

CANBY CITY COUNCIL  
REGULAR SESSION  
JANUARY 6, 1999

Mayor Scott Taylor presiding. Council members present Barry Lucas, Shirley Strong, Dennis Nolder, Roger Harris and Walt Daniels.

Also present: Councilors Elect Randy Carson and Terry Prince, City Administrator and City Recorder Mike Jordan, City Attorney John Kelley, Community Development Director Jerry Pineau, Recreation Services Director Beth Saul, Police Chief Jerry Giger, Marty Moretty, Susan Wood, Cam Sivesind, 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, December 16, 1998; accounts payable in the amount of \$107,849.80; liquor license for Hoi Tin Restaurant; ER Youth Ministries fireworks booth; waive Wait Park fee for Canby Junior Festival of Jazz; and Canby Kids Service Agreement. Motion seconded by Councilor Harris, and passed 5-0.**

**COMMUNICATIONS:** None.

**NEW BUSINESS:** None.

**ORDINANCES & RESOLUTIONS:**

Ordinance No. 1014 -

Mr. Jordan reminded the Council that they were still in negotiations with Canby Telephone Association. There were only a few more issues to clear up, but they weren't ready to bring a new franchise agreement at this time. John Kelley said they were asking for an extension of 90 days.

**\*\*Councilor Harris moved to adopt Ordinance No. 1014, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF CANBY AND CANBY TELEPHONE ASSOCIATION TO FURTHER EXTEND THE CURRENT NON-EXCLUSIVE FRANCHISE AGREEMENT be posted and come up for second reading on January 20, 1999. Motion seconded by Councilor Strong and passed 5-0 on first reading.**

**COUNCILOR NOLDER COMMENTS:** Mayor Taylor announced to the audience that this

was the last meeting of this particular City Council. They would be swearing in the new Council shortly and moving into a special meeting for the newly elected Council. At this time he wanted to recognize one of the Council who would be leaving, Councilor Nolder. They wanted to thank him for the years he served. Councilor Nolder had been a pleasure to serve with. He provided humor and entertainment on occasion, and always had a balanced approach to issues and helped the Council maintain good stability. Mayor Taylor presented Councilor Nolder with a plaque and an Inn of the Seventh Mountain gift certificate to thank him for his many years of service.

Councilor Nolder thanked the citizens of Canby for allowing him to have this position. It had been a real pleasure and a real education. It was not what he thought it would be when he started, but it turned out to be very rewarding. It was a lot of fun, but also included difficult decisions, and the Council he served with were amazing and did a great job for the City and citizens. The best interest for citizens was always at the top of their minds. He could not think of any people better to represent the citizens of Canby. He felt the same was true for the staff. They were always helpful, did the best they could, and went way beyond what you would normally expect. The old adage that government workers were taking advantage was not true in Canby. The people were very dedicated, hard working, and always had the best interest for the citizens of Canby at heart.

**SWEARING IN NEWLY ELECTED OFFICIALS:** Judge Grafe performed the swearing in ceremony. He swore in the four elected Councilors, Walt Daniels, Shirley Strong, Terry Prince, and Randy Carson. They signed the Oath of Office. Judge Grafe then swore in the Mayor, Scott Taylor, and he signed the Oath of Office.

Mayor Taylor gave an opportunity for each Councilor to say a few words.

Councilor Strong thanked the people of the City of Canby for electing her and she counted it a great privilege to be able to serve the community.

Councilor Prince also thanked the citizens of Canby for electing him. His main goals were to be sure to keep the A,B,C plan they had now, and also to continue, such as he had done with keeping green spaces between Canby, Oregon City, and Wilsonville, to keep green spaces to the east and west side of Canby toward Molalla and Aurora.

Councilor Harris welcomed the new Councilors.

Councilor Daniels also thanked the citizens of Canby for electing him to his fourth term as a City Councilor. He wanted to remind everyone that it was not his City, or their City, but it was our City, and he hoped that this year they could work as a team. There were a lot of new things on the horizon in Canby and the goal was to keep it livable.

Councilor Carson thanked the citizens of Canby for electing him to his first term of City government and he would do his best to be open to all ideas and make sound judgements.

Councilor Lucas welcomed the new Councilors and was ready to get going.

Mayor Taylor thanked his wife, Vickie, and his two boys. He calculated the number of hours he spent doing the work of Mayor and counted it as a second job, and his family had contributed to letting him serve. Secondly he thanked the citizens and as it had been said before, it was something you learned a lot as you went along. He very much valued this opportunity to serve as Mayor for another two years. He was excited to be part of the Council that would take Canby into the new millennium. They took that fact with a great sense of energy and responsibility. What would make the next two years very exciting would be the challenges and the capable people working to address those challenges. He was excited about a very experienced Council and some new energy. He also wanted to acknowledge an outstanding staff who worked more than their 40 hours and worked very hard to make this a community they were proud to live in. They seldom received recognition for their effort. He also specifically thanked City Administrator Michael Jordan. As he traveled the state, he was continually complimented about the quality of Canby's City Administrator, especially his vision and the work he did for this community and the greater community of Oregon.

This Council would work on very difficult issues, such as the comp plan. He wanted to make sure the community was involved and stressed that this was the time to get involved. They were going to be working on urban renewal, making sure to retain a vital downtown and commerce area, transportation issues, industrial development, and parks. He wanted to spend a few minutes on what his role as Mayor was. The Council got to vote, and he only voted if there was a tie. The rest of his time was trying to hold agendas together and working to carry out the wish of the Council. He also had the rare opportunity to occasionally look beyond the day to day work and look at the bigger picture. When he thought of the future, he thought of what Canby would look 10 to 20 years from now. The things they did was not about today, but about the future. When he first became Mayor, they worked on a vision statement, the whole community worked on it, and had continued to use that Canby By Design document to help guide them as they went forward. He read that vision statement.

Mayor Taylor thought the primary issue was not growth, but of continuing to retain a culture of caring in this community. When you talked to people who had lived in Canby for a long time, what they talked about was an early Canby, and the reference to a farming heritage was not just about growing crops and agriculture, but also a culture or environment where people knew who you were. Everyone in the community took care of you and shared their values with you. Neighbors were people who cared about you, and about how you did, and were invested in your life. The hope was that your children would grow up, work in town, stay in town, and raise their families, much the same as you were raised in this community. Somehow in the 20<sup>th</sup> century we began to lose the ability to retain enough jobs and homes for our children to remain here that wanted to and for people to come back if they wanted to. He wanted to maintain a community where people cared about each other and people were invested. We were known throughout the state as a place that could get things done and people volunteered to get things done. Most of the work done in Canby was not done by the government or leadership, but by individuals and

community members who wanted something positive to happen and to do it for others. Part of the Council's role was to make sure they created an environment where those things continued to happen and expand the opportunity for their children to grow up in a safe, nurtured environment and remain here if they so chose.

He had several initiatives he would be working on in the next two years. One that was a new event was becoming a Community of Promise, which meant a desire in the community to bring everyone together, business, government, faith, youth, education, non-profit organizations, labor, and service clubs, and bring them together to focus on the youth in Canby. Most of the youth in Canby were outstanding individuals. He wanted to make sure they all had an opportunity to do productive things for the community. He believed that a community should be engaged with each other, cared about each other, and trusted each other. They would continue to work on a community justice program, work with the Chamber and others to create an accountability board, work harder to find the people who violated the law and still lived in Canby worked with other citizens and were addressed by Canby whenever possible. He felt we should care about our own and he wanted everyone to be valuable members of the community. They were going to work hard to continue collaboration with groups, such as the School Board, Canby Utility Board, Chamber of Commerce, some service organizations, and the faith community. They were going to continue to focus on the idea that we are all in this together and we all had solutions. We were not going to do a status-quo. Canby would go into the next few years of the current economic situation very healthy. They would have the opportunity to prepare today for those days in the future when it might not be so rosy. They would also continue to focus on technology, especially regarding computers and telecommuting, housing, transportation, and industry.

Canby had always taken pride in its community and the green spaces separating it from other cities. Not because we wanted to become an isolated island, or to drop out of the rest of the Oregon population, but that we took great pride in being a self-sustaining community, a self-determined community that could make decisions about its future and population. He would consider it a success if people had the opportunity to be born, live, and die in Canby if that was what they chose to do.

Mayor Taylor recessed the regular session at 8:05 p.m.

CANBY CITY COUNCIL  
SPECIAL SESSION  
JANUARY 6, 1999

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

Also present: City Administrator and City Recorder Mike Jordan, City Attorney John Kelley, Community Development Director Jerry Pineau, Recreation Services Director Beth Saul, Police Chief Jerry Giger, Marty Moretty, Susan Wood, Curtis and Lila Gottman, and Pete Kelley.

Mayor Taylor called the special session to order at 8:20 p.m.

Mayor Taylor said since this was the first meeting of the new Council, this was the time to elect a new Council president. Councilor Harris nominated Councilor Daniels, the previous Council president. The nomination was seconded by Councilor Lucas and passed 6-0.

**PUBLIC HEARING:**

Ann 98-01, Pete Kelley Annexation -

Mayor Taylor opened the public hearing at 8:22 p.m.

Mayor Taylor read the public hearing format. He allowed up to ten minutes for anyone wishing to address the Council. The standards for this application were on the bulletin board.

**CONFLICT OF INTEREST:**

Councilor Lucas - None, plan to participate.

Councilor Carson - None, plan to participate.

Councilor Daniels - None, plan to participate.

Mayor Taylor - None, plan to participate.

Councilor Harris - None, plan to participate.

Councilor Prince - Before he was elected to City Council, he was on the Planning Commission and he heard this on November 30, 1998, and also voted on it. He excused himself from the deliberations.

Councilor Strong - None, plan to participate.

**EX'PARTE CONTACT:**

Councilor Strong - None, plan to participate.

Councilor Harris - None, other than looked at the site.

Mayor Taylor - Have driven by the site and looked at it.  
Councilor Daniels - Looked at the site.  
Councilor Carson - Visited the site.  
Councilor Lucas - Visited the site.

STAFF REPORT: Clint Chiavarini reminded them that on October 21, 1998, at a regularly scheduled Council meeting, the Council approved a comp plan amendment to extend the urban growth boundary to include the property in question. The property was located to the north of S. Elm Street directly east of Village on the Lochs. It was the applicant's intent to annex this property into the City with the intent of developing additional manufactured home sites similar to those in Village on the Lochs. At the December 14, 1998, Planning Commission meeting, the Planning Commission voted 5-0 to recommend approval on this application. There were some issues raised during the Planning Commission meeting and City Council discussion regarding the comp plan amendment. One issue was a lot line adjustment that was necessary. The applicant applied for a lot line adjustment at the county level and when county staff reviewed it, they realized that at some time in the past, the pieces of property, although they were divided into separate tax lots, did not go through a land use process and were not considered separate lots of record. The applicant and county decided to add a piece of property to the Village on the Lochs. The only potential problem was if the annexation failed, and there was a piece of property that was mostly in the City with a small piece outside. The planner he talked with at the county, Greg Huet, assured him that would not be an issue as the jurisdictions would remain county and city.

The Planning Commission recommended the following understandings be applied to this annexation, should it be approved: zoning classification would be R1, low density residential; all development and recording costs would be born by the developer; all City and service provider regulations would be adhered to; and a wetland study may be required at the time of development. The study would be the responsibility of the developer to pay for and a letter from the agency with jurisdiction of division of state lands would need to be obtained by staff before any approval for a conditional use permit, subdivision, or planning and development application would take place. Additionally the Federal Emergency Management Act had control over flood plain areas and this property may be within the flood plain and they would need to have approval from FEMA in order to proceed. The understanding regarding the lot line adjustment stated that the applicant needed to record this with the county prior to the City filing the application with the county elections committee to go to the voters. As to the criteria posted on the bulletin board, the property was designated Priority A; the need was to develop manufactured housing, which was of short supply in the City; it was small, non farmland; readily available access, adequate facilities were all within the S. Elm Street right of way; and it complied with all the other state regulations. Staff felt all the criteria had been met.

APPLICANT: Pete Kelley, resident of 840 NE 10th, said there had been a wetland study done on this property in 1992. That study was still good, it may need to be updated, and they had gone to FEMA for a flood plain designation, that had been changed, and they were waiting for a letter from them. As far as the lot line adjustment, it had been approved by the county and they were in

the process of giving a survey and have it recorded prior to the election date.

There were no proponents or opponents.

Mayor Taylor closed the public hearing at 8:33 p.m.

**\*\*Councilor Lucas moved to approve Ann 98-01, a request for annexation of 1.5 acre parcel into the City limits and direct staff to return with written findings to the regular meeting of the City Council on January 20, 1999. The motion was seconded by Councilor Harris.**

Councilor Harris clarified that there was a lot of discussion regarding this issue previously and it was so clear-cut and simple, and the Planning Commission was unanimous on it, he could see no drawbacks to this. It was an obvious decision and that was why there was virtually no controversy associated with this application.

**The motion to adopt Ann 98-01 passed 5-0.**

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Lila Gottman, Chairman to the Bike & Ped Advisory Committee, discussed a problem regarding downtown sidewalks. When she did a survey of the merchants regarding bike parking at the corners, the merchants on Grant Street expressed the desire to have an Ordinance or some kind of enforcement of no bicycles and no skateboarding on the sidewalks. She said there were crashes with the pedestrians coming out of the businesses. She spoke to several merchants who had that same feeling, and the Police Department said they needed an Ordinance that they could enforce to cite the violation. The best way to approach enforcement would be education at the school level and they would want to stencil some signage on the sidewalk and test it on Grant. At the same time they enforced the "get off the sidewalk" rule, they would want to have bike lanes striped on the street so they had a place to go.

Mayor Taylor asked if they had an Ordinance currently available regarding this issue? John Kelley said there was not anything regarding citing people for riding a bicycle on a public sidewalk. They could be cited for careless driving as bicycles were required to obey the same rules of the road as a motor vehicle.

Councilor Daniels asked if they could do a blanket Ordinance, saying there was no bicycle riding "so designated"? He specifically knew about an incident at the High School. John Kelley said that was private property, and this would only effect public property, but the school could put signs up and have them charged with criminal mischief.

Mayor Taylor said the issue about a bike lane would need more discussion. Ms. Gottman said she was there that night just to get the ball rolling.

Mayor Taylor asked about skateboarders, could they skate down the road? John Kelley said there was nothing they had to prohibit that. Mayor Taylor said this brought him back to the park discussion, trying to develop a skate park, that gave them another option if they could not skate on the sidewalks.

Councilor Lucas said he met with the Parks and Recreation Advisory Committee and the Blue Heron group and they were working towards, with Walker & Macy, breaking it down to phase the park in and the first phase would be the skate park. They were going to come back with costs on January 19th and then they would be coming to the Council. He felt strongly against telling skaters they could not ride their skateboards without giving them another place to go. If those things were done first, he felt it would solve problem.

Councilor Harris agreed that before instituting another Ordinance, he wanted to give them another option. Also he had never noticed skateboarders or bicyclists on the sidewalks, but he wanted to do a survey to show it really was an issue before an Ordinance was passed.

Councilor Daniels said he had experienced several occasions where he almost got hit by a bicycle, especially at Parson's. The problem was the blind corners where it was hard to see. He felt that if they came up with an Ordinance, they should have some other place for them to go.

Mayor Taylor said they would schedule this issue on an agenda and have staff bring a sample Ordinance and wanted some work to be done to display what a bike lane might take, the costs and timeline.

Mr. Jordan said they would bring back some drawings and maps of where they would put the bike lanes and what the street cross-section would look like with those bike lanes on it and some kind of a draft language for an Ordinance. He guessed this would take a month or so to put together.

Mayor Taylor said they could initially give them Grant Street, or a pilot project, if they wanted to try one area first to see how it worked.

Councilor Lucas said the Downtown Revitalization Group would want to be involved too. Mr. Jordan said there were a lot of interest groups in bike lanes downtown.

Councilor Daniels said the Council received a letter from Curt McLeod stating that on Thursday the 14<sup>th</sup>, Township Road would be closed because the pedestrian bridge would go in that day. Mayor Taylor said they would have a ceremony later in the year, but when would the bridge be usable? Mr. Jordan was not sure when it would be ready. Jerry Pineau said he would find out. Mr. Jordan said the issue was not just the bridge, but to make sure it would be used safely.

Mike Jordan said that back in June, at the Clackamas County Cities Association meeting, they had a brainstorming session in Canby to bring up legislative issues for the next session, and the

next month they were up in Estacada and prioritized those issues. The product of that process went to the Mayors and Managers group that met monthly in Oregon City and they would like to put together a piece that would take some of the highest priority issues and create some talking points for people who would meet with their own legislators in Salem. They thought it was important that all of the cities in Clackamas County spoke with one voice on similar issues they were interested in. The list he passed out to them were the top ranking issues by category on the list they brainstormed last summer. He wanted to have the Council call in with a list of priorities by category before next Monday when he would meet with the Mayors group again.

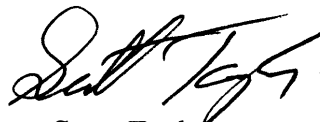
Mayor Taylor said he needed to know more about the issues on the list before he could categorize them. Mr. Jordan went through the list and explained the issues.

Mr. Jordan went on to say that this was not an elaborate legislative agenda, but they were trying to get a few bullet points that could get to each Mayor or City Councilor that may meet with a legislator when they were in Salem so they could be consistent on what were their top priorities. If they, as cities of Clackamas County, were split on these issues and there was no clear consensus, there probably would not be much of a product. It was only on issues of clear consensus that there would be talks of strategy.

Mayor Taylor recessed the Special Session at 9:00 p.m.



Michael J. Jordan,  
City Recorder pro tem



Scott Taylor,  
Mayor



Prepared by Susan Wood,  
Office Specialist