

CANBY CITY COUNCIL
WORKSHOP SESSION
OCTOBER 20, 1999

PRESENT: Mayor Scott Taylor, Councilors Prince, Harris, Lucas, Carson, and Strong, City Administrator Mark Adcock, Community Development Director Jerry Pineau, Planning Director Jason Kruckeberg, County Commissioner Michael Jordan, Fire Chief Ted Kunze, Kathy Henderson, Carol Meeuwsen, Craig Lewelling, and a few IAA members.

Mayor Taylor called the session to order at 6:05 p.m.

The Council discussed the Canby Urban Renewal Plan approval process.

Mayor Taylor adjourned the session at 7:15 p.m.

CANBY CITY COUNCIL
REGULAR SESSION
OCTOBER 20, 1999

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

Also present: Recreation Services Director Beth Saul, Community Development Director Jerry Pineau, City Attorney John Kelley, Police Chief Jerry Giger, City Administrator Mark Adcock, Susan Wood, Dirk Borges, Bettie Postlewait, Carol Meeuwsen, Kathy Henderson, Kay Lewelling, Craig Lewelling, Roy Zimmer, Lisa Weygandt, Terry Tolls, Buzz Weygandt, and Curtis and Lila Gottman.

Mayor Taylor called the session to order at 7:33 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: None.

CONSENT AGENDA: ****Councilor Daniels moved to adopt the consent agenda: minutes of the regular meeting and executive session, October 6, 1999; accounts payable in the amount of \$230,343.06; interagency agreements with service agencies; and waive park fee for Cub Scouts jamboree. Motion seconded by Councilor Strong, and passed 6-0.**

COMMUNICATIONS: Letter from Canby Business Revitalization - Mr. Adcock said this letter

was prepared by Kathy Henderson on behalf of the CBR and they were requesting to schedule a workshop with the Council to discuss goals, objectives, activities, programs, and projects. Ms. Henderson was there to answer any questions. The Council chose November 17, 1999, at 6 p.m. for the workshop.

Slide Show of Sister City 10 Year Anniversary Trip - Mayor Taylor said Councilor Daniels went to Kurisawa, Canby's sister city, and took a number of pictures to bring back and show them. Councilor Daniels said one of the things they did in Japan when there was a special occasion was to wear a happy coat, and he showed the Council his happy coat. Councilor Daniels showed slides of different sites he saw and events he attended while in Kurisawa.

NEW BUSINESS: None.

ORDINANCES & RESOLUTIONS:

Ordinance No. 1035 - John Kelley said this ordinance amended Canby Municipal Code Chapter 12.08 regarding street excavations. When they met with Pam Beery, who was doing the master telecommunications ordinance, they liked some of those provisions, and wanted to integrate them into the current street excavation ordinance. This amended the code to include those chapters they wanted to add into that particular section of the ordinance.

****Councilor Prince moved to adopt Ordinance 1035, AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE CHAPTER 12.08 REGARDING STREET EXCAVATIONS be posted and come up for final reading on November 3, 1999. Motion seconded by Councilor Strong.**

Councilor Prince said the best part of the ordinance was the section that talked about a period of 12 months after the completion of work and restoration of a street, that the person who opened the street would be responsible for the condition of the fill and replacement of resurfacing. Everyone in Canby had seen street work and how it settled after a month, and this would address that problem.

The motion to adopt Ordinance 1035 passed 6-0 on first reading.

Ordinance No. 1036 - John Kelley said this was the ordinance that Pam Beery created for master telecommunications facilities.

****Councilor Daniels moved to adopt Ordinance 1036, AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE BY ADDING CHAPTER 12.36, "TELECOMMUNICATIONS FACILITIES" be posted and come up for final reading on November 3, 1999. Motion seconded by Councilor Strong, and passed 6-0 on first reading.**

Resolution No. 719 - John Kelley said under the ordinance they just passed, there was a provision

to establish fees to charge the service providers for the costs of utilizing the rights of way in the City. Those fees were established in this resolution.

****Councilor Prince moved to adopt Resolution 719, A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF CANBY ESTABLISHING FEES FOR TELECOMMUNICATIONS CARRIERS OCCUPYING CITY RIGHTS OF WAY. Motion seconded by Councilor Daniels, and passed 6-0.**

UNFINISHED BUSINESS: Next Steps in Discussion with the Industrial Area Association - Mayor Taylor said they had discussions with the IAA and had worked through some issues. They left that meeting agreeing they were moving in their discussions and had some common areas and needed to have further discussions and resolve some issues. In the mean time, the IAA sent a letter to the Council highlighting their concerns and issues, and now they were at a place where they needed to get together and decide what they would and would not do in conjunction with the Association. He wanted to set another meeting and try to move forward, and attempt to draft an agreement on how to bring that area into the City. He thought they should have a meeting to bring it together so everyone knew where they were on the issue and to bring closure to points of interest.

Councilor Harris agreed they needed the meeting. He suggested November 10, 1999, for that meeting. Councilor Lucas agreed they needed to move forward, but he had a meeting on the 10th at 5 p.m. The Council and IAA agreed to hold the meeting on November 10, 1999, at 7 p.m. Mayor Taylor asked if they needed documents, information, etc. that would drive or be the factual pieces of that discussion that they wanted to make sure were present at that meeting. Mayor Taylor wanted maps and who was on board and who was not. Jason Kruckeberg said he could not be there at that meeting, but he would be sure to provide the information they needed and have another staff person there in his place. Mayor Taylor asked Mr. Lewelling if they needed a facilitator at the meeting. Mr. Lewelling did not think they would need one.

MANAGER'S REPORT: Status Report on 13th Avenue Park - Beth Saul said the Parks & Recreation Board met last night and went over proposals for planning the park. They went through and scored them, and Walker & Macy scored the highest by a unanimous recommendation of the Board. They still had to go through more procedures before they brought it before the Council as an ordinance. They would try to get it on the next agenda to start the process. Councilor Lucas said he appreciated all the work the Park & Recreation Board did on this.

Councilor Prince said he had been looking forward to this project for a long time and it would take care of a lot of kids and provide a lot more fields for them. There was a concern about access problems to the Adult Center, and they had talked about a road connecting with Ackerman. Was there any chance of getting that included in this? Councilor Lucas said they would be informed when the public meetings were and they could give out that kind of information there. This was an unfunded project, and it was in the planning stages. There would

be a number of public meetings where anyone can give input on this issue. Ms. Saul said although the main focus was planning the property, they included in the proposal the whole area including the schools, Adult and Swim Centers as a total recreation complex because the parking included all of those entities.

Mayor Taylor said he wanted to make sure they facilitated youth being involved in this discussion. They had done quite a bit of work for them in the past, and he wanted to make sure they would have an opportunity to give their input.

Public Hearing for 1st Avenue Street Vacation - Mark Adcock said the Council received a report from Jason Kruckeberg regarding setting of a public hearing for the street vacation of 1st Avenue. Jason Kruckeberg said the Oregon Revised Statutes required this process to go through a street vacation. The street vacation was for 1st Avenue where it currently accessed Highway 99E. A fairly large swath of 1st Avenue was proposed to be vacated by Gramor to facilitate development of Sequoia Parkway and the associated intersection improvements that went along with that development. Gramor put together their vacation package, and staff reviewed it. There was a petition from the land owners that were affected, and they needed to have signatures of 66% of the land owners of the abutting property in order for the vacation to move forward and be considered in public hearing. They had 72% and met the requirement for the petition. They were asking that the date be set for the public hearing. They were proposing November 17, 1999, which would provide them the Oregon Revised Statute standard of two weeks of notice and to put it in the paper.

****Councilor Daniels moved to schedule a public hearing for a street vacation on November 17, 1999. Motion seconded by Councilor Prince.**

Councilor Lucas wanted to make sure all of the property owners would be notified. Mayor Taylor asked how broad an area were they going to send the notices? Jason Kruckeberg said the Statute required for abutting properties, 200 feet on either side of the vacated property, and 400 feet from each terminus of the vacated property. Mayor Taylor wanted to do a bigger notification. Councilor Lucas said weren't they notifying everyone in Phase II of the Industrial Park? He wanted to make sure everyone in the Industrial Park received a notice.

Councilor Carson questioned the placement of curbs on the revised access to 1st Avenue. He wondered whether the plan was still to close the realigned 1st Avenue and relocate it further south. Jason Kruckeberg said the plan was still to relocate 1st Avenue if a safety concern arose, but to remove it would be quite a project.

The motion to schedule a public hearing passed 6-0.

Purchase of Christmas Decorations - Mr. Adcock said he met with the Canby Business Revitalization board this week. They wanted him to ask the Council if they would assist them in the purchase of new Christmas decorations for the downtown area in the amount of \$500. There

would also be some private contributions for a total of \$1,000. It would involve some decorations for a large Christmas tree in Pioneer Plaza and some mounting of wreaths around the lights in Wait Park. They would be able to find \$500 in the operating budget if they wished to do this. Councilor Prince thought it was a good idea for the new square. Councilor Lucas asked if it was going to be a real Christmas tree? Ms. Saul said she thought it would be. The Council agreed to provide \$500 for downtown Christmas decorations.

New Asphalt Batch Plant - Jason Kruckeberg said it was proposed to put a new asphalt batch plant in Barlow. There was a hearing that night at the County level and they were recommending approval of it. The City was on record as having some issues regarding traffic on 99E, which had been addressed by a traffic study according to County planners. Councilor Prince asked if it would be near the Molalla River? Jason Kruckeberg said it would be close to the river. Councilor Prince asked if there would be any residual they should worry about getting into the water supply? Jason Kruckeberg said CUB had no concerns with it.

Mayor Taylor wanted to know what the County process was on that. Jason Kruckeberg said this was going to be heard in front of the Hearings Officer, not in front of the County Commission. The conditional use process would go in front of the Commission. The County had different structures depending on the type of land use application. If it was a conditional use or a zone change, or something with more of a subjective type of criteria it went to the Commission, if it was more code related, it went to the Hearings Officer.

John Kelley asked if the traffic report indicated they were at safe levels if they increased service? Jason Kruckeberg said the report showed that would not be a problem, and they were attempting to condition that additional trucks would not use the Arndt Road S curves, so they would be using 99E.

COUNCILORS' ISSUES: Councilor Prince said he had recently received comments from citizens regarding the taste and odor of the water, and it generated a letter from a group of citizens. Councilor Prince read the letter into the record. He contacted City Administrator Mark Adcock about this, and he assured him that the water district was handling the issue. They asked Dirk Borges to come to the meeting that night and explain the situation.

Dirk Borges, General Manager of the Canby Utility Board, said about a year ago they got a new surface intake, which drew the water directly off the top of the river. In the past, they drew the water from about 9 feet below the river. They did filter all of the water that went into the City, and it did meet all of the state and federal standards. It did have a different taste that a lot of people noticed. They were trying to go back to drawing water from below the river, but there were problems with trying to do that. First, they needed a permit, which was time consuming and difficult to obtain. They were going to have a meeting this Tuesday with DEQ to discuss the permit. They hoped by next summer that they could get it changed. After changing the permit, they had to comply with the permit which would have operation requirements, so they could not operate the way they did in the past. They were doing other things to make the water better, such

as blending the water. They had different sources for water, and they were going to blend the river water with the water taken from the Springs Gallery. They were also going to install valves and monitoring equipment, a job that would cost \$100,000, which would make the water easier for them to treat. He thought they were on top of the problem, and he was sorry that it became noticeable to their customers. In talking to DEQ, they said this particular summer had been very bad for surface water users. It was more of a general problem than a specific problem.

Councilor Prince asked if there was anything they could do to help with the meeting coming up with DEQ? Mr. Borges said they were going to take a copy of the letter Councilor Prince read that night to their meeting. It was important that DEQ understood their customers were concerned about this issue and wanted them to return to better tasting water. Councilor Prince talked to Kurt Schrader about it and he was going to look into it too, and hopefully DEQ was not going to be as hard on them as it sounded like they might be. Mr. Borges said he appreciated the Council's concern and Representative Schrader's help, but they did not have problems with DEQ, they were working with them. This was an extremely complex process, and there were national laws that were very strict.

Councilor Prince asked Mr. Borges if they would not have muddy water this winter even though they were drawing from on top of the river? Mr. Borges said they ran off the Springs Gallery, which ran about a million gallons a day. The indoor winter use now was 1.3 million gallons a day, and their summer use was up to 5 million gallons a day. They had to mix that water with what they were pulling from the river to maintain the proper levels. He also wanted them to know what they were doing about all of the activity in their watershed. They were in a process with DEQ reviewing all the possible contaminates. They were looking at everything to make sure it was safe.

Mayor Taylor said when they had water issues, and they had a possibility of a contaminate, or at least it looked like an obvious contaminate to the uninformed, why would their water district send something to the Commissioners that would come into place and the work they were doing with DEQ might come too late to prevent something from happening? They were concerned about the issue they already had with the water, why would they risk further clouding and turbidity? Mr. Borges said they did not see that those activities would cause those problems.

Mayor Taylor said it seemed that with the asphalt plant, the digging out of the ground right next to the river where they were taking their water from, it would seem like the chemicals and other things that went with an asphalt plant would at least warrant a cautionary note. CUB was the City's representative on that. Mr. Borges said yes they were, and they took that seriously. They did make requirements when activities that were close to them could make problems. Gravel operations had been in the area for a long time, and they never saw any adverse impacts from those on water quality. Councilor Prince said taking water 9 feet below the surface was different than taking it directly from the surface, and he was concerned since they were in uncharted territory where something that might go over them and never get into the water supply would now go directly into it.

Councilor Lucas said taking it from the surface was not CUB's idea, they had to do it. Mr. Borges said they were working hard to get back to taking the water from below the surface of the river. Mayor Taylor appreciated Mr. Borges' comments.

Councilor Carson said in the list of Canby street projects, the Phase II on Township Road project was going to be discussed that night, but it was not on the agenda. Mr. Adcock said they were going to bring the recommendation for the bid awards back at the next meeting.

Mayor Taylor said previously they talked about space requirements, and they were looking into other facilities, such as the Mangus building. Were they going to get a report on that? Mr. Adcock said they would get that on November 3.

Councilor Lucas said the Bike & Pedestrian Committee had been working with downtown businesses and Lila Gottman was there to tell them about it. Ms. Gottman said Mr. Kruckeberg wanted to bring the entire transportation package to the Council in one lump sum and what they discussed at the last meeting would be included in that. Mayor Taylor said they had been working on the topic of bike lanes in downtown and it would be part of the transportation plan discussion.

ACTION REVIEW:

1. Implementing Interagency Agreements with service agencies.
2. Waiving park fee for the Boy Scouts jamboree.
3. Setting a workshop with CBR and the Council for November 17 at 6 p.m.
4. Bringing back Ordinances 1035 & 1036 to the November 3 meeting for second reading.
5. Implementing Resolution 719.
6. Setting up a meeting with the IAA for November 10 at 7 p.m.
7. Approving \$500 expense for Christmas decorations for downtown.
8. Setting the public hearing for street vacation of 1st Avenue for November 17 and expanding the notification radius per the Council's request.

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

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

Mayor Taylor reconvened the regular session at 9:35 p.m.

****Councilor Daniels moved to approve the Mutual Release and Settlement Agreement with Moore Excavation. Motion seconded by Councilor Strong and passed 6-0.**

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

EXECUTIVE SESSION
OCTOBER 20, 1999

PRESENT: Mayor Scott Taylor, Councilors Daniels, Prince, Harris, Lucas, Carson, and Strong, City Administrator Mark Adcock, and City Attorney John Kelley.

Mayor Taylor called the session to order at 9:00 p.m.

ORS 192.660 1(h) - The Council discussed the Mutual Release and Settlement Agreement with Moore Excavation. They also discussed N. Redwood Street advanced financing.

Mayor Taylor adjourned the session at 9:30 p.m.



Chauncey Seifried,
City Recorder pro tem



Scott Taylor,
Mayor



Prepared by Susan Wood,
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