

CANBY CITY COUNCIL  
REGULAR SESSION  
JANUARY 19, 2000

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

Also present: City Administrator Mark Adcock, Recreation Services Director Beth Saul, Community Development Director Jerry Pineau, City Attorney John Kelley, Police Chief Jerry Giger, Susan Wood, Todd Gary, Dan Mickelsen, Barbara McMillan, Joyce Peters, Karmin McKenney, Penny Snegiren, Linda Baty, Don Steiner, Bruce Gulleff, Cary Bates, Terry Thompson, Dave Conner, Ben Johnston, John Williams, Karen Wilson, Lou Westwick, Bud Roberts, Tina Fuqua, Ray Hoen, Matilda Deas, Rocky Myhrovold, Barry Cain, Craig Pottratz, Dixie Harms, Sharon Tramel, Bob Vroman, Pat and Buzz Weygandt, Alex Gex, Mary Birkemeier, Laurie Gustafson, Doug Sprague, Matt Grady, Jeff Snyder, Steven Amick, Lisa Weygandt, Allen Patterson, Roy Zimmer, Don Zimmer, Bob Zimmer, Ken Hagen, Keith Guisinger, Terry Tolls, Leighton Perkins, Kathryn Lewelling, Craig Lewelling, Lupita Robles, and Curtis and Lila Gottman.

Mayor Taylor called the session to order at 7:31 p.m., followed by the opening ceremonies.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Matt Grady with Gramor Development was there to discuss a letter regarding temporary traffic patterns on Redwood, 99E, and the new Sequoia intersection for the Canby Market Center. They were going to implement this temporary traffic control to deal with the Railroad's very long term schedule in the upgrade to a new signal crossing. Early on, it was identified that the Railroad was working on a much slower time track than at first realized and they had very specific rules that they were the only ones who could install the new signals with their own team. They could only schedule the work when the parts had been fabricated, and the parts had to be custom-ordered. The parts were finally delivered around Christmastime. They had a temporary plan which allowed them to safely travel in and out of the intersection at new as-built, but caused some inconvenience to Redwood Street as it became a right out. It would become a right out on February 9, and that was the day actual signalization would turn on. On February 1, there would be signs posted up and down 99E and on Redwood, and people coming out of Sequoia Parkway northbound could only make a left or right hand turn, not go straight ahead. There would be bollards placed on Redwood, which would allow emergency vehicles onto the street. On January 14, they submitted notice to all of the registered property owners regarding this issue, and also submitted it to the Canby Herald. He had also been corresponding with ODOT in terms of the notification process. There was some discussion that perhaps the Railroad did not want the signal turned on until the Railroad work was done. They did some research and found that that was untrue information. They agreed with the temporary plan, and the best indications was the Railroad work would start up in May and should be done by July.

Mayor Taylor asked what would happen if they didn't close Redwood? Mr. Grady said the traffic patterns would be such that it might not be acceptable with ODOT.

Mayor Taylor said he did not know about this timeline until that night. It troubled him that it would not be until July before people could use the road they lived on for the convenience of our new shopping partner. Had they known early on of the timeline with the Railroad, they would have delayed some of the construction to bring it in all at one time. Mr. Grady said they could not get a date out of the Railroad until the parts were delivered, and they were ordered well in advance.

Mayor Taylor said they were working with a major corporation, and the inability for this to be a coordinated event put in question other events. He would more be expecting everything to mesh before they agreed upon another event such as this.

Councilor Lucas said he was also shocked to find out that they could open the shopping center before the intersection was completed, because he thought that was part of the deal. Not only was it a huge inconvenience for the people who lived on Redwood, it also added more traffic to Territorial and 99E.

Councilor Prince wanted to know who would be responsible for replacing the barriers when people knocked them down, as not everyone was going to follow the rules on this, and who would be responsible for any insurance claims should there be accidents on the site. Mr. Grady did not know who would be responsible. John Kelley said it depended on what corner the accident took place and why the accident happened.

AFSCME Local 350-6 Union Members - Dan Mickelsen, union member and Public Works Lead Man, addressed the Council. He said they probably heard the phrase, they were all in this together. They all had the same goal of being there for the community, with common cause and purpose, and they also had common needs, a fair and equitable wage and fair and equitable treatment. For too long, the equitable had been missing, where some were more equal than others. Currently the members of the AFSCME bargaining unit were being treated differently than the rest of the City employees. They were waiting for the members of their bargaining unit to take their rightful place alongside other staff members doing their jobs that play an important part in City government. They were still waiting to be treated as partners with respect and equitable pay and benefits. They were all in this together, when would they bring them together? Abraham Lincoln said, "United we stand, divided we fall." Right now they were divided, but they would prefer to stand united.

Mayor Taylor said the Council thought they were in the middle of negotiations, and he was not sure what the purpose was for coming to them and making statements like these. He had concerns about the style in which they were dealing with a sanctioned process. They as a Council were not able or willing to violate that process by responding. They had a routine to follow by law, and they could not respond to these comments.

Dan Mickelsen said they all hoped that negotiations were moving forward. The message they were getting was not quite the same, and they were concerned with their welfare. If the Mayor said negotiations were going forward, he would accept that fact. Mayor Taylor thought they were still in negotiations.

Todd Gary, president of AFSCME local 350-6, requested that either the Council as a body come to the next mediation session or they give someone the authority to mediate with them at that session so they could come to an agreement. Mayor Taylor said they had people they employed to do the negotiation, and in executive session the Council gave them parameters, and they then came back to the Council and told them anything they needed to know. At each of those, they gave the parameters the Council thought they needed to go back and have a meaningful dialogue with them. It was moving as fast as it could go, and even if some of the Council was there, they would have to bring it back to the rest of the Council for discussion. Mr. Gary said they put in an attempt to negotiate in December of 1998, and it was a very slow process.

**CONSENT AGENDA: \*\*Councilor Daniels moved to adopt the consent agenda: minutes of the regular meeting and executive session, January 5, 2000; and accounts payable in the amount of \$311,995.44. Motion seconded by Councilor Harris, and passed 6-0.**

**COMMUNICATIONS:** CBR Presentation on Completion of Canby Gateway Project - Mayor Taylor said Kathy Henderson was ill and could not join them that night. She asked the Council in reading the packet, if they had any questions or they wanted more information, she would be glad to provide that. Hopefully when she got better, she could come and give them a summary report at a later date. Mayor Taylor appreciated all the work that had been done on this project.

**NEW BUSINESS:** None.

#### **ORDINANCES & RESOLUTIONS:**

Resolution 723 - Mark Adcock said the Council asked for this to come back to them that night. This was in the same language as the draft form they saw at the last meeting. The Council also asked staff to put together information regarding the composition of an industrial area development task force and a proposed work schedule for the task force, and that was in the Council packet. Jerry Pineau said he was requesting the Council make two decisions that night. The first was the adoption of Resolution 723, initiating annexation for land within the logging road industrial park, and the second was the establishment of the industrial area development task force, to appoint members, and to set up the first meeting.

Councilor Prince thought they were going to have signatures from the property owners at this time. Jerry Pineau said they were going to have a town hall meeting and go out and talk to the people. He did contact all of the property owners to determine whether they were members of the Industrial Area Association and invited them to come that night to speak to them.

Councilor Prince said at the last meeting they were told all but one property owner wanted to come in. Craig Lewelling, Industrial Area Association representative, said he did have signatures that he collected previously. Mr. Lewelling said last year they had everyone but a few. This year they had only one or two who did not want to come in.

**\*\*Councilor Daniels moved to adopt Resolution 723, A RESOLUTION INITIATING ANNEXATION OF LAND WITHIN THE LOGGING ROAD INDUSTRIAL PARK PURSUANT TO ORS 222.111(2). Motion seconded by Councilor Harris.**

Councilor Carson said he was not there at the last meeting when the Council discussed this issue, but he did watch it twice on t.v. He thought the City should be the annexing body. This would show the land owners and people in town that the Council believed they needed an industrial park and they wanted to have good, planned growth.

Councilor Prince did not understand why the City had to be the applicant. This whole area was master planned, in Phase I they had an Advanced Financing District set up where it was being paid for by the people moving in. Everyone wanted to come in on Phase I, and they applied for it and they all came in. It did not cost the taxpayers any money. If all the property owners wanted to come in, they could get together and apply without costing the taxpayers anything. He did not see the purpose of the City losing its neutrality and objectivity. Later on, they would have no chance of getting property dedication if the City became the applicant.

Mayor Taylor said they had talked about this issue before, and had a differing opinion regarding the merits of the City being the applicant or letting the process go at its own pace. They had discussed having the whole area to work with and the design and growth would be organized. They wanted to have a partnership with the owners of the property and in working with the task force, they could maintain the type of industry, design, and look they wanted in the area and coordinate the growth expeditiously and in full assessed value to the City. In the long run, he did not think it would cost the tax payers any additional money. The net function of this would bring in more income in assessed value so the money would not raise anyone's taxes, it would invest them and the return would go a lot further.

Councilor Daniels requested that they have a roll call vote.

Ray Hoen, resident of 309 SE First, asked if there would be any public discussion on this. Mayor Taylor said they were not planning on any public discussion, but he allowed Mr. Hoen to address the Council. Mr. Hoen's main concern was the City being the applicant. He thought the property owners should be the applicant. The Council was indirectly establishing market value of property, because they were not permitting future buyers and sellers to be at arm's length. Those under farm deferral could always remain under farm referral, but when it came time for them to sell that property, when that use changed, the current law said they had to go back and pay the five year's retro-active taxes. By the City being the applicant, it precluded them from doing that. He said a year ago if the owners of Gramor had come to the City Council and wanted the City to be the

applicant because they had a scheme to put something like a shopping center on the property, would they have approved them and have the City be the applicant on their behalf?

Mayor Taylor said they could not answer that question because they did not have the opportunity to make that decision. The current opportunity of the whole development was the issue. Craig Lewelling said there were people who did not understand this, and he thought the benefits far outweighed the negatives. To answer Mr. Hoen's question, he thought they should have done this before Gramor came in, because they could have planned differently and it would have been a lot more efficient.

Councilor Prince said this project was so complicated that it was hard to see the ramifications. It started out with Urban Renewal, and taking a quarter of the City's tax base to go to this project. It was taking taxpayer money and redirecting it to City buildings. They had to take money away from the Fire Department and it would cost more for school bonds. If in the long run this would be better, he was not sure how long "in the long run" was. The property owners in Phase II and III were reaping most of the benefits and the City was reaping most of the benefits, and the tax payers were reaping none. He thought the Mayor had been the front man for the Industrial Area Association and that was the reason they were there. He did not think this was explained very well, and they did not have signatures of the property owners that were on board.

**The motion to adopt Resolution 723 passed 4-2 by roll call vote, Councilors Prince and Strong opposed.**

**UNFINISHED BUSINESS:** Discussion on Industrial Area Development Task Force - Mayor Taylor said they had talked about developing a task force and whether they endorsed the model Mr. Pineau gave them. There was a list of ten people who would be on the task force, five from the Council and five from the Industrial Area property owners. Mr. Pineau also gave them a variety of topics they could use to start conversations, a task force staff recommendation, and a calendar. They also needed to discuss the selection of an election date, which would help finish the calendar. Jerry Pineau said they did not have enough information to determine when the election date should be. CUB asked for an executive session with the Council to discuss that issue. The main question for that night was if they wanted a task force.

Councilor Lucas said he was in favor of a task force and also thought they should wait until they had the meeting with CUB to talk about the election date.

Mayor Taylor said the proposed task force was Mayor Taylor, Councilors Daniels, Harris, Carson, and Prince, from the Industrial Area Association, Craig Lewelling, Bob Zimmer, Bud Roberts, Terry Tolls, and Bud and Lisa Weygandt. The support staff would be Jerry Pineau, Dirk Borges, Joyce Peters, Curt McLeod, a financing consultant if needed, an industrial marketing consultant as needed, and the City's Planning Director.

**\*\*Councilor Daniels moved to establish an Industrial Area Development Task Force with**

**members as outlined. Motion seconded by Councilor Carson.**

Jerry Pineau said he had a request from Gramor that they be a part of that task force also. Matt Grady, with Gramor, said they felt they made a contribution to open up the entranceway and had a lot of knowledge about how the infrastructure worked feeding down into the Industrial Park. They also had been through the process with City staff regarding infrastructure being reviewed and approved. He thought they could bring some knowledge and working relationships to the table if they could be on the task force. Mayor Taylor said he had no problem with them being a part of those discussions as a consultant.

**Motion to establish the task force passed 6-0.**

Mayor Taylor said he would work with staff to convene the first meeting of the task force. Craig Lewelling would be the contact person for the Industrial Area Association members.

Mark Adcock said they needed to confirm a date for the executive session with CUB. Jerry Pineau said the Council needed to decide whether they wanted to establish a schedule now. Mayor Taylor wanted to have the executive session with CUB first and then they could lay out the calendar. Mayor Taylor said they would meet at 6 p.m. on February 2 with CUB.

**MANAGER'S REPORT: Status Report on Stakeholder Meetings for Ackerman/13th Avenue Recreation Facility** - Mark Adcock said at the last Council meeting, the Council asked to be kept apprized of the status of the Ackerman/13th Avenue recreation stakeholder meetings. There was a meeting on January 18, and Beth Saul had a brief overview of the outcomes of that meeting. Ms. Saul said they had a meeting yesterday from 2 p.m. to 7 p.m. and had members of the Walker & Macy team meeting with different stakeholder groups. They met with the Adult Center, Swim Center, School District, Canby Kids, Park and Recreation Advisory Board, and members of the neighborhood. The main reason for these meetings was to collect as much information about specific concerns of each of these stakeholder groups before they launched into the whole public process. The big public meeting was set for February 10 at the Adult Center.

Mayor Taylor said he got a copy of a letter from Herman Bergman regarding the Depot Museum. It was a request that the City step forward to help keep the Depot open. He wanted to know if they were planning to have a discussion regarding this? Beth Saul said they had not really looked at it. They had heard from the Historical Society about their concerns regarding the aging membership and the ability to keep on and had broached the idea of the City taking on the whole program. The only conversation she had with them was to suggest that they consider grant money to help keep their programs going. It sounded like there was some understanding on their part that there was some natural event that if they walked away, it would automatically become City responsibility. It was a valuable asset to the community. Mayor Taylor said their goal was to determine what the City's intent was so they could begin to make plans. As a City body, it warranted discussion with those folks about what process they would take on this.

Beth Saul said they just elected a whole new slate of officers and were doing a lot of membership building. Mayor Taylor wanted to schedule a meeting in March or April with them, especially since they were heading into the budget cycle.

**COUNCILORS' ISSUES:** Shirley Strong said regarding the corner of First and Ivy, where Canby Builder's Supply used to be, anyone that was new to the community would not know about the piece of curb that was still there. The other night she saw someone hit the curb and almost get in an accident. She wanted to know if there was a reason they left that curb there and if there was something they could do, like put a barricade there. Mark Adcock said they would take care of it.

Roger Harris said in his two terms on the Council, generally the Council had been peaceful and harmonious. Even when they disagreed among themselves, it was with mutual respect for each other's positions. As they were entering into an election year, he hoped they were not going to see an initiation of campaigning in this forum, or a beginning of personal insults being slung. The business they conducted had always been done successfully and with respect, and he hoped that would continue. He hoped everyone would continue on a line of mutual respect and maintain the integrity of the Council.

#### **ACTION REVIEW:**

1. Adopting Resolution 723, initiating annexation of land within the Logging Road Industrial Park.
2. Approving the establishment of the Industrial Area Development Task Force. Also deferring the calendar until after the meeting on February 2 with CUB.
3. Following up with discussions with the Historical Society for assistance with the Depot Museum.
4. Taking a look at the concrete remnant of the curb at First and Ivy on the former site of Canby Builder's Supply.

**\*\*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 Harris, and passed 6-0.**

Mayor Taylor adjourned the regular session at 8:25 p.m.

Mayor Taylor reconvened and immediately adjourned the regular session at 9:45 p.m.

EXECUTIVE SESSION  
JANUARY 19, 2000


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

Mayor Taylor called the session to order at 8:30 p.m.

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

ORS 192.660 1(h) - The Council discussed McMillan Constructors and Faltus litigation.

Mayor Taylor adjourned the session at 9:40 p.m.



Chaunee Seifried,  
City Recorder pro tem



Scott Taylor,  
Mayor



Prepared by Susan Wood,  
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