

CANBY CITY COUNCIL
REGULAR SESSION
JANUARY 5, 2000

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

Also present: City Administrator Mark Adcock, Recreation Services Director Beth Saul, Community Development Director Jerry Pineau, City Attorney John Kelley, Police Chief Jerry Giger, Jean Tallman, Ray and Irene Burden, Derek Bliss, Craig Lewelling, Leighton Perkins, Mike Dawson, Lisa Weygandt, Buzz and Pat Weygandt, Lynn Weygandt, K. Lewelling, Ray Hoen, Kaitlin Kauffman, Melanie Bruck, Bob Zimmer, Sheena McLeod, Davie Gustafson, Mark Madeira, Kirsten Rittenbach, Whitney Rotrock, Larry Wright, David Howell, Sharon Tramel, and Curtis and Lila Gottman.

Mayor Taylor called the session to order at 7:32 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: Mike Dawson with OCTS introduced himself to the audience and Council and explained they were trying out a couple of new cameras this evening.

CONSENT AGENDA: **Councilor Daniels moved to adopt the consent agenda: minutes of the regular meeting and executive session, December 15, 1999; accounts payable in the amount of \$147,575.08; and Liquor License Application for Change of Ownership from Tharwat Youssef (Canby Texaco). Motion seconded by Councilor Strong, and passed 5-0.

COMMUNICATIONS: Presentation from John Keyser Regarding Clackamas Community College Services that are Provided in the City - John Keyser, President of Clackamas Community College, expressed his excitement regarding the college's involvement with the Urban Renewal Plan. He stated the college had done extensive work with the high school, and he thanked everyone for their support.

John Keyser passed out some information to the Mayor and Council regarding a bond measure in May which would be to update and renovate the college.

Larry Wright, who started on the college board in 1976, introduced himself. He stated the college had seen a lot of growth over the years and explained the different activities they had at the college. He said there were only two areas the college did not serve.

Mayor Taylor said the average cost per student went down \$250 and the college served 27,000 students.

Mayor Taylor moved to Unfinished Business on the agenda.

UNFINISHED BUSINESS: Planning Commission Appointments -

****Councilor Prince recommended that Paul Thalhofer, Corey Parks, and Teresa Blackwell be appointed to the Planning Commission for three year terms. Motion seconded by Councilor Lucas, and passed 5-0.**

Councilor Prince presented a plaque to Derek Bliss, former Planning Commissioner, for the time and effort he had spent on the Planning Commission.

Mayor Taylor explained the Planning Commissioners spent a lot of time and effort for the community.

Mayor Taylor moved to New Business on the agenda.

NEW BUSINESS: Discussion Regarding Draft Resolution 723, Relating to Initiating Annexation of Land within Logging Road Industrial Park - Mark Adcock said this was a follow-up from an earlier workshop.

Mayor Taylor briefly went through the information that was in the Council's packet.

Mayor Taylor said he did not understand the time lines for annexation.

Community Development Director Jerry Pineau said there were two times that would be appropriate for election, September 19 and November 7. He explained the Council could make findings for the application deadline for the November election and for a September election.

City Attorney John Kelley said they would need to make findings to be able to change the deadline but they would also need to do that to change the election.

Councilor Lucas thought there was an issue regarding Canby Utility Board wanting to move the election up because they needed to establish some electrical rates by a certain date, and they were willing to pay for the special election in order to get it done sooner.

Jerry Pineau said he would be attending the Canby Utility Board's board meeting on January 11, so the information would be brought back to the Council at the January 19 Council meeting for them to discuss.

Councilor Lucas said it was important to the utility board to set new electrical rates that would include the industrial park because they had to set them by a certain date, otherwise they would have to go back and add it to their allotment of electricity in their contracts.

Councilor Harris asked if it was significant to Canby Utility Board whether it was a mid September or early November election? John Kelley said yes, because Canby Utility Board had

to go to P.U.C. by September 30 with the proposed rates they wanted to utilize. Councilor Harris said this was a major change for Canby to have an application for approximately 300 acres of industrial land to be annexed. He felt this would redefine Canby's future and people just did not turn out for special elections. He felt this was something that needed voter participation and he felt the November election was really the only reasonable time.

Mayor Taylor felt they had not yet a point where he had a consensus of the Council that this was something they wanted to move forward with. He wanted to walk through a few issues, and then if they were going to do that, then talk about what the right date would be and how they should move forward. He said the things the Council needed to discuss were: Did they want to be the annexation applicant, did they want to move forward with that process and did they want to do it in this year or in the next year?

John Kelley said in the discussion of them being the initiator in the annexation process, there was also a decision that needed to be made regarding the people that did want to participate, would they annex them in anyway or would it strictly be on a voluntary consensual basis.

Mayor Taylor said some of those points were listed in the staff documents as some of the discussion and decision points they wanted from the Council. So what he wanted from the Council was whether they felt they had enough information to move forward or if they needed more time and discuss this at the January 19 Council meeting.

Councilor Daniels said his understanding of where the roads went had nothing to do with annexation. He did not mind the City being the applicant but he felt there should be a set date where those people that wanted to be annexed in would have to do it by that date, and for those who did not want to be annexed would not be forced to but when they wanted to annex in the future, they would have to pay the annexation cost.

Councilor Lucas said he was willing to discuss this tonight.

Councilor Strong said she was not willing to have the City be the applicant but she did have enough information to discuss this tonight.

Councilor Harris felt they were ready to have the discussion.

Councilor Prince said he was not ready for the City to be the applicant but he was willing to have the discussion this evening.

Mayor Taylor wanted to have the discussion of whether or not the City should be the applicant for annexation, and also to discuss the decision packages they were given.

Mark Adcock said subsequent to the discussion, he wanted a consensus to move forward with the resolution and to go over the language because it dealt with the people not willing to be annexed

in.

Mayor Taylor wanted to discuss why they should or should not move forward as the annexing body.

Councilor Prince felt they were moving too quickly. The discussion they had was not to bring in everything at once, and he felt by making the City be the applicant, the City would eventually have to look at the other pieces of property that were not annexed and if they were in the way of annexation, they would be dealing with forced annexations which he did not want to do.

John Kelley said he sent the Council a memo, and he wanted to reiterate that in the memo, he talked with the tax people and they said whether they were annexed or not, did not matter. The issue was what the property would be used for. If they wanted to annex into the city, they would still have to apply, but if they farmed the property they would still be able to get the tax deferral. The tax deferral would still be available to those people as long as they wanted to farm. They could not come into the city and use it for industrial developed property and try to save their farm allocation, but if they wanted to reapply and continue to farm the property, they would save their allocation.

Councilor Lucas felt it was not all about the savings, it was about the commitment that they were making about whether they wanted an industrial park or not. He said if that was the decision they were making, the next decision would be what the next step would be in bringing it in. He felt the best way of bringing in the industrial park would be by the City being the applicant.

Councilor Harris said in terms of saving the property owners taxes, that part of the issue was not significant to him. He said it was not their job to try and help the property owners avoid paying property taxes. He said he was not in favor of turning the community into a big industrial zone, however, it was zoned industrial. He said twenty years from now it could be developed piece by piece or it could be done in an organized fashion where it would be laid out, they would know where the roads would be and where the utilities would be going. He said this appeared to him to be the obvious solution to have the industrial zone developed in an organized and planned fashion and to be a benefit to the community.

Councilor Strong had a different view. She said her understanding of this was they already had a Master Plan of the industrial area so that even if they came in piece by piece they would know where the properties were and where the infrastructure was going to be. She felt it would not be disorganized at all.

Councilor Daniels said the issue was whether they wanted an industrial park or not. He said it sounded like the Council did want the industrial park.

Councilor Prince agreed with Councilor Strong, that the area was master planned and they had already decided as a group that it would be better if they did the engineering on the roads first

and from there the annexations could happen. He still did not understand the difference whether the City came in or the land owners came in.

Councilor Harris felt they were contradicting themselves. Councilor Strong's point was that they had the infrastructure and they had the Master Plan, but yet they said they did not know where the roads were going to be and that was part of the infrastructure. He expressed there was no longer any priority "A" industrial land to be annexed, but they were now working with Priority "B" and "C" land.

Councilor Lucas said there was no longer any priority "A" industrial property. Councilor Strong agreed but she said if they brought everything in at one time, they would be looking at housing needs and schools.

Mayor Taylor said if they did this together, they would have some type of agreement of what kinds of business and a mutual obligation of what they bring in and how they bring it in, and whom they sold to.

Councilor Prince said the way the ordinance was written that any kind of business could go in. He said they would get the businesses they planned for. If not planned, they could get just about anything. He said the way this was structured the money would go back into the district and not to the taxpayers.

Councilor Harris said in the development, they did not have as much control as they would have liked over what businesses went in there. He said Councilor Prince's argument was by annexing all of it they would not have control. Councilor Harris asked how would they have any more control if they annexed in pieces. Councilor Prince said as time went on it would develop in an orderly fashion instead of all at once. Councilor Harris said by annexing all at once would not necessarily mean that there would be instant development and by annexing in chunks could easily mean very rapid development. He explained everything that came in had to go through a process of approvals. He said he was not in favor of developing at a fast rate but he was in favor of annexing all at once.

Councilor Prince said every city that had done this had doubled their size in twelve years.

Mayor Taylor said it was not about the size of the city it was about the city that provided a full service community where people could live and work. He felt the only way to do this right was to bring in the whole thing and bring it to its full value.

Councilor Daniels said if they were looking for the quality of industry they wanted, they would have to have it all annexed at one time.

Councilor Lucas said if they decided to have an industrial park, it had to be marketable.

Councilor Strong said it was not a question whether they wanted an industrial park or not. She

wondered why the City had to be the applicant and not the property owners.

Mayor Taylor said they would not be changing opinions this evening.

Councilor Daniels said if they wanted an industrial park, they would have to take the initiative of getting it done.

Mayor Taylor said it was just a period of time before it happened. They put these people in this place. They designed the city and they said where the industrial area was going. He said under the new tax structure, they would not continue to increase the assessed valuation they would begin to lose the ability to provide the services because the tax would not continue to go up but the revenue would not increase.

Mayor Taylor said he had a 3-2 consensus to move forward with annexation of the property. He asked Jerry Pineau if the City decided at the next meeting to pass the resolution saying the City wanted to be the applicant for annexation, then they would have discussions with the property owners or whatever format they decided to use. He asked if there was an area in this process where the City could withdraw their application.

Jerry Pineau said yes, it would be at the time that they would not submit the ballot measure with the County Election Office. He said the property owners in the industrial area would have the opportunity to vote as well as the City.

Mayor Taylor said it was the Planning Commission's task would be to look at the piece of property, see if it was appropriate and if would meet the standards for annexation. The Council's duty would be to determine whether they had an agreement about how they would support each other in getting to that point.

Councilor Prince said it was unclear whether the City was going to offer the entire area of Phase II as the applicant, and then ask the property owners who wanted to participate in this or not.

Jerry Pineau said what this was based on was all of the areas within the Logging Road Industrial Phase Park Phase II and III would be approached to join them in the process. The idea for the town hall meetings with Staff, consultants, and the City Council would be to come to a consensus to move forward with it.

Councilor Prince asked wasn't it true that the road could only be moved within 70 or 80 feet in either direction. Jerry Pineau did not have that interpretation, he said it looked like there was enough flexibility to where and there is a decision process they would go through.

Councilor Prince asked how long would the engineering take. Jerry Pineau said as long as there was an agreement, the center line could be done a thirty-day process.

Mayor Taylor said if they were to move forward, the first decision point that was asked by Staff was the types of ongoing meetings such as town hall/workshop type meetings with property owners to discuss impacts and potential agreements and other related items. He also wanted a working committee that could dedicate more time and focus on this and work between the Council and members of the IAA and bring back to the larger bodies some of the decision points having discussed the pros and cons and making them public meetings.

Jerry Pineau said what they really wanted was a task force consisting of three to four councilors, 3-4 representatives from the Industrial Area Association, and a professional consultant. He felt they should include a property owner who may not be a member of the Industrial Area Association.

Mayor Taylor said the next decision point was the election schedule. He said the folks in the IAA had a preference on this.

Craig Lewelling wanted to verify some things. He had brought the map they had at the workshop. He said all but three had decided to move forward. He stated they had been formed for over a year and they had been talking to these individuals on an ongoing basis and he felt it would not be a problem getting people to say yea or nay. In terms of taxation, there was a signed document from Bob Vroman explaining the whole tax situation and it would save the property owners thousands of dollars by the City being the applicant. He felt this was a major decision for the town of Canby and he personally felt they needed to go on the November ballot.

Mayor Taylor said if they waited until the November ballot when Canby Utility Board assessed the new power rates that will be higher than everyone else.

Craig Lewelling said their group was very willing to help in any way they could with staff and work closely with Jerry Pineau with Council's permission.

Mayor Taylor asked the Council if they had a preference of dates.

Councilor Lucas did not feel comfortable setting a date without knowing what the circumstances were with Canby Utility Board. He said he had a conversation with Dirk Borges who thought they had time to make the date so they could establish that property as part of the City and not have to extend those rates.

Mayor Taylor said they should have that information by the January 19 Council meeting.

Mayor Taylor recessed the regular session at 8:58 p.m.

Mayor Taylor reconvened the regular session at 9:10 p.m.

Mayor Taylor said during the break he took a look at decision three, and if they decided to move

forward, they would work at the resolution and some of the process information, they could continue to discuss over the next few meetings but it would not keep Jerry Pineau or the Council from moving forward.

Councilor Prince said his understanding was that they were discussing whether the City should be the applicant. Decision three was about discussing the costs the property owners would be paying or allocation of the infrastructure, etc. which was completely different from annexation discussions.

Jerry Pineau felt it was important to consider these things because if they wanted the process to move forward and want to have sufficient control, this would be the time to do it.

Mayor Taylor said the trade off for the City being the applicant would be they wanted some understanding on how these things would work out.

Mayor Taylor asked Council if they preferred going over Decision Three. They could either discuss this over the next couple of Council meetings in workshop sessions or go back and discuss the task force and have them bring back issues.

Councilor Strong said if they had a task force, they might as well look at this also and bring back recommendations. She did not want to spend hours on this, she wanted to see recommendations on what they wanted and what the Council wanted, then bring the information back to the whole body.

Council agreed.

Mayor Taylor asked the Council if they were ready to move forward with discussion and vote of resolution 723 tonight or did they want it brought back with the dates at the January 19 Council meeting.

John Kelley said the resolution would need to be brought back at the next Council meeting.

Mayor Taylor said there was a consensus of the Council to move forward with the resolution as the City being the applicant, and they would be forming a task force to look at this. Councilor Prince, Councilor Harris, possibly Councilor Carson, and Mayor Taylor would be on the task force, then they needed to decide what Staff members needed to be present. He would appreciate if Jerry Pineau could work on a schedule regarding the number of meetings, etc. The first meeting would be an orientation to the number of topics and recommendation points they wanted to bring back.

Council agreed to wait until January 19 to choose the election date.

Mark Adcock asked the Council how many representatives from the IAA should be included in

the task force. Mayor Taylor said no more than five.

Change Order Number 1, N. Redwood Street Improvement Contract - Mark Adcock said this work had already been done in the field. He said ideally he wanted the change orders brought to the Council before the work took place.

**** Councilor Daniels moved to authorize the Mayor to execute Change Order No. 1 to the North Redwood Street Improvement Project contract dated October 6, 1999 with Parker Northwest Paving Company in the amount of \$11,612.75 for the certain work authorized by the City and Canby Utility Board and extend the contract 30 days. Motion seconded by Councilor Lucas, and passed 5-0.**

Discussion Regarding N. Ivy Street Improvements - Mark Adcock said there was information in the Council packet which outlined a number of issues relating to N. Ivy Street improvements. He said they were requesting a workshop with the Council for sometime in February to discuss various options like road width, classification of the street, removal of parking, etc., before they moved forward with design.

Councilor Prince felt this would be a good idea if this could include the property owners along that area because everyone could see what the plans were.

Mayor Taylor asked the Council what days they preferred. Jerry Pineau suggested the first workshop be with the Council but to make it an open forum where the property owners could sit in on the meeting. Council agreed to have the workshop on February 2 at 6:00 p.m., at Canby Utility Board.

Jerry Pineau said the affected property owners would be notified of this workshop.

Resolution and Discussion Regarding City's Emergency Plan (See Resolution 724) - Mark Adcock said the current plan was completed back in February of 1998 but was not conveyed to the Council for adoption by resolution which was required. He was asking the Council to adopt this resolution so they could formally convey the resolution to the State.

Jerry Giger said even if they approved the resolution this evening, he would still like a workshop scheduled to work through the plan and their process and procedure for the emergency operations center, how it was set up and what it was designed for.

Councilor Daniels suggested January 19 for the workshop.

Councilor Lucas said they should wait to approve the resolution until after the workshop.

ORDINANCES & RESOLUTIONS:

Resolution No. 724 - The Council decided to wait to approve the resolution until after they had the workshop.

Councilor Harris complimented Jerry Giger on the work that was done on this plan.

Mayor Taylor thanked everyone who was on standby on New Years Eve for how smooth everything went.

MANAGER'S REPORT: Report on 10' Traffic Lanes on City Streets - Mark Adcock said there was a report from Jerry Giger that conveyed the Traffic Safety Committee's recommendation back to the Council regarding 10' traffic lanes on city streets. He also said Jerry Giger would be reviewing the transportation plan later in February which would give the Council another opportunity to consider this. The Council asked the Traffic Safety Committee to look at the recommendation from the Bike and Pedestrian Committee.

Jerry Giger said back in November there was a letter written by the Bike and Pedestrian Committee in regards to the work being done on Township Road and it requested that sidewalks be continuous and travel lanes be 10' which would accommodate bike lanes. He said what was originally recommended were 11.5' lanes and the Council asked that it be referred to the Traffic Safety Committee and over a period of a month they individually went out and looked at the road and the area and came back with a recommendation to keep it at 11.5'. The comments were concerns regarding the larger vehicles that would be using the road and it would be to the advantage of the traffic to have the larger lanes.

Jerry Giger said there was a concern regarding pedestrian traffic that would want to go down to the new Fred Meyer facility in regards to them having off road access. They had talked about approximately 120' of pedestrian safety area being established whether it was a foot path or sidewalk from the mini storage to the Gramor property. He asked the Council to direct Jerry Pineau or the street department to see if it was doable and what the cost would be.

Mayor Taylor asked how people connected from the bike path to Fred Meyer? Beth Saul said there had been conversations regarding crossing the railroad tracks. Jerry Pineau said if they wanted the path to cross from the mini storage connecting to Fred Meyers, they could not do it without the property owners permission.

Mayor Taylor asked if they could pave right up to where the tracks went across? Jerry Pineau said no, they could not because the property owner had a right of way and the City was not allowed to go into the right of way without the owner's permission, so from the edge of the storage property to the beginning of Fred Meyers property was under his lease. Jerry Pineau said they would be working on it and there was an alternative if this could not work.

Update on 13th Avenue/Ackerman Complex - Beth Saul said they were about to launch into the planning of the complex and the stakeholders would be holding separate meetings on January 18 with Walker & Macy. The first public meeting would be held the last week in January or the first meeting in February. She said she would keep the Council up to date on the schedule.

Mark Adcock said he had received a letter today from the Chairman of the County Commission asking that the City consider appointing a representative to the Complete Communities Task Force. Originally there was going to be one representative representing all of the cities in Clackamas County, now they were asking for one representative from each city. The Council agreed to nominate Mayor Taylor.

Mark Adcock said the City of Canby was hosting the Clackamas Cities Dinner on January 27 at Canby Grove Conference Center. Mayor Taylor said this was an opportunity for the Council to talk to all of the different representatives on how they can do a better job addressing city issues.

Mark Adcock asked the Council what were some possible dates to hold the joint meeting with the School District, Planning Commission, and Canby Utility Board. They said to try to schedule it for February 9 or 23.

Mayor Taylor said the City put in for a grant with the School District to hold a summit to do some ongoing work doing an inventory of youth services in the community. He said it looked good that they would be receiving money from the Commission of Children and Family.

COUNCILORS' ISSUES:

Councilor Lucas wanted to make sure the new Planning Commissioners were made aware of the classes that were offered and he wanted the Council to also get that schedule in case any of the Councilors wanted to attend as well.

Councilor Prince thought when there were open ditches they were supposed to take care of them right away. He said there was currently work being done on Knights Bridge Road where there was an opening in the road that just had gravel thrown in it.

Mayor Taylor asked if the Council had received a memo from Lieutenant Pagano regarding the action taken by Officer Chris Mead regarding a burglary suspect. He then read the letter.

ACTION REVIEW:

1. Approved liquor license change for Canby Texaco.
2. Bring back final form of Resolution 723 on January 19.
3. Implement Change Order Number 1 for the N. Redwood Street improvement contract.
4. Schedule a workshop on February 2 at 6:00 p.m. and also notifying the property owners.

5. Schedule a workshop on February 19 from at 6:00-7:00 p.m. at the Fire Department to discuss EOC operations.
6. Bring back Resolution 724 for adoption on January 19.
7. Prepare letter of appointments to the Planning Commission.
8. Will be taking a look at the foot path issue along 99E.
9. Follow up on the training classes offered to the Planning Commissioners.
10. Follow up on the trench that is located on Knights Bridge Road.

Councilor Lucas wanted the applicant who applied to the Planning Commission be notified and to let him know there were other openings on the Budget Committee, etc.

****Councilor Daniels moved to go into Executive Session under ORS 192.660 1(d) labor negotiations and 1(h) pending litigation. Motion seconded by Councilor Prince, and passed 5-0.**

Mayor Taylor adjourned the regular session at 10:03 p.m.

Mayor Taylor immediately reconvened the regular session at 10:03 p.m.

Jerry Pineau asked Mayor Taylor as chairperson of the Urban Renewal Agency, to set a date for an Urban Renewal Agency workshop. They set the workshop for January 26 at 6:30 p.m., in the Council Chambers. Mayor Taylor wanted the task force to be notified of the workshop as well.

Mayor Taylor adjourned the regular session at 10:05 p.m.

Mayor Taylor reconvened the regular session and immediately adjourned the session at 10:50 p.m.

EXECUTIVE SESSION JANUARY 5, 2000

Present: Mayor Scott Taylor, Councilors Barry Lucas, Roger Harris, Terry Prince, Walt Daniels, and Shirley Strong, Mark Adcock, Mike Swanson, John Kelley, and David Howell. Councilor Randy Carson absent.

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

ORS 192.660 1(d) - The Council discussed labor negotiations.

ORS 192.660 1(h) - The Council discussed pending litigation.

Mayor Taylor adjourned the session at 10:50 p.m.

Chaunee F. Seifried

Chaunee Seifried,
City Recorder pro tem

Scott Taylor
Scott Taylor,
Mayor

Sharon Tramel

Prepared by Sharon Tramel,
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