

CANBY CITY COUNCIL
REGULAR SESSION
JULY 19, 2000

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

Also present: City Administrator Mark Adcock, Community Development Director Jerry Pineau, Planning Director John Williams, Police Chief Jerry Giger, City Attorney John Kelley, Susan Wood, Marty Moretty, David Howell, David Eatwell, Ray Hoen, Craig Finden, Buzz Weygandt, Kay Lewelling, Craig Lewelling, Terry Tolls, Lisa Weygandt, and Curtis and Lila Gottman.

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

CITIZEN INPUT ON NON-AGENDA ITEMS: Ray Hoen, resident of SE 1st, Canby, said his opinion was shared by a great number of people regarding the nice job done on Township Road. He was nervous about the markings that had recently been placed on that road, but he knew a lot of people appreciated that project and the sidewalk along 99E and he was confident the people on Third Street felt very good. On behalf of them and himself, he thanked them for a nice job. Councilor Strong said she also noticed the lines and asked Jerry Pineau to look into it. Mayor Taylor complimented staff for getting this project done.

CONSENT AGENDA: **Councilor Harris moved to adopt the consent agenda: minutes of the regular meeting and executive session, July 5, 2000; accounts payable in the amount of \$297,303.27; 2000-2001 League of Oregon Cities Annual Dues; and Library Board Reappointment. Motion seconded by Councilor Strong.

Councilor Harris said they appreciated the continued interest in the Library Board. One member of the Library Board served two terms, Mavourn Stuart, who deserved a huge thank you. She could not be on the Board again because of the way the City Charter was written. Mayor Taylor said they should gather up the different charters for the various committees and review why they had term limits.

The motion to adopt the consent agenda passed 5-0.

COMMUNICATIONS: Mayor Taylor read a letter from the Chosin Few, Oregon Chapter. They appreciated being involved in the General Canby Day parade and the welcome they received from Canby citizens. Mayor Taylor again thanked the General Canby Day Committee for putting the whole parade together.

NEW BUSINESS: Change Order #3 to Add a Drinking Fountain to Canby's Skate Park - Mark Adcock said staff recommended the approval of Change Order #3 in the amount of \$5,115 to

provide a drinking fountain at the Canby Skate Park. Earlier project estimates precluded this amenity due to budget constraints, but now the bids had come in, funds were available in the project budget. The Parks and Recreation Advisory Board were also requesting the Council favorably consider this change order. Councilor Lucas said he was the liaison to the Canby Utility Board and Parks and Recreation Advisory Board and he had reason to believe at the next Canby Utility Board meeting they were going to discuss this particular item, and there was a good chance in the spirit of cooperation that the SDC and other fees would be reduced.

****Councilor Lucas moved to approve Change Order #3 in the amount of \$5,115 to add the installation of a Surface Mount Fountain, Model 440 to the Canby Skate Park. Motion seconded by Councilor Prince and passed 5-0.**

Councilor Lucas thanked the Canby Utility Board for meeting with him and discussing the idea of working together more often on projects like this one.

ORDINANCES & RESOLUTIONS:

Ordinance No. 1053 -

****Councilor Harris 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. Motion seconded by Councilor Prince and passed 5-0 by roll call vote.**

Mayor Taylor moved to Unfinished Business.

UNFINISHED BUSINESS: Findings, Conclusion, and Final Order for ANN 00-02, Industrial Area Annexation - Mark Adcock said this was subsequent to the public hearing they held on July 5 regarding the annexation of the industrial area.

****Councilor Lucas moved to approve the findings, conclusion, and final order for ANN 00-02. Motion seconded by Councilor Carson.**

Councilor Prince said he had a chance to look over the documents they had at the last meeting to which he and Councilor Strong had been absent and he would be voting against this. His reasons had been clear all along and he did not believe this was good for Canby.

The motion passed 3-2, Councilors Prince and Strong opposed.

Mayor Taylor moved to Resolution 738.

Resolution No. 738 - John Kelley apologized on behalf of staff for bringing this back to the Council. In the interim period of time they discovered two things. The first thing was the voting in the district that was being annexed had to occur, there had to be a majority vote in the district

to be annexed because they did not sign consent to the annexation. Their agreement they submitted to the Council indicating they would not object to this annexation was not the same as a consent. They needed to pass it by a majority vote. There would be actually two elections for the annexation, one by charter to the voters of the City of Canby, which had to be approved by a majority vote, and the other by the people within the area to be annexed and it needed to be approved by a majority vote also. They decided the Explanatory Statement and Notice they previously prepared was misleading and inaccurate and they brought it back for Council's review. Mr. Kelley asked the County to comment on the Notice and Explanatory Statement and based upon those comments, they had a revised version of those documents. Also, they discovered there was one tax lot, number 02100 of tax map 3-1E-34A, that was inadvertently left off of the Notice of City Measure and Explanatory Statement and it was now included in the revised Notice and Statement. Councilor Lucas asked if a majority of the people in the industrial had to vote? John Kelley said it was just the majority of those voting.

****Councilor Carson moved to adopt Resolution 738, A RESOLUTION 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; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AUTHORIZING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS FOR THE SEPTEMBER 19, 2000 ELECTION; AND REPEALING RESOLUTION 737. Motion seconded by Councilor Lucas.**

Councilor Prince said he thought they talked at one time about having the vote count of the Planning Commission and City Council shown in the ballot language. It was missing in this Notice and Explanatory Statement. John Kelley said if the Council wanted to do that, they could change it. He thought they may have said unanimously, but he didn't remember putting in specific numbers.

Mayor Taylor said he was concerned about doing something that would not allow this to meet the standard tomorrow when it was taken down to County and miss the timeline. John Kelley said he thought he could easily insert that information without risk. Mayor Taylor said since this was the first time the Council acted as the applicant, he didn't know if it had any affect on their forwarding this or the way they wrote it. John Kelley said no, it didn't.

Councilor Carson said this was already approved by the elections department, and he would hate to send something over that might be rejected. He thought they should leave it like it was. Councilor Strong said Mr. Kelley said they could do this without having a problem.

Mayor Taylor said his concern was one of the reasons they heard it after the Planning Commission was to consider new or changes to the information. The Council felt they addressed and had answers to the concerns the Planning Commission had, and by placing it in there they didn't have the opportunity nor the citizens to know if the Planning Commission would have voted differently had they had that information. Councilor Strong said the public was going to hear both sides, and she thought it did need to be addressed, maybe not in these documents, but it

should be addressed in the future.

Councilor Prince said the public needed to be aware of what was on the minds of the Commission when they went through it. Words did not spell it out as vote counts did.

Councilor Lucas said it had already been approved by the elections department and he didn't want to do anything different to it.

Councilor Harris said regarding the process, on one side it was a real advantage they were voting on this issue again that night. This was a resolution that got voted on once and it was sent back to them because an error was made. The Council and the Mayor were elected by the public and were accountable directly to the citizenry. They tried to accurately represent the community. This was a controversial issue, and a serious issue for the future of the community, and the public was going to be voting on this. It was very important that they all looked at the issues and tried to sort out accurate information because already circulating in the public were some serious distortions. They were voting on an annexation of property, not on Urban Renewal. He asked the public to sort through the information and misinformation before they made their decision.

The motion passed 4-1, Councilor Prince opposed.

Councilor Strong said the reason she voted for the resolution was because it was just regarding the language to go on the ballot, she was still not in favor of the annexation.

MANAGER'S REPORT: None.

COUNCILORS' ISSUES: Councilor Prince said he was glad to see Redwood Street was open. Mayor Taylor wanted a letter of appreciation sent to the railroad. They did a nice job and they got it done before the fair.

Councilor Carson reminded everyone about the 3-on-3 basketball tournament this weekend. This would be going on at the same time as Cutsforth's Cruise In, Canby Merchant's Sidewalk Sale, and Slice of Summer.

Mayor Taylor said regarding the opening of the skate park, he wanted to see if it could be a Saturday event so more people could attend.

ACTION REVIEW:

1. Approving the Consent Agenda and sending a letter to Ms. Stuart thanking her for her service on the Library Board.
2. Approving Change Order #3 to add a drinking fountain to Canby's Skate Park.
3. Approving Ordinance 1053, Canby Telephone franchise agreement.
4. Approving Resolution 738, modifying ballot language on ANN 00-02, and forwarding it to the Elections Department.
5. Approving the findings, conclusion, and final order for ANN 00-02.

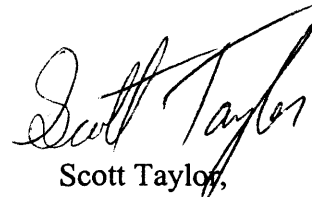
6. Researching the term limits for City advisory committees.

Mayor Taylor said they had a workshop earlier that night with the Fire Board and they discussed their concerns regarding Urban Renewal and the industrial area annexation. They were going to take a look at the current limitations and their flexibility to see what they could do to meet both needs.

There was no Executive Session.

Mayor Taylor adjourned the regular session at 8:10 p.m.

Chaunee Seifried,
City Recorder pro tem



Scott Taylor,
Mayor

Prepared by Susan Wood,
Office Specialist