

CANBY CITY COUNCIL
REGULAR SESSION
JULY 18, 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, Police Chief Jerry Giger, Library and Parks Director Beth Saul, Planning Director John Williams, Marty Moretty, Leonard Walker, Robert Root, Curtis and Lila Gottman, Randy Tessman, Nancy Murphy, Lisa Weygandt, Ron Berg, Robin Adcock, Carol Meeuwsen, Chuck King, Craig Finden, Donna Borges, Irene Breshears, Carol Horn, Robi Kurth, Nancy Wilmes, and Peggy Sigler.

Mayor Prince called the regular session to order at 7:33 p.m., followed by the opening ceremonies.

PROCLAMATION: Friends of the Canby Public Library Week - Mayor Prince read the proclamation declaring July 22 through July 28, 2001 as Friends of the Canby Public Library Week and acknowledged the Friends of the Library on the conclusion of the most successful book sale ever during the General Canby Day festivities. Beth Saul, Director of the Library, said Mr. Levy was ill that night, but she would pass the proclamation on to him.

PRESENTATIONS: Home Town Hero Award - City Administrator Mark Adcock announced the second recipient of the Home Town Hero Award, Carol Meeuwsen. Administrator Adcock read the nomination letter that proclaimed her as a community leader. Mayor Prince presented her with her certificate which heralded her community leadership as demonstrated by her contribution to Canby Community School and Slice of Summer concerts. He displayed the permanent Home Town Hero plaque that resides in City Hall. Ms. Meeuwsen appreciated this recognition very much, especially in a town of people who did so much.

General Canby Day Committee Recognition - Chairman Donna Borges introduced the committee members who were present, Carol Horn, Irene Breshears, Lila Gottman, and Nancy Murphy. The other members that weren't there that night were Deborah Sommer, Julie Stoltzfus, Don and Heidi Feely, Carmen Kirk, Jan Montecucco, and Jim Mickelsen. She thanked the City of Canby staff, specifically Jeff Snyder and the Police Department, Peggy Sigler, and the Council for recognizing them that night. Mayor Prince said this was a big event that required a lot of coordination and he applauded all the hard work.

CITIZEN INPUT ON NON-AGENDA ITEMS: Bob Root, resident of 1550 N. Maple, stated that he was trying to take care of a non-emergency police matter. He had tried to contact the police when the records office was closed and when he used the non-emergency phone, he was bounced around and it was very difficult to reach an officer. The closing of police records had divorced the police department from the citizens. He was able to finally get the information, but his matter took almost four hours to conclude.

Mayor Prince said this was part of the budget cuts they were facing this year and it wasn't something they wanted to do, it was forced on them.

Mr. Root realized that, but the police and fire departments were essential to the safety and welfare of the community and should be the last departments that were cut.

Councilor Daniels asked what time of day this incident occurred and Mr. Root stated that he started at 8 a.m. and finally was able to get an officer sometime around 11 a.m. Clackamas County dispatch had no work schedule of Canby police officers and they could only attempt to call them on a pager.

Administrator Adcock stated that the Police Department was closed for public non-emergency business from 8 a.m. to 1 p.m. and the phones were not answered at that time. This was not what the Council wanted to do, but was necessitated by the budget cuts. Given the staffing reductions, they were doing the best they could do. He credited Chief Giger and Lieutenant Ken Pagano for taking a bad situation and making it as workable as fiscally possible. This was the reality of the new fiscal landscape and the emphasis was on being able to address emergency 911 calls and they would do the best they could do with the other calls.

Robi Kurth, chairman of the Bike and Pedestrian Committee, updated the Council on the success of the pedestrian and bike parking at General Canby Day. There was increased pedestrian and bicycle parking, 120 people parked their bikes that day. There was a lot of interest in use of bike trails and routes in the City.

He also announced that the Bike and Pedestrian Committee was hosting a Family Fun Ride on August 12, right before Slice of Summer. They would have registration for the 4.5 mile loop and they would like to have volunteers to help with the registration. Registration was going to be from 4:30 to 5:30 p.m. at Knight School.

The committee was also going to have free bike parking on the first day of the Clackamas County Fair, August 14, from the opening until 9-10 p.m. They were still looking for another member on the committee and encouraged citizens to participate.

Councilor Strong asked if they were going to have punch cards for the Fun Ride. Mr. Kurth said they would be passed out at registration so folks would follow the whole route and it would also be their ticket to get free watermelon provided by the Flower Farmer.

Chuck King, President of the Homeowners Association at Manor on the Green, discussed the Eco Park parking lot and the concern with the City moving too fast and getting rid of the curved road that came off of Molalla Forest Road before any further study was done. It was very dangerous to turn off Molalla Forest Road as it was now. He thought further study should be done to reconfigure the area before anything was changed. He was not against the parking lot because now everyone was using Molalla Forest Road and parking on the side. The gate on that road should also be moved further up because people would park there and drink and then go back onto Territorial. He also wanted to know how many cars they were going to plan for in that

space? Mayor Prince was not sure, there was concern regarding crosswalks, sight distances, etc., but they were not planning to take out that other access road. It would stay until they could reconfigure the area.

CONSENT AGENDA: **Councilor Strong moved to approve the Minutes of special session and executive session of July 3, 2001 and Accounts Payable of \$143,649.09. Motion was seconded by Councilor Carson and passed 6-0.

COMMUNICATIONS: Waiver of Banner Fee for Slice of Summer - Chris Pendleton, member of the Slice of Summer Committee, wrote a letter requesting the City waive the fee to hang banners on the Logging Road overpass and the Wait Park gazebo, a \$100 fee. Councilor Johnson said they hired Peter Moy to look at the City's fees and tell them where they could recoup some revenue, and it seemed that every week they had community-based organizations requesting waivers. They needed to decide whether they were going to consistently waive fees and somehow get that revenue from a different source or decide they were going to start making them pay the fees.

****Councilor Carson moved to waive the banner fees for Slice of Summer in the amount of \$100. Motion was seconded by Councilor Blackwell and passed 6-0.**

Councilor Carson said they did need to review this during the fee study, and if they were going to continually waive these fees, which he felt was the right thing to do, they needed to let staff know so that it was not necessary for these to come before the Council.

NEW BUSINESS: Intergovernmental Professional Services Agreement between Canby Urban Renewal Agency and the City of Canby - Administrator Adcock stated that back on June 27 during an Urban Renewal Agency meeting, they approved a contract for professional services with the City of Canby for \$124,900 for administrative services and support for the Agency to be rendered by the City. They as the Council had to act on this as well.

****Councilor Daniels moved to authorize the Mayor to execute the Intergovernmental Agreement with the Canby Urban Renewal Agency for administrative services in an amount not to exceed \$124,900 for a term of one year beginning July 1, 2001 and ending June 30, 2002. Motion seconded by Councilor Strong and passed 6-0.**

Extension of City Sewer Service to 687 S. Redwood Street - Planning Director John Williams stated that this matter had come up since the agenda was put together and pertained to property located on Redwood Street right across from Trost Elementary that was currently attempting to annex into the City (ANN 01-01). When the properties on the corner of Redwood and Township were annexed, they had failing septic systems, and the City Council approved connection of those houses into the City sewer system prior to annexation because it was a health hazard. This applicant's septic system had also recently failed and they, David and Donna Sheldon, were requesting permission to hook up to the City sewer system rather than repair the current system. This was one of the reasons for the annexation and this piece of property was entirely islanded in the middle of the City. Staff recommended the Council allow the property to connect to City

sewer. An agreement was created that the City and applicant would sign, and in the agreement the applicant promised not to abandon the annexation process. If the annexation failed, the Council would have the option of revisiting the connection and the owner understood that if the annexation failed, and Council so desired, it could be disconnected from the City sewer system. They would have to install a septic system of their own in that case. If the annexation passed, the connection would be beneficial in terms of the health of the area.

Councilor Carson asked if this was the last piece of property on S. Redwood that was not in the City limits and Planning Director Williams responded that it was. There was one around the corner on Township and all the fees would be collected before the connection.

****Councilor Daniels moved to allow the property at 687 S. Redwood to connect to City services with the outlined conditions. Motion seconded by Councilor Strong.**

City Attorney John Kelley said they needed to include in the motion that the City Administrator was authorized to sign the agreement on behalf of the City.

Councilor Daniels and Strong agreed to include in the motion that the City Administrator was authorized to sign the agreement. Motion passed 6-0.

UNFINISHED BUSINESS: City Board/Committee Appointments - City Administrator Adcock stated that at their last meeting, the directive had been to hold over a decision to appoint members to the Library Board because a third application had come in just prior to the previous meeting and there had not been an opportunity for review. There were now three applications for two positions and the Council was being asked if they were ready to make the appointments to the Board.

Councilor Johnson said he met with some members of the Library Board earlier that week and they discussed the applicants. Julie Prater and Madeleine Henderson were already volunteering at the Library, and they recommended those two applicants be appointed.

****Councilor Johnson moved to appoint Julie Prater to the Library Board to fill an opening created by a resignation with a one year term ending June 30, 2002 and appoint Madeleine Henderson to a four year term ending June 30, 2005. Motion was seconded by Councilor Carson and passed 6-0.**

ORDINANCES & RESOLUTIONS: None.

MANAGERS' REPORT: Verbal Update on Eco Park Parking Lot - Parks Director Beth Saul reported where the roads and driveways would be placed for the parking lot, it would be as far away from the intersection as possible. After conferring with City Engineer Curt McLeod, Parks Supervisor Jeff Snyder and Public Works Supervisor Roy Hester, people would enter to the right of the lot and exit from the left. This would accommodate 12-14 spaces and the cost was yet to be determined. The neighbor-to-neighbor volunteers were going to use their equipment to clear and level the area and then staff would bring in the gravel and paving. Roy Hester would do the

paving at cost, he would not charge the staff time. Until it was decided how to design the rest of the property, some things remained up in the air, like opening the Molalla Forest Road as a pedestrian trail in any official way. This parking lot was meant for the trails in the Eco Park and could also serve as a beginning point on the other side of Territorial and they would be contacting Clackamas County about signage or crosswalks to make that safer.

Mayor Prince asked if there was a time estimate as to when this would be done, could it be usable when it was just gravel or would it be blocked off until asphalt was laid down. Ms. Saul said that it could be used, but that it would be paved shortly after the gravel went down.

Councilor Parks asked for clarification of where the crosswalk would go and Ms. Saul thought it would go from the parking lot across Territorial. Later they might want to discuss bike lanes, sidewalks, and other amenities. He asked if the configuration of the parking lot left itself available for expansion? Ms. Saul said it should be able to be expanded to the east.

Mayor Prince deferred to Keith Stewart, chair of the Planning Commission, as to whether this was acceptable at least for the short term? Mr. Stewart stated that the plan appeared to be acceptable.

Robi Kurth, chair of the Bike and Pedestrian Committee, said this was on Territorial which was a dangerous street for bike and pedestrian crossing. He thought a separate parking entrance could be made to the east of the Molalla Forest Road, which would create a separate access to the parking onto Territorial and would eliminate people crossing it. The crosswalk could be across Molalla Forest Road and would remain bike and pedestrian only, and then they could negotiate with the homeowners for potential entrances.

Councilor Parks said the Molalla Forest Road was a public road, it was not a bike and pedestrian road. They were not going to take the traffic off of that road.

Mayor Prince said this was the interim plan until they could figure out what they were going to do with that intersection, and part of it had to do with moving pedestrians across that road and honoring the rights of the residents that used the road as an access road.

Mr. Kurth said often things became permanent and it was hard to go back and look at changing things after that happened.

Ms. Saul said they were two separate areas, they were trying to get the driveway as far away from the intersection as possible. City code said they had to be a minimum of 30 feet from the intersection, and they would be much further than that.

Councilor Daniels said some safety concerns were brought up at the Traffic Safety Committee meeting about this. They were also concerned about the speed on that road and how pedestrians would be crossing there, but the committee understood this was temporary. Ms. Saul said it was agreed that this whole intersection needed to be looked at.

Councilor Strong thought it would be good if the Bike and Pedestrian and Traffic Safety Committees met and worked together on this.

Ms. Saul asked if the Council wished to discuss moving the gate up at this time.

Mayor Prince said they talked about it earlier, and the traffic that went down that road was very fast and people had run into the gate several times. Part of the issue was that this was a neighborhood and they wanted to slow traffic down and to eliminate the partying down in that area, and it would be better if they put a temporary gate with posts they could take out to still use the road as an interim solution. That was the official access to that area although there were no houses down there yet.

Mr. King thought the gate was privately owned. Ms. Saul said the City paid for the gate, and she thought it was City-owned.

Administrator Adcock suggested that staff look at options and alternatives for gates and measures to keep vehicles from going down there and bring back to the next Council meeting a staff report and presentation as to what they thought would be best done and let the Council decide if it fit the needs of the folks in the area. Mayor Prince said if those in the neighborhood had any ideas to contact City Hall.

MANAGER'S REPORT: John Williams announced one more residential zoning meeting was going to be held tomorrow night, July 19, at the Adult Center at 7 p.m.

Mr. Williams said the Tri-Met study that was required for their application was completed. One of the findings in the study was that 8% of the residents of the Canby area 16 years and older were transit users compared to 39% in the rest of the Tri-Met service district. That made it a pretty clear case that they were being under served at this time. They also came up with a revenue projection, in the year 2000 Tri-Met collected \$570,000 in payroll tax from the Canby area and that number was good news because it fell between the first and second highest budget scenarios they looked at. All the revenue would be collected in-house. He was going to put together a final budget based on that number and would be bringing it back to the Council as soon as possible. He would like to get the Task Force together again to look at some of the trade offs they would have to do because they were not going to be at the highest revenue scenario at the beginning and make some final recommendations.

Mayor Prince asked if they were going to get the list of those businesses Tri-Met contacted? Mr. Williams said he'd have to find out more about that.

Councilor Daniels asked if they had Tri-Met's list, then that could be matched with our business licenses to find out if people had been overlooked and the City could capture the most possible revenue. Mr. Williams said the list was important to Tri-Met because if they were approved to withdraw, Tri-Met would raise their tax rate inside the district the same amount so their revenues would not decline. It was a pretty thorough list.

Mr. Williams stated in terms of the process, they had a letter from the general manager of Tri-Met in response to the City's letter concerning speeding up the process if possible and they invited staff and the Council to a workshop on August 8th with the Tri-Met board of directors. This would be a good opportunity to informally discuss with their board and get a feel for what to expect in September when they voted on this. They would take written and oral testimony at that meeting. The meeting would be held at the Portland Building on 1120 5th Avenue at 8 a.m.

Mr. Williams reminded them that there was a public hearing on July 31, 2001, at 7 p.m. at the Canby Adult Center, regarding the Tri-Met issue. It was a good opportunity to testify and get into the record your views. There would also be an article in the *Herald* reminding people and letters would be sent. He had gone to several meetings regarding accessible transportation for elderly and disabled riders and had been getting mixed messages. They couldn't be any happier with their plan, but their objections were related with losing the Tri-Met connection. They were concerned about losing the regional perspective and everyone would have to transfer and make two calls for pick up at home and pick up at the transfer station. That was the one big drawback, everyone would have to transfer.

Annual Report from the Police Department - Chief Giger stated that they did an annual report because they were the largest department, most visible, cost the most, and people wanted to know what they did. This report would help the Council answer any questions as they are asked by constituents.

The report showed what they did this year in comparison to the last. He pointed out that in the middle of the report there was a page that showed all of the activity of the Police Department. On the last page of the report, it showed all of the members of the department by name and what they did, and the first eight people each had over 20 years of experience. Two of those would be retiring in August, and that left six, but they would be eligible to retire in the next four years. That was the reason several years ago they started to backfill these positions. Copies of the report would be available at City Hall and the Library.

Councilor Daniels asked what the asterisks meant next to people's names. Chief Giger said it meant that they were not backfilling those positions once they were vacated.

CITIZEN INPUT: None.

COUNCILORS' ISSUES: Councilor Daniels announced the Neighbor to Neighbor work day on Saturday, July 21, from 1 p.m. - 5 p.m. They would meet at Knight School and then be assigned to different work areas. Mayor Prince said volunteers would be helping out in the parks, painting areas in all five schools, work on the eco park parking lot, clearing part of the road north of Township on the Logging Road trail, and a lot of small projects around town. If someone could not help that day, they could drop off food or clothing items. After the work day, they would meet at Wait Park for food and fellowship. Councilor Daniels said there were sewing projects and other indoor projects to participate in as well.

Councilor Carson announced that Canby Rotary was having the annual Three-on-Three Basketball tournament around Wait Park on July 28-29 all day both days. They were hoping to have a good turn out. People could still register if they were interested.

Councilor Parks announced that he would be out of town next Tuesday, July 24, and he needed a substitute for a CBR meeting at 7:30 p.m. Councilor Daniels volunteered.

Councilor Johnson announced that he had attended the Back on Track Committee meeting and it was very informative. He and Mayor Prince also went down to Salem during the session for the bill that was sponsoring funding for a commuter rail from Wilsonville to Beaverton. It passed and they could be waiting on federal dollars to see if they could build a commuter rail in the region, and hopefully that could hook up to their bus system. He was also conducting town hall meetings every other Wednesday in the Council Chambers at 7 p.m. for citizen input.

Councilor Carson announced that they were in need of volunteer referees for the basketball tournament. If anyone was interested, contact Canby Jr. Basketball and volunteer.

Mayor Prince again extended the invitation for all to come this Saturday for the community work day.

ACTION REVIEW:

1. Waiving the banner fee for Slice of Summer.
2. Approving the Consent Agenda.
3. Approving the Intergovernmental Agreement with the Urban Renewal Agency for administrative services.
4. Approving the appointments to the Library Board.
5. Granting approval to Extend City Sewer Service to the property at 687 S. Redwood.
6. Coming back with a staff report regarding the gate on Molalla Forest Road.

****Councilor Strong moved to go into Executive Session under ORS 192.660 1(i) performance of a public officer. Motion was seconded by Councilor Carson and passed 6-0.**

Mayor Prince read the executive session format and recessed the regular session at 8:57 p.m.

Mayor Prince reconvened the regular session and immediately adjourned at 11:39 p.m.

EXECUTIVE SESSION
JULY 18, 2001

Present: Mayor Terry Prince, Councilors Corey Parks, Patrick Johnson, Walt Daniels, Shirley Strong, Randy Carson, and Teresa Blackwell. City Administrator Mark Adcock joined midway through the session.

Mayor Prince called the session to order at 9:05 p.m.

ORS 192.660 1(i) - The Council discussed performance of a public officer.

Mayor Prince adjourned the session at 11:30 p.m.

Chaunce F. Seifried

Chaunce F. Seifried,
City Recorder pro tem

Terry L Prince

Terry L Prince
Mayor

Susan Wood

Prepared by Susan Wood,
Office Specialist

CITY OF CANBY

AGREEMENT TO EXTEND SEWER SERVICE

This agreement is entered into between the CITY OF CANBY, hereinafter referred to as "CITY", a municipal corporation, and DAVID SHELDON and DONNA SHELDON, their heirs, assigns or purchasers of their interest, hereinafter called "SHELDONS". This agreement is made and entered into between these parties on the date of the latest of the signatures hereto.

The purpose of this Agreement is to enable the CITY to extend and provide sanitary sewer services to the SHELDONS. The SHELDONS reside at 687 S. Redwood Street, Clackamas County, Oregon. Their residence is presently outside the corporate limits of the City of Canby, but is within the Urban Growth Boundary of the City. The SHELDONS septic system and drain field has failed and presents an existing health hazard.. The CITY, upon approval of this Agreement by its Council will authorize the Canby Utility Board (CUB) to extend temporary sanitary sewer service to the SHELDONS under the following terms and conditions:

1. SHELDONS, who have already filed an application for annexation into the City of Canby shall continue with their annexation process to the City and agree not to withdraw their annexation application from the process until the required election.
2. SHELDONS agree to abide by all Canby Municipal Code regulations and CUB rules and policies including the payment of all necessary fees and charges related to the sanitary sewer service provided by the CITY.
3. Should the SHELDONS annexation application be denied for any reason, the CITY and CUB, in its sole discretion, reserve the right to disconnect the sanitary sewer service provided to the SHELDONS.
4. SHELDONS agree to pay all costs associated with the disconnection of services by the CITY and CUB.

5. SHELDONS agree to indemnify, defend and hold harmless the CITY and CUB from any and all claims made against the City by reason of it extending utility service to them.

6. In the event litigation, including arbitration or mediation is necessary to enforce any terms of this Agreement, the parties agree that the losing party shall pay the prevailing party's reasonable costs and attorney fees, including any subsequent appeals therefrom.

IN TESTIMONY of which, this AGREEMENT has been executed on behalf of the CITY by its City Administrator and has been executed by the SHELDONS on this 27th day of July, 2001.

IT IS SO AGREED:

David Sheldon (name)
David Sheldon

Donna Sheldon (name)
Donna Sheldon

CITY OF CANBY:

Mark Chacoda
City Administrator

Date: 7-27-01

Date: 7-19-01