

CANBY CITY COUNCIL  
REGULAR SESSION  
OCTOBER 4, 2000

Mayor Scott Taylor presiding. Council members present Walt Daniels, Barry Lucas, Randy Carson, Shirley Strong, Terry Prince, and Roger Harris.

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development Director Jerry Pineau, Planning Director John Williams, Police Chief Jerry Giger, Senior Librarian Karen Wilson, Francisco Lopez, Marty Moretty, Donna Borges, Ray Burden, Ted Kuntze, David Eatwell, Craig Finden, Bud Roberts, Kelly Kurth, Chelsea Kammerer-Burnham, Terry Tolls, Craig Lewelling, Robin Motsinger, Steven Amick, Kay Lewelling, Rachelle Butcher, Mark Bailey, Lisa Weygandt, Bob Trappe, Patrick Johnson, Paul Dawson, David Howell, and Lila and Curtis Gottman.

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

**PROCLAMATIONS:** Latino Heritage Day - Canby Public Library Sr. Librarian Karen Wilson and Francisco Lopez, the Program Manager of Centro de Canby, were present to receive the proclamation read by Mayor Taylor. They gave all a special invitation to attend the festivities; service providers with community information and many activities are being planned. Continued support from the community is appreciated. Mr. Lopez said this was planned to do something with the Latino community and let them realize the services the community and the library had to offer. Dancers, as well as the General Consul of Mexico, will make a special visit to Canby for the event.

Certifying Election Results of September 19, 2000 Election - Mayor Taylor read the official abstract count of votes for Measure 3-87 as received from Clackamas County Elections Department, which asked if approximately 301 acres located in the SE quadrant of Canby be annexed into the City limits, and that measure failed. The no votes were 1,801, the yes votes were 896. The vote of the residents of the area to be annexed were no votes 3, yes votes 23.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Canby High School Associated Student Body School Board representative Chelsea Kammerer-Burnham highlighted the Canby High School Homecoming Week events from the powder puff football game, noise parade at 6:00 p.m. October 27th, and half time happenings. Alumni ribbons will be handed out at the football game vs. Silverton and this year they are going to honor past homecoming queens during half time. The high school has been putting on homecomings since 1959 and they are letting groups know about all the events to seek as much community involvement as possible.

The Mayor invited her or another representative to return each month and highlight the events at the high school.

Kelly Kurth, Activities Coordinator for the Canby High School, accompanied Chelsea with the hopes of having more communication in the future so that the Council can be aware of more of the school's community activities. She let the Council know that their nominated student for the Leadership Canby program is Robert Street. She would like to be contacted about any activities or programs that come to City Hall if there is an opportunity for student involvement.

The Mayor announced that the League of Oregon Cities sent out applications for students from state high schools to be representatives to a League youth advisory council.

Bud Roberts representing the Industrial Area Association expressed concerns if there are to be any decisions coming out of tonight's agenda Urban Renewal District discussion. His group would have concerns about the process and a chance to speak if a decision were to be made at tonight's meeting. He would want the process to first go to the Urban Renewal Agency and Urban Renewal Advisory Board. If it is to be just a discussion with no decisions to be made, that would be acceptable.

Mayor Taylor explained that the Council would have their discussion first and the outcome of that discussion would determine what they were or were not going to do. At that time if there are comments to be made, his group would be recognized.

Rachelle Butcher residing at 26566 S. Elisha Road represents a group of the rural residents living near a portion of the logging road. She had noticed the amendment to the Parks and Recreation Plan with the possible land donation from the last Council meeting and she and her neighbors had not had a chance for any input. She wanted the Council to know that as good as it sounds to have land donated to the City, it does come with its own set of problems. She expressed multiple concerns about the park near Elisha Road south of Canby and the logging road which has finally been closed after many attempts by the County and the Parks Patrol to police and address the problems that accompany an unsupervised rural park area. It attracted individuals who were not all harmonious with the local residents who were trying to live and raise their families in the country near the park.

Mayor Taylor interjected that the property that was on this agenda was not the piece of property she is referring to; the Council would be discussing property to the north of the City.

She is concerned that if the County which is a much larger organization could not successfully police this area, how would the City of Canby be able to? The County Sheriffs' Department had a hard time responding in a timely manner because its jurisdiction is so wide. She wanted it on record that the twelve households in the Elisha Road vicinity are actively opposed to the Canby park. She does not want to sacrifice her rural identity and reasons to live in the country so that the people who live in town can have a bike path. They don't feel confident that the City of Canby can take over the problems that will accompany the new park acquisition and come up with an acceptable alternative. She can foresee lawsuits; she has read in the local paper about the assault, vandalism and trash that the City is already facing on the portion of the bike and walking path it currently owns.

Councilor Harris appreciated her coming to express her concerns and wanted her to know that the Council would be receptive to her returning for further discussion. When a portion of land is donated to the City, the negatives that come with it are not always considered or apparent.

Ms. Butcher appreciated the Council's receptiveness to allow her to speak and continue to be informed.

Councilor Prince asked Ms. Butcher whether any Canby Police protection in their area would help in their decision to support the proposed logging road acquisition?

She did not feel she could answer for anyone else and personally it would take more protection than she thinks the City would be able to give. She would be receptive to any plan that the police could come up with and would welcome the communication.

The Mayor wanted everyone to understand that the offer of the land donation was contingent on the election and that as the City, we still have some discussion ahead.

Councilor Daniels felt the City could look at alternatives to deal with the kinds of problems she was referring to. When we were having problems in one of our city parks, a resident and trailer were placed there and it helped. He did not feel that the City would just open up an area and get to the problems she has been experiencing. He encouraged her to stay in touch and the Council would run different ideas by her. At this point, it is still in the discussion stage and they are aware of the many problems it could entail.

Councilor Lucas wanted to clarify the amount of acreage that was being considered, 107 acres not 50. He was not sure of the value of the land.

Ms. Butcher stated that a good portion of it was flood plain according to the County Assessor's Office.

Another Elisha Road resident, Mark Bailey, expressed concerns for his family's safety when the park was opened. An element from outside the area would frequent the park and he anticipates similar problems for those who live in the vicinity and those who would frequent the area for recreation if it were to open up again. From the standpoint as a parent, it would draw a dangerous element. It has already been reported about an increase in crime on the logging road; the City should consider its possible liability and its general responsibility. Perhaps it could be held in trust until a workable program could be set up to safeguard people. The policing of his area was a big concern, accidents needing life flight to respond, and suspicious drug activity. The policing of the entire route as well as the park needed to be looked at. One of the costs to counter the free property will be the upkeep.

Councilor Lucas recommended his comments be addressed to the Park and Recreation Advisory Committee and they would listen to all the input his group could give.

Mayor Taylor did not want this discussion to create a sense of fear to be on the bike and pedestrian path as well as the skate park and other city parks; they are still great places to be.

**CONSENT AGENDA: \*\*Councilor Daniels moved to adopt the consent agenda: minutes of the regular meeting, September 20, 2000; accounts payable in the amount of \$167,288.77; and appointments of Curtis Gottman and Doug Gingerich to the Traffic Safety Committee. Motion seconded by Councilor Prince and passed 6-0.**

**COMMUNICATIONS:** The Mayor read portions of a letter from the Department of Environmental Quality, Water Quality Division, complimenting the Wastewater Treatment Plant and specifically Darvin Tramel for the City's excellent 1999 pretreatment annual report.

**NEW BUSINESS:** Discussion Regarding Urban Renewal District - The Mayor informed the Council that this has been put on the agenda at the request of Councilor Prince. There had been a request that staff look into some things and make a report and the Mayor stated that he had instructed staff not to do that until such time as the Council, who had previously approved the Urban Renewal District, had an opportunity to discuss it in this form and provide direction as to where and if they wanted further work done by staff, advisory committees, etc.

Councilor Prince felt that in light of the recent election, the vision of the people of Canby was that they did not want to grow as fast and were concerned about the effect on the Fire District. Council has not been able to help them in what they need as far as the funding goes. His recommendation to Council would be that the Urban Renewal District be scaled back to include the downtown projects and a few grant programs due to the fact that we are not taking care of the Fire District and the negative impacts this will have on school bonding. He asked if the Council would consider his recommendation. In the beginning in the Urban Renewal District, there was discussion about going to a vote of the people. This was bypassed due to the timeliness of the annexation.

Councilor Prince defined two requests; the first would be to scale back on the Urban Renewal District and the second would be to put the Urban Renewal District to a vote of the people.

Councilor Harris addressed the concerns of growth and the Fire District. They are the same reservations he has had and is certainly worthy and necessary to discuss. As far as the timing of this request, the possibility is there that five of the Council presently involved in a campaign that will be determined in a month; four might be in lame duck status after the election in November. He would be for discussion now, but not decisions. He felt that it would be more appropriate to wait until after the elections to know who would be seated on Council.

Councilor Carson, as liaison to Urban Renewal District Task Force, feels strongly that he would like to go back to that group and come back through the process. Considering there had been over fifty meetings with different groups, this was not a short process and feels that it would be appropriate to go back through the task force and find out where people want to make necessary changes not just wholesale changes.



Councilor Lucas felt there were several reasons why the measure failed and he would like to recommend that the task force go back to work, if they are willing, and have several public meetings and find out the exact reasons why it was voted down. It would be time well served to see what that group could come up with. He would not want to throw out all the work that they have done.

Councilor Strong wants to put everything on hold until after the election and then consider involving the task force.

Councilor Daniels agrees that it should go back to the task force but does not think the process needs to wait until after the election. Since the Council would be waiting for the recommendation from the task force, and it would not make a difference which six people were sitting on the Council to hear it. There perhaps needs to be a clarification on whether the people were voting against the annexation or the Urban Renewal District. He would like to charge the committee to look into that and come back with some recommendations.

Mayor Taylor acknowledged that the advisory committee spent a lot of time working and one of the claims was that it had not been discussed thoroughly enough so it would not set well to turn around and rapidly make a decision without re-involving people who had been actively involved and gave it a process. Now there does not appear to be an immediate rush. It will not be a light decision. There has been debt incurred in the Urban Renewal District for which we are now obligated for so before shrinking or changing the size of the district, there are many legal, financial and budgetary questions that need to be addressed.

The task force needs to be recharged and the Council needs to meet with them and staff to give them questions and direction for further research. It should not be used as a political opportunity but rather wait until after the election. Then those sitting on the Council at that time can charge the committee with study and recommendation. There does not seem to be any pending need to rush through it at this point.

Councilor Prince stated that this Council has voted in favor of urban renewal and after the election they could just go ahead with it without the electorate knowing which direction the Council is going to go. He feels it is important that the people in the city be allowed to vote on it; that decision would not be a hard decision for the Council to make. To vote on it is part of the ownership; the annexation failed so part of what the City thought was the direction the people wanted to go, is not. So it is important that urban renewal be given a chance, whatever form it comes out after the committees have a chance to revamp it. Because this Council was the body that decided to have urban renewal, then it is this Council that can direct staff to look at revising it and putting it before a vote of the people.

Mayor Taylor reiterated that there may be a different council and not knowing what the proposal looked like, he would not know what people were authorizing the vote to be about. If some of the concerns were not clear as to what the vote was about, those concerns would change peoples' sense of what had to be addressed in the Urban Renewal District, if anything.

Concerning the issues that Councilor Prince had proposed, Mayor Taylor felt that he heard from the Council tonight that at this point, they wanted to wait until after the election when the new Council is seated before deciding to begin working with the advisory group. He also felt he heard the Council say in regards to a vote of the people that it would be after the recommendation came back from the task force.

Councilor Daniels felt that he had been elected to make certain decisions and is reluctant to go back to the public and always say, let them vote on it. That being the case, why not just let them vote on everything and why have the Council? So the problem becomes which items get put before the public for a vote. The voter annexation is one issue that was decided by Council to be put to a vote of the people and it was approved. If people have comments about an issue, they need to be made during the public hearing process, and be present at the task force meetings. The process progressed along with a lot of input from the committees and if there had been a lot of objections during that time, then the vote on the Urban Renewal would have not been 5 - 1. He would be reluctant to go now to a vote of the people; they have an opportunity during the public meetings part of the process.

Councilor Strong asked whether the committee would be called back together to find out why the vote went down and report back to the Council? If their recommendation was to take it to a vote of the people, then is that what the Council would do?

Councilor Prince responded that this is the Council body that voted for Urban Renewal and this is the body that would have to request it to go to a vote of the people, not the advisory board.

Mayor Taylor tried to restate in response to Councilor Strong's question that Councilor Prince wants this group to say now that it will go back to a vote of the people but we do not know what we will be taking back to a vote of the people.

After clarification, Councilor Prince stated that he wants this body to take the issue of the Urban Renewal District out to a vote of the people.

Councilor Lucas stated he had heard in the meeting tonight reference to the fact that this group had discussed wanting to send it to a vote of the people but there were time constraints. He does not remember that discussion with the Council. He also did not want assumptions to be made that the annexation failed because the body still wants urban renewal. That is why he would be in favor of going back to the citizens' advisory committee and have them have public meetings to find out why the annexation failed. Did it fail because the City was the annexing body, or because it was too much too fast, or property owners were getting a tax break, or because of urban renewal? After several years of work and over fifty meetings, it would be appropriate to send it back to the committee and find out why it failed.

**\*\*Councilor Prince moved to put the Urban Renewal District to a vote of the people; motion seconded by Councilor Strong. The motion failed 2-4; Councilors Carson, Harris, Daniels and Lucas opposed.**

Councilor Lucas questioned whether they were just going to have the people vote on whether to have urban renewal or not and Councilor Prince responded that if you just sent it back to the same group that had said "yes" before, then that would be their answer again.

Councilor Harris felt hesitant to make major long term decisions while not knowing the outcome of the upcoming election, that possibly the decisions made now would obligate a different Council and put them in an awkward position. He is also concerned about some assumptions as to why the annexation failed that might not be entirely accurate. He also does not recall any discussion about sending it to a vote of the people and certainly not about the lack of time issue. He was in favor of the urban renewal district and the in favor of sending the annexation to a vote of the people contingent on making the Fire District "whole". That did not materialize so he is not in the same position he was a year ago. On any growth issue, it is never simple and clear cut, for instance the possible land donation that was discussed earlier and possible negatives that initially are not considered. So with the three hundred acre annexation, separate from the fire district urban renewal issue, the benefits of the annexation outweighed the problems that might accompany it such as increased traffic. To analyze his own vote projecting himself as a member of the community, he would not say he is against urban renewal, therefore, he would be against the annexation. He questioned how a task force would be able to find out, perhaps with a survey.

He is not against having the public vote on an urban renewal district, but feels there would have to be an education process, there is so much between a yes and a no, such as scaling back and choosing which projects. He feels the public put him on the Council to make these intricate decisions and at this time would not be in favor of a blanket yes or no on the urban renewal. There could be parts of the process that could go to a vote of the people in the future.

Mayor Taylor stated for clarity that when this came as a recommendation last fall and was passed by the Council, there was a ninety day window for a referendum to be filed if a vote was desired. No such referendum happened and in March of this year, the Council went ahead and moved forward. So there certainly was an opportunity for opponents to surface and have that debate. He considers that there would be complexities that would have to be answered before this can be put out to a vote. There is debt incurred and a variety of legal questions to be answered; March of 2001 would be the earliest that these questions could possibly be answered and still go to the people for a vote. So the question would be why rush to do it when it cannot be until March at the earliest.

Councilor Strong recalls that this moved ahead in order to capture Fred Meyer in the tax assessment.

Councilor Daniels remembered that they could also capture a lower power rate so that the area could be included in the total area of Canby, thereby being eligible for a lower rate going in.

Councilor Carson reminded everyone that the task force represented a diverse group, not just members from the Industrial Area Association. Although an agreement was not reached with the Fire Department, he feels that we need to go back through the task force and get with the Fire

Department and find out how to come to an agreement.

Councilor Prince felt that the ninety day referendum had not been challenged because all along the intent was to help the Fire District. Through the process there was the intent to work things out with them and therefore, it went unchallenged.

Bud Roberts restated that the direction appears to be to go back to the Task Force at or after the election to find out if they can determine what the problem was with the annexation, address those issues along with the whole urban renewal question and that is what the task force would like to do anyway.

Mayor Taylor restated that if the present Council is sitting there in January, they will probably move forward with that plan.

Discussion Regarding Upcoming State Ballot Measures - Mayor Taylor requested this discussion after attending the Oregon Mayors Association and involved with the League of Oregon Cities. Along with the Mayor, Councilors Prince and Carson also attended the Clackamas Cities Association meeting where the ballot measures were discussed.

A few of the ballot measures have a larger impact on city government and this would be an opportunity to surface some of these issues for the Canby voters to consider. With the large voters pamphlet, Mayor Taylor wanted to walk through some of the measures that would affect the City.

Measure 8 - Amends Constitution: Limits State Appropriations To Percentage of State's Prior Personal Income. The amount of income the State gets from all sources cannot exceed what it collects in personal income. In the last year, the State had a budget that was roughly 18% personal income; this measure would say that it could not exceed 15%. This means that by estimates of the legislative fiscal office there would be about a \$3.7 billion reduction in state budget revenue. It includes in that amount any federal funds or anything else to arrive at that amount.

The Mayor's concern with this measure is that the City receives a variety of revenue-sharing from the State which funds a variety of the City and County budgets in a number of ways. The City staff is currently working on how this measure will effect the City of Canby's budget to consider how this will play out on a change in city services or revenue we have available to work with.

Councilor Carson knows that there need to be ways to hold down our spending and with a lot of projects that go over budget, this measure is trying to address those problems. But the way this is written, it could take a lot of money away from some of our revenue-sharing funds for special projects the City asks for from the State.

Councilor Prince said that when talking about issues that involve personal income, he avoids plans that talk about massive cuts. It is better to phase in cuts when doing anything, i.e. city

budget, and he finds this concerning that the State would lose that much money and how it will affect the cities. The revenue-sharing the State does with the cities is considerable and with this type of a cut you would see a drastic cutback in the programs that we would be available for.

Measure 84 - Amends Constitution: State Must Continue Paying Local Governments for State-Mandated Programs. Councilor Prince commented that this has been going on for five years and had a sunset clause; encouraged a yes vote. It has been working well in state government.

Mayor Taylor concurred with Councilor Prince. Measure 84 says that if the State mandates the cities or counties to pick up services they used to have in the shortened budget, the State has to pay for that. This way cities and counties do not end up receiving obligations for services with no funding to make that happen. Measure 84 is some sort of protection for the city to be able to operate with the funds it collects.

Measure 87 - Amends Constitution: Allows Regulation of Location of Sexually Oriented Businesses through Zoning. This is a non-economic measure that allows city councils to designate areas where adult sexual businesses can be located. The Supreme Court and other jurisdictions have ruled that they have the ability to run a business and unless they are violating the law, cities can have the ability to designate an area for types of businesses such as adult bookstores, nude dancing, and pornographic material. A concern for a town the size of Canby is that any area is still in the middle of the town; some of the larger cities are trying to designate areas.

Councilor Carson stated that Oregon is only one of eight states that have not created rules designating areas. This would allow Canby to restrict where these businesses could be located.

Councilor Daniels said that what might be confusing to people is that these types of businesses are allowed by law to be in operation, but that this measure allows the Council to say where the businesses can be located. Council can then say they do not want that business located near a school, etc.

Councilor Harris restated that if such businesses need to exist, they must be in designated areas.

Measure 91 - Amends Constitution: Makes Federal Income Taxes Fully Deductible on Oregon Tax Returns. This measure makes your federal income tax exempt on your state tax. It is also retroactive so that in the year we are still in, the State would have to find \$1 billion to cut out of the existing budget and then future budgets would each be cut by approximately the same amount. If you are a taxpayer who wants relief, this would make sense. People need to pay attention to some of the studies that have been done by the legislative fiscal office who specialize in taxation and results. The most recent study to be seen indicates that the average wage earner of \$50,000 would see tax relief of about \$50. The upper end wage earners would see larger relief. This also applies to corporations, so whether you like it or not, think about what will be the affect and roll down to cities, counties, schools, and all the districts that deal with picking up the services that the State will no longer be able to handle with this kind of loss of revenue. It will cause some impact on the City.



Councilor Carson stated that although it would be money out of taxpayers' pockets, this measure would take away from programs the City is using. Only certain types of corporations qualify to get these tax breaks anyway and at this time, a lot of businesses are not supporting this measure.

Councilor Harris knows that it is easy to skim through all these measures and see that this will be money back in the pocket, it is tax money that the taxpayer will not have to pay; everyone is in favor of that. But taxpayers also have to recognize that there is a cost of having public services; everyone likes having good roads to drive on, police protection, schools, etc. But if we do not pay taxes, we aren't going to have those services. The cost of having those services is born by a tax burden to the taxpayer so if people arbitrarily vote against everything that decreases taxes, there will soon be an affect to that. A decrease in taxes will be a decrease in services.

Mayor Taylor stated that for those who like the idea of this measure but feel it is too drastic and the retroactivity has an effect on you, the legislature put forward Measure 88 which puts in a certain exemption and gives some relief, just not to the same extent as Measure 91.

Councilor Prince agreed that voters look at Measure 88 instead of the more drastic Measure 91. He would be for Measure 91 if it could be phased but the way it comes on all at once, Measure 88 is a better start. It increases the maximum deduction for federal income taxes in the State and then works to increase it every year. It appears to be in the form of a double taxation the way it is worded now.

Measure 93 - Amends Constitution: Voters Must Approve Most Taxes, Fees; Requires Certain Approval Percentage. Mayor Taylor wants everyone to look at this measure; what it does not talk about is its retroactivity going back to 1998 although they are even unclear about the dates, possibly 1999. It does go back in time and anything that has been passed since that date goes back to a vote and if any of those fees are found not to be warranted, the money has to be refunded back to those people who paid it. An extreme example for the City of Canby would be if the library fines have been raised within that time period, that would go to a vote. If the voters said that fine was too large, then the City would be required to find those people who had paid the higher fine and refund them. The cost to the City to research the people who were affected and then find those people to refund them the 25 cents excess fine would become prohibitive. The retroactive nature of this measure puts the City in the position of having to come up with a way to not only find those people but come up with a way to find out which people would qualify for the refund. It is beyond both our legal staff, our police force and the rest of the staff to find those people. It would affect all fees citywide that have been increased within the time frame of the Measure.

City Attorney John Kelley stated that under Measure 93 there is an exemption for court fines and forfeitures for violations of the law.

Councilor Carson said that fines for the Parks and the Library would certainly be impacted; it seems quite onerous to go to a vote of the people to raise library fines.

City Attorney Kelley cited the fees for public records requests as another example. If we wanted to raise our photocopying costs from 10 cents to 15 cents, that would have to go to a vote of the people.

Councilor Daniels stated that if this passed, new and approved taxes and fees could only be given on a biennial basis so it would take a long time to put it through the process.

Mayor Taylor stated the Council was encouraging a no vote on Measure 93.

Measure 98 - Amends Constitution: Prohibits Using Public Resources for Political Purposes; Limits Payroll Deductions. This measure initially addresses the concern about the unions and lobbying, but included in this it also talks about public employees. The City pays an organization called the League of Oregon Cities; they attend the legislature to pay attention to bills that affect cities so that we can then be called as a volunteer council and go to Salem and testify and know when issues are ready to come up. For example, issues the League made us aware of were legislation around bus system and TriMet. Our State Representative Kurt Schrader makes us aware as well but the League has a special staff that pays attention to city issues. This measure would prohibit them providing their services to the cities at the legislature and also prohibit city staff from going to Salem to testify or waiting for the issues to come up because they are public employees and would be using public money to go to the legislature on behalf of city issues. The League and city staff would not even be able to notify officials about when to take off time and to go down and speak. The effort around this really begins to limit the opportunity to provide information to legislators about pros and cons about how the cities would be affected. This includes not only revenue issues but also land use issues, building codes and a variety of things that are important to how we as a city conduct business.

Councilor Prince agreed with the Mayor on Measure 91 in that it sounds good but because of the size of this city, we rely on the availability of the League of Oregon Cities to represent us in meetings in Salem. Everyone knows that all the money comes from Salem so anytime we get any extra projects, we have to go to Salem for the money. Looking out for the cities is one of the more important things that the League does for us.

Councilor Daniels stated that the reductions resulting from eliminating candidates' statements and arguments in state and local voters' pamphlets will be a big issue.

Measure 94 - Repeals Mandatory Minimum Sentences for Certain Felonies, Requires Re-sentencing. Councilor Carson stated that this measure is basically trying to get rid of Measure 11 which has been passed twice in the past several years to make sure it was in and he believes that most district attorneys would like to keep this so that they can make sure that the people they do put away, stay there. There may be some accompanying problems, but they can be addressed administratively. Mayor Taylor announced he was in the "prison business" and it was revenue for them.

Councilor Harris notes that Measure 94 certainly does put people away but the drawback he sees is that it takes discretion away from a judge. If someone is convicted of a crime that falls under

Measure 11, the judge cannot recognize any mitigating circumstances or things that would benefit the person. The situation that comes to mind is a mother in North Portland whose son is fighting with police as her son is being arrested and the mother comes out of the house and tries to grab her son. She ends up being charged with a Measure 11 offense for something like pushing a police officer. Obviously, she should not have done it but because it involved some level of assault on a police officer but if convicted, she has a mandatory minimum sentence of seven years in prison. So, these instances seem harsh and cannot be handled administratively. Although this is not a city issue, there are parts of this measure that seem to be very harsh in that judges cannot address it. Many judges are opposed to Measure 11 because it takes away some of their discretion.

Measure 3 - Amends Constitution: Requires Conviction Before Forfeiture; Restricts Proceeds usage; Requires Reporting, Penalty. City Attorney John Kelley explained that this measure would require a conviction of an individual before forfeiture, rather than the forfeiture hearing. It changes the burden of proof from preponderance of the evidence to clear and convincing evidence. This requires the State or City to prove a higher level of involvement in drug activity before you can forfeit their car, house, etc. in drug transaction. It also restricts the proceeds used.

Police Chief Jerry Giger commented that the police department would need another 6,000 square foot building to accommodate all the property seized before the cases would be adjudicated.

Mayor Taylor stated he appreciated taking the time in this meeting to go over these issues that have impact on the City and State. Hopefully, it will help when the constituents receive the large voters' pamphlet.

Mayor Taylor thanked the Chief for organizing the Fun Run along with Direct Link. About 75 people participated in the 5k & 10K walk and run; this will become an annual event. The skate park grand opening was also attended by the Mayor, Councilors Carson and Lucas. The weather seemed to not be a deterrent as over ninety children and adults attended; one hundred helmets were given out from the police and parks department.

The Mayor took a brief recess at 8:56 p.m.

The meeting reconvened at 9:08 p.m.

## **ORDINANCES & RESOLUTIONS:**

### Ordinance No. 1058-

**\*\*Councilor Daniels moved to adopt Ordinance 1058, AN ORDINANCE AUTHORIZING THE PURCHASE OF A UTILITY TRUCK FOR THE PARK DEPARTMENT IN THE AMOUNT OF \$23,222.00 FROM NORTHSIDE TRUCKS AND EQUIPMENT, INC., OF PORTLAND, OREGON; AND DECLARING AN EMERGENCY. Motion seconded by Councilor Harris, and passed 6-0 by roll call vote.**

Ordinance No. 1059 -

**\*\*Councilor Lucas moved to adopt Ordinance 1059, AN ORDINANCE AMENDING THE PARKS AND RECREATION MASTER PLAN, AND DECLARING AN EMERGENCY be posted and come up for final reading on October 18, 2000. Motion seconded by Councilor Harris and passed 6-0 on first reading.**

Councilor Prince stated that this ordinance was in direct response to the City trying to acquire three lots on the Molalla Forest Road.

Councilor Strong wanted to make it clear that this was not the property that Ms. Butcher was referring to in her presentation under Citizen Input. The property in this ordinance is located on the Willamette River not the Molalla River.

Councilor Lucas informed the Council that he would be meeting the next day with State Representative Kurt Schrader and the Trust for Public Lands among others to look at the Willamette River property.

Ordinance No. 1060 -

**\*\* Councilor Daniels moved to adopt Ordinance 1060, AN ORDINANCE AUTHORIZING PURCHASE OF REAL PROPERTY FOR THE WILLAMETTE - MOLALLA RIVER GREENWAY PROJECT AND DECLARING AN EMERGENCY be posted and come up for final reading on October 18, 2000. Motion seconded by Councilor Prince and passed 6-0 on first reading.**

City Administrator Mark Adcock clarified that this ordinance is coming before the Council tonight because the closing for this property is anticipated on October 20, 2000 and needs to come up for second reading prior to closing.

Under Section 3, Councilor Carson wanted to clarify that the City is responsible to come up with \$187,500 and the balance of the \$375,000 purchase price will be picked up by the State of Oregon Parks and Recreation Parks Acquisition Development Fund. Our amount is coming from our Parks and Recreation Acquisition fund.

Councilor Harris wanted to reiterate that the amount that the City is contributing is consistent with the amount that was discussed in the past and reflects the Councils' direction as the Budget Committee.

**UNFINISHED BUSINESS: Youth Appointments to Public Transportation Task Force** - City Administrator Mark Adcock announced the names of the prospective youth representatives on the task force, Brett Kitter and Chris Muller. Donna Borges introduced Chris Muller who was present at the meeting. Chris let the Council know that he is a senior at Canby High School, a

member of Varsity Cross-Country Track Team, Key Club and works with the Youth Summit and will be on the Americorp site council in the winter and is also in the Leadership Canby Program.

**\*\*Councilor Daniels moved to appoint Brett Kitter and Chris Muller as youth representatives to the Public Transportation Task Force as a Public Transportation Plan is developed. Motion seconded by Councilor Lucas and passed 6-0.**

Discussion Regarding Ballot Language for Annexation Proposals - City Attorney John Kelley stated that Councilor Prince had requested as discussion that the exact votes of the Planning Commission and the City Council be included in the annexation ballot language.

Councilor Prince felt this was something that the Council could do for the voters to give them a better idea of how much in favor the Council and Planning Commission were in putting an annexation before the public.

Mayor Taylor asked if the number were to include those members who were not present when a vote was taken? In the past, the wording would reflect "unanimous" even though there were members absent to vote. Would the intent be to include the vote number of those present and note the number if there were those absent?

Councilor Prince felt the vote count would reflect those present to vote. It promotes a more informed electorate.

**\*\*Councilor Prince moved to approve in the language for ballot measures concerning annexation, the vote count of the City Council and Planning Commission be included. Motion was seconded by Councilor Strong and passed 4-2, Councilors Harris and Daniels opposed.**

Councilor Daniels questioned why there was a need for it; when a motion is made that the Council recommends, why would it make any difference to the public if it were a majority vote? What he feels the public needs to know is if it were recommended by the Council and the Planning Commission. He feels it will cloud the issue.

Councilor Strong felt it would not cloud the issue but that it would give voters more information to make a decision. It is one way of making sure that all the voters know in case they had not read the paper.

Councilor Lucas felt that it could cloud the issue and the Planning Commission has agreed in the past that there are times when the Council hears different information than they do and their vote might have been different later on having heard the new information.

Mayor Taylor stated that currently the language just states whether the Planning Commission was in favor or opposed; this motion, if approved, would give the specific vote count.



## **COUNCILORS' ISSUES:**

Joint meeting with Planning Commission on overlay and zoning process in the Industrial Area - Mayor Taylor announced that prior to the election, the Council had been working on an overlay process and zoning rework of the industrial area. If the annexation had passed, there was going to be a special emergency joint meeting between the City Council and the Planning Commission and then another meeting to put that zoning into effect. With the failure of the annexation, there does not appear to be that rush and the Council chose not to have the emergency meeting. As of this time, the Planning Commission is scheduled to hear that matter on October 23, 2000 and the question before the Council is would they like that to be a joint meeting with both bodies hearing and deciding or let the Planning Commission have their deliberations first and then come before the Council?

Councilor Carson still wished to proceed with a joint meeting.

Councilor Prince felt that joint meetings were productive but in this case having two separate meetings would allow for more public input with more people assured of being able to attend at least one of the meetings.

Councilor Harris stated that with the history of some level of conflict between the Council and Planning Commission, anytime there was an opportunity to have a joint meeting, it would be beneficial. Both groups have a more mutual understanding in knowing the personalities in the groups so anytime they can meet jointly, it is in the community's best interest.

Councilor Daniels and Councilor Lucas both stated that they would be in favor of a joint meeting.

Councilor Strong questioned if the two groups met jointly, would that only give the public one opportunity for input?

Planning Director John Williams stated that the only official public hearing would be on the Planning Commission level for text amendments and that the City Council would be adopting the ordinance requiring two readings.

Mayor Taylor asked of City Attorney John Kelley that since the majority of the Council wished to have a joint meeting, would there be any problem sitting in while the record is being created and participating in the discussion? Attorney Kelley could see no legal problems. Since four of the Planning Commissioners were not present at the last joint meeting, he would like to be present to discuss the issues that had been brought up previously.

Councilor Strong wanted to clarify the fact that there would be a joint meeting before the regularly scheduled Planning Commission meeting on October 23<sup>rd</sup> and then the Council would sit in on their meeting as part of the hearing body.

It was agreed that there would be a joint meeting with the Planning Commission on October 23, 2000. Planning Director John Williams would be sending out related materials prior to that date. It was decided that 7 p.m. would allow for all the Councilors to attend.

## **MANAGER'S REPORT:**

### **Joint Meeting with School District Regarding Ackerman/13th Avenue Recreation Complex -**

City Administrator Adcock said that Canby School District Superintendent Dr. Deborah Sommer will be meeting with the School Board on October 5<sup>th</sup>, and is working on tentative dates in the fall to convene a joint meeting with the Council and the School Board to hear the final presentation from the consultants as to the end work product that came out of all the public testimony and workshops held at the Adult Center. The hope is to give the Council closure by making the final presentation of the master plan for that facility.

His request is for Council to schedule some time in November or December that is convenient for both bodies. A suggestion by Council would be November 8<sup>th</sup> as a potential date for the meeting.

Councilor Lucas would like a date that will be convenient for the School Board to assure good attendance from them so have the School Board come up with several possible dates and get back to Council.

## **COUNCILORS' ISSUES:**

Councilor Roger Harris asked about the status of the citizen awards program, "Hometown Hero Award". City Administrator Adcock highlighted the program and outlined the nomination process. It was created so that this Council could acknowledge the good works of residents and non-residents of the City of Canby who make a contribution to their community either through an individual act of heroism, generosity, donation of resources to the community to help advance the quality of life or goals and vision of the community. Also, another category would be in the area of leadership that led to the betterment of the community and beneficial outcomes. And the third category is community involvement which would be for an organization or an individual that helped promote the quality of life of the community.

The nomination process would be for people to send a letter of recommendation stating the individual's name and setting forth the action worthy of acknowledgment in any of the three categories. That information would be forwarded to the Council and a decision made to acknowledge the award and if that were the case, to have the person come to the City Council meeting to be presented with a certificate and name and category placed on a perpetual plaque hung in City Hall.

The Council wished for this to be an on-going program rather than quarterly or once a year. The nomination process is open and ready to move forward. The nomination process will be in the

form of a letter and three letters of support accompanying the nomination. The letter will also be forwarded to the newspaper to help publicize the process.

Councilor Harris also wondered when the joint meeting would be held with the Planning Commission to iron out the conflicts between the two groups.

Mayor Taylor let the Council know that he had been in contact with Keith Stewart, Chairman of the Planning Commission and at that point they were not sure whether there was a sense on either side that the meeting still needed to happen. For that reason, the Mayor had not been pushing for a meeting. The Mayor questioned the Council as to whether they still wished to have a joint meeting with the Planning Commission on that topic.

Councilor Prince felt that the joint meetings were evolving that way.

Council Daniels remembered that one of the discussions was the role of the Council and the role of the Planning Commission and that the Council appoints that commission who in turn makes recommendations to the Council. He wanted to make sure that the roles are more defined and that the Planning Commission's recommendations are considered but that ultimately the Council makes the final decision.

All of the Councilors agreed to pursue a joint meeting with the Planning Commission to discuss roles and responsibilities to establish protocol. It would be acceptable to have this meeting in a workshop form since there would be no decisions coming from it.

Councilor Harris updated the Council on the walk-around that was done with Dave Leland, a personal friend of his who runs a consulting business revitalizing deteriorating down towns. After the walk-around, a brainstorming session followed and it proved to be quite successful. There were about fifteen people taking part, among them Canby business people, CBR and Chamber representatives, as well as city staff and Council, discussing ideas about downtown. A lot of ideas came out that will be worthy of discussion in downtown revitalization. Positive things will come from the ideas passed around.

Councilor Harris also passed on to Councilor Daniels, who is the liaison to the Traffic Safety Committee, for discussion the issue of the intersection at 99E and Territorial continuing to be dangerous with no resolution in sight. It is a State highway intersecting with a county road complicated by a railroad and it is all outside the city limits. He is recommending as a topic of discussion to make N. Redwood the collector and then make a right turn only from the north side of Territorial onto 99E prohibiting traffic from going straight across or turning left onto the highway. There is now a traffic light at Redwood as well as widened and improved and it is safe to pull out onto the highway from that street. It would not be that inconvenient for the residents of Willow Creek Estates to use Redwood as the collector instead of Territorial. The inconvenience would be to the residents and the churches on the southeast side of Territorial but there are alternate routes to go into town.

Councilor Daniels noticed some excavation at the Foursquare Church and thought there were some conditions placed on them to have a light at Territorial before they could start building. Planning Director John Williams stated that they were doing some construction work at that site and the Church would have had to go through the County.

Councilor Prince had told Council that they would brief city staff when they were in the area of Canby's urban growth boundary. Mayor Taylor directed staff to check the history and see if there was such an agreement with the County and the Church.

Councilor Prince thanked the street crew for the paving job on NW 10<sup>th</sup>, a very professional job with the paver. He knew it was cheaper than subcontracting it out and was very pleased. He questioned whether the crew would be able to fix more roads in Canby now and Community Development Director Pineau noted that it can be done and cheaper but just dependent on the fact that there is only a six person street crew. They are trying to upgrade the streets without having to reconstruct.

Councilor Prince also mentioned that a citizen has reported on S. Pine and Township that a lot of trucks are driving through that area and there is a "No Thru Truck Traffic" sign posted. They are driving over the island and need to come with alternatives to discourage the truck traffic. It will become a city issue soon unless it gets handled. Perhaps the police could check out the area to make sure that the trucks are not using that street as a major thoroughfare.

Councilor Carson noted that the trucks are turning off of Township and using S. Pine as a shortcut to SE 13<sup>th</sup>. There is definitely more noticeable traffic.

Mayor Taylor suggested that the Chief could assign some patrolmen to check out the truck traffic.

Councilor Carson mentioned back to the highway problem at Territorial, that signage directing cars to use N. Redwood rather than going on out to Territorial could help with the 99E and Territorial intersection.

Councilor Carson also noted that both he and Councilor Lucas attended the skate park grand opening and it was very well attended. He also spoke with several of the adults who were there with their children and felt they were doing a good job in trying to help police the area. A few letters to the editor have been less than positive but with the growing pains he feels it will take care of itself. The skate kids will do all they can not wanting to have more restrictions placed on the park.

Councilor Harris questioned the truck parking on the side NW 3<sup>rd</sup> as it was mentioned in the *Canby Herald* about some of the inherent problems arising with children riding their bikes to the skate park.

Mayor Taylor noted that there were now "No Truck Parking" signs up in that area now so the problem is being addressed and the Police Department is enforcing the signage now.

Councilor Harris thought that maybe the next step would be to develop a sidewalk in the area. There could even be an asphalt path developed.

**ACTION REVIEW:**

1. Approving the consent agenda.
2. Implementing Ordinance 1058.
3. Bringing back Ordinance 1059 for second reading on October 18, 2000.
4. Bringing back Ordinance 1060 for second reading on October 18, 2000.
5. Approving by motion two appointments to the Public Transportation Task Force.
6. Approving by motion modification to the ballot language for annexations.
7. Finding possible dates for joint meeting with School District for 13<sup>th</sup> Avenue/Ackerman Recreation Complex.
8. Set up Oct 23<sup>rd</sup> joint meeting with Planning Commission on Industrial Area zoning issues.
9. Implement Hometown Hero Award Program.
10. Set up a joint meeting with Planning Commission on roles and responsibilities prior to election.
11. Refer discussion of 99E and Territorial intersection to Traffic Safety Committee.
12. Refer to Police Department issues of selective enforcement of truck traffic and education of drivers on S Pine and Township.
13. Feasibility of paved walkway to skate park.

There was no Executive Session.

Mayor Taylor adjourned the regular session at 9:50 p.m.



Chaunee Seifried,  
City Recorder pro tem



Scott Taylor,  
Mayor



Prepared by Marty Moretti,  
Office Specialist



# PROCLAMATION

**WHEREAS**, the City of Canby, County of Clackamas, Oregon, held a Special Election on SEPTEMBER 19, 2000 to consider the following measure:

## **MEASURE NO. 3-87**

**WHEREAS**, the Clackamas County Elections Department offers the following abstract as an official count of votes for the Special Election of September 19, 2000:

## **MEASURE NO. 3-87**

**Shall approximately 301 acres located in the SE quadrant of Canby be annexed into the Canby City limits?**

**YES -896**

**NO -1,801**

## **VOTE OF THE RESIDENTS OF THE AREA TO BE ANNEXED:**

**YES-23**

**NO-3**

**NOW, THEREFORE**, I, Scott Taylor, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as set forth in the abstract dated September 25, 2000, by John F. Kauffman, Clackamas County Clerk.

Dated this 4th day of October, 2000.

  
Scott Taylor, Mayor

[illegible]

CERTIFIED COPY OF THE ORIGINAL  
JOHN F. KAUFFMAN, COUNTY CLERK  
BY: Barlene Penney  
Deputy  
9/25/00

Statement of Vote - Clackamas County Special Election Sept. 19, 2000  
 \*\* Turnout for Unincorporated Canby Area - to Approve Annexation of 301 Acres \*\*

Page Number 2.002.001

REGISTERED VOTERS	T U R N O U T	T U R N O U T  P E R C E N T A G E	M U N I C I P A L  A R E A  V O T E - Y E S - C A N B Y	M A N N E X - A C R E S - C A N B Y - N O	B L A N K S	O V E R V O T E S
----------------------	---------------------------------	---	---	---	----------------------------	---

SEP 27 2000  
CITY OF CANBY

CONSOL PREC NO 1000	40	26	65.0%	23	3	0	0
**** T O T A L S ****	40	26	65.0%	23	3	0	0

CERTIFIED COPY OF THE ORIGINAL  
 JOHN F. KAUFFMAN, COUNTY CLERK  
 BY: *Wendy DeMay*  
 Deputy  
 9/25/00