saturdays, causing confusion for passers-by hunting for the Market. Ms. Naylor said that it was difficult since the responsibility falls on the vendors to pick those up.

****The motion passed 6-0.**

Keith Stewart, Chair of the Planning Commission wanted to discuss three issues on behalf of the Planning Commission. The first was the concept of neighborhood associations, the second was the ongoing expansion of the Aurora Airport, and the third was a hopeful recommendation concerning urban renewal.

Based on the success of the recent community neighborhood meetings, the staff and the Planning Commission have been discussing neighborhood associations at some length. They believe that the community is large enough and the time had come to institute neighborhood associations. This is not an attempt to add another layer of bureaucracy nor an attempt to create property police, but simply a way to capture as much public, citizen input as is possible. They look at this as a community resource, and serve as an aid in notification regarding land use applications. So, over the next few months, the Planning Commission plans to come forward with some specific recommendations and proposals, and hope that they will be given every consideration.

Given that Aurora is a different city and in a different county, the desire was expressed that Canby needs to have input to the State Transportation Airport Authority when Aurora is expanded and an instrument landing system is put in. This will bring in smaller two-engine jets and Canby sits on the downwind leg of the jet pattern. For this reason, there should be some input from the community so that this doesn't happen without prior warning. It will become the third largest airport in Oregon in the not-so-distant future according to the State's own transportation plan. Steps should be taken to mitigate against any problems, and to at least have a voice at the table.

On the topic of urban renewal, there has been an on-going debate about the subject. The Planning Commission has been involved in discussions about it and the Commission thinks the time has come to do something a little different. The Council has spent an extraordinary amount of time on this issue, sometimes to the detriment of other issues. The Planning Commission thinks the Comprehensive Plan review is equally important because it will have to deal with the livability of the City for years to come. Urban renewal can be and should be an important tool in the community as we develop and redevelop, but not to the extent of other things. The Planning Commission would like to revisit a recommendation made to the Council in November 1999, after two public hearings the Planning Commission held as they discussed this issue.

They think it would be helpful in re-channeling the ongoing debate, getting it away from confrontation and towards compromise. The recommendation would be to restructure the Urban Renewal Advisory Committee and let them assume the role of the Urban Renewal Agency. This will probably be the only way to move this process forward. They are not recommending that the Council abdicate their responsibility and authority as a city council. By empowering the people who would sit on this restructured committee, the process would be moved along. "It's a truism that when you share responsibility and accountability, decisions which are made are better decisions and ultimately, I think you'll have a more successful urban renewal area." That is what the Planning Commission is asking Council to reconsider, given that there has been a lot of dialog and a lot of it has been heated; the Commission thinks this will help move the process forward.

Councilor Carson noted that Mr. Stewart was already one member of the Urban Renewal Advisory Committee and thought that this recommendation would be best brought up through that committee and let those 18 members discuss this. Other organizations such as CBR or the Chamber might have other ideas or want a different plan, so let this recommendation go to the table there and get some dialog going.

Mr. Stewart stated that he wasn't trying to preempt them and is a member of the Advisory Committee, but he was asked to speak on behalf of the Planning Commission tonight.

Councilor Johnson asked what the original recommendations were regarding urban renewal and Mr. Stewart responded that one was that the City not be applicant on anything and secondly, that based on the City's own land needs analysis, there was no justification for all 300 acres being brought into the industrial area. The figure of 170 acres that has been used often was based on 120 acres that the land needs study identified plus 40% that the Planning Commission added on to take up whatever modifications they might have made.

A third recommendation was about the Advisory Committee, and another was that the urban renewal implementing directive needed to be fixed. An example would be that one sentence concerning "eminent domain" defined as the ability to condemn a piece of property. The Planning Commission thought that the Agency, not the Council should define that, and should also list examples of where, how, or when that might be utilized. Mr. Brown stated that another recommendation had been to indicate a procedure. The last recommendation mentioned was that the Council should not be the Agency. These recommendations should all be revisited as a way to move the process forward.

Councilor Daniels asked if the advice from the Planning Commission was to have the Advisory Group be the Agency or to say someone other than the Council? Mr. Stewart stated that the recommendation came forward "someone other than the Council" and that has been modified over time because, who better than the people who sit currently on the Advisory Committee. They are probably the most knowledgeable people in the community about the issue. The problem currently is that there are approximately eighteen members, and that number is probably unworkable as an Agency and should be pared down.

Councilor Johnson asked Mr. Stewart how far this Council/Agency would go to fix the process implementation of the Urban Renewal Plan as it sits - would he have this Council pick out the people who would be the Agency and work on the eminent domain and other issues Mr. Stewart brought up tonight or would he rather have the Council set up the Agency and then have the new Agency fix it. Mr. Stewart responded that he could not speak for the Planning Commission because they had not discussed it, but personally, his view would be for the Council to set up the Agency, take as much public input regarding membership and then let the Agency work through the issues that were addressed. They would then hold the responsibility and accountability when all was said and done; they would need to know what tools they were dealing with.

Mr. Stewart stated that the Planning Commission was not saying that eminent domain was bad, they knew there were cases for using it, but that they had not felt that it had been properly

defined or explained enough to adequately address the issue.

Councilor Parks asked that Mr. Stewart clarify his last statement. Eminent domain is a "creature of public law" and has been defined in thousands of cases and the process is fairly simple. An agency goes out and identifies a project that it feels meets the needs of the enabling statute or goal for that agency; in this case, the City, goes out and engages in the process of trying to condemn that land. Mr. Stewart asked of Mr. Parks if the Agency had the same authority as the Council in the terms of eminent domain, does Black's Law Dictionary define it for the Urban Renewal Agency as for the Council?

Mr. Stewart suggested that if they are the same, then at least put the definition from Black's Law Library into the implementing directive. What the Planning Commission is worried about is that the Agency could condemn a piece of property and based on it's own implementing directive, turn around and sell it for \$1 to whomever they choose - no competitive bids or price.

Councilor Parks stated that yes, that was true of everyone who implemented eminent domain. Mr. Stewart again said that it needed to be explained, that a definition needed to be included. If it is the same procedure as the Council can impose, then explain it. At the time that this was occurring in November 1999, the Planning Commission did not have the benefit of having an attorney sitting as a member.

The Planning Commission had stated that if it were a good idea, define it, give some rationale as to how it might be utilized, and under what circumstances it might be used - people were most concerned that it would be used arbitrarily. Councilor Parks did think that this was a valid issue, that it was something that needed to be better explained but that the benefit of eminent domain is that it is flexible. The City has the power to condemn anything but there are certain burdens of proof that must be met. Councilor Parks would not support defining what projects you are going to condemn.

Mr. Stewart said that eminent domain is something that you must have, it is flexible but that the Planning Commission's opinion had been was that there was not much definition or explanation to it - there is only one sentence in the whole implementing directive referring to it. If you are going to condemn property, then you'd better explain to the citizens why it is important otherwise citizens wouldn't support it.

Councilor Johnson stated that another point Mr. Stewart is making, is that there are definitely going to be citizen members on the Agency - at least that would be his preference - and in reading through the document, are they expected to go to a law library to look up definitions like eminent domain? An Agency document or plan that is more than ten pages would give readers a better chance of understanding the issue.

Councilor Parks was not objecting to having more information, but objected to putting restrictions or any type of framework on eminent domain. It would fly in the face of why it is there.

Councilor Johnson said that he did not think that had been what Mr. Stewart had been suggesting and Mr. Stewart agreed that if Mr. Parks had gathered that, it had not been his intent. Councilor Johnson also thought that another term that needed to be defined in the plan would be "fair market value".

Mr. Stewart added that he hoped this would be a constructive and helpful recommendation to make the community more livable and prosperous in the years ahead.

Mayor Prince emphasized that Periodic Review was going forward and that there would be a Residential Task Force neighborhood meeting next week.

Planning Director John Williams announced that the first meeting would be Tuesday, July 10th at Cutsforths Old Town Hall at 7:00 p.m. and three other meetings to follow.

Mayor Prince said the hope was to get more citizen input and the idea of neighborhood associations is a good one.

Mayor Prince asked about discussions on Aurora Airport and how much input the City could have. Mr. Stewart responded that the City could ask for a seat at the table during the discussions with the State Transportation Authority. He was not aware that we had asked to be included in discussions and as Aurora expands, we probably should. Mayor Prince thought that there should at least be a staff member there, if meeting in the daytime and a Councilor wasn't able to make it.

Councilor Johnson showed interest in participating.

Councilor Carson stated that it would probably would be best if he were not a member since he works for Columbia Helicopter. He suggested that a Planning Commissioner might be interested in going. Mr. Carson knew that there was an Aurora Airport Advisory Board so there would be people to contact for information.

Mr. Stewart thought that this might be something that should become more formalized.

Councilor Parks stated that ultimately it won't be just about impacts to the community but transportation options and Canby's ability to influence the process will be contingent upon the equal participation of other surrounding communities. Efforts would be well spent trying to get surrounding towns like Wilsonville, Woodburn, and Newberg to participate with Canby since it will impact them in their transportation options. There are up sides to expansion, too, and those communities would also like to have input into the process. If more than one city went to the Board and said that this will become a regional facility which will impact our communities, the State Board would be more likely to say that all the cities a seat that have impacts. Otherwise, if Canby shows up and says we will have this downwind impact, they might see Canby as being a "rabble-rouser". If the Board were approached by several communities being aware that it will be a regional facility, they would be more likely to see the input as being a concerted effort. Council was in consensus to explore this avenue with someone from the Planning Commission as a back up.

PROCLAMATION: Community Service Day - Mayor Prince declared July 21, 2001 as Canby Neighbor to Neighbor Day. This service event would serve to strengthen our sense of community, urging all citizens to participate by volunteering materials, time, and support for this worthwhile service effort.

Linnell Mikkelsen said that she hoped that the torch could be passed on to others in the community and do something similar next year.

CONSENT AGENDA: ****Councilor Strong moved to approve the Minutes of regular session and executive session of June 20, 2001. Motion was seconded by Councilor Carson.**

Councilor Johnson asked what the process was when an error was discovered in the minutes. Administrator Adcock said that when it was just a typographical error, call City Hall and it can easily be corrected before Council approval, but if it were a substantive error regarding interpretation, it would then be appropriate to amend the minutes.

The motion passed 6-0.

COMMUNICATIONS: Waiver of Wait Park fees for Slice of Summer Concerts - Administrator Adcock explained that there are five dates involved for the concerts requiring a fee and the total waived would amount to \$250.

****Councilor Carson moved to waive the reservation fees for the five Slice of Summer Concert events. Motion was seconded by Councilor Johnson and passed 6-0.**

Waiver of Banner Permit Fee for General Canby Day - Administrator Adcock referred to a letter from Donna Borges of the General Canby Day Committee requesting for a waiver of the \$50 fee for hanging the banner.

****Councilor Johnson moved to waive the banner fee for the General Canby Day Committee. Motion was seconded by Councilor Strong and passed 6-0.**

Cul-de-sac Heritage Park Street Closure - Administrator Adcock referred to a letter from Michelle Weber and the residents of Heritage Park requesting a cul-de-sac closure at N. Ponderosa and use of a barricade for a neighborhood barbeque and picnic on Sunday, July 15, 2001 from 3:00 p.m. to 7:00 p.m. He reported that the Police Chief and the Public Works Director had reviewed the request and see no problems.

****Councilor Blackwell moved to allow the cul-de-sac closure at N. Ponderosa on Sunday, July 15, 2001 from 3:00 p.m. to 7:00 p.m. for a neighborhood picnic. Motion was seconded by Councilor Johnson and passed 6-0.**

Administrator Adcock said that staff would notify Ms. Weber of the approval for the street closure.

NEW BUSINESS: None.

UNFINISHED BUSINESS: City Board/Committee Appointments - Administrator Adcock stated that as a result of the June 20, 2001 meeting, the directive had been given to make the appointments for the Library Board, Historical Review Board, Bike and Pedestrian Advisory Committee, Traffic Safety Committee and the Parks and Recreation Advisory Board.

Mayor Prince stated that a third application had come in for the Library Board and since there were only two openings, there was consensus that the appointments be put off until the July 18, 2001 regular meeting.

****Councilor Blackwell moved to appoint Peggy Sigler, Bob Cryder, Norma Bivens, and Royann Lund to the Historical Review Board each for three year terms ending June 30, 2004. Motion was seconded by Councilor Strong and passed 6-0.**

****Councilor Carson moved to appoint Robi Kurth to the Bike and Pedestrian Committee for a one year term to finish out a vacancy due to a resignation to expire June 30, 2002. Motion was seconded by Councilor Johnson and passed 6-0.**

****Councilor Johnson moved to appoint Terry Duncan and Don Staehely to the Traffic Safety Committee for three year terms ending June 30, 2004. Motion was seconded by Councilor Daniels and passed 6-0.**

****Councilor Johnson moved to appoint Ryan Oliver and Liz Mead to the Parks and Recreation Advisory Board for three year terms ending June 30, 2004. Motion was seconded by Councilor Strong and passed 6-0.**

City Administrator indicated that the staff is still advertising for the Budget Committee. There was consensus to try to fill those positions and hold off for a month in hopes of getting applications.

Councilor Parks wanted to know when Budget Committee would meet to begin discussions in an effort to solve the budget issues and options. By February of next year, there will already be a good idea of what the Budget will look like and that we know it won't be good, just a matter of how bad it will be. Some of the things that were talked about to explore - from funding for a park and recreation district, the possibility of a serial bond, and an emergency service district because the cuts cannot continue. He is fearful that the service groups will continue to be cut and staffing of key departments with a further loss of personnel. He would like to begin that discussion in earnest by the end of this summer.

Councilor Daniels said that in his capacity as Budget Chair, he had a discussion with Mr. Adcock about the meetings but that July was a poor time to start because of vacations.

Mr. Adcock concurred with Mr. Parks that other cities are having those discussions. When the current budget is completed and key members of the Budget Committee are back from vacation,

it would be a good idea to get that group together to look at revenue alternatives. The Cost of Services Study/User Fee Analysis is currently underway and some of the data collection has taken place. Should those recommendations be adopted, at the very best, they will not generate sufficient money to make a huge dent in the deficit this year. This will only be one piece of the puzzle. Things to consider like going for a general operating levy, combining other functions, all need to be looked at as soon as possible. Staff is ready to move along on that.

Councilor Daniels requested that the Council give each of their concerns to him and he can work it out with staff to research and have that information when the meetings begin.

Administrator Adcock advised Mayor Prince that the Cost of Service Study won't be completed for three months. Mayor Prince felt that would be too late to start if they waited for the study to be finished.

Councilor Parks didn't think that it began with the detail analysis, but rather with input. He has had discussions with fellow councilors about possibilities of a gas tax, a serial levy, if so, when; there might be other ideas out there and he would like to see a workshop where various funding options were discussed and then go to staff and ask for detail. Certainly, the *Canby Herald* would cover it and he is guessing that there will be others in the community who would have some comments, options, and ideas.

Councilor Carson also concurred that something needs to get started but would like to shoot for the middle of August to allow to work through some of the other issues that are currently being worked on.

Mayor Prince was also looking to the first meeting in August or towards the middle of that month. It would be good to check with the other members of the Budget Committee to see as to their availability.

Councilor Strong suggested that they wait until after the vacation season and the rest of the Budget Committee was appointed, more towards September.

Mr. Adcock said that staff would work with the Budget Chair to try to check on the timing.

ORDINANCES & RESOLUTIONS:

Ordinance 1073 -

****Councilor Johnson moved to adopt Ordinance 1073, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 2 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 BIOSOLIDS DEWATERING PROJECT, SUBJECT TO CITY COUNCIL FY 2001-2002 APPROPRIATION, FOR AN AMOUNT NOT TO EXCEED \$148,400; AND DECLARING AN EMERGENCY on second reading.**

****Motion seconded by Councilor Strong and passed by roll call vote 6-0.**

Ordinance 1076 -

****Councilor Carson moved to adopt Ordinance 1076, AN ORDINANCE ADOPTING THE CANBY DOWNTOWN PLAN, AMENDING CANBY'S COMPREHENSIVE PLAN, TRANSPORTATION SYSTEM PLAN, AND TITLE 16 OF THE CANBY MUNICIPAL CODE on second reading. Motion was seconded by Councilor Strong and passed 6-0.**

MANAGERS' REPORT: Eco Park Parking Lot Funding - Administrator Adcock said that the Council had previously approved a match not to exceed \$5,000 for a grant which ultimately did not come the City's way. Now, there has been some discussion to put the Eco Park parking lot into the Neighbor to Neighbor Day projects and use the \$5,000 that Council had previously authorized for that use.

Parks Director Beth Saul briefly explained that the idea had been to put the parking lot in Eco Park vicinity so that there would ultimately be parking for the Logging Road Trail as it was expanded. Now, the Neighbor to Neighbor group has said that they could perhaps come in and do some excavation and prepare for paving. The \$5,000 match for the original grant sought will not be used, so now would Council consider authorizing that \$5,000 from the Park Development Fund with a line item specifically for the Eco Park? It is in a fund that cannot be used for any other purpose.

At the request of the Mayor, Ms. Saul has spoken to the Planning Commission and the Traffic Safety Committee and both bodies have expressed their support. There are some concerns from the Traffic Safety Committee that a triangle parcel at the Logging Road and Territorial allows for more than one entrance and exit and one should be blocked off to create only one access. Public Works Supervisor Roy Hester was also present at the Traffic Safety meeting and had expressed that if one entrance were to be blocked, the remaining corner would need to be re-engineered for turning radius. She is still unaware how much that would cost and Mr. Hester and City Engineer Curt McLeod will be meeting to determine cost estimates. Unless the blocking off of one entrance proves to be expensive, she believes the \$5,000 will allow for a small parking lot; the plan now would be just a place to park cars. There will be one more meeting before the Neighbor to Neighbor Day, so she would be able to report back more detailed cost estimates. At this point for planning purposes, she would like to know whether or not the Council would be willing to commit the \$5,000 to the project.

Mayor Prince was aware that there was a need for that corner to be re-engineered, at least for the residents of that area. Last weekend, there were already a lot of people starting to park in that road. With the amount of money that can be leveraged with the \$5,000 in conjunction with the Neighbor to Neighbor Day, it would go a long way.

Councilor Parks asked what the safety concern was with the spur and the request to close it off.

Ms. Saul answered that eventually as this area becomes more of a walking and biking area, they

didn't want traffic coming at it from more than one direction and eventually, no traffic at all. That would not be possible until the City were to obtain all of the property. At least it would mitigate which direction the traffic were going

Councilor Parks responded that since there was such a small amount of dollars that could be put towards this, he would prefer to wait on the re-engineering of the corner if it meant that there would be more parking spaces. His request would be to see what the costs were both ways; one with and one without the re-engineering.

Ms. Saul said that the City does not officially have the road open for bikes and pedestrians, that the path ends on the south side of Territorial. The parking lot is then for the Eco Park and crosswalks are something she will discuss with the County.

Mayor Prince said the purpose was also to have access to that area going south to the main part of the logging road path so users would have a place to park at the beginning of the trail. There are currently no spaces at the other end on SE 13th Avenue.

Councilor Daniels said that the Traffic Safety Committee's concern was that if the road were left in, there were two intersections that people have to cross. They would prefer to have everyone crossing at a single crosswalk, their concern was not with losing parking spaces.

Councilor Parks commented that as long as the road and the trail aren't finished, it might be worth waiting on the re-engineering of the corner so that the \$5,000 could be spread further by being used for more parking. Closing the road would incur expense that would take away from parking.

Ms. Saul said that the cost could be as much as half of the \$5,000 if the work were done on the corner.

Mayor Prince said the good thing would be that if this were on the Neighbor to Neighbor project list, there would be an opportunity to get in-kind donations of labor, possibly even donations of asphalt which would make the project even bigger.

Councilor Daniels said that the drawing showed that an entrance would be put further down on the Logging Road so that the parking would be moved closer to it.

Councilor Parks said he was not talking about losing spaces in terms having room for the spaces, but rather having only \$5,000 and if half of it were used to improve the corner, there would be less money available for parking. It is worth putting the parking there and looking at the corner improvement down the road when there is a chance to get another grant or more money is available.

Councilor Carson agreed with Councilor Parks and at this time to leverage the money for a bigger parking area but design it so it can be enlarged to the maximum in that area. He would rather put that money into asphalt for cars to get off of that piece of property and onto the other

side.

****Councilor Johnson moved to approve the expenditure of up to \$5,000 from the Park Development Fund, a fund that can only be used for this purpose, to construct a parking lot at Eco Park using the Neighbor to Neighbor volunteers. The motions was seconded by Councilor Strong and passed 6-0.**

Parks Director Saul said that she would bring back an update on July 18, 2001 meeting.

Purchase of Canby Telephone Association Phone System - Administrator Adcock received word last week from Canby Telephone Association that they will no longer be renting or supporting telephone systems, one of which is the City's system.

Mr. Adcock introduced Mike Swanson who spoke about the purchasing of our present phone system. The current system is being rented on a year-to-year lease commencing in May and terminating in April and automatically renewable the next year. The current rental price is approximately \$860/month or \$10,000/year and Canby Telephone is shutting down its Business Systems Solutions Group and have made several offers to the City. The last one was to sell the current system to the City for \$7,000 at which time they would terminate the lease and the City would become the owner of the system. In discussions, they have agreed to a reduction to \$6,000.

Telephone systems have a limited life and a new system will be in order within the next two years. A new system is in the area of \$50,000 so now the purchase of this system for \$6,000 will give a couple years to prepare for purchasing a new system. A consultant would most likely be hired to interview, and find out what the needs are within the organization; it has become extremely technical process with multiple possibilities.

At this time, he recommended that the Council accept the offer and hold the reserve to use for technical assistance as the money is currently in the budget, originally proposed as lease payments. The City could hold them to the lease, but the Association could terminate the lease with a 60-day notice prior to the end of the lease agreement and then come and take away the system; their negotiating power would then be stronger.

Councilor Carson commented that if we owned the system, we would need to have a service contract for maintenance.

Mr. Swanson responded that he had asked CTA about service contracts and is aware of several people in the area who are knowledgeable on this system. He didn't hold out any hope for a fixed rate service contract since our system isn't very new.

Councilor Carson wasn't sure how much an old phone system was worth since technology is moving so fast.

Councilor Parks clarified that we would just be accelerating the lease payments to purchase the

system. Mr. Swanson thought that we would be able to make monthly payments to CTA for the purchase as well as pay off in the lump sum.

****Councilor Daniels moved to authorize staff to purchase the current telephone system from Canby Telephone Association in the amount of \$6,000. Motion was seconded by Councilor Blackwell and passed 6-0.**

Mayor Prince wanted a notation for next year's budget to have line item for a capital purchase of a new phone system.

Tri Met Update - Planning Director John Williams outlined the proposed schedule for the withdrawal process. The public hearing is scheduled for July 31, 2001 at 7:00 p.m. at the Canby Adult Center. Tri Met will be sending a hearings officer to Canby to take public testimony. Due to the timing of their meetings, they don't have a second board meeting in August due to the various vacation schedules so they are proposing that the first official reading of the withdrawal ordinance would be September 26, 2001 and the final adopting ordinance would be October 24, 2001. If that time line were to be followed, the transit system would need to start January 1, 2002 creating a very short time line to get a transit system up and running in those two short months. In that time, a contractor would need to be hired to provide the service, vehicles would need to be purchased, promotion, hiring of City staff, and coming up with a tax ordinance to name a few. He had estimated that three months is that absolute minimum that all those things could be accomplished. Even at that, it would be pushing according to his professional opinion. Three months is the time line he has heard from contractors that it would take them to hire staff, train, certifications, and get a bus operating by January 1st.

As a result of this, Mr. Williams contacted Tri Met today and asked them if there were any possibility that they could do anything for us on that schedule. Tri Met has two other possible meetings, August 8, 2001 and September 12, 2001. August 8th would be a very short turn-around for the hearings officer to report to the Board and for the Board to get and consider it. So, Mr. Williams is not confident that they would reschedule for that date. There are no other dates in August, so the next opportunity would be September 12th. According to his conversation with Tri Met, those meetings aren't typically set up to do this, but it is possible that they would consider it. Their first meeting of the month is typically a briefing format and the second meeting of the month is the formal public meeting.

It became apparent after his conversation with Tri Met, that the best approach would be to have a request in the form of a letter from the Mayor and Council to the General Manager of Tri Met and ask him to consider moving this forward on their agenda. Mr. Williams passed out a draft of a letter to Tri Met General Manager Fred Hansen. He asked if this letter were something that the Council would consider sending to try to move up the date.

Mr. Williams second item to discuss was the fact that they handle an ordinance the same way we do. There would be an initial reading of the ordinance, say on September 12th, and at that time they would be accepting public testimony. They would be completely free not to make a decision that night. They would not be required to make a decision until December under the

State ordinance so it is possible that they may come up with issues and not even get an initial vote that night. If there were an initial indication from the vote if it happened on September 12th, that would still allow for three months but he asked Council for guidance since he was aware that all along the intent has been to start up January 1, 2002. The next option would be January 1, 2003 because of the way the State law works. Canby could ask Tri Met to set up the ordinance in such a way that it would start January, 2003.

Councilor Carson would like to see the letter go out and although he would like to see the system up as soon as possible, a three month window might not be fair to staff, current and new, it might be necessary to move the date to January 1, 2003.

Mr. Williams said that he did want to be fair to Tri Met, most of this time line is set by when Canby got in its application.

Councilor Daniels asked if the start-up date was firm and John Williams answered that it had to be January 1 of either 2002 or 2003 according to State law. The only way to get around it, would be if Tri Met would consent to a contract where they would serve Canby until June and in all of his discussions with Tri Met, they have not been interested in that. Every indication would be that they would not enter into a contract that would change the start-up date. They would have questions about why we were not ready, and if we were not ready they wouldn't approve us to opt out. Mr. Williams wanted to gauge the Council's priority on the start dates.

Mayor Prince thinks that if at all possible, we should make the effort to try to make the January 1, 2002 date. The Committee's work has been pointing to this date and is important to the downtown development as well as people moving into the town next year.

Mr. Williams agrees, but his main concern is wanting to have the best system possible on the day it starts. His belief is that people will come out and try it and if it isn't what they want, they won't come back. If the Council's direction is to try for the January 2002 date, would there be any initial commitments they would be willing to make before there were a decision from Tri Met. He has been operating under the assumption that there would be no financial commitment until there is a firm decision from Tri Met, certainly the safest decision. The only way he could bump that time line faster is to make some financial commitments, but he doesn't think that Council wants to go there.

Mayor Prince thought that we would start looking at vendors to take over and wise to do now. Mr. Williams answered that he has already been doing that and has a list of bus and contract providers. He brought this up to gauge the importance fo the January 1, 2002 start-up date.

Councilor Parks asked about the option of working with Wilsonville or another third party to provide service until we could start up. He understood that Tri Met was not willing to provide that short term service, but was it an option to approach Wilsonville and see if they could ramp up and service Canby for two or three months, at the very least to provide the same amount of service as Tri Met until we can get our own service ready.

Mr. Williams said that it would be an option but that Wilsonville doesn't have extra buses and drivers, so they would have to make a commitment to secure those. Wilsonville is also more expensive than what we would be providing on our own. His initial guess is that they would want a longer commitment, more like six or eight months, so they would be able to hire staff and do that ramping up. Mr. Williams said that he would be willing to explore that with Wilsonville. Mr. Parks said maybe we would be willing to trade that higher expense for six months in exchange for having it operational in June of next year.

Councilor Johnson's concern with Mr. Park's proposal would be that Tri Met might question Canby's patchwork option to have Wilsonville cover for those months and wonder if we were committed to providing a better service than Tri Met. His second point was directed to Mr. Williams, did he think he could pull this off? How much could staff be asked to do and Mr. Williams stated that it definitely was quite a challenge but that there were some resources in this current budget for consultant expertise and he intended to use it if the direction from Council was to get the earlier start date.

Mayor Prince also concurred with Councilor Parks's suggestion about using Wilsonville's SMART system. It would be very capable of handling our system and well respected by Tri Met.

Councilor Parks said that the current Tri Met service is very minimal and rather than having Wilsonville try to implement our service plan, just continue the Tri Met plan. It would be of some value to us to see how SMART operates and would be more palatable than going for another full year before implementing. He agrees with John Williams that it is not worth starting off with a poor plan because people would criticize if it were not better than what they currently have.

Mr. Williams felt that he needed to get the letter from Council in an effort to move up the date so that he could get a better idea of the time line. The second piece of the puzzle will be the revenue analysis from Tri Met, which he has still not received. Once he has both of those, he can come back to Council with a definitive answer of whether or not it can be done.

****There was consensus that the Mayor sign the letter to Tri Met on behalf of the Council.**

Neighborhood Residential Zoning meetings - Planning Director John Williams announced that the second round of neighborhood meetings have been scheduled on July 10th at Cutsforth's, July 16th at the Canby Alliance Church and July 19th at the Canby Adult Center all at 7:00 p.m. The fourth meeting will be held on July 14th in the Council Chambers at 10:00 a.m. He will be doing follow-up that came out of the last meetings and speaking about the residential design. The announcements went out in the Canby Utility bills and a more detailed mailing to the approximately 120 persons who came out to the last set of meetings. After that, the formal presentation of application for residential zoning will be coming to the Planning Commission and Council.

Mr. Williams said it had been hard to find locations for these summer meetings and gave

directions to Cutsforth's Old Town Hall.

Mayor Prince stated that he would be out of town for the meeting on July 10th, but planned to attend the rest.

CITIZEN INPUT: Robi Kurth Canby citizen and newly appointed member of the Bike & Ped Committee addressed the issue that Lila Gottman had not been reappointed to serve on the Bike and Pedestrian Committee. He felt she was committed in establishing and improving bicycle and pedestrian use in Canby. She is very knowledgeable on ped and bike use, the laws and the history. She is an asset and has worked well with bringing together volunteers, such as the Bike Rodeo. Every person is unique and has special qualities; you don't always have to like someone to work with them. But certainly their good intentions should be respected and it is important when it involves the welfare of Canby. Not doing so, is not making decisions that are improving the general welfare of Canby. He asked that Council reconsider their recommendation.

Curtis Gottman asked if the Council was aware that there if Lila were not reappointed, that there would be a vacancy on the committee and that committees are hard to fill. She had worked diligently to keep the committee full.

COUNCILORS' ISSUES:

Councilor Carson announced the event times for the General Canby Day festivities from the breakfast to the parade at 2pm and the "Kiss a Pig" contest at 4:30 p.m. There would be a booth for that event in the park and that there would also be a drawing in conjunction with the contest.

Councilor Johnson announced the book sale for the Friends of the Library would be 11am - 4pm at the Canby Public Library. Members could come to a pre-sale tonight. He acknowledged Frank Cutsforth for his donations of money and books.

Councilor Johnson responded to the letter from Commissioner Jordan about Territorial Road. The public will need to be informed as it could potentially change arterial access. The County Commissioners are proposing a "right in, right out only" at Territorial and 99E as one idea. Mr. Jordan is hoping to meet with ODOT and has asked City staff to be prepared to speak to our concerns to that proposal as it relates to redirecting traffic to Redwood and Pine.

Councilor Johnson recalled that when he had proposed that idea at a Willow Creek neighborhood meeting, it was not well-received so the public will definitely need to be informed of options or plans at that intersection before Council makes recommendations. At the very least, he would like to meet again with that group and ask for their suggestions.

Councilor Strong asked if this were coming from the County Commission or just from Commissioner Jordan and Mr. Adcock responded that the letter was from Mr. Jordan.

Councilor Blackwell thanked Marty Moretty and Matilda Deas publically for the organizing and planning of the June Clackamas Cities Association Dinner and Program. The speaker, Brian

Cole, was outstanding.

Mayor Prince made further announcements about "Sprucin' Up the Town" General Canby Day activities, the Canby Art Show from 11am - 5:30pm, opening ceremonies at 11am, the parade at 2pm, with fireworks at dusk at the Canby High School.

Councilor Blackwell speaking as the Council liaison for the General Canby Day Committee, thanked Donna Borges, Chair and all the other committee members for their investment in time and energy in putting this huge event together.

Mayor Prince thanked them for their dedication and asked that the invitation be extended to them for the Council meeting of July 18, 2001 so that they could be publically thanked.

ACTION REVIEW:

1. Approving Ordinance 1073.
2. Approving Ordinance 1076.
3. Approving the street closure around Wait Park on July 21, 2001 for Neighbor-to-Neighbor Day.
4. Closing Eco Park and the Community Park for Neighbor-to-Neighbor Day projects on July 21, 2001.
5. Approving for City to pay for the County inspection and plan check fees for the Wait Park Restroom project.
6. Approving the request to relocate the Canby Growers Market and street closure of 1st Avenue from Grant to Holly from 7am to 2pm on Saturdays in conjunction with that event.
7. Working with staff on impacts of instrument landing system at Aurora Airport.
8. Gearing up for further Budget Committee deliberations as related to revenues to take place in September, 2001.
9. Approving cul-de-sac closure in Heritage Park for a block party on July 15th.
10. Committee appointments to Park and Recreation Board, Historical Review Board, Bike and Pedestrian Committee, and Traffic Safety Committee.
11. Moving appointments to the Library Board to July 18, 2001 for further review.
12. Approving not-to-exceed \$5,000 to work with the Neighbor-to-Neighbor Day Eco Park parking lot project.
13. Approving the purchase of existing phone system from Canby Telephone Association for \$6,000.
14. Monitoring schedule of Tri Met project.
15. Recognizing General Canby Day Committee on July 18, 2001.
16. Waiving banner fee for General Canby Day sign.
17. Waiving Wait Park fees for Slice of Summer Concert series.

****Councilor Strong moved to go into Executive Session under ORS 192.660 1(d) labor negotiations. Motion was seconded by Councilor Johnson and passed 6-0.**

Mayor Prince recessed the special session at 9:53 p.m.

Mayor Prince reconvened the special session and immediately adjourned at 10:15 p.m.

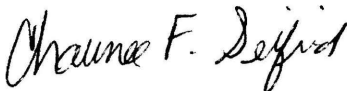
EXECUTIVE SESSION
JULY 3, 2001

Present: Mayor Terry Prince, Councilors Corey Parks, Patrick Johnson, Walt Daniels, Shirley Strong, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, Finance Director Chaunee Seifried, and Mike Swanson.

Mayor Prince called the session to order at 10:00 p.m.

ORS 1922.660 1(d) - The Council discussed labor negotiations.

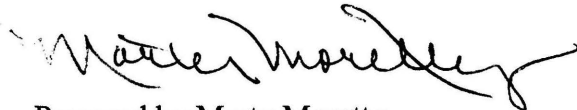
Mayor Prince adjourned the session at 10:12 p.m.



Chaunee F. Seifried,
City Recorder pro tem



Terry L Prince
Mayor



Prepared by Marty Moretty,
Office Specialist