

CANBY CITY COUNCIL
REGULAR SESSION
JUNE 16, 1999

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

Also present: Acting City Administrator Beth Saul, City Attorney John Kelley, Police Chief Jerry Giger, City Treasurer/Recorder Chaunee Seifried, Community Development Director Jerry Pineau, Susan Wood, Curt McLeod, Kathy Henderson, Bettie Postlewait, Leland Brown, Owen Smith, Arthur Olsen, Bob Sisul, 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 executive session, May 26, 1999; minutes of the regular meeting and executive session, June 2, 1999; accounts payable in the amount of \$145,657.56; and blocking streets for 8th annual neighborhood 4th of July block party on NE 14th. Motion seconded by Councilor Harris, and passed 6-0.

PROCLAMATION: Amateur Radio Week - Mayor Taylor read the proclamation. Owen Smith was a member of the amateur radio community in Canby and they had a group called the Amateur Radio Emergency Services Group. Within the past year they had installed permanent stations in the Canby Emergency Operations Center, in the Fire Station, and in Station 65 on Highway 170 to assist communication in time of need, both voice and data communication. The equipment owned by local hams would allow them to expand this capability in time of need to include any building within the fire district. They joined Lake Oswego, Oregon City, and Clackamas County Emergency Operations Center with this capability. Next year their focus would be recruiting and training more volunteers into the service aspect of the hobby.

Mayor Taylor asked if he would say more about what was going to happen on June 26 at Maple Street Park. Mr. Smith said it was their annual field day, it involved amateur radio operators throughout the world. There would be a demonstration of amateur radio capabilities, both on the short wave band, the UHF and VHF bands, and the HF bands, which were the talk around the world type of amateur radio. This was a contest for amateurs in Clackamas County. It started at 11 a.m. and even though the event ran for 24 hours, they usually left at dark.

PUBLIC HEARINGS: State Revenue Sharing for 99-00 Budget -

Mayor Taylor opened the public hearing at 7:38 p.m.

STAFF REPORT: Beth Saul said they got money from the State that was revenue sharing, about \$50,000, and the City receipted it into the General Fund.

There was no public testimony.

Mayor Taylor closed the public hearing at 7:39 p.m.

Proposed 99-00 City Budget -

Mayor Taylor opened the public hearing at 7:40 p.m.

STAFF REPORT: Ms. Saul said they presented a balanced budget to the Budget Committee. The Budget Committee did have some concerns, one of which was putting aside more money for capital, so they set \$100,000 aside for future facility needs. They tried to bring the Police up to the level of officers for their five year plan, 1.8 officers per 1,000. They added a few more positions for clerical support and for stability. There were several street projects in the budget, additional playgrounds, and money for new restrooms at Wait Park.

Councilor Prince said there was also an increase for outside agencies for the good job they were doing and the increased work they were facing. Beth Saul said those agencies were Canby Kids, Community School, OCTS, Adult Center, and Centro de Canby.

Mayor Taylor thanked the Budget Committee Chairman, Councilor Daniels, for taking them through a record setting pace. They were continuing to work on some outcome measures. The total budget was \$12,887,391. They actually worked on a budget of 5 million dollars in actual cash flow, the rest was in reserve accounts.

There was no public testimony.

Mayor Taylor closed the public hearing at 7:44 p.m.

Mayor Taylor moved to Resolution No. 708, adopting the 99-00 budget.

****Councilor Daniels moved to adopt Resolution 708, A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND CATEGORIZATION FOR THE 1999-2000 FISCAL YEAR. Motion seconded by Councilor Strong, and passed 6-0.**

Mayor Taylor thanked the Budget Committee, made up of the City Council and an equal number of citizens, who spent several evenings in meetings and other time at home reviewing the budget, making comments, and gathering information. Councilor Daniels gave accolades for the staff who worked on this budget. This was thrown on them when the former City Administrator resigned. They did an outstanding job and it was really easy to follow. Mayor Taylor said Commissioner Jordan did stop by once or twice to help out and answer any questions.

ANN 98-07, Swelland Annexation -

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

Mayor Taylor read the public hearing format. He gave the applicant 10 minutes to speak. There were no proponents or opponents.

CONFLICT OF INTEREST:

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

EX'PARTE CONTACT:

Councilor Carson - Visited the site, drew no conclusions
Councilor Prince - Visited the site, drew no conclusions
Councilor Harris - Did not visit the site, no contact
Mayor Taylor - No contact
Councilor Daniels - No contact
Councilor Lucas - No contact
Councilor Strong - No contact

STAFF REPORT: Clint Chiavarini said this was an annexation request for a 4.85 acre parcel on the east side of N. Redwood St. The Planning Commission voted 5-0 with one abstention to recommend denial of this annexation based on three of the criteria. This parcel would not drain into the N. Redwood storm water system. The applicant had originally put in their report that the public facilities were available for that, but they had been made aware by staff and the City Engineer that they would need to find some other way should this annexation be approved and a subdivision approval take place. The Planning Commission's reasons for denial was criteria 1, 2, and 5. Criteria 1 related to Priority A, B, C annexation land, and this parcel was a B parcel. The Commission found that while the annexation did not result in any adverse impact to the City's plan for provision of public services, the annexation was not appropriate in terms of timing. The applicant did not demonstrate a need, which was Criteria 2. They were unable to prove their application was of a special benefit to the City. The staff produced a monthly report that stated how many platted lots and available land was left in the City. At the time the staff report for the Planning Commission was prepared, staff estimated there were four years of buildable lands in the City, this included unbuilt lots as well as unplatted lots. The City Council and Planning Commission always used a three year threshold as the guideline. The final criteria they felt was

appropriate in their recommendation for denial was based on written testimony from Canby School Superintendent Steve Miller who stated that this annexation would place new homes in the Knight Elementary School zone, and Knight School was currently slightly over capacity now. Long range facility improvements would not be expected until the earliest of Fall of 2001. The school issue could not be used as the sole basis for denial of an annexation application, as the school was required by law to provide services to any students who walked through the door, but it could be used to contribute to a decision. This property, if brought in, would be designated as R1 and would make available land for 21 units. The property was flat and there would be a need to take care of the storm drain issues.

Councilor Carson asked about the unplatted lands as opposed to buildable lands, could he explain that because it was a difference of 1.7 years and 4 years. Mr. Chiavarini said the way they did the reports in the past was only based on buildable lands. One thing that was mentioned during the Dodd Annexation was there was a large amount of land that was inside the City, but had not been developed or had any applications to build on them. The four years was an outset that if they did not approve any more annexations at their current build-out rate, they would hit that in 4 years. If they did not approve any more subdivisions between now and 1.7 years, they would run out of buildable lots within the City. The way they would reach the four years was if subdivisions were applied for and they were approved within that time period. Four years was the high side, 1.7 was the absolute minimum assuming no more applications were approved.

Councilor Carson said it took in all of the land that no one wanted to build on right now, the ones where there was no need or want to build on at this time. Mr. Chiavarini said that was correct.

Councilor Prince said that number did not include HOPE Village. If they included that, they had 2 years, 3 months supply. They had left out HOPE for a long time, and they came in all at once. Things changed quickly.

Councilor Daniels asked if it was fair to include that in their figures, HOPE Village, because it had a limited market they were dealing with? Mr. Chiavarini said that was part of the population growth, and yes there was a limited market, but they were building out and were sold out on projects they had not even started yet. They were selling them faster than they were building them. It provided housing units, but it provided housing to a very specific part of the population and was difficult to predict.

Councilor Daniels appreciated seeing both, because it gave them a total market concept.

Councilor Prince said HOPE Village still used sewer and water, so they were like any other home. The only thing they were not using was schools.

APPLICANT: Ken Sandblast represented Riverside Homes. He touched on Criteria 1, with regards to the appropriateness of the timing of the development, no adverse impacts, and special benefit. They believed that the appropriateness of this was its location in the City. It was in an

area that had undergone a lot of growth and development over the last couple of years. There was some substantial commercial development that was occurring on the south side of 99E at the intersection of N. Redwood Street. This particular corridor up N. Redwood Street, the west side, had some subdivision development and the infrastructure was there to serve it. It was also the side of town that provided residential housing in good proximity to jobs both in Canby and Oregon City. With regards to the appropriateness of it, they believed it was appropriate because the infrastructure was there and the timing of it would be good because it would provide for completing the improvements that had already begun. As to the special benefit, there were other properties that were pending a request for annexation approval to the south of this piece. Mr. Sandblast showed the parcels on the map. When the improvements of N. Redwood Street were done, all of that side of Redwood Street could be developed in a continuous manner. In addition to that, they could sit down with the other owners and create a consolidated land use plan for the area. The idea of differentiating between the buildable land supply and the unplatted land was something the Planning Commission and Council had not seen before, but he thought it was good information. There were some significant pieces that were termed buildable, but may or may not be platted, which was not contributing to the actual building supply of land. With this piece of property at 4.85 acres, it would only be about 21 lots, a month or two worth of land. School capacity was the last reason given for denial, but there was a facilities committee that was looking at long range planning for the School District right now. They were looking at a wide variety of options and this particular parcel was not going to consolidate the problem. When a property was annexed into the City, the ability to reassess the property at a new value was presented and when that occurred, the increase in values represented through the property taxes helped contribute to the schools. It was a smaller parcel, 4.85 acres. It was not agriculturally productive right now. It was in an area of the City that was experiencing a lot of growth. It had adequate access to a street, N. Redwood, which was also experiencing a lot of development and improvement. There were no significant or adverse effects on any scenic or historic resource. He requested the Council's support to place this on the ballot and give the voters a chance to vote on it.

Councilor Harris asked what the land was being used for now? Mr. Sandblast said there was one or two houses on it and some out buildings. There was some field grass on it as well.

Mayor Taylor closed the public hearing at 8:10 p.m.

QUESTIONS: Councilor Lucas said the storm water would not go to the west side and go into that system, so where would it go? Curt McLeod said in the entire area that Willow Creek covered, which was Pine Street up to Territorial, there was a whole series of creeks in that area. The actual lowest area of that land east of Redwood was in the finger of a creek that was to the back of their properties. What they developed between Redwood and Pine, the low land was in the middle of those properties, and went down to combine with Willow Creek into that wetland area.

Councilor Lucas said in Allen Manuel's letter the part about protecting the creek, would that be

all right when those properties would be developed and all the water would go down there? Mr. McLeod said that was what the Council and Planning Commission needed to decide, if they wanted to implement bio-swells or that kind of treatment. The kind of treatment he referenced in his letter was the type that was done on site. As each subdivision developed, before they even dumped the water into a pipeline, they would have to address whether they wanted it treated or not. He believed that Willow Creek did the bulk of that, it was the type of facility that did that kind of treatment. Steve Hanson had been working on this, and the deadline for the application was December 2000. They had to have a program turned in by 2002, and then by 2007 they had to implement the program. This was a long range plan and Willow Creek would all be developed long before that plan was implemented. What that letter addressed were things that could be done, they were not things they were proposing. They were proposing a larger treatment facility north of Territorial Road that would collect all of the land and anticipated collecting 10th Avenue and any other storm lines that came down Territorial, which was a main route for storm lines to Willow Creek, and would all go into that regional treatment facility. This would fan the flow out, do some biological uptake through growth, but primarily would do sedimentation and control it through detention plots before it went to the Willamette River.

Mayor Taylor said what they were discussing that night was just annexation. Mr. McLeod said this was related to the mechanics of how the Council wanted to handle storm drainage and run off of the subdivisions, much like how the streets would be laid out and how the sewer lines would be built.

Mayor Taylor said this was a discussion they should have to give him guidance. Mr. McLeod said most of the developments over the past 20 years had been dry well disposal. They had not had to address this surface run-off issue too much.

Mayor Taylor said they should schedule a workshop to discuss that. Mr. McLeod said they did have a master plan that addressed it extensively. Mayor Taylor thought it would be good for the Council to be brought up to speed on this issue.

Councilor Harris said the comprehensive plan called for a rough goal of having 3 years of buildable lands. He could not remember in previous discussions a point where they discussed platted land. Out of Mr. Chiavarini's experience, when they had discussions before about only having 2 to 3 years of buildable lands, was that really platted or buildable land? Mr. Chiavarini said that was only buildable lands. The main reason he added that extra line to the table was based on some text that Mr. Kruckeberg had written for the Dodd Annexation where he referred to the fact that they had some larger pieces of land in the City that they did not have a development application on and that they did not have any indications that they would be immediately forthcoming. What he was trying to do was to provide a range, 1.7 years was the minimum and 4 years at the most.

Councilor Harris said the confusing part of it was that since it had not been presented to the Council like this before, he could not use it as a context for evaluating how this related to

previous annexation requests. If they did it like this in the future, then they would be able to base things on it. They had gone by a three year standard, and they had four years available and the last annexation request they dealt with was Priority A on the north side of town and they voted it down even though it was Priority A simply because they did not need it, they had four years of buildable land. Now they were dealing with a Priority B and they still had four years of buildable land, but it was being modified in this presentation as 1.7 years. Mr. Chiavarini said the previous Priority A annexation had many issues, the need issue, some serious concern about the traffic issues at Territorial and Highway 99E, and the fact that it was a larger piece of agricultural land as opposed to small, non farmland. The Planning Commission reacted in a similar way to this new information. They were not sure of the usefulness of the platted land. It came down to a policy decision as to what they wanted to base their decisions on and what they would like to see in the future.

Councilor Lucas complemented Mr. Chiavarini for looking at new ways to give the Council more information. He thought it was valuable information and they had to start with that kind of information someplace, especially in a town growing as fast as Canby, you could not start too soon. He thought it was good to know how much land there was available, platted or not.

Councilor Prince agreed. Though the Planning Commission felt torn about the use for it, it was good. If they were asking someone if they were going to develop or not, things could change rapidly, and six months from now they could develop. That was what made the figure itself nebulous. It was good to look at, but he wouldn't use it as the basis for a final decision.

Councilor Strong said on the tape of the Planning Commission meeting, there was mention of an electric pole in the middle of the street on that road. Mr. Chiavarini said there was a concern that on N. Redwood there were electrical poles in the right of way that needed to be moved. It was not directly related to this annexation, but they were concerned about development there and how those poles because of timing with the transfer of service would work, because when properties were annexed into the City, PGE gave them over to CUB. Those poles were PGE poles and they needed PGE to come out and move them. If it was not already resolved, it was being resolved.

Councilor Carson asked if there was any discussion with the applicant about setting aside some land for parks? Mr. Chiavarini said that had not been discussed.

Mayor Taylor said that was part of the discussion for the development of the property, not annexation.

Councilor Prince said something else they should consider was SDCs, there was an option of the developer whether or not to set aside land instead of that SDC charge.

Mayor Taylor said this application was not a natural benefit to the City to add housing when they had sufficient land currently. What did it bring to the City or to the community other than more neighbors and friends? Mr. Sandblast said one of the criteria was the issue of economics, and it

had to do with what the Council's position on annexation was. Some people saw annexation as an opportunity to provide more neighbors, customers, employees, and the schools got some of their revenue from the State based on the amount of students they had. When they had three to four years of buildable lands, even though the land was not developed now, it could be developed quickly at a moment's notice. The need for more neighbors and friends was something the Council was to decide.

Mayor Taylor wanted him to expand on the reasons it would benefit them if they coordinated with the other two properties that were up for annexation and have all three come in a row. Mr. Sandblast said he thought all the property owners could get together and talk. They could also make some kind of a plan that connected them together. When they had an opportunity like this, from a planning perspective, to put multiple parcels together and have someone come up with a consolidated land use plan, they were going to come out with a better product.

Mayor Taylor said potentially the three property owners could get together to develop a master plan for the area. Mr. Sandblast said that would help address some of the storm water issues also.

DISCUSSION: Councilor Prince said this was Priority B land, and it had not demonstrated any special need. There was a four year supply of land available, and there was no need for extra housing. There were going to be extra problems, such as capacity at Knight Elementary School. He was on the Long Range Facilities Board for the School District and they had not decided if they were going to add classes to Knight or portables, or even go with another school yet. At the very least, nothing would happen until the year 2000. He thought they would be better served to wait.

Councilor Lucas agreed. He thought the Planning Commission did a good job of looking at this application and it did fail on criterias 1, 2, and 3.

Councilor Carson said even if they didn't annex this in, they needed to get Redwood built out better. If they could get some continuity there, that would be a big reason to annex this in and to get some good sidewalks and streets in there.

Councilor Harris said this was an area where development was progressing in that direction and it was a logical chunk of land to be annexed in the fairly near future. However, it was Priority B, which meant that before annexation, it needed to show a special benefit to the City, which he did not see. They had four years of buildable lands, which was more than they usually had. This was the same argument he had on the last annexation, even though it was Priority A, they did not need the land. Even the Priority A that did not need to show a special benefit was still voted down, and just to be consistent and fair to those Priority A land owners, he did not see how they could jump ahead and vote to annex a piece of property in the same part of town that was a lower priority. It was a smaller chunk, but would they annex smaller chunks of Priority B after skipping over a large chunk of Priority A? That did not make sense.

Councilor Strong felt the same way, she did not want to jump over A land to annex in B land. She saw no special need at this time for that land.

Councilor Daniels agreed. He thought they had an adequate supply of buildable lands.

Mayor Taylor said given the size of the request, and the potential size of the number of units, it seemed that the one piece the applicant presented at the end had some merit, where he discussed the ability to coordinate the development and come to them with an agreement that it would really happen. That might be a stronger argument as to why this annexation would be of benefit to the City, to design a larger area compatible with some of their expectations and reduction of extra roads and traffic flow problems. The primary issue was the Priority classification, and nowadays Priority B lands had to show some real benefit to the City to make it worth looking at differently.

Councilor Prince said Mr. Kruckeberg was into having areas planned ahead of time, and that was the type of context they should look at in that area, being able to look at that area and develop it early and decide what direction they wanted to go. It also made Mr. Kruckeberg's job much easier.

Councilor Harris complemented staff on putting this together well. He wanted to assure the applicant that when the Planning Commission and Council voted it down that it was nothing against the work he had done. This would all benefit the next time he was working on this same property. The one addition on that 1.7 vs. 4 years of buildable lands, he would like to see that each time they had this discussion and as they developed a history with that, they would be able to have some context and it would mean something to them. Mayor Taylor said the Council agreed that they wanted to see the buildable lands analysis as it was presented in this application.

****Councilor Prince moved to uphold the recommendation of the Planning Commission and deny ANN 98-07, a request for annexation of a 4.85 acre parcel into the City limits of Canby and direct staff to return with findings reflecting denial at the regular meeting of the City Council on July 7, 1999. Motion seconded by Harris, and passed 6-0.**

COMMUNICATIONS: Mayor Taylor wanted to say publicly how he appreciated Beth Saul's work as interim City Administrator. She made their ability to go out and try to find the best City Administrator much easier as they didn't feel that time was nipping at their heels, or crisis because she was not able to manage that. He knew that whenever they talked with her, she had given much credit to their Management Team, consisting of Ms. Saul, Chief Giger, Jerry Pineau, and Chaunee Seifried. He thanked them for their work that let the Council get things done. He thought Ms. Saul had done an outstanding job. Beth Saul thanked the Mayor for his comments, and also mentioned that the front office staff had been a tremendous help as well.

John Kelley said Clint Chiavarini, Project Planner, was leaving on a one year trip around the world. He wanted the Council to have the opportunity to thank him for all the work he had done

since he had been there. Mayor Taylor thanked Mr. Chiavarini and said his work for the City had been excellent, especially in filling in where needed in the Planning Department. Mr. Chiavarini thanked them for their comments. Councilor Prince also thanked him especially for his work on buildable lands. Ms. Saul said Mr. Chiavarini not only did all this good work in the Planning Department, but he had been a team player and if any department needed anything, he was there.

NEW BUSINESS:

City of Canby/Adult Center 99-00 Contract with Clackamas County - Beth Saul said this was the contract they renewed every year so the Adult Center could receive the funds through the Area Agency on Aging. Ms. Saul said the fundings were about the same as they were last year. Councilor Daniels said things were going great out there, increasing people all the time.

****Councilor Harris moved to authorize the Mayor and City Administrator to sign the City of Canby/Adult Center 99-00 Contract with Clackamas County Social Services Division Area Agency on Aging. Motion seconded by Councilor Prince, and passed 6-0.**

Year End Accounts Payable - Beth Saul said they needed a Councilor to come in at the end of June and approve the accounts payable for the fiscal year end, because they had to close out on the 30th, and the Council did not have another meeting until July 7. Walt Daniels agreed to review the year end accounts payable.

****Councilor Harris moved to officially approve the accounts payable for the year end fiscal year 1998-1999 and authorize Council President and Budget Committee Chairman Walt Daniels to be the Councilor to review the numbers and speak on the behalf of the Council. Motion seconded by Councilor Prince, and passed 6-0.**

Mayor Taylor recessed the session for a short break at 8:43 p.m., and reconvened the meeting at 8:50 p.m.

ORDINANCES & RESOLUTIONS:

Ordinance No. 1024 - Jerry Pineau said this Ordinance was in regards to authorizing a contract with Parker NW for some work on N. Ivy Street improvement projects. They received six bids, and Parker NW was the lowest bidder. What this project consisted of was doing a complete reconstruction from 10th Avenue to 12th Avenue, and doing an overlay from 12th Avenue to the new section of Ivy Street. The total price was \$108,319.50. Staff recommended approval.

****Councilor Harris moved to adopt Ordinance 1024, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER-NORTHWEST PAVING COMPANY FOR CONSTRUCTION OF NORTH IVY STREET IMPROVEMENT PROJECTS; AND DECLARING AN EMERGENCY be posted and come up for final reading on July 7, 1999. Motion seconded by Councilor Daniels.**

Councilor Lucas asked how wide this would be? Mr. McLeod said 40 feet.

Councilor Lucas asked if there would be room for bike lanes? Mr. McLeod said they would have two travel lanes, two bike lanes, and they would contemplate whether there was room for parking or not. With 40 feet, they had two 12 foot lanes for travel lanes, which equaled 24 feet, 16 feet left over, and 12 feet took care of two bike lanes, leaving a surplus of 4 feet. This was an arterial and identified to have bike lanes on it in the Transportation Plan.

Councilor Lucas asked if it would come down to bike lanes or parking? Mr. McLeod said yes, that was what was going to happen on most of their retro-fits around town, because they did not have the room to do bike lanes, travel lanes, and on street parking. This retro-fit went from the Highway all the way to Territorial, about 16 blocks on Ivy Street, where it would be very difficult to push the sidewalks out far enough to get all they wanted.

Councilor Strong asked if they had much parking on Ivy now? Mr. McLeod said up to 5th it was very narrow, but from 5th on there was parking.

Mr. McLeod said they could cut the travel lanes down to ten feet, which gave them one eight foot parking on one side and two six foot bike lanes. There were a few options, but street parking was the key issue.

Councilor Lucas said this was the most width they could get out of it, so it would come down to hashing it out later whether they had parking or bike lanes. Mr. McLeod said the new section could go to 44 feet, but they were limited between 12th all the way down to 1st. The existing right of way was 40 feet. They were going to be fighting to get more right of way just to build a 40 foot street. They were requiring a dedication so they could build 40 foot street continuous from 2nd Avenue to 14th Avenue. They had 44 feet in the new section, and on the Highway they had 42 or 44 feet from the Railroad up to 2nd Avenue.

Mayor Taylor said certain streets had certain widths and those were determined by the constitution, ODOT, or the City? Mr. McLeod said by the City. Mayor Taylor said when they originally laid out the City and gave people boundary lines, they decided the most they could make this road was 40 feet wide. Mr. McLeod said the right of way they dedicated was 40 feet wide. Mayor Taylor said if they wanted to move it to a 44 or a 48 foot street, they would have to condemn or buy that property from people to make it that much wider. Mr. McLeod said normal procedure was to require dedication. If anyone had any land use action, such as putting in a new chiropractic clinic, they dedicated enough land to build the street that they needed. For places that were already developed, such as the bank site, there were no easy answers to get that width.

Mayor Taylor said as they talked about annexations, staff had some set standards. If they were running into situations where they thought they did not have wide enough streets to accomplish all of this, that was where they needed to make the change. They had to make a choice to buy some property, widen streets, or live with it the way it was. Mr. McLeod said they generally do

not buy right of way, they made improvements in exchange for right of way. They re-landscaped their front, got rid of rock shoulders, put in curbs, put in sidewalks, etc., in exchange for that dedication.

Mayor Taylor said when Mr. McLeod said 40 feet, that did not include the sidewalks. Mr. McLeod said that was correct. Mayor Taylor said they would have 40 feet of asphalt and then they would talk to people about having a sidewalk. Mr. McLeod said yes.

Councilor Prince asked how wide Holly was? Mr. McLeod thought it was 80 feet wide. The old part of town had a lot of 80 foot right of ways.

Councilor Prince said if they were talking about a bike path, they could use Holly that ran parallel to Ivy and went to Territorial, rather than trying to do them on Ivy. Mr. McLeod said he was referring to the old part of Holly. In other places on Holly, there had been subdivisions that had 40 foot right of ways and 40 foot streets curb to curb right to the edge of the right of way, and there had been subdivisions that were required to give 60 feet and build a 36 foot road in the middle. Holly would be an easier way to get the bike route into town.

Councilor Prince thought trying to widen Ivy was not the best way to use City funds. Mr. McLeod said the reason they were putting bike lanes on all major streets was because the Transportation Plan identified collectors and arterials as the routes for bikes. A lot of times they received federal or state money and were required to spend a certain amount on bike and pedestrian improvements.

Mayor Taylor said he thought this was a topic where they should have some more discussions, especially in regards to what they wanted to do when they got to these confrontations between bike paths, parking, and road widths. He wanted a workshop on this. Councilor Daniels thought that was a good idea.

Jerry Pineau said they might start off with an informational session first, because the update of the Transportation System was coming up too. If they tried to resolve it all in one workshop, it might be too much. He wanted to have an informational workshop sometime in August.

The motion to adopt Ordinance 1024 passed 6-0 on first reading.

Ordinance No. 1025 - Jerry Pineau said the next Ordinance was about awarding a bid for the Pioneer Plaza improvements. They received two bids, one from D & D Concrete and Utilities for \$144,853, and the other from Parker NW for \$168,921. What they wanted to do that night was to introduce the Ordinance so they could keep the project going. One of the difficulties they were running into was meeting their budget. There was a difference between their budget and the bids, which was around \$30,000. They wanted to have this introduced with the potential of awarding it and negotiate to see what they needed to exclude out of the contract, and what they could postpone, and some kind of recommendation to get further contribution from the parties

involved. As far as the bid went, it would be a completed job, but it was not quite going to meet the expectations of CBR or the Chamber. To keep the process going, they wanted to have a first reading on this and then come back with the finished proposal.

Mayor Taylor said if they were to approve this recommendation, they did not have the money and they would have to negotiate. Jerry Pineau said that was correct, they wanted to introduce the ordinance and then they would work on the final contract price, because right now they did not have the funds to award the whole contract.

****Councilor Daniels moved to adopt Ordinance 1025, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH D & D CONCRETE AND UTILITIES, INC. FOR CONSTRUCTION OF PIONEER PLAZA IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY be posted and come up for final reading on July 7, 1999. Motion seconded by Councilor Harris.**

Mayor Taylor was concerned about this. The approach they were taking in trying to work with the bid made a lot of sense. This was one of the first active steps they were taking on the downtown revitalization piece. The way they did this particular construction set the tone for the rest of what they were going to do. It said whether they would cheap out on this. They needed to talk seriously about what it was worth to the City to support this and to the downtown vitality of the City. This was the beginning of an event plaza and tied to the whole downtown. He wanted to discuss whether it was worth it to look at the budget and see what additional funding the City could give to let it come in at a realistic number. Maybe they could get this down some, but he thought they would have to start cutting costs. This was the first step and either they were going to do it right or they should rethink it.

Councilor Carson asked for a break down of where the money was coming from. Jerry Pineau said the City gave \$18,000, the Mount Hood Economic Alliance gave a grant of \$74,000, the Cutsforths donated \$25,000, and Canby Telephone donated \$25,000. Some of the project was not part of the contract with D & D, such as the lights.

Mayor Taylor said they needed to find \$30,000. Jerry Pineau said they might be able to reduce it some, but they could not reduce it \$30,000 and make it what their expectations were. The only other way they could do it was to do the project in pieces, such as not do the lights until next year. Mayor Taylor said they had some issues such as the property was owned by someone else, but if the Council wanted to go after this, they could work out some agreement, such as a lease, sub-lease, to make it part of the community. Jerry Pineau said an Intergovernmental Agreement was in process which allowed the community access in there. It did give them a public use basis and gave them a rationale to fund it.

Councilor Daniels agreed with the Mayor. He thought they should give Jerry Pineau some time to work on this, but they should also look at other sources of funds.

Mayor Taylor said they had a committee made up of a variety of people that worked on what should or should not be in this project, and had tried to hone down the cost and still get the best quality project. He was concerned that they would go past that and start hacking things.

Councilor Prince said they just voted to add an extra \$50,000 of State revenue in the budget, so they did have some extra funds for it. It was important that downtown develop while Fred Meyer was developing. A new look downtown was the first step of revitalization and he did not want to hack anything either.

Councilor Lucas asked if there was going to be guaranteed public access to that property? If the property was sold, would they still have access to it? John Kelley said he had not seen any proposed agreement. Jerry Pineau said at this stage, they were intending to have in the agreement that if they sold it, that agreement went with the property. They would probably end up recording the agreement. John Kelley said it would be in the nature of a public easement.

Councilor Lucas did not want to cheapen the project either, but he wanted to know that there was guaranteed public access on that property also, especially if they were going to put City funds behind it.

Councilor Strong was for the project, but was concerned about giving funds to the project without having some guarantee it could be used for public access because it was private property.

Mayor Taylor asked if there was anyone opposed to funding this project. Councilor Daniels said there were other places to look for the funding, such as through other organizations.

Mayor Taylor said the Council wanted to do the project as it was designed. They wanted Mr. Pineau to see if the other partners would like to donate additional money and it was very important to the Council that the agreement would guarantee public access on the property. Jerry Pineau said he could get a letter of intent to get those terms down.

The motion to adopt Ordinance 1025 passed 6-0 on first reading.

Mayor Taylor moved to Resolution 709.

Resolution No. 709 - Jerry Pineau said this was a Resolution that requested Clackamas County to surrender jurisdiction over a certain portion of N. Redwood Street from the Union Pacific right of way north going up Redwood to the end of the Buchanan property on the east and tying in to Erika Acres. There was some portion of Erika Acres that they would not be picking up. In talking to the County, to expedite this faster, they looked at the Oregon Revised Statutes which said they could do it through a legislative action, such as a Resolution requesting the surrender of jurisdiction, which made it only one hearing for the County Commissioners. The reason they wanted this section was because that was where Gramor was doing the Railroad crossing and part

of the approach to the Railroad crossing going down Redwood were just two lots away from joining up with Erika Acres. They had to get the right of way from the Buchanans to be able to come across and make that connection plus the drainage easement, and in exchange they agreed to do improvements along there. It made sense to get jurisdiction now.

****Councilor Harris moved to adopt Resolution 709, A RESOLUTION REQUESTING CLACKAMAS COUNTY TO SURRENDER JURISDICTION OVER A CERTAIN PORTION OF NORTH REDWOOD STREET WITHIN THE CITY LIMITS. Motion seconded by Councilor Prince.**

Councilor Lucas asked where the portion was, was it just the shaded portion on the map? Mr. Pineau said yes. Councilor Lucas did not understand the Erika Acres part. Jerry Pineau said they came half way down to the shaded part, and they might as well pick that point.

The motion to adopt Resolution 709 passed 6-0.

Jerry Pineau said in regards to the electrical poles on N. Redwood, they would be moved in the next two to three weeks.

Mayor Taylor announced that the Tri-Met effort was sitting on the Governor's desk. He thanked Mr. Pineau for his work on that issue.

Councilor Lucas asked how they were going to do that, a workshop or a task force? Jerry Pineau said since they could not petition until January 2001, in the next 60 to 90 days he would gather as much information as he could and then go back to the Council and get a task force put together. He thought that would happen in August or September so they could work on the plan the first of the year.

Mayor Taylor said they just wanted to make sure they did not miss their window, he wanted Mr. Pineau to give them a lot of time on the end in case something went wrong. Mr. Pineau said he was figuring a year, January 2001 was the earliest a petition could go in.

Ordinance No. 1026 -

****Councilor Prince moved to adopt Ordinance 1026, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR 1999-2000 FISCAL YEAR be posted and come up for final reading on July 7, 1999. Motion seconded by Councilor Harris, and passed 6-0 on first reading.**

Ordinance No. 1027 -

****Councilor Daniels moved to adopt Ordinance 1027, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO PURCHASE A 1999 FORD CROWN**

**VICTORIA FOR THE USE OF THE ADMINISTRATION DEPARTMENT; AND
DECLARING AN EMERGENCY be posted and come up for final reading on July 7, 1999.
Motion seconded by Councilor Harris.**

Councilor Lucas asked if there was a reason they were buying this instead of leasing it? Beth Saul asked Joe at the Motorpool to look into what it would cost to buy a car, he had not looked into leasing one.

Mayor Taylor said they moved to leasing vehicles from the State Motorpool, and they were doing that now instead of purchasing vehicles because it was more cost effective. Chief Giger said that was correct, but they had to have a certain amount of miles in order for it to pay for itself.

Councilor Harris asked how this car would be used? Beth Saul said this was the new City Administrator car to replace the old one, which was about ten years old. The old car was a Ford Taurus.

Councilor Lucas asked if that car had always been used for that purpose? Ms. Saul said yes.

Councilor Lucas asked if she knew what the mileage was on that? Ms. Saul did not know, it was mostly used to go to meetings and was sometimes used by other staff to go the post office, etc. Councilor Lucas thought leasing would make the most sense to him.

Councilor Prince asked what line item this was coming out of? Beth Saul said it was in the Motorpool reserve.

Mayor Taylor said a Crown Victoria was a nice looking vehicle, and they may want to scale it down a notch in the type of vehicle they were going to give the City Administrator. Beth Saul said Joe simply gave her the choice of the Crown Victoria or Ford Taurus.

Councilor Lucas thought those were good choices, he just wanted to look into the lease. Ms. Saul said they could take a little longer to work on this, they were thinking that it would be nice to get it soon because the new City Administrator was coming soon.

Chief Giger said the mileage on the Taurus was 69,000 miles. Councilor Lucas retracted his previous opinion and thought they should buy it.

Councilor Harris said the old Taurus should still be a good car. Ms. Saul said it was, but there was other staff who were waiting for a car.

Councilor Lucas thought it was better to buy the car than to lease it because there were so few miles on it.

Councilor Carson asked if they had a price on a Taurus? Ms. Saul did not have a price.

Mayor Taylor said they had an Ordinance in front of them authorizing purchase of this vehicle, and after discussing the option to lease he got the feeling from the Council that they were comfortable about purchasing a car. The question was, was this the right car?

Councilor Strong wanted to see the price on the Taurus also.

Councilor Lucas thought it was hard to find a car for \$22,000. He thought they should get it.

Councilor Prince wanted to look at the comparison between the Taurus and the Crown Victoria. He did not think they needed to rush.

Councilor Harris said a Taurus was a nice car and adequate for what it was going to be used for, and he knew that a Crown Victoria was several thousand dollars more. He was in favor of delaying this decision.

Mayor Taylor said there was a whole bunch of different makes and models of cars, and he didn't know why they stuck with Fords. Ms. Saul said since the Police Department used all Crown Victorias, it was sensible for Joe since he worked on them all to have similar cars.

Mayor Taylor said the State changed cars and contracts every few years, so those models could change. Councilor Lucas said it made sense parts wise, if they had all of the same cars, it was a lot easier to stock parts and filters for them.

Mayor Taylor wanted to look on comparison costs and some reasons for limiting it to Fords. Mayor Taylor wanted to table this Ordinance until the next Council meeting on July 7.

****Councilor Daniels moved to table Ordinance 1027 until the next regularly scheduled Council meeting on July 7, 1999. Motion seconded by Councilor Harris and passed 6-0.**

Beth Saul wanted them to know that Mark Adcock, when offered the choice between the Taurus and Crown Victoria, said either one would be fine, but whatever it was, he didn't want anything fancy on it and only wanted the basics.

Resolution No. 706 -

****Councilor Daniels moved to adopt Resolution 706, A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES. Motion seconded by Councilor Prince, and passed 6-0.**

Resolution No. 707 - Beth Saul said this was a transfer resolution to move some money back and forth in the Tech Services Fund and Sewer Fund to balance things up for the budget. This was a housekeeping issue where they had too much in one place, and not enough in the other, but it was

all in the same fund, and these transfers made the auditors happy.

****Councilor Harris moved to adopt Resolution 707, A RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN BUDGET LINE ITEMS TO BALANCE THE 1998-1999 BUDGET. Motion seconded by Councilor Carson, and passed 6-0.**

UNFINISHED BUSINESS: None.

MANAGER'S REPORT: Ms. Saul said the Council had requested to have meetings with the Canby Utility Board, Planning Commission, Council, and School Board every quarter. July 19, 1999 was a proposed date for the next meeting. The Council agreed to meet on that date. Councilor Prince said that was a good date because the School Board would be making some decision about going out for some funding. The meeting would be at 7 p.m. at the Adult Center. Ms. Saul said she also had a request that the Blue Heron Recreation District Board be present at that meeting also. The agenda would be: future annexations, joint facilities, and land acquisition. Councilor Harris said they should let Canby's State Representative and Senator know about the meeting as well.

Ms. Saul said she received a request from a citizen to have a Y2K Forum that the public could come to and be assured that the City was planning for Y2K problems. They wanted to have that forum in September. Councilor Prince asked if the City was planning on doing any kind of testing to see if they were ready? Ms. Saul said CUB had been doing a lot of testing. Steve Hanson had also been doing a lot with the computers and the Sewer plant. Chief Giger was the Y2K guru. Ms. Saul said they had been getting forms and questionnaires from the City's insurers and he had been checking all of those things out. If anything important did fail, they had an emergency plan. Chief Giger said he would be happy to give the Council a copy of where they were at with their Y2K process and also the Emergency Management Group for the City and Fire District were putting together a public information session and had emergency management information and materials in case something was Y2K affected, people would know how to continue with their lives.

Ms. Saul said they were still plodding along on the Council Chambers remodel. They got a valance for the curtain, finished painting the walls, and had some tack boards coming for the rest of the maps. Starting the first of the year, they could do chair testing. Mayor Taylor also complimented Councilor Harris and Lucas and the staff for their help in that remodel.

COUNCILORS' ISSUES: Councilor Lucas said the new City Administrator, Mark Adcock, would start on Monday, June 21, 1999.

Councilor Harris said there was an article in the Canby Herald about the community concert series being in financial trouble. That was a great asset to the community and he wanted to remind everyone to buy tickets and support this program so they did not lose that asset. Councilor Daniels said the contracts for the concerts had to be made one year ahead. They were

not buying tickets to the concerts, they were buying memberships to the association. They also had reciprocity with other communities, such as Molalla, so you actually get to see 8 concerts for one price.

ACTION REVIEW:

1. Adopting Resolution 708, the City budget for 99-00.
2. Scheduling a special meeting on storm water planning on Willow Creek.
3. Signing the AAA contract with the Adult Center and Clackamas County.
4. Having Councilor Daniels review and authorize the City's year end accounts payable on June 30.
5. Bringing back Ordinance 1024 and 1026 for second reading.
6. Having staff work on Ordinance 1025, the public access agreement and refining the budget before the second reading.
7. Scheduling a workshop on bike lanes vs. parking and revisiting the Transportation System Plan.
8. Tabling Ordinance 1027 until staff has checked on the price of Ford Tauruses and non-Ford models.
9. Implementing Resolutions 706, 707, and 709.
10. Finishing setting up the workshop with the Council, Planning Commission, CUB, and School Board.
11. Scheduling a Y2K information workshop for the public sometime in the Fall.

Mayor Taylor said they had previously discussed having a workshop to discuss phase II of the Industrial Park, and he had not seen that scheduled yet. Jerry Pineau said he was waiting for IAA to get back to him.

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

Mayor Taylor recessed the regular session at 9:55 p.m.

Mayor Taylor reconvened the regular session and immediately adjourned the session at 10:55 p.m.

EXECUTIVE SESSION JUNE 16, 1999

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

Mayor Taylor called the session to order at 10:00 p.m.

ORS 192.660 1(d) - Beth Saul discussed AFSCME labor negotiations with the Council.

ORS 192.660 1(h) - John Kelley updated the Council on litigation likely to be filed regarding the Rinkes property and Moore Construction.

Mayor Taylor adjourned the session at 10:50 p.m.


Chauncey Seifried,
City Recorder pro tem


Scott Taylor,
Mayor



Prepared by Susan Wood,
Office Specialist