

CANBY CITY COUNCIL
REGULAR SESSION
APRIL 19, 2000

Mayor Scott Taylor presiding. Council members present Barry Lucas, Roger Harris, Randy Carson, Terry Prince, Walt Daniels, 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, Interim Planning Director John Williams, Susan Wood, Kenneth Schuh, Steven Amick, and Curtis and Lila Gottman.

Mayor Taylor called the regular session to order at 7:30 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: Kenneth Schuh, resident of 778 NE 17th Avenue, Canby, was the Director of Communications for Canby Gators Swim Club. On behalf of the executive board, swimmers, parents, and coaching staff of the Gators, he thanked the City of Canby for its continued support of the Gators. The Gators ran a year-round competitive swim program. The club served a range of 75 to 95 swimmers, their average has been over 85 children participating in their program. They held four to five home swim meets a year and one time a month they went to away meets. They had four coaches, three were residents of Canby, and they drew swimmers from the surrounding communities as well. He has seen the positive changes that happen in children when they commit to a regular training and a competitive regimen. He presented the Council with a team photo and letter as a thank you for their support.

Mayor Taylor said it took a lot to coach and participate in this program, and he admired any child who spent that many hours a week swimming. He also thanked the parents for their dedication to the program.

CONSENT AGENDA: ****Councilor Daniels moved to adopt the consent agenda: minutes of the workshop, regular meeting, and executive session April 5, 2000; accounts payable in the amount of \$280,508.11; and street closures for General Canby Day. Motion seconded by Councilor Harris, and passed 6-0.**

COMMUNICATIONS: None.

NEW BUSINESS: City of Canby/Adult Center 1999-2000 Contract Amendment with Clackamas County - Beth Saul said there was a program now available where people did not have to be a senior citizen to benefit from the home deliveries of lunches and dinners from the Adult Center. The Adult Center made an estimate of how many they might do, and they exceeded their estimate. This contract with Department of Human Services reflected the

additional meals they would serve and an increase in the funding they were receiving from that agency.

Councilor Harris said this money was just passed through, there were no matching funds? There was no fiscal impact on the City. Ms. Saul said that was correct.

****Councilor Harris moved to authorize the Mayor and City Administrator to sign the amended contract number SSD-26-99/00 with the County Social Services Division to add funding to pay for an additional 457 delivered meals. Motion seconded by Councilor Prince, and passed 6-0.**

Discussion Regarding Trust for Public Lands Grant Application - Mayor Taylor said they had been working with the Trust for Public Lands on the Logging Road extension down to the logging boom. There were some pieces of property that were being considered by the owners of the Logging Road to be sold for development. The Trust for Public Lands found out about it and had been negotiating with them an option to purchase that land. He had a recent conversation with Mr. Hodder, who was a representative of the Trust, to find out if they still wanted to buy the property. He was looking at a variety of funding sources available. They were waiting to find out how many lots were there and how many were buildable. There was the possibility of getting the road and one lot down there and they would hopefully pick up the remainder of the lots as time went on. He felt in working with the State Parks and the funds the City might have, it was a \$200,000 contribution from the consortium they could put together. He had a brief meeting with Commissioner Jordan and he said the County was still interested in this project. He wanted to know if the Council was still interested in pursuing this.

Councilor Lucas wanted to hear what the options were, it was probably the last chance they had to acquire that property.

Councilor Harris agreed, they would be missing an opportunity if they didn't at least look into it.

Councilor Prince said they talked about this for a long time and it did all the things they wanted it to do. He wanted to go ahead with it, but wanted to see the fiscal impacts of it first. Councilor Daniels also wanted to pursue it.

Mayor Taylor said he had unanimous support to keep trying to move forward and find some ways to make it happen.

Mark Adcock said on the revised agenda, in addition to this discussion item, there was a resolution of intent to apply for grant funding to work towards this project. This was a timely action that the Council would need to take in order to get the grant application in on time.

Resolution No. 728 -

****Councilor Harris moved to adopt Resolution 728, A RESOLUTION AUTHORIZING THE CITY OF CANBY TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR ACQUISITION OF THE ROAD AND THE LOT OF RECORD AT THE POINT WHERE THE MOLALLA FOREST ROAD (LOGGING ROAD) MEETS THE WILLAMETTE RIVER AND DELEGATING AUTHORITY TO THE CITY ADMINISTRATOR TO SIGN THE APPLICATION. Motion seconded by Councilor Prince.**

Mayor Taylor said this resolution showed intent, but when they reviewed and investigated their financial capability, they had the ability to decide whether it would work or not. Councilor Prince said he was in favor of acquiring as much land as possible there, especially if it could be contiguous with the end of Maple Street. Mayor Taylor said there was great interest because it connected the state parks, bike paths, etc.

The motion passed 6-0.

Beth Saul wanted to let them know she was contacted by Representative Schrader who was also working on other ways to acquire this land.

Councilor Daniels said they might be able to find more funds from places such as the Marine Board as well.

ORDINANCES & RESOLUTIONS:

Ordinance No. 1043 -

****Councilor Lucas moved to adopt Ordinance 1043, AN ORDINANCE ADOPTING A TRANSPORTATION SYSTEM PLAN, AND DECLARING AN EMERGENCY. Motion seconded by Councilor Strong.**

Councilor Harris said he wanted to explain why he was going to vote against this. A lot of work had gone into the Transportation System Plan, and he did not want to belittle the efforts that had gone into it. There were two issues that gave him reservations. The first was the Highway 99 Access Management portion of the plan. They had business owners along 99 who had been negotiating as a task force with ODOT to try to establish guidelines that were acceptable to the business owners for their continued access from their business property to Highway 99. That group had asked to hold the portion of the TSP out so they could continue to negotiate with ODOT to work in some details that they felt should be there. He wanted to give them the opportunity to continue those negotiations, so for that reason he preferred that portion was left out of the TSP. The second reason was he personally was opposed to having bicycle lanes on Highway 99 through town. Bicyclists should be encouraged to get off of 99 and go through the residential or business areas where they were not competing with higher speed and denser traffic. ODOT had their own rules, it was their highway, and they would follow those rules. This issue

was just symbolic, because ODOT would follow their rules and put bike lanes there. Because of his opposition to having bicycle lanes on 99, he would rather leave it out of the TSP rather than have it there and appear that they were unanimously supporting or even encouraging those bike lanes.

Councilor Strong also opposed the bike lanes, although she would not vote against the TSP. She wanted to go on record as opposing the bike lanes on Highway 99.

Councilor Prince said at the beginning he had a problem with bike lanes on 99, but he could not figure out a way, nor could anyone come up with an idea of a way around it, and they needed some kind of a travel lane for bicycles. Regarding the highway access, he did find it disconcerting that there were so many caveats that the highway board decided to put in there, but if you looked at the agreement as a whole, it was a good step forward. It did need to be refined and it was just the beginning of negotiations.

The motion passed 5-1 by roll call vote, Councilor Harris opposed.

Ordinance No. 1047 -

****Councilor Lucas moved to adopt Ordinance 1047, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SITELINES OF OREGON FOR THE PURCHASE OF PLAYGROUND EQUIPMENT; AND DECLARING AN EMERGENCY. Motion seconded by Councilor Carson.**

Councilor Lucas said this playground equipment would replace the older equipment in Wait and Maple Street parks, making both those parks complete. They replaced half of the equipment last year, and they were replacing the other half this year. He complemented the Parks department and Beth Saul for getting this done.

Councilor Daniels asked if they were going to try to coordinate the timing better this year for when the old equipment was removed and the new equipment installed. Beth Saul said last year they were very trusting and they took out the equipment because the replacement was supposed to arrive soon after that, but it didn't. Some of the equipment last year was taken out far in advance because they received a recall on some of it. Jeff Snyder would make sure to time it better this year. Councilor Daniels asked when they could expect the equipment to be delivered? Ms. Saul said it would be 6 to 8 weeks before it would arrive, but no equipment would be taken out until it arrived.

Councilor Lucas said once the equipment was deemed to be dangerous, it had to be removed, and that was why some of the equipment was taken out so early. Ms. Saul said they did not have any recalls on any of the other equipment, they were merely upgrading to the latest standards.

The motion passed 6-0 by roll call vote.

Ordinance No. 1048 -

STAFF REPORT: John Williams said the zone change was not a public hearing, it was just conducting a review of the Planning Commission. There were only two criteria for zone changes, and staff and the Planning Commission felt the criteria had been met. Five people testified at the public hearing who had concerns about traffic issues and neighborhood aesthetics, and the Planning Commission's findings were that the proposal met the City's criteria as best as could be done and followed the comp plan. The Planning Commission vote was 4-1, the one opposed was regarding the school issue. Potentially six new units would be created with this zone change and their concern about schools was any units were too many.

Councilor Carson said the six dwellings were only half as much as could have legally been put on there with the R2 zone. He thought they made a good compromise to meet the area's needs and meet the neighbor's concerns.

****Councilor Prince moved to adopt Ordinance 1048, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FROM THE LOW DENSITY RESIDENTIAL ZONE TO THE HIGH DENSITY RESIDENTIAL ZONE FOR A PORTION OF TAX LOT 2900 OF TAX MAP 3-1E-33CB be posted and come up for final reading on May 3, 2000. Motion seconded by Councilor Harris.**

Councilor Prince said he was present at that meeting and he felt the neighbors understood that there could have been a lot denser development there. Because of the size of the development, it wasn't enough to adversely affect schools.

Councilor Daniels said one person who testified was concerned about the traffic pattern, and the citizen did not realize that the property was in an R2 zone. He thought citizens should be aware when they bought properties to take a look at the zoning around that property. Councilor Prince said the problem with this one was there was already a single family residence on the property that made it look like it was going to stay single family residential.

Mayor Taylor asked if it was possible for the City to require lots sold in town to provide a zoning designation to the purchaser of the property? John Kelley said those things were on preliminary title reports. Mayor Taylor said they could give flyers for real estate companies to pass out to citizens that had that information. Councilor Harris said they could give out a copy of the Comprehensive Plan zoning map for real estate companies to display. Mr. Adcock said they could put together an information piece that would incorporate a map, definitions, allowed uses, structure types, etc.

John Williams said one of goals of Periodic Review was to make people more aware of zoning and what the impacts of zoning could be on properties. They were trying to figure out a good way to do that, and through Periodic Review they would get a lot of publicity for that kind of thing. There was also a zoning map on the City's web page, but it was only current zoning and

not what the comprehensive plan entailed.

Councilor Carson said he also wanted to add future developments on the major roads to that information as well.

The motion passed 6-0 on first reading.

Resolution No. 727 - Jerry Pineau said this was to get a transportation transit and local shuttle plan together in order to petition Tri-Met to be released from the obligations the City had with them and set up the City's own bus and shuttle service. There were many things they had to do in order to petition Tri-Met. Initially to start the process, they wanted to do a community wide transportation needs assessment, which would be a survey of what transportation needs citizens had. Then they would create a Transportation Task Force that would take a look at the needs and decide how to meet those needs. From there, they would create an RFP, Request For Proposal, to a transportation consultant who could come in and give them the expertise they needed to figure out how it would work, how much it would cost, what equipment they needed, etc. He wanted to engage Portland State University to do the transportation needs assessment. The total cost of this would be \$6,000 and they were doing it in two phases. Phase one was what they had in the budget this year and Phase two was in next year's budget as \$3,720 for the total of \$6,000. They also had in next year's budget \$50,000 set aside for a consultant who would put the whole thing together. If City Council approved this, the work would be started right away. They would also start advertising for the task force. They could not file a petition with Tri-Met until after December 31, 2001. Representative Schrader was trying to speed up that timeline. The important thing was to make sure they took enough time to get citizens involved in this.

Councilor Lucas said the task force would be made up of people from all over, not just from Canby. Jerry Pineau said he was looking at a task force that would be in the neighborhood of 20-30 people. From there, they would have sub-committees that would work on portions of it.

****Councilor Daniels moved to adopt Resolution 727, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH PORTLAND STATE UNIVERSITY TO CONDUCT A CANBY COMMUNITY TRANSPORTATION NEEDS ASSESSMENT FOR AN AMOUNT NOT TO EXCEED \$6,000. Motion seconded by Councilor Harris.**

Councilor Carson said they had some letters to the editor in the *Canby Herald* from citizens who were worried they were getting rid of Tri-Met, but not bringing up at least as good, if not better, service. That was what the task force would be doing, making sure they knew everyone's concerns and creating a full transportation package, whatever the people needed and they could budget for.

Councilor Prince said Representative Schrader was also concerned about the City not waiting too long to apply. They would cover the basic routes Tri-Met did, and then they would provide a lot

more service than that. Mayor Taylor said legally Tri-Met would not let them out unless they at least provided their current service level. Councilor Daniels said any concerns citizens had about this issue could be put in writing and addressed to Jerry Pineau at City Hall.

Mayor Taylor wanted to make sure kids in the community were included in this discussion.

The motion passed 6-0.

UNFINISHED BUSINESS: None.

MANAGER'S REPORT: Clackamas County Road Summit - Mark Adcock said the Summit was held on April 10, 2000. Councilor Carson and he attended the Summit. The purpose was to convene a group of City and County representatives to discuss a number of things related to roads and transportation issues. The focus was on the method used by the County for the selection of roads for maintenance and rehabilitation, and they used a system similar to what the City used. The other issue discussed was Measure 82. Commissioner Sowa asked that City representatives go back to their respective governing bodies and ask that they act upon a resolution in support of Measure 82. Just a few days ago, the County took this resolution off their agenda as the campaign committee decided not to continue campaigning on this measure. The last part of the Summit focused on what they should do next assuming the likelihood of Measure 82 not passing. The group decided that the City managers should meet to take a look at alternate methods of funding streets and roads and concurrent with that, convene a group of policy makers from various cities to discuss some of the policy issues related to those funding mechanisms. At this point, they had not yet met.

Councilor Carson said they also discussed how they could move a project up higher on the priority list, and it was difficult to do. They would have to come up with some funding and ideas they could present to the County to move those projects up. The County was willing to work with the City. Mayor Taylor asked if the County felt that dealing with roads in town was still something worth pursuing? Councilor Carson said it definitely was, but they did not have a whole lot of money. It would take going to them and telling them what we could do, and what would they be willing to do to help. Mark Adcock said they discussed purchasing the materials and the County doing the work, and Territorial to 14th would be the first phase of that joint venture.

Mark Adcock wanted to know if they still wanted a resolution of support for Measure 82 in spite of the suspension of the campaign. If they wanted one, it could be brought back at the next Council meeting. Mayor Taylor asked why they suspended the campaign? Mark Adcock said the supporters did not want to spend any more money, because they conceded defeat of the measure and wished to go at it next year through the legislature.

John Kelley said AAA got enough signatures to force a vote on it, but because of the high price of gas, they felt they were fighting a losing battle.

Mayor Taylor said he wanted to at least talk about several of the themes of this issue, such as the costs of roads and the maintenance of roads. They should continue to inform citizens what it costs to not maintain the roads. It was much more expensive to replace a road than it was to repair it early on. This initiative gave them an informational opportunity to the public. He wanted some ability to talk locally what an initiative like this would do and why.

Councilor Strong said they should put an article in the paper to inform people of this issue instead of passing a resolution. Councilor Prince said by backing away, they further paralyzed what capital projects were on the table now. It was better to go for a joint venture at this point. Councilor Daniels said there was an article about the trucking industry not addressing this issue even though they would pay more through Measure 82. If they put the tax only on diesel fuel, trucks might fuel up in another state and pass right through Oregon without paying for gas, thus it would shift from the trucking industry to the individual driver who would have to pay for the increase. It was unfair to put this burden back on the individual car owner rather than the trucking industry who did a lot of damage to the roads.

Councilor Prince said he would like them to at least discuss with the County about joint ventures on road projects. He thought the more important thing of the whole meeting was they were open to the idea of joint ventures. A resolution in favor of a joint venture with the County was a better idea.

Councilor Daniels said that was a good idea. Did the County buy material cheaper than the City could? If they were going to buy the material, he wondered if they could get a better price on supplies. Jerry Pineau said the County would buy the materials, and the City would reimburse them for it. On N. Pine, to bring it up to standard would cost \$750,000. What he arranged with the County was a cost of \$14,000 to the City and they would get two lanes paved for a maintenance improvement and the road would last four to six years. The County's problem was cash, but they had the manpower. If they could schedule it and the City could furnish material at their cost, they could get a lot of projects done.

Councilor Lucas asked how long they would work on Pine, especially with the added traffic with Redwood and 99E intersection? Jerry Pineau said they would put in one lane on one day, and the second lane the next day so they could keep one lane open.

****Councilor Prince moved to write a resolution supporting joint ventures with the County for appropriate road construction. Motion seconded by Councilor Lucas, and passed 6-0.**

Status Report on Township Road & S. Pine Paving Project - Jerry Pineau said this project had been going on for a year and the work should be completed May 15. Township ended up being more of a utility improvement than a road improvement. They had to negotiate for easements, landscaping, and utilities had to do a lot of work moving pipes and poles, but the work should be done by mid-May.

Councilor Lucas asked if they gave other organizations, such as Direct Link or CUB, a timeline to get their work done? Jerry Pineau said they did give them a schedule to go on, but for this project, it took more time to get the right-of-ways. They were only about 30 days behind. What they were going to start doing was before they started a project, they were going to have a summit meeting and have all the utilities bring their plans before they put any bid packages together. They would also have agreements with them for when they would get their projects done and they would get the easements or right-of-ways before they started the work. Councilor Lucas said if there were going to be delays, were people on that street notified? Jerry Pineau said yes, they were notified by letters and usually verbally.

Parks Master Plan Update - Beth Saul said one of the identified work tasks for the Periodic Review was an update of the Park Master Plan in order to update the SDCs and all the projects and also add in a trail conductivity master plan into it. They had a proposal from CPW, who did the last update to the plan. They were graduate students from the University of Oregon and the Parks and Recreation Advisory Board voted last night to contract with them to do that. The cost was \$14,513. They had the money in the Park Development Fund, and they wanted to proceed with that unless the Council had any concerns.

Councilor Lucas said these planning projects were very expensive, but this was an inexpensive way to do it. Councilor Prince said there was discussion on how to fund parks and how to site them, and he was interested to see what they came up with, especially through subdivision applications and their dedications versus costs. Beth Saul said part of what they were supposed to look at was ways they could improve the City's subdivision ordinance. The Council gave their consensus to go ahead with this proposal.

Dedication of Arneson Gardens Park - Beth Saul said the dedication of the Arneson Gardens park was May 6, 2000, at noon. Mayor Taylor said he and Council President Daniels would be at the dedication.

COUNCILORS' ISSUES: Councilor Daniels went to a recognition of the Adult Center volunteers and it was reported that a 1,000 hours were donated to the Adult Center last month. Volunteers helped in all different facets, transporting people, front desk reception, meal servers, dish washing, clean up, etc.

Councilor Harris said the Library depended greatly on volunteers as well, it was close to one full time employee per month of donated time by volunteers. Several years ago they had a discussion about the Police Department working different shifts, such as 4 tens, and it was just recently that he realized that the Street Department did something similar, and he wanted to know the background and explanation for that. He also found out that it was also being done in the front office of City Hall. Mayor Taylor said that could be discussed in the budget process. Councilor Lucas said he would like a memo stating who was on the 4 tens and also discuss it in the budget process. Councilor Strong said they did talk to the Police Department and it might be appropriate to look at whether 4 tens worked in that department also. Mayor Taylor said they were not

against it, they just wanted to know why and made sure service was being provided. Councilor Harris said every department should have the opportunity to defend that position.

Councilor Carson said the Library was getting a lot more business, and they may need to use the Community Room for more Library space in the future. He thought they needed to get with the siting committee and maybe discuss in the budget process if they needed more space for meeting rooms.

Councilor Strong asked when the Railroad would start work on Redwood? Jerry Pineau said they had already started, June 1 was their finish date.

ACTION REVIEW:

1. Approving the contract amendment for the Adult Center.
2. Approving Resolution 728, seeking grant funding through the Trust for Public Lands and State of Oregon for property at the end of the Logging Road.
3. Approving Ordinance 1043, adoption of the Transportation System Plan, and Ordinance 1047, awarding bid for playground equipment.
4. Bringing back Ordinance 1048, zone change for Knights Bridge Road, for second reading.
5. Approving Resolution 727, community transportation needs assessment project.
6. Bringing back a resolution regarding the City's intent to continue on joint ventures with Clackamas County on street and road improvements.
7. Providing additional information to real estate companies in regards to zoning designations and approved uses within those designations to better inform their clients.
8. Providing information to the Budget Committee on City employee hours of work.
9. Following up on space discussions in light of the Library space needs.

Mayor Taylor said several of the Council went to the Fire and Police Officer's Awards. He thanked the Legion for putting that together. It was the 6th annual one and they did a good job.

****Councilor Daniels moved to go into Executive Session under ORS 192.660 1(h) pending litigation. Motion seconded by Councilor Harris, and passed 6-0.**

Mayor Taylor adjourned the regular session at 8:55 p.m.

Mayor Taylor reconvened and immediately adjourned the regular session at 9:15 p.m.

EXECUTIVE SESSION

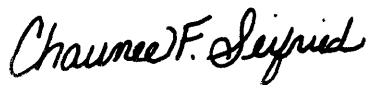
APRIL 19, 2000

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

Mayor Taylor called the session to order at 8:59 p.m.

ORS 192.660 1(h) - The Council discussed Fodge vs. City of Canby litigation.

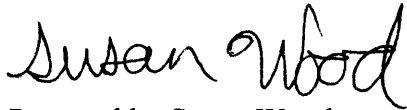
Mayor Taylor adjourned the session at 9:13 p.m.



Chaunee Seifried,
City Recorder pro tem



Scott Taylor,
Mayor



Prepared by Susan Wood,
Office Specialist

REVISED

**CANBY CITY COUNCIL
REGULAR SESSION
APRIL 19, 2000**

AGENDA - 7:30 PM -

1. OPENING CEREMONIES:
Call to Order, Flag Salute
2. CITIZEN INPUT ON NON-AGENDA ITEMS:
3. CONSENT AGENDA:
Minutes-Workshop, Regular Meeting, and Executive Session, April 5, 2000
Accounts Payable-\$280,508.11
Street Closures for General Canby Day Pg. 1
4. COMMUNICATIONS:
5. NEW BUSINESS:
 - A. City of Canby/Adult Center 1999-2000 Contract Amendment with Clackamas County Pg. 2
 - B. Discussion re Trust for Public Lands Grant Application
6. ORDINANCES & RESOLUTIONS:
 - A. Ord. 1043, Adoption of the Transportation System Plan, *2nd Reading* Pg. 8
 - B. Ord. 1047, Awarding Bid for the Purchase of Playground Equipment to Sitalines of Oregon, *2nd Reading* Pg. 9
 - C. Ord. 1048, Zone Change for Knights Bridge Road (cassette tape enclosed) Pg. 10
 - D. Res. 727, Agreement with PSU re Canby Community Transportation Needs Assessment Project Pg. 38
 - E. Res. 728, Acquisition of Lot at End of Logging Rd. Trail
7. UNFINISHED BUSINESS:
8. MANAGER'S REPORT:
 - A. Clackamas County Road Summit Pg. 45
 - C. Status Report on Township Road & S. Pine Paving Project
9. COUNCILORS' ISSUES:
10. ACTION REVIEW:
11. EXECUTIVE SESSION: ORS 192.660 1(h) pending litigation
12. ADJOURN: