

CANBY CITY COUNCIL  
REGULAR SESSION  
JULY 5, 2000

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

Also present: City Administrator Mark Adcock, Recreation Services Director Beth Saul, Community Development Director Jerry Pineau, Police Chief Jerry Giger, Lieutenant Ken Pagano, City Attorney John Kelley, Fire Chief Ted Kunze, Susan Wood, David Howell, David Eatwell, David Siegel, Phil Lapin, Leighton Perkins, Dan Stoller, Jack Parsons, Keith and Martha Stewart, Craig and Linda Finden, Terry Tolls, Jack Orchard, Pat Weygandt, Lynn Weygandt, Carol Prael, Allen Patterson, Jean Tallman, Bob Trappe, Buzz Weygandt, Jay and Aaron Cushman, Corey Parks, Bev Doolittle, Steven Amick, Craig Lewelling, Kay Lewelling, Robin Molsinger, Michael McNichols, Ray Burden, Peggy Baker, Mike Jordan, Lisa Weygandt, John Weygandt, John Dewar, Irene Dewar, Joan Jones, Patrick Johnson, Jean Rover, and Curtis and Lila Gottman.

Mayor Taylor called the regular session to order at 7:38 p.m., after the Urban Renewal Agency Board meeting, and followed by the opening ceremonies.

**SPECIAL PRESENTATION: Promotion and Badge Pinning Ceremony** - Chief Giger said they had a reserve force that enhanced the number of people they had to go out and enforce the laws. Many times the reserves were interested in becoming police officers and some were business professionals, this was not a hobby but something they wanted to do to help support their community. That night they were presenting Monte Schumacher, who was a new reserve. He was a resident of West Linn, married with three children, president and CEO of Schumacher Group Business Consulting, a former military intelligence agent, and worked on several drug taskforces for which he received numerous commendations. He was recently a reserve officer with the Aurora Police Department. He welcomed Mr. Schumacher to the Canby Police Department. Judge Henricksen swore in Mr. Schumacher as a Canby Police Reserve Officer. Mayor Taylor presented him with his police badge and Chief Giger presented him with his commission card.

Chief Giger said there was one more person to be recognized that night. As the Police Department grew, so did their need to manage their people and to see they properly displayed the structured work force they needed. They had supervisors so they could spread out the ability to manage the numbers of people. Their Police Department had 27 employees, and in having that many, they needed a new supervisor. Police Sergeant Dennis Swanberg was now assigned as a night patrol supervisor. Sgt. Swanberg had been a member of the Canby Police Department since May of 1985. He was most noted for serving two tours as the department's narcotics detective. Under his tenure, drug seizure and civil forfeitures were greatly increased and the number of cases that were prosecuted were probably number two in the county for drug cases. Mayor Taylor presented him with his police badge and Chief Giger presented him with his

commission card.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** None.

**CONSENT AGENDA:** \*\*Councilor Daniels moved to adopt the consent agenda: minutes of the workshop, regular meeting, and executive session, June 21, 2000; pre-approved accounts payable; Liquor License for Hoi Tin Restaurant; Historic Review Board Reappointments; and Traffic Safety Committee Reappointment. Motion seconded by Councilor Harris, and passed 4-0.

**PUBLIC HEARING:**

ANN 00-02, Industrial Area Annexation -

Mayor Taylor opened the public hearing at 7:45 p.m.

Mayor Taylor read the public hearing format. The City was the applicant. Proponents and Opponents were allowed 5 minutes each and 10 minutes would be allowed for rebuttal. There were a few people in the audience who wished to be allowed to speak for ten minutes. Mayor Taylor agreed.

**CONFLICT OF INTEREST:**

Councilor Carson - No conflict, plan to participate.  
Councilor Harris - No conflict, plan to participate.  
Mayor Taylor - No conflict, plan to participate.  
Councilor Daniels - No conflict, plan to participate.  
Councilor Lucas - No conflict, plan to participate.

**EX'PARTE CONTACT:**

Councilor Carson - Visited the site, discussed this in Urban Renewal meetings, but had no conversations about this issue since it was put on the agenda.  
Councilor Harris - Visited the site, separate from all the discussions they had about Urban Renewal, he visited with Mike McNichols, president of the Chamber of Commerce, and they talked about this being on the agenda, but he said he could not give any opinions on it.  
Mayor Taylor - Had been involved with the annexation of the Industrial Area and Urban Renewal since the beginning, been in a variety of meetings and had numerous conversations with people on both sides of the issue.  
Councilor Daniels - Visited the site, looked at all the documents presented and had been to several meetings since the beginning.  
Councilor Lucas - Visited the site, attended most meetings, and had hundreds of conversations about it in the past few years.

Mayor Taylor wanted to maintain some sense of order in the room. He instructed staff that they

answer Council's questions, but if someone in the audience had a question, they would run it through the Mayor, the staff would not be responding directly to questions from the audience.

**STAFF REPORT:** Jerry Pineau said they were there that night to decide whether or not to place on the September 19, 2000, ballot the proposition to annex 36 tax lots totaling some 301 acres of zoned farm land into the City of Canby for commercial/manufacturing and industrial development. In this case the City Council, after several noticed public meetings and the adoption of Resolution 723 on January 19, 2000, determined that the City of Canby should be the applicant specifically for this industrial area annexation to achieve uniform and logical development of this master planned industrial area and to provide the basis upon which to work collectively with the property owners on all aspects of the annexation and industrial area development. The essential keystones for this industrial area annexation are articulated in the following documents established through the City's public participation process: Land Use and Economic Elements of the City of Canby Comprehensive Plan, Industrial Attraction Plan for the City of Canby, Neighboring Cities 2040 Study, Canby By Design, Downtown Development Plan, and the Canby Urban Renewal Plan. The documents stress the need to develop this industrial land in a coordinated, effective, and efficient manner through the public participation process. The following public agencies have and are currently discussing and participating in this industrial area annexation and development approach through their public participation process: Canby City Council, Canby Planning Commission, Canby Utility Board, Canby Urban Renewal Agency, Canby Urban Renewal Advisory Committee, Canby Industrial Area Development Task Force, Canby Business Revitalization, Canby Periodic Review Committee, Canby School District Board, Canby Fire District No. 62 Board, Clackamas County Commissioners, Clackamas Community College Board, and Clackamas County Economic Development Commission. When the City Council decided that the City would be the applicant specifically for this industrial area annexation, the City Council concurrently established the Canby Industrial Area Task Force, composed of property owners/Industrial Area Association members and City Councilors. The primary purposes of the Task Force were to come to an agreement on what developments would occur in the industrial area, to determine how and when to implement the Industrial Area Master Plan, to equitably fund public infrastructure between the City and property owners, and to develop an economic development agreement. A tentative industrial area economic development agreement has been reached with the property owners and addresses the general type, size, site location and parcel size of development, a more restrictive zoning and allowed development uses overlay to the Industrial Area master plan, higher design review standards for the Planning Commission to use when any development occurs within the industrial area, and coordinated timing and development sequence among property owners and the City. At this time, the City of Canby believes it has the ability to provide adequate public service to the industrial area as it is developed and is prepared to make the appropriate investment. As part of the current periodic review process, the City is reviewing and updating the City infrastructure master plans for water, electric power, transportation system, parks development, downtown revitalization, and sewer. We are using our latest potential development information to further assure ourselves that we can provide adequate services throughout the City as well as this industrial area, and do so within our potential financial resources. The private utility companies serving Canby have been informed and advised of the pending development of the industrial area and each have stated that they can adequately serve

the industrial area described in this proposed annexation. However, Canby Fire District No. 62 stated that adequate public services were not available and would not become available to serve the industrial area described in this proposed annexation. Based on the results of their request for proposals for service power, Canby Utility will more than likely sign a five year full service power agreement with Bonneville Power Authority. As a result, if the proposed industrial area is annexed and becomes part of the Canby Utility service area before September 30, 2000, the potential Canby Utility power bill savings for future industrial area customers during the term of full service power agreement will be from a low of \$1,000,000 to a high of \$5,000,000, depending on the pace of development growth. Canby Utility is concurrently processing the expansion of their service area to include this industrial area within the proposed annexation through the Oregon Public Utility Commission. Portland General Electric (Canby Utility's power provider) will not oppose Canby Utility's service area expansion request to the Oregon Public Utility Commission.

Planning Director John Williams said the Planning Commission held a public hearing on this annexation on June 12, 2000, and they recommended denial of this application. David Siegel, from Pacific Rim Resources, was hired to prepare the application and do the public presentations. David Siegel said he was representing the applicant for this annexation, which was the City of Canby, P.O. Box 930, Canby, OR 97013. He wanted to enter the staff report from the June 12 Planning Commission hearing and exhibits into the record. The proposed annexation met the requirements of the comp plan. The comp plan had seven elements which had to be addressed for annexation: urban growth, land use, environmental concerns, transportation, public facilities and services, economy of the city, and energy conservation. Regarding urban growth, this area was a priority area for growth, it was needed because of a lack of available industrial land within the City and the area would be provided with urban services prior to or consistent with the development of the property. Regarding land use, the area proposed for annexation was guided by an adopted Industrial Area master plan and that was regulated by an industrial area overlay zone. City policy called for an analysis of property to be annexed, and the land needs study indicated the city had less than half the industrial land projected to be needed for future growth. There was a severe lack of developable industrial land within the region, especially within Clackamas County. The City's policies also discouraged development which would overburden the community, and the City had been preparing master plans that showed how the industrial area would be served and adequate public facilities would be constructed before or at the time of development, which would result in bringing the area into the City in an orderly way and with provision of public services to the property. This study showed that the city had a shortage of available industrial land, there was also a severe regional shortage, the City had an adopted plan for the area that showed the area should develop and would be served, plus with the foresight in planning, it would allow for public facilities to be provided in a more efficient and cost effective manner. The community also planned for this area to develop into industrial uses for quite some time and the cooperation of various property owners represented a unique opportunity. Regarding environmental concerns, land within the urban growth boundary would become urbanized and these policies sought to protect water resources, wetlands, and historic resources, and encouraged urbanization of non-agricultural land first. Most of Canby's future urban areas were prime agricultural lands and the larger relatively flat parcels in the area proposed for annexation were both suitable and needed for future industrial growth. No large suitable

alternative sites existed within the urban area for this use. Regarding resources, the Industrial Area master plan recognized the Zion Memorial Cemetery as a resource and no development would be allowed to encroach upon it. The plan also called for several open space areas and a trail connection. Regarding transportation, the Industrial Area master plan identified transportation improvements that would be necessary to serve industrial development, it would include improvements to S. Sequoia Parkway, a new Mulino Road connector, realignment of First Avenue, and improvements to several other streets, sidewalks, bike lanes, and trail connections. A financing strategy was being developed by the Industrial Area Task Force and the agreement should be in place before any development begins. City staff recommended that an understanding be approved that would require detailed traffic impact studies to be conducted prior to approval of individual industrial development applications. Regarding public facilities and services, all providers would be asked for comments about applications. The Fire District said adequate services would not be available. This was a funding issue that would be addressed by the Urban Renewal Agency and it was unlikely to be resolved through this particular annexation process. Adequate levels of service would be available now or would be concurrent with development. The Bike and Ped Committee suggested improvements which would be provided in conjunction with street improvements. ODOT indicated their appreciation for the opportunity to participate in the review of future traffic studies for proposed development. Regarding the economy of the city, both the City's land needs study and regional industrial land studies clearly identified the need for industrial land. The City developed an industrial area master plan to get a handle on how to best guide the development of the area. The City identified this area as an appropriate location for industrial development, designated for light and heavy industrial, heavy commercial and manufacturing. The proposed action would add 280 acres of industrial land after they removed the cemetery and land reserved for the trail connection. Regarding energy conservation, this would expand local employment opportunities and reduce the need for commuting.

The City's code required annexations to be consistent with ten criteria; the Planning Commission found the proposed annexation to have met all the criteria except two. The first criteria was that annexation would be in keeping with prioritization categories. There were no Priority A lands outside the City remaining to be annexed for industrial uses, the majority of the area had been assigned as Priority B or C. It was appropriate to annex now due to the lack of vacant industrial land within the city. The land use action would result in some substantial development, provide additional employment opportunities, and reduce the need to commute to other communities for jobs. This area could be adequately served by City services. Criteria two was analysis of need for additional property within the city limits. The comp plan designated the area for future industrial development in support of the City's effort to improve the local economy and to expand the industrial base in the community to make Canby more self-sufficient. There was a severe lack of developable industrial land in the region. This criteria did not set a standard for how much or how little industrial land should be provided. It was hard to make the argument that the community was overplanning for its future. Criteria three was smaller pieces of non farmland should be a higher priority for annexation than larger pieces of farmland. The proposed annexation would annex both small and large pieces of agricultural land and would do so in a planned and coordinated manner. Criteria four was access should be adequate to the site. The area was bounded by existing roads on all sides, and the future improvements would make access

to the area much more than adequate. Criteria five was adequate public facilities and services should be available to serve potential development. The Industrial Area master plan identified existing and proposed services projected for industrial use. Fire protection could be made available to this area once the City and Fire District decided how to fund the service. Criteria six was compliance with other applicable City ordinances or policies, and the application met the criteria as they discussed earlier with compliance with the comp plan goals and policies. Criteria seven was compliance with ORS Chapter 222, this proposal was City initiated and it complied. Criteria eight was risk of natural hazards, and no lands subject to natural hazards had been identified within the area proposed for annexation. Criteria nine was adverse impacts upon designated open space, scenic, historic, or natural resource areas. No specially designated resources other than Zion Memorial Cemetery were located within the area proposed and the Industrial Area master plan provided for the protection of the cemetery. Criteria ten was adverse economic, social, and physical impacts. The future development would likely lead to residential growth and additional traffic. Specific development proposals would be required to prepare traffic impact analysis that would identify improvements that were needed. In terms of localized impacts, the proposal would create an industrial area that was separate from established residential areas. The economic impacts were anticipated to be beneficial to the community, especially with regard to job creation. The social benefits of additional open space, bike facilities, and trail connections were anticipated to be beneficial. The community has known about and been supportive of the future inclusion of this industrial area into the City limits for some time now. This land was needed for the future. The adopted Industrial Area master plan showed how the area could be developed and served in a manner consistent with the City's comprehensive plan and development standards. City staff identified four understandings that were appropriate for ensuring that the proposed annexation fully met the standards and criteria of the community. The first was upon annexation, the subject properties would be rezoned to the appropriate zoning designations. Second, City and service provider regulations were to be adhered to at the time of development or time of connection. Third, detailed traffic studies would be required for future development based on full development of the industrial area and ODOT would be given the opportunity to comment. Fourth, financing of public improvements in the industrial area would be provided by public and/or private resources. Staff recommended the Council approve the proposed annexation.

Planning Supremo John Williams said he wanted to discuss the process and give a summary of the Planning Commission's discussion and findings which they forwarded to the Council as a recommendation. The Planning Commission made a recommendation to the Council, and both bodies held a public hearing on the issue. The Planning Commission had an in-depth discussion on the issues. There were two areas where the Planning Commission made findings to recommend denial. Of the ten annexation criteria, the Planning Commission recommended denial based on numbers two, need for additional land, and five, the Fire District would not be able to provide adequate services to the industrial area due to lack of funding. Based on those two findings, the Planning Commission recommended denial to the Council in a 5-0 vote. The staff report contained the three options available to the Council, they could follow the Planning Commission's recommendation for denial. He reminded them that in order to set a September ballot date, they needed to have all of their information, including written findings, resolution, and ballot language, into Clackamas County by July 20. The second option was to continue or

delay consideration of this application in order to gain more information and to hold further discussions on certain issues. Their other option was to approve the annexation, adopt findings in support, and approve the ballot language and resolution. They received a letter from Roger Skoe concerning the private cemetery in that area, the Zoar Lutheran Cemetery, which was located on Walnut. Mr. Skoe wanted to emphasize the importance and historic nature of that cemetery. Mr. Williams said it was their intention to preserve that cemetery as complete as possible. Also, he was contacted by Councilor Prince who said he was unable to get comments to the Council that day, and wanted the option to have those included at a later date.

Mayor Taylor recessed the meeting for a short break at 8:22 p.m., and reconvened the meeting at 8:30 p.m.

The City was the applicant, there was no further discussion on that subject.

#### PROPOSERS:

Clackamas County Commissioner Michael Jordan, resident of 2319 N. Maple Street, Canby, appreciated how difficult these decisions were. This was a planned piece of property and had been anticipated to be an urban industrial development at some point in the future. There was a need for this community to take great heed that these 300 acres were this community's investment in its own future. They were currently in periodic review for the comprehensive plan, and in about 7 to 10 years, they would be going through periodic review again as mandated by the state. There was a distinct possibility that in 7 to 10 years, the state would tell them they could not grow their urban growth boundary regardless of need because of the class of soils that this entire community sat on and the opportunities for growth to be allocating to areas where the soils were not so wonderful. Bringing the entire parcel in together gave the City more control over the efficiency of the development that would occur and the utilization of those acres, both from a job production standpoint, a diversity of industry standpoint, and from the potential assessed value gains that could be had to finance the public services they would need in a post Measure 50 environment. The issue of it being planned was not in debate, what was in debate was the issue of the pace of development in this community. The argument tended to be, if we don't build it, they won't come. He pointed out that the Sunnyside Road area was an example where they didn't build it, but they came anyway, and now they had huge issues out there. It was mentioned in the Planning Commission hearing the need for industrial land in Clackamas County. The survey that was done in six metropolitan counties showed that across that six county region, there was no net need for more industrial land over the 20 year period. However, Clackamas County had the greatest deficit. They believed they would need somewhere in the vicinity of 1,732 acres of land over the next 20 years without any market increment being added. They knew there was 1,328 acres available in all the urban growth boundaries in the County. Only about 158 acres were ready for development. The need issue was clearly there in Clackamas County. The boards and commissions that represented the citizens of this community were all very dedicated to what they did, but there was no other body that had to balance all the needs of this community but the Council.

Mayor Taylor wanted to confirm that the County was still in agreement that this Urban Renewal

District made sense and they would keep some of the money that would normally go to the County. Commissioner Jordan said yes, they were still in support of that. Their budget was strained, but one of their top priorities was the creation of jobs in Clackamas County.

Councilor Harris said the recurring question at the Planning Commission hearing was not should it be annexed, but why do it all at once. Commissioner Jordan touched on that with regards to efficiency and the extension of the infrastructure, but could he explain that further?

Commissioner Jordan said there were multiple reasons. If they did large infrastructure projects in one contract at one time, or at least in large segments, they would do a more efficient job from a cost perspective. There was also efficiency of land use. To fit the development into the current shape of parcels leads to somewhat inefficient use of the property. To have large scale amounts of property and to be able to move property lines more freely would lead to more efficient development. Lastly, the issue of marketing to certain target industries and trying to be as an attractive product as possible to the types of industries they wanted to attract was very difficult to do with voter approved annexation on a parcel by parcel basis because of the long lead times and the uncertainty in a voter approved annexation environment.

Ray Hoen, resident of 309 SE 1<sup>st</sup>, Canby, said he was speaking as an individual property owner. They were going to hear some testimony that evening from the Fire Department, and as he perused their budget, he saw that this year with no changes there was a \$106,000 increase in their budget compared to last year in revenue. The previous year they had to increase their budget for personnel to a large degree because they could not use volunteers anymore. This year the Fire Department increased their personnel budget by \$85,000. The Fire Department did have a problem when it came to capital outlay. He saw the need for the Fire Department to ask for funds to buy some equipment. All of them recognized that this would occur. He didn't think the fact that the Fire Department disagreed with them at the moment should eliminate the process of going forward. This evening when they heard the word "fire" in a crowded room, it was a false alarm.

David Eatwell represented Canby Business Revitalization, offices residing at 149 NW 2<sup>nd</sup>, Canby. The proposed annexation of land for industrial uses might be one of the most important issues facing this community at this time. Canby was an old community, a rural town rich in pioneer history and agricultural traditions, but sitting back on town laurels was no way to retain the independent, small town flavor of the community. The only outcome that approach was to be engulfed by the adjacent metropolis. Canby Business Revitalization strongly supported this annexation proposal. The State of Oregon had become well known world wide as the place where land use policy defined the community. That reputation had been built by local communities, both urban and rural, who took a planned approach to the future. The lack of industrial land in Clackamas County would exacerbate an already existing problem of out-commuting by County residents who worked in other areas of the region. This meant that Canby, with a few hundred acres of potential industrial land, sat in the driver's seat. This was not only because of the total, but also because of the size, of the individual parcels. What could development of this potential mean to the Canby community? This would be an enhancement to the community in creating jobs that would be in a five minute drive of every home in Canby. That would mean a very large portion of the payroll for those companies would be spent in



Canby stores by employees who also lived in Canby. All of those workers would have an extra hour in every day to spend with their kids, coach Little League, take a class, work in their garden, or stand at the fence and talk to their neighbor. That was what built community. If Canby did not create its own base of family wage jobs, it would continue down the road to becoming a bunk house for Portland. Annexation of this land for industrial use projected a prosperous, independent vision for Canby's future. Canby Business Revitalization urged them to vote in favor of the annexation.

Mike McNichols, president of the Chamber of Commerce, said as they were aware, Oregon was one of the most progressive states when it came to land use planning. A good plan and coordinated growth enhanced the community and promoted economic development. The business statement of the Canby Area Chamber of Commerce was to promote a positive business climate and to speak to their members' commercial and industrial interests. They endorsed any program that created a positive economic environment and would contribute to the economic stability, growth, and health of the community.

Craig Lewelling, president of the Industrial Area Association, thanked the Council for all of the meetings they attended and the timeline they followed to bring this about and after 27 years they were finally at a point where they could really make a difference in this community. Councilor Daniels asked him a question about a year and a half ago, did he see the Industrial Area Association continuing on? He definitely saw it continuing on. He thought that someday the industrial users would be the association. He hoped they could work closely with the downtown revitalization folks and that one of their goals would be how to spend the money wisely and bring new business to the downtown. The property owners in the industrial area for generation after generation have given to the community. They wanted to ensure that this industrial park was going to be done right and looked good and that there was a vital downtown.

Jack Orchard represented several of the property owners directly involved in the proposed annexation. He wanted to discuss the two issues that formed the crux of the Planning Commission's decision. The need issue had already been addressed by Commissioner Jordan. The property owners said consistently that they rose and fell together. If they made the assumption of the need using the Planning Commission's reference point of 170 acres, that left 110 acres that somebody had to create a cut line at. The property owners did not want that. Councilor Harris asked a very pertinent question, why all the property now? It did afford the flexibility, the cost sharing, the sense of purpose and unity in what this group of property owners set out to accomplish approximately two years ago. There was staying power with this group and it was remarkable. The properties were all like zoned and it afforded the variety, ability to market, and the ability for the City to partner with these properties. He wanted to address the Fire District's issues as well. They agreed that they had a unique situation that needed to be addressed. From the outset they acknowledged that there would be new equipment needs and increased attention that needed to be paid to an area that would develop for industrial purposes. They thought the Urban Renewal District had not only the financial wherewithal, but a program for doing exactly that. The nice thing about this process was they could have concurrency, they would have the services in time and available when they had the development. With an industrial area, they also had an upgrading of and concern for fire protection, such as with

sprinkler systems, material types, programs for handling materials, etc., that they did not have in other types of development. With respect to both the Fred Meyer and Shimadzu annexations, the Fire District was comfortable with both of those major users. They thought with the Urban Renewal District plan, the Fire District could and should be comfortable that there would be the financial resources available to provide the additional facilities and programs they needed. The property owners remained very committed to this annexation.

Ray Burden, one of the industrial area property owners, said Shimadzu came in on part of their property, and they had several other requests, but the problem they ran into with piecemeal annexations was that the Zimmer property was not annexed, and without that property, they could not build anything. There was a spirit of cooperation among the land owners and the City to develop this. Without annexation, it was very difficult to cooperate with your neighbor. The time element would make it very difficult as well, because they had to go to the Planning Commission, Clackamas County planners, City Council, etc. and before you knew it, a couple years passed by. He thanked the Council for their volunteer work and thought they were doing a good job and did not envy their decision.

#### OPPONENTS:

Ted Kunze, Fire Chief of Canby's Fire District, wanted to remind everyone that they still did not have an agreement in regards to funding although after the Advisory Committee meeting, he found their motions and votes to be very encouraging towards reaching a solution to their issues. They were fairly cautious in their position and their position remained that they did not feel that currently they could provide adequate service to the industrial area. The Committee's motion in regards to a joint meeting between the Agency and the Fire District Board of Directors was an excellent idea and he wanted the opportunity to set that up. They wanted the Fire District to remain whole. He requested the Council continue the hearing for comments until July 19, 2000, to give him an opportunity to speak to his Board of Directors on the issue and see if there was a position change or where they might be with the recent developments since the Advisory Committee meeting. Mayor Taylor said he had a brief discussion with one of their members and they talked about the possibility of setting up a meeting at 6 p.m. on July 19. John Kelley said if Chief Kunze asked for a continuance, there were two ways that could be done. One way was he could ask to keep the record open for a period of seven days to allow submission of additional written testimony, or the Council could ask that the matter be continued to a date certain in the future. The only one Chief Kunze was entitled to by law was to keep the record open for an additional seven days. Chief Kunze said they preferred to have the opportunity to make comments as a proponent or opponent again at the Council's July 19 meeting. Mayor Taylor said his personal belief was until the Council and Fire District Board sat face to face and negotiated, they would not know where they were. The earliest that would happen was July 19 and he expected to push this Council to reach a conclusion that night. Chief Kunze requested to hold the record open for seven more days to make a written comment.

Councilor Harris said from the beginning of the discussions on the Urban Renewal District, the position he took was he would support it, but contingent upon an agreement with the Fire District. They knew how much the Fire District was getting, they knew how much they wouldn't

get with development of the Urban Renewal District, and he thought that amount would somehow be designated by the Urban Renewal District for the Fire District. Chief Kunze said he asked from the beginning to be kept whole, to have those funds available so as projects came in and they determined what the fire protection, rescue, and EMS requirements were for those occupancies that they could come to the agency in advance of that project and make comments and put in a request for budgeting for the project. All they asked was that funding be there. Councilor Harris wondered how that would affect their decision that night. John Kelley said they could not make a decision on this, because the record had been requested to remain open for another seven days to submit additional written testimony and they could not make a decision before they reviewed the written testimony.

Mayor Taylor said he did not understand that. John Kelley said the earliest they could make a decision was the night of July 12. Mayor Taylor said he doubted that Chief Kunze was going to get much different clarification between now and the next seven days. By holding it open, it put the Council under a very uncomfortable wall of time. He asked Chief Kunze to reconsider his need for that seven days. Chief Kunze said in the essence of wanting to reach an agreement and hopeful that one would be reached between the two political bodies, he removed his request for the seven day continuance.

Councilor Harris asked if they reached an agreement as a group that night, and they would not yet have an agreement with the Fire District, did they have an option prior to this going to the vote of the people to reconsider if it worked out that they could not reach an agreement with the Fire District. Could they withdraw it from the ballot? John Kelley said once they submitted an application to be on the ballot, it would still appear on the ballot, whether they could withdraw from that, he did not know. If they approved of the annexation, they by charter must refer it to a vote. They would have to reconvene a meeting to reverse their approval to get around the charter.

Councilor Daniels said it had been difficult to get together with the Fire District. There were certain laws they had to follow, and they could not ignore those and just make them whole, but they would not do any developing out there, assuming the annexation passed, if they did not have adequate fire protection. He was sure somewhere along the way they would come to an agreement. This had to do with trusting one another. Councilor Harris said they were dealing just with the annexation, and once they made a decision, it would go to a vote of the people. Nothing had changed as far as what the Fire District had to serve until there was actually industrial development and any development would come with applications and if they didn't have some agreement at that point, of course they would oppose the development.

Councilor Carson said most major buildings had fire sprinkler systems and met other fire safety codes and most calls out to industrial areas were injuries/accidents, not fires. Chief Kunze said fire protection included ambulance service, rescue service, public education, business inspections, and they fought fires. They had to be able to equip and staff for that potentiality. One of the issues was the average stay of an industrial occupant, and when a new occupant moved in, they could be a totally different type of manufacturer, and they did not have the ability to go back in and require retrofitting and fire doors, etc., and they could not stop them from

coming into that building, the Council couldn't either, if it met the required use for that area. Mayor Taylor said they could certainly talk about designing a fire suppression system that would be adequate for most anything that came into that structure.

Councilor Carson said the Fire Department did have agreements with several other fire districts to provide backup trucks, so they did have a lot of coverage. Chief Kunze said yes and no, everyone was struggling with growth and trying to provide service with the resources they had. Everyone was pretty stressed right now as being able to provide service. One idea they had when talking about Urban Renewal was how could the Fire District contribute to the feasibility, buildability, and marketability of the industrial park. One of the ways was lowering their ISO, or insurance services rating. They were talking about hundreds and thousands of dollars in insurance they could save by buying the right equipment and having the right number of people there to use them. Some of their projects could be geared towards their original commitment, which was lowering the ISO rating and that would also benefit the people of the community.

Councilor Daniels asked if there was any way they could work together to change the code that would force a new business coming in to retrofit an existing building to meet the proper codes? Chief Kunze said there was no regulatory power with the City or with the Fire District, as long as they did not violate zoning issues.

Councilor Lucas said this was why they brought about voter approved annexation. Getting this on the ballot in time to capitalize on the electric rates and getting this done was the main thing. He was disappointed it took until now to get together with the Fire Board, but they were not on different sides of the issue. Everyone wanted to have good fire protection in the industrial park.

Mayor Taylor said they had approved a three and a half year stock of residential build out, and on all of those annexations, there was fire service to those residents. He wanted it clear that those in their residence had fire protection, his comments about fire protection dealt with an industrial park and the land there. They may not, in his opinion, have adequate equipment for the industrial park, but the citizens of Canby had adequate fire protection for their residence. Chief Kunze said yes they did.

Phil Lapin, resident of 267 S. Walnut, Canby, presented a paper to the Council to add to the record. His concerns centered around the fact that he had heard almost completely positive rhetoric about this situation, and he found it rather strange, because there were some negatives. He said they were talking about a voter approved annexation process here. The rules had changed about what a city could do and how it operated since the voters had to approve it, yet he had heard almost nothing about the risks of that dice game. He thought from the standpoint of the property owners, most of the property owners felt they had no option, the City was going to put in an industrial park and that was it. Since it was to be voter approved, that the City made a dictate that they were going to put in an industrial park without getting any polling or confidence from the citizens who were the gatekeepers of this, was disturbing. The main reason the IAA was formed was because they felt they had to do something to work together because of the fears of the City, such as liens and liability, etc. It was erroneous to say that all the property owners were in favor of this industrial park, they were in favor of working together to try to make it

work better. He talked to eight property owners that week, and they all felt they had no choice and seven said they would rather not sell their property or have this issue to deal with. It was not right to say this was a unanimous thing that everyone wanted an industrial park. He was told that 60 to 80 thousand dollars had been spent just on the master plan and survey work, and that was not counting fees, and he thought they ought to think about the fact that they were speculatively spending public money on something the City had no control over until the vote happened. The thing that concerned him most was that a significant number of voting citizens did not know about this. In the last year or two since this had really welled up, there had not been anything in the paper to display the pros and cons, where was the big picture for people to look at who were the gatekeepers of this whole thing? He thought instead of putting a measure on the ballot asking people to annex the property or not, they should have one where it asked if they would like a measure on a future ballot to consider the issue of an annexation. The level of awareness had to be brought up to the population, with both the pros and cons, and not after the election but before. They may want to hire someone from a municipal law firm who specialized in major issues and it would be an extreme benefit.

Councilor Daniels said as long as he had been on the Council, there was never a case where the City pushed somebody for annexation. They came to the City to apply for annexation. Mr. Lapin said there was an agreement not to oppose the annexation, as a group they were going to work together, but when he talked with the property owners, they felt they did not have a choice. Councilor Daniels said they did have one person who did not want to come in, and he was not part of this nor were they forcing him to come in. The City was not the developer, they were only annexing the property. It was up to the property owner to sell their land if they wished.

Councilor Lucas said he was concerned about people saying they had no choice, did they think the City would condemn the property and build an industrial park there whether they wanted it or not? Mr. Lapin said in talking with people, there was uncertainty of what would happen, especially regarding liens, and they felt they had no control over the situation. Mayor Taylor said the City did dedicate this property to someday come in as industrial land through a public process and from that point on they had been heading in that direction. They made decisions that affected the long term, and that was why they were trying to get people involved in the current periodic review. They did not think it was appropriate to go out and talk about the annexation until they knew whether the Council voted for and supported annexation, and if that was the result, then they would be in the position to talk to people about the pros and cons. They never got enough public input, but they had made efforts along that line. Mr. Lapin said when the voter annexation ordinance went into affect, the rules changed on the City in the sense that the voters were the gatekeepers and that should change their view on how to address issues and how to spend money, etc., before the voters got into it.

Corey Parks, resident of 1187 SE 14<sup>th</sup>, Canby, did not oppose urban renewal and did not oppose development. His concern was with the process they were about to engage upon, he thought it was headed in the wrong direction. He thought the 300 acres had not been shown to be needed for this community at this time, the City anticipated 117 acres for the future of this community for the next 20 years of development. That property was a true asset for this community and he thought they should not give away their assets through the guise of an urban renewal agency, but

should give those assets to the highest bidder. Putting 300 acres on the market right now where that was the single largest industrial property in the metro area was a dangerous prospect. He did not think they needed to do that at this time. He did not agree with some comments regarding whether or not they could plan this area in advance. There were a lot of opportunities to develop an overlay plan for that area so they could assure it developed in the way they wanted to see it. The zoning requirements were not completed for that yet, and it was dangerous business to annex in property without having in place the zoning requirements they acknowledged were needed. He read several sections of the comp plan because he felt it was important to have it in the record. He read from page 100 and 116 of the comp plan. One of the reasons they approved this voter approved annexation was because citizens wanted to have some say in the project by project development of that industrial park. By annexing 300 acres at once, they took away their ability to turn down projects on a project by project basis. Regarding the Urban Renewal District, he hoped to see it for the downtown area, but it significantly altered the funding scheme the City was subject to and he did not believe the citizens understood that. This type of plan was best used for revitalizing downtowns, where they set up the agency, designated the area as the blighted area, and they used it as a hook to grab good industries to come downtown and redevelop it. They shouldn't use it as a way to fund new property owners' development. This was not the best vehicle to use in this circumstance. The development of that acreage would happen naturally. In the comp plan there were nine other options for funding this kind of project and none of them were discussed in this annexation application. He thought they should give the voters the opportunity to fund, finance, and build out this industrial park in a variety of ways. He read from page 107 of the comp plan, he did not think they had asked the citizens how they wanted to see it funded and built out and he did not think the urban renewal agency was the vehicle to get them to what they wanted to do with this property. Regarding the public process aspect, the voters did not understand how the taxes worked on this property and if they knew, they would probably have a lot less support for it. He was not opposed to this project, he was opposed to the way in which they were doing it. This was not necessarily the best vehicle that gave the citizenry what it expected and deserved. This application and annexation meant a great deal to the City more than the comp plan and periodic review, yet they were spending a tremendous amount of time getting people involved in periodic review. He wanted them to at least give their citizenry the opportunity to comment, participate, and then match their plans and goals for that. There was a lack of regular citizens at this meeting. They heard from eight supporters and everyone of them had a vested interest in this project. The comp plan did not stress the need to develop industrial property in this fashion. The master plan should be updated prior to doing a project of this magnitude for the City. The power rate impact issue was a huge issue which was in part driving this process and it was a shell game, it would only affect two to three businesses that would move in there in the next five years. At the five year mark, they would renegotiate that contract. That should not be driving this process. There was a severe lack of developable industrial property in the tri-county area, and that was exactly why they should not be offering it up at less than market rate. The market would dictate the pace of development. There was no need for the 300 acres all at once, the urban renewal agency was the worst vehicle they could use to pull in prime industrial land into a city at this time, and the public process needed to be expanded before they moved forward. He did not want them to let the energy issue drive their failure to do what they were doing for periodic review in terms of public process. Mr. Parks also wanted to know how they would deal with Councilor Prince's testimony with respect

to the formal record if they did not hold the hearing open? Mayor Taylor said Councilor Prince knew he was going on vacation and at the last Council meeting they gave him three weeks to submit comments, thoughts, and testimony about this topic. To hold it open for another seven days for him to submit something he could have submitted before wouldn't make sense to him. John Kelley said the seven day issue was not available to the hearing body, what they would have to do in order to honor his request would be to continue the matter and allow him to participate in the discussions before they actually made a decision. Mr. Parks did not wish to hold this matter up further and would not request a seven day continuance.

Councilor Harris said regarding the comments on public involvement, there had been at least 52 public meetings regarding this issue. Undoubtedly there were people who did not know about this, there always was. As far as what Joe citizen would think about it, he was Joe citizen, the Council were the ones who were elected to represent Joe citizen. Mr. Parks said they were not reaching out to people to ask what they wanted the future of their City to look like, they were doing that in the comp plan process, but weren't doing it on something that meant twice as much as the comp plan process.

Mayor Taylor asked if Mr. Parks was familiar with the Canby By Design effort. In that project, they had over a thousand people participate in that very discussion. He said that as a Planning Commissioner, he already had the opportunity to discuss this and most of the comments he made were very similar to what he said in those Planning Commission meetings. Mr. Parks said his job as a Planning Commissioner was to implement the procedures in the comp plan and to evaluate the record presented by the planning staff and he did that. He was there that night as a private citizen telling the Council his personal biases against this project. He had the right as a citizen to come there and express his biases, it was important to get these issues out, and he thought the Mayor should not discourage citizens to stand in front of the Council and present their personal feelings. Mayor Taylor appreciated his comments and said Mr. Parks was right to come before them and present his views.

Councilor Lucas said it was very hard to get public input and it was very frustrating. Somewhere along the line you had to say that was all the input you were going to get out of people. The people who elected them elected them to make those kinds of decisions. Mr. Parks understood this was a difficult process and it meant so much to the citizens and there were some people who were avidly against this project and some who were avidly for it. Their jobs as elected officials were to address those. He thought based on the way the tax financing worked, they had not done a good job as a City explaining to the public what that would mean to them in two years when they had to go out for general revenue bonds. Councilor Lucas said when he figured out how to get everyone informed and get a good opinion from them, let him know. Voter approved annexation showed that this Council wanted to know what citizens thought about the growth of this community. Councilor Daniels said they published agendas in the paper, and they didn't get anymore people than they had before. How do you get people out?

Pat Johnson, resident of 325 SW 12<sup>th</sup>, Canby, said when he lived in Beaverton, he witnessed a garbage dump go into an area that was zoned light industrial and there was nothing the city and citizens around the project could do about it. Today they might very well have an agreement

with the IAA, but five or ten years from now, they could have any number of projects go into that industrial park. He agreed that there was not a need for 300 acres, he wanted to see a smaller area be annexed originally. The whole issue with Fire District funding had been going on for a long time, why hadn't it been taken care of yet? With those three things in mind, and the fact that the Planning Commission voted unanimously to deny this annexation, he as a voter would be voting no for it.

Mayor Taylor closed the public hearing at 10:18 p.m.

Mayor Taylor recessed the regular meeting for a short break at 10:18 p.m., and reconvened the meeting at 10:23 p.m.

#### DISCUSSION:

Councilor Harris said the issue he had was when the cement batch plant came to the Council, the only thing they had to discuss and vote on had nothing to do with whether they wanted the plant or not, they only decided if it met the definition of manufacturing. He would hate to be in a position where they had the land annexed and someone brought in something they did not want and they had no say in it. John Williams said the bottom line was if they had an allowed use in a zone, they could control how it was designed, but in the end, if it was an allowed use, most likely they would get that use. There was a number of criteria in the design review process, that cement batch plant came to the Council on an appeal and they were looking at one specific issue. If the public services were available and it was an allowed use, most likely they would have to approve it in the end, but they could put a lot of restrictions over the design, size, appearance, etc. Councilor Harris asked if he was confident that their code was such that they could put the restrictions necessary so they did not end up with something 95% of the community did not want. John Williams said his hope would be the list of uses were uses they wanted to encourage. When the master plan was done in 1997, the whole issue was looked at and there were design standards created and a new design matrix created. He thought that was one chance to look at that list of uses and modify them if need be. Mayor Taylor said they also talked about as one of the conditions to place a special use overlay there to give the Planning Commission tighter guidelines to be able to use. Mr. Williams said that overlay zone was in place as the result of the master plan and it was a fairly simple matter to go in and change the list of uses, design standards, etc. It was a process on the order of several months. Councilor Harris asked if they had some assurance that it would be done? Mayor Taylor said staff was waiting for them to tell them to do it. Councilor Harris thought it should be done before the annexation. What assurance was there that they really would do that by the end of the year? He would like to be able to say to the public six weeks from now they were fixing or fixed the codes so they did not have to be scared about it. Was that possible? Mr. Williams said by that time period they could have at least the foundations of something in place. It did take three to four months to meet all the deadlines.

Councilor Lucas said to his knowledge, there had not been one complaint about the cement batch plant, and they had been very good neighbors. Councilor Harris apologized if he offended the cement people.



Councilor Carson said they had all been on different task forces, and they all should have worked harder to get an agreement with the Fire District. He did not think it should all be on the Council, however, the Fire Board should have come to them and worked at it a little harder. Right now if the annexation was to go through, they were basically out there protecting bare land and roads. They could deal with a lot of the issues at a later date. Being on the buildable lands task force, he thought they came up with 25 acres or more per year they felt was going to be developed for industrial purposes, which would add up in ten years to 250 acres, he did not see where the 170 acres was coming from. John Williams said the 170 acres was the total projected in the buildable lands study, it was calculated on current rates of development and employment.

Mayor Taylor said this whole process had been a long one. They had been in a number of meetings and worked to try to build something the citizens of Canby could benefit from, that their grandchildren could benefit from, and the whole community could thrive with. The ability to have an area developed that also allowed them to talk about how to keep a vital downtown went beyond just business. This was about an entire community and how do they keep the whole place in an environment where people wanted to live, where the schools and parks made sense, where people and their children could live and work here if they chose, and develop a work force that lived and worked in town. There would be a variety of opportunities to second guess or have improved on the design they had come to, but they tasked a group of citizens and interested people to first explore whether they should even form an urban renewal district and that group worked for over a year and they recommended that they did this. They talked to as many people as they could about it and the answer was the same. He appreciated those who viewed this differently, but his approach was they had an opportunity here to take funding they would develop out of land, and if they did it right, they could more than double the assessed valuation of what would over time develop as an industrial area on its own. It didn't mean more taxes for people, it didn't mean a bond measure because they wouldn't be able to operate, and each of those agencies who agreed and supported this model all talked about their ability at the end of the payoff to have an assessed valuation that they could not achieve without the City managing this. When they got to the annexation conversation, it seemed like people did not understand that the urban renewal district had been formed and was going forward. Now they were talking about how to make it the most productive vehicle they could. If annexation did not occur, the property would still be in an urban renewal district. The district would then slowly work as pieces came in piecemeal. This annexation would give them an opportunity to do a coordinated, planned effort. The annexation question was should they bring in land that would be future industrial land now? He could not think of a reason not to bring in the land. They would be meeting with the Fire District and try to resolve the funding issue. He gave Chief Kunze credit, he had been on a mission to make them talk about what they wanted and needed. When people talked about what was whole, they each had a different view. They set up an advisory group and they discussed it and recommended it to them, they talked to the Fire Chief and it appeared that it was workable. He was on the Council when they turned over the fire responsibilities the City had to District 62. They did that to have a coordinated, effective fire response capability. They had the control over fire safety in the area and they had to trust that they had the best knowledge of what people needed and what they needed to provide that service. The IAA comments about where they would slice the line if all the property did not come in at once, he didn't even want to have that conversation. Once they annexed property, nobody had to sell their property or do anything

but be in the City and pay city taxes. All being annexed meant was they were now in the City limits and they got to vote for their City Council and pay some taxes. This annexation allowed them to mobilize that land. He personally disagreed with the Planning Commission on this, because the need for 300 acres was a judgement call and he believed that they would resolve the Fire District issue. He wanted to give the citizens of Canby the choice of whether they would or would not like this to happen and he encouraged the Council to vote yes.

Councilor Daniels said there were several comments about this being driven by the savings in power, and that was not accurate. They were going to put this on the November ballot, because it was less costly than having a special election, until the power company came to them and said if they could get it in by September 30 they would have a savings on it. The only thing that was driving it was the fact that they moved it up to the September ballot. Mayor Taylor said they viewed it as an incentive in this model. They did have a utility board who had a legal staff that specialized in contracts with the power company and advised them on how this worked.

Councilor Lucas said the only way the power rates came up was the timing of the election. If that improved the marketability of that property, that was a good thing. This property had been master planned for over 20 years and everyone had always known that area was going to be an industrial park. He did not know how to get more public involvement, but they did all they could do to get the word out. This was the Council that brought about voter approved annexation. He was very confident that the questions with the Fire District could be negotiated and he thought it would be taken care of before the election. It came down to the issue of whether they needed the whole 300 acres or not, and he thought they did. He thought this was the future of Canby to get this done and to bring some good wage jobs to Canby. He was going to be voting to approve this.

Mayor Taylor said in this process, if the annexation was approved, when a company wanted to come in, they would go through a design review at which point all the service agencies again got a chance to make comments. Things would not run amuck without another check point, they had a process that did bring that back up for conversation.

Councilor Lucas said he would approve of trying to fast track getting together with citizens and with committee groups to decide what they wanted in the industrial park. He didn't think they had to wait for periodic review to get that done.

Councilor Harris said it was during the course of this meeting that he decided which way to vote. He liked growing up in Canby and had some nostalgia for the small town rural atmosphere that it was hard to retain as they grew. A large industrial area had high risk in his emotional approach to it. Over the course of the last few years they discussed this, and they needed a balanced community and an economy that people could find jobs here if they didn't want to commute. In doing this all at once, it appeared to him that organizing it all together and having the ability to take advantage of the economics of infrastructure development on a larger scale instead of piecemeal clearly was much more efficient and in the long run much more beneficial to the community. The Urban Renewal District allowed them some terrific advantages financially for the City and for business revitalization and downtown. The Council appointed the Planning

Commission and they were the best and the brightest volunteers they could find to work on planning. Even though they voted sometimes in opposite directions, they all took their votes very seriously. The lack of an agreement with the Fire District was very serious, but they weren't on opposite ends, they just hadn't worked out the details of an agreement. The need for 300 acres was subjective. He was worried about not having a strict set of rules that was going to say what could or could not come in, but it was indicated they could work out that agreement. Contingent on the belief that they would have an agreement with the Fire District, and they could make some progress on the code, he would vote in favor of it.

**\*\*Councilor Daniels moved to adopt Resolution 737, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 301 ACRES TO THE CITY OF CANBY DESCRIBED AS TAX LOTS 00100, 00200, 00300, 00301, 00400, 00500, 00600, 00800, 01200, 01300, 01400, 01500, 01600, 01800, 01900, 02000, 02100, 02101, 02200, 02300, 02400, 02500, 02600, 02700, 02800, 02900, 03000, 03100, 03300 OF TAX MAP 3-1E-34 AND TAX LOTS 00100, 00101, 00102, 00103, 00200, 00301, 01001 OF TAX MAP 4-1E-03 LOCATED IN THE SOUTHEAST QUADRANT OF THE CITY, BETWEEN SE 1<sup>ST</sup> AVENUE ON THE NORTH, S. MULINO ROAD ON THE EAST, SE 13<sup>TH</sup> AVENUE ON THE SOUTH AND THE MOLALLA FOREST ROAD ON THE WEST; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE SEPTEMBER 19, 2000 ELECTION. Motion seconded by Councilor Harris and passed 4-0.**

Mayor Taylor said they were going to talk about the wording on the ballot title next. John Kelley said they would discuss the notice of city measure election and the explanatory statement for the voter's pamphlet. Councilor Lucas said what they wanted to see in the industrial park would not change with zoning, but they could make a list of what they thought fell into the criteria, and that was what they would be talking about later.

Councilor Daniels asked if they double checked to make sure all of the tax lot numbers were correct and were all in the resolution because there was such a long list of them? Jerry Pineau, John Williams, and John Kelley each checked it and they were positive they were all correct and the appropriate tax lots and tax map descriptions. Mayor Taylor asked Craig Lewelling as the president of the IAA if he was confident that the tax lot numbers represented those who said they wanted to be annexed. Mr. Lewelling said yes, he was.

**\*\*Councilor Harris moved to approve the proposed notice of city measure election and explanatory statement as presented and that they be submitted with Resolution 737 to the Clackamas County Elections Department. Motion seconded by Councilor Daniels and passed 4-0.**

Mayor Taylor moved to new business.

**NEW BUSINESS: Professional Services Agreement with Canby Urban Renewal Agency -** Mark Adcock said the action for the Council was to approve as the City of Canby the agreement with the Canby Urban Renewal Agency for a professional services contract.

**\*\*Councilor Harris moved to authorize the Mayor to execute the Professional Services Agreement as proposed for an amount not to exceed \$89,266.00 for a term of one year beginning July 1, 2000, and ending June 30, 2001. Motion seconded by Councilor Daniels and passed 4-0.**

Mayor Taylor moved to communications.

**COMMUNICATIONS:** Mayor Taylor said they received a letter from Bethany Church requesting to waive the \$50 per time fee for using Wait Park for community concerts. They would be held every Thursday night and would be free of charge and the concerts would be classical jazz, country, folk, latin, and gospel music.

**\*\*Councilor Lucas moved to waive the \$50 fees for Bethany Church and their Wait Park community concerts. Motion seconded by Councilor Harris.**

Mayor Taylor asked when they had those concerts, did it require them to have the parks crew on overtime cleaning up after the concert or would it be taken care of by church volunteers? Beth Saul said this was the first time Bethany Church had these concerts. She said for larger events like Slice of Summer, they used the park staff for hooking up the electricity, etc. She was not sure if these concerts would require those kind of services, but she would expect they would clean up everything.

**\*\*Councilor Lucas changed his motion to include that Bethany Church work with Beth Saul and Fred Kahut and that Ms. Saul would report back to the Council if there were any costs associated with their use of the park. Councilor Harris seconded and the motion passed 4-0.**

Councilor Harris said at a previous meeting, some young people made a presentation about a skull they found. He wanted the public to hear the results of staff research. Mark Adcock said they investigated the matter of a skull that was found in 1996. It was a Clackamas County Sheriff's department case and the skull was handed over to them and the county medical examiner. Mayor Taylor said they thought it might be a native american skull. Mr. Adcock said it was a skull they believe may have washed down from an indian burial area as a result of flooding, and the medical examiner thought it probably was native american and the sheriff's department contacted the tribal police. Councilor Harris asked if the young people who presented this to them had been informed of their findings? Jerry Pineau said yes they had.

## **ORDINANCES & RESOLUTIONS:**

Ordinance No. 1052 -

**\*\*Councilor Daniels moved to adopt Ordinance 1052, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR 2000-2001 FISCAL YEAR. Motion seconded by Councilor Harris, and passed 4-0 by roll call vote.**

Ordinance No. 1053 - The Council would discuss this issue in Executive Session and come back into regular session if they wanted to move on this Ordinance.

Resolution No. 736 -

**\*\*Councilor Carson moved to adopt Resolution 736, A RESOLUTION OF THE CITY OF CANBY CITY COUNCIL AUTHORIZING THE MAYOR TO ENTER INTO LOAN AGREEMENT WITH THE CANBY URBAN RENEWAL AGENCY BOARD FOR SHORT-TERM LOAN IN THE AMOUNT OF \$30,000 AT AN INTEREST RATE OF SIX PERCENT PER ANNUM. Motion seconded by Councilor Harris and passed 4-0.**

**UNFINISHED BUSINESS: None.**

**MANAGER'S REPORT:** Mark Adcock said they had a request from a citizen to modify and decorate his building downtown, but the City's code did not allow a process to facilitate encroachments into the public right of way that might be created by brick veneer or exterior treatments to buildings. In light of the downtown master planning activities and the desire to have private property owners improve their properties, he wanted to bring back to the Council an enabling ordinance that would allow them to process those requests in the same manner they processed requests for signs and awnings. John Kelley said that was assuming they could put together a process whereby they could do it by that kind of procedure, they may have to do them all as easements. Councilor Lucas said he talked with that property owner that day and he wanted to see it done as soon as possible. They had spent so much time talking about downtown revitalization and when someone stepped forward and was willing to pay for it, they did not want to be throwing road blocks in his way. Councilor Carson asked if CBR had been involved in the design of this? John Kelley said he did not think CBR was directly involved with this. CBR was also working on a grant to put together matching funds to make available for facade enhancement for all the businesses within the economic improvement district that might want to do that. Councilor Lucas said this property owner wanted to brick the front of his building, but that encroached a few inches out onto the sidewalk. Councilor Harris asked that they inform CBR that this was being considered. Mayor Taylor said they had support for moving forward as fast as they could on this.

**COUNCILORS' ISSUES:** Councilor Carson wanted to remind everyone about the 3-on-3 basketball tournament coming up on July 22-23 and they were still looking for teams.

Councilor Harris wanted to have a joint meeting with the Council and Planning Commission to improve relations and have a discussion regarding relative roles. Mayor Taylor wanted to schedule a workshop with them for sometime in August.

Councilor Daniels thanked the General Canby Day Committee for the Fourth of July celebration.

Everyone he talked to had a great time. Councilor Lucas complimented the parks department for the job they did for General Canby Day as well.

Councilor Harris complimented the Sister City Association for improving the Friendship Garden. It looked a lot better.

Mayor Taylor said he wanted to make sure the July 19 workshop with the Fire District worked for the Council. Councilor Daniels said he would not be there that night, but the rest of the Council agreed to that day.

Mayor Taylor said he appreciated working with the Council. The average citizen did not know how many hours they spent doing their job and they did it week after week. He thanked them for their enthusiasm and professionalism in dealing with some very difficult issues.

#### **ACTION REVIEW:**

1. Waiving park fees for Bethany Church's community concerts.
2. Approving the Professional Services Agreement with the Canby Urban Renewal Agency.
3. Passing Ordinance 1052 regarding state revenue sharing.
4. Approving Resolutions 736 and 737.
5. Approving the notice of election and explanatory statement for the industrial area annexation.
6. Bringing back an ordinance dealing with encroachment to the public right of way as a result of building facades and following up with CBR to make sure they were informed.
7. Moving forward with developing the process needed to make more stringent guidelines and refine the list of uses for the industrial area.
8. Scheduling a workshop with the Council and Planning commission to meet in August.
9. Scheduling a July 19 workshop regarding funding issues relative to the Fire Department and Urban Renewal District.

**\*\*Councilor Daniels moved to go into Executive Session under ORS 192.660 1(f) exempt public records and 1(h) pending litigation. Motion seconded by Councilor Harris, and passed 4-0.**

Mayor Taylor recessed the regular session at 11:30 p.m.

Mayor Taylor reconvened the regular session at 11:52 p.m.

**\*\*Councilor Daniels moved to adopt Ordinance 1053, AN ORDINANCE GRANTING TO CANBY TELEPHONE ASSOCIATION A NONEXCLUSIVE FRANCHISE FOR THE PROVISION OF TELECOMMUNICATIONS SERVICES WITHIN THE CITY OF CANBY, ESTABLISHING AN EFFECTIVE DATE, AND DECLARING AN EMERGENCY be posted and come up for final reading on July 19, 2000. Motion seconded by Councilor Harris and passed 4-0 on first reading.**

Mayor Taylor adjourned the session at 11:55 p.m.

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EXECUTIVE SESSION  
JULY 5, 2000

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

Mayor Taylor called the session to order at 11:30 p.m.

ORS 192.660 1(f) - The Council discussed the franchise agreement with Canby Telephone Association.

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

Mayor Taylor adjourned the session at 11:50 p.m.

*Chaunee F. Seifried*

Chaunee Seifried,  
City Recorder pro tem

*Scott Taylor*

Scott Taylor,  
Mayor

*Susan Wood*

Prepared by Susan Wood,  
Office Specialist