

CANBY CITY COUNCIL
REGULAR SESSION
OCTOBER 6, 1999

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

Also present: Recreation Services Director Beth Saul, Community Development Director Jerry Pineau, City Attorney John Kelley, Police Chief Jerry Giger, Sharon Tramel, Pat Johnson, Dirk Borges, Steven Amick, Jim and Dena McKibbin, Steve and Tess Spencer, Sue Loomis, Kevin Traaen, Carol Meeuwsen, Kay Lewelling, Terry N. Tolls, Craig Lewelling, Joe Driggers, Heather Deason, Jason Deason, Jean Tallman, Anna Phillips, Mark Gross, Gustavo Cruz, Lisa Weygandt, Ted Kunze, Buzz Weygandt, Judge Jon Henricksen, Kathy Mashek, Jim Scharmota, Anthony Spencer, Greg Larrison, George Tro, Tina Fuqua, Dolores Kilpela, Tony Feters, Greg Kroeplin, and Curtis and Lila Gottman.

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

Mayor Taylor moved to the Consent Agenda.

CONSENT AGENDA: **Councilor Harris moved to adopt the consent agenda: minutes of the regular meeting, September 15, 1999; accounts payable in the amount of \$210,265.09; dedication of right-of-way from Donald and Charlene Chase for improvements to a portion of North Ivy Street; and easement modifications in Tofte Farms. Motion seconded by Councilor Strong, and passed 5-0.

SPECIAL PRESENTATIONS: Swearing-In Ceremony for New Police Officers - Jerry Giger introduced the three new police officers, Anthony Spencer, Greg Larrison, and Jason Deason. He said they did a wonderful job completing the police academy and being in the top 20% of their class which was commendable. He turned to Judge Henricksen to do the swearing in ceremony of the new police officers.

Judge Henricksen stated that Jerry Giger certified Anthony Spencer, Greg Larrison, and Jason Deason to have obtained all of the qualifications necessary for the appointment of police officer by the City of Canby and Chief Giger recommended that he accept that on behalf of the City and swear them in. He then called them up to the front and had them face the camera. He initiated the oath of office, they signed the oath of office, and Mayor Taylor had the officers pin their badges on.

Chief Giger said it was a pleasure to have the officers be sworn in, in front of a televised community. He thanked Mayor Taylor and Judge Henricksen for participating in this endeavor.

Special Recognition for Retiring Lieutenant Jim Scharmota - Mayor Taylor wanted to honor Jim Scharmota for 23 years of service. He read a list of things Jim Scharmota had contributed to the City and things he had been involved with over the years. Mayor Taylor then presented him with a plaque.

Jerry Giger said it was a pleasure working with Jim Scharmota and he also expressed that he had learned a lot from him, and thanked him for all that he had done.

Mayor Taylor recessed the meeting at 7:45 p.m.

Mayor Taylor reconvened the meeting at 7:50 p.m.

Mayor Taylor moved to Citizen Input on Non-Agenda Items.

CITIZEN INPUT ON NON-AGENDA ITEMS: Jean Tallman, a Canby citizen, addressed the Council. Her concern had to do with the restriction of the access at the Senior Center on N. Ivy Street. She thought when the issue was first brought before the Council it was brought without the proper procedure. The Council did not have any studies done of the access. She felt this would benefit everyone if the issue was reopened with a traffic study and be able to get Staff input. She said according to Chief Jerry Giger there had never been any trouble at that access.

She explained they had taken the left turn traffic off of this access, but then the traffic went onto the 13th Street access which was a very troubled area. She said the parking lot had been opened to the traffic from the school parking lot which went through the Senior Center lot and out that access. She said there were five accesses from the front of the school to the edge of the Adult Center. She felt by taking the traffic off of the Ivy Street access and putting it onto the already overloaded access was not a good idea.

Mayor Taylor reminded everyone that they looked at a variety of options concerning the street and they were trying to deal with a number of issues at this same area.

Councilor Harris remembered voting on this issue but did not remember what the discussion was.

Mayor Taylor said it was presented by Lila Gottman who was representing the Traffic Safety Committee. She had a variety of pictures of the parking along 13th, in front of the school and the double parking along both sides. There was also discussion about not allowing parking in front of the soccer fields, and a recommendation to change the exit in the egress and move that piece out of the parking lot to move the traffic in what appeared to be more safer ways.

Councilor Lucas said it was also the problem with the turn lane and how close it was to the intersection. He said they had talked about not having many complaints before it was changed, it was changed because the parking lot was opened up.

Councilor Prince said there were a lot of issues that were brought up. He said there was very limited access, the next access would be Lee School which was quite a ways down. He explained there were quite a few accesses on 13th. He felt there was more of a need for this exit to go left instead of going right.

Councilor Lucas felt it was a good decision. He said he would like to go with a traffic study to prove it.

Councilor Harris said if they were going to do anything besides keeping it the way it was, the Traffic Safety Committee would have to discuss it and bring it back to the Council.

Mayor Taylor said Jean Tallman had collected a number of signatures from people that had similar concerns. If they were to refer it back to the Traffic Safety Committee to look just at this issue, he would assume those people might like to participate at the meeting.

Councilor Strong wanted to see it referred back to the Traffic Safety Committee.

Councilor Carson agreed to have it referred back also.

Councilor Lucas was worried about how surveys were taken. He asked how much would a traffic study be.

Mark Adcock said it would depend upon the scope. He could not give an honest estimate how much it would be. He explained they could possibly do something in-house, looking at accident history, traffic counts, or actual observation. He would discuss it with the Police Chief.

Councilor Lucas said he would like to do that. When they opened up the parking lot, it was different than it used to be.

Councilor Harris said the Chief had said there was no history of accidents or problems there. A traffic count would not be relevant. The issue was whether it was safe to make a left turn from the Adult Center south on Ivy.

Mayor Taylor said the history was they changed the lot inside, widened the road, put in a signal and also turning lanes. The original logic was that people could go out onto 13th, use the light to turn right or left and that would save on crossing traffic and turning left. He said there were folks in-house and there was also a Safety Committee, and perhaps people could just watch it for awhile.

Councilor Prince said what was driving this was all of the traffic on 13th. He would like to see maybe one alternative which might be connecting Lee School with the Middle School and having an alternative way of getting onto Ivy if that was possible.

Mayor Taylor said the sense of the Council was to have a review of this decision, give the Council some ideas and choices they had, and then let the Council know if they needed to hire a traffic engineer or whether they had the information without doing that.

Joe Driggers, who served on the Clackamas County Commission of Children and Families, explained they funded a study by the Hispanic Interagency Networking Team of Clackamas County in looking at services for the Hispanic population in the county. He passed out the Executive Summary of that report for the Council and two copies of the complete report. He explained there was a lot of excellent information included in the report, as far as focus groups, and there was a lot of good information regarding the schools.

Mayor Taylor said part of his initiative for the year was to begin working on the Community of Promise which was working on children's issues and he was hoping that Joe Driggers would be one of the representatives they could call on.

Mayor Taylor moved to Communications on the agenda.

COMMUNICATIONS: Judge Henricksen's Yearly Report - Judge Henricksen addressed the Council and members of the community. He explained they completed the 20th year in very good form. He explained the goal that was suggested by the Supreme Court for the State of Oregon was to have the number of cases that were opened each month, there should not be a backlog of more than two times that or 60 days, and from opening to completion the cases should not go beyond a 90 day period of time. From July 1, 1998 through June 30, 1999 there were 3,927 cases filed into court which included 178 major traffic crimes, 379 other crimes such as domestic violence, other forms of assault, property damage cases, bad check cases, and any other misdemeanors that were committed inside the jurisdiction of the court and that were prosecuted. There were 60 other ordinance violations which included barking dogs and other code compliance matters. He went on to say they closed 3,449 cases, they have 647 cases pending which was more than he liked to have. He said a lot of those were minor traffic offenses by the dedicated traffic safety officer which was no longer with them so there was a backlog of his cases that needed to be held for a while.

He said they were in excellent shape as far as everybody getting an opportunity in court to have their case heard in a timely and efficient manner. The revenues were way up. They collected approximately \$290,000, which was disbursed as budgeted, paid for expenses as were budgeted, and had an overage of a considerable amount where they could take care of other policemen's salaries, the City Attorney's functions, etc. He said it was an excellent year and that was all geared to the excellent work that was set by the Court Clerks in the collection steps and procedures that were in place in the community. He said for next year they could use either a half time Court Clerk or a full time Technical Specialist Clerk. He commended Ron Russ who had served as the interpreter in the courtroom. He explained he had helped the Hispanic community in ways the public did not know about. He helped them understand the need to comply with community rules and laws, study for drivers license examinations, understand what

a form meant, and he did all of that without pay. He said Ron Russ charged them \$25.00 per week to interpret for approximately 25-30 Hispanics per week.

He said they were fortunate to have three contract attorneys that did all of the court appointed work, one who spoke Spanish fluently, at a rate that was \$65.00 an hour , which was under what the Supreme Court said they were supposed to pay. He said among the three attorneys, they had 565 cases in one year and they had \$22,000 to do the work.

He explained the only problems they have had was every time the Legislature met, they would change the rules. The citizens would be noticing the fine structure was going to be changed and there would be mandatory things that would limit the Judge to make discretionary decisions.

Mayor Taylor said there was a significant change in the drinking laws in Oregon. When people got to their fourth DUII they would have the opportunity of going to prison. Judge Henricksen said there was going to be a new law which will try to be put through the next legislature. Anyone licensed by the State of Oregon for example, doctors, lawyers, etc., that had any conviction of driving under the influence of alcohol or drugs will be a mandatory loss of their license forever. Judge Henricksen also wanted the community to know the number one killer of traffic offense violations were people running red lights.

Mayor Taylor thanked the City Attorney for the great work he did, and Judge Henricksen agreed.

Mayor Taylor read a letter from a Canby citizen complimenting Judge Henricksen.

Councilor Prince asked Judge Henricksen how he felt about going to a smaller docket or adding another court day. Judge Henricksen said he was looking into that and if it was needed, they might expand and do a dual arraignment day. Arraignments would be from 8:30-9:30 and from 3:30-4:30, and do everything else in between which would help the volume in the morning.

Judge Henricksen said Canby had been singled out for an experiment they started two and a half years ago as ordered by the Clackamas County Juvenile Court for possession of tobacco by minors enforcement. He said the impact on the community streets and around the business areas had been reduced by this.

Councilor Carson thanked the Police Chief and Police Department for getting out there and slowing people down.

Councilor Harris thought the City should give Ron Russ some type of recognition. Mayor Taylor wanted John Kelley and Mark Adcock to work on that and see what he would need to make his job easier or something else that might benefit him.

NEW BUSINESS: Clackamas County Dispatch Center Member Board Charter - Jerry Giger briefly explained they had a charter with Clackamas County, or C-Com, since they were dispatched by that agency for emergency communications. The reason it was before the Council was because they took out those things that were significant to fire and police and they were asked by the County Administrator to take it to the elected board for approval and return it to Clackamas County.

****Councilor Harris moved to accept the Clackamas County Dispatch Center Member Board Charter as outlined and to authorize the Mayor to sign on behalf of the City. Motion seconded by Councilor Lucas.**

Councilor Prince asked if C-Com was keeping any type of record on response time. Chief Jerry Giger said every time they took a phone call and opened up the screen it would automatically record the time. After they received the information and sent it on to be dispatched, another time would be recorded. The requirement was 45-90 seconds to get the call and get it ready for dispatch.

Councilor Harris said a couple of years ago the City had their own dispatch center and everyone was nervous about switching over to the County's communication center. After they made the change he had heard that efficiency had been improved. It was cost effective and it was a benefit to the community.

****The motion to accept the Clackamas County Dispatch Center Member Board Charter passed 5-0.**

Pioneer Plaza Improvements Change Order Number 1 - Mark Adcock said the change order was necessary because there were some off site modifications to the public right of way resulting in the final construction of the Pioneer Plaza project. Originally they were going to merge Pioneer Plaza with the 2nd Avenue street scape. The decision was made to wait until they were able to tie it into some master planning. He explained there was also a reduction in costs to the project itself which was included in Curt McLeod's report.

****Councilor Prince moved to approve Change Order Number 1 for the Pioneer Plaza Improvement Project Contract with D&D Concrete & Utilities, Inc. Motion seconded by Councilor Harris, and passed 5-0.**

Mayor Taylor said they had a celebration at the Pioneer Plaza this weekend and he thanked Jerry Pineau personally for the work he had put into it.

Mount Hood Economic Alliance Rural Investment Fund Grant Award Contract for the Canby Gateway Beautification Project - Mr. Adcock said several meetings back they approved the design scope that related to the gateway project on 99E. He told the Council they would be bringing back the contract to implement the grant and they now had all of the necessary documentation.

****Councilor Harris moved to authorize the Mayor to execute the Mt. Hood Economic Alliance Rural Investment Fund Grant Award Contract. Motion seconded by Councilor Prince.**

Councilor Harris said the Mt. Hood Economic Alliance would be providing \$30,000 and \$30,000 would be coming from the City, as well as donations from Hank Jarboe, Canby Chamber of Commerce, and Canby Square owners and merchants.

Motion to authorize the Mayor to execute the Mt. Hood Economic Alliance Rural Investment Fund Grant Award Contract passed 5-0.

ORDINANCES & RESOLUTIONS:

Ordinance No. 1032 - Mr. Adcock said in addition to Jerry Pineau, Charles Kupper, the City's Urban Renewal consultant who had been working with the task force, the citizens group, and also with Staff throughout the year long process of developing the plan and report, was there to answer questions. Carol Meeuwsen, who was the chairperson of the Urban Renewal Task Force, was also there that evening. He stated at the last Council meeting they passed the first reading of the ordinance which established the City Council as the Urban Renewal Agency.

****Councilor Harris moved to adopt Ordinance 1032, AN ORDINANCE DECLARING THAT BLIGHTED AREAS EXIST WITHIN THE CITY OF CANBY, RECOGNIZING THE NEED FOR AN URBAN RENEWAL AGENCY TO FUNCTION WITHIN THE CITY OF CANBY AND PROVIDING FOR THE EXERCISE OF THE AGENCY'S POWERS BY THE CITY COUNCIL OF THE CITY OF CANBY. Motion seconded by Councilor Carson.**

Jerry Pineau wanted the Council to keep in mind if they did establish the agency, the second portion would be to get directions to go ahead with the process. He said by adopting the Urban Renewal Agency ordinance, it would not establish the Urban Renewal Plan.

Jerry Pineau had Carol Meeuwsen, the chairperson of the task force, introduce the Urban Renewal Task Force to the Council and audience.

Layton Perkins, who was a property owner at 446 S Walnut, wanted the Council to consider some of the wishes of the property owners. He was concerned about having another layer of government in between the property owners and the Council. They wanted to directly meet with

the Planning Commission and the Council on many items that would need to be discussed as things progressed.

Councilor Prince said the only thing they were voting on was looking at urban renewal as a way of financing improvements, but they would not be deciding on the final look of it.

Mayor Taylor stated he was going to be a strong advocate for the Council to be the Urban Renewal decision body since it would be deciding on tax base and management of fiscal matters.

Councilor Harris appreciated Mr. Perkins making comments to the Council because this was an unusual and a very large undertaking for the City. He said in the title of the ordinance they used the term "blighted areas." He wanted someone to explain to the audience what that meant. Jerry Pineau said it wasn't 30 years ago when people looked at a place and said it was blighted because it was falling down and needed repairs. What it was, was giving the community an opportunity to look and say what things they needed to keep as a viable community on the basis of livability, planning, and creating jobs.

The motion to adopt Ordinance 1032, passed by roll call vote, 5-0.

Carol Meeuwsen said the task force had finished a report and plan after a year-long process which had taken a lot of work. She said as a group they worked well to get to the point where they were this evening. She said they did not agree on everything because they represented varied groups. She said there was a lot of work to be done. They needed to prioritize the list of projects, they did not set a budget to begin the process, nor did they select a Staff.

Mayor Taylor thanked Carol Meeuwsen for the amount of time, confrontation and conversations that went on and the difficulty it took to get to this report.

****Councilor Harris moved to approve the enclosed report on the Canby Urban Renewal Plan for the purpose of proceeding with the approval process as required under ORS Chapter 457 and direct City Staff to proceed with the process forth wit. Motion seconded by Councilor Lucas.**

Councilor Prince said all they were doing here was moving forward with a schedule of work. They were not deciding on any direction. He said over the next few weeks there were going to be a lot of opportunities for people to make comments.

Jerry Pineau said there was a provision that they had to give special notice to all property owners within the City, throughout the City, and those areas being affected outside of the City.

Councilor Prince thought the ramifications to the City budget was about 25% of the net worth of the City. Jerry Pineau said they were close to 25% of the total area but he believed the assessed valuation was approximately 12.5%-14% depending on the development.

Mayor Taylor said there would not be a reduction in the current valuation of taxes, they were talking about the future amounts they would be dedicating to this event.

The motion to approve the enclosed report on the Canby Urban Renewal Plan, passed 5-0.

Mayor Taylor recessed the meeting at 9:03 p.m.

Mayor Taylor reconvened the meeting at 9:15 p.m.

Ordinance No. 1033 -

****Councilor Lucas moved to adopt Ordinance 1033, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER-NORTHWEST PAVING COMPANY FOR CONSTRUCTION OF NORTH REDWOOD STREET IMPROVEMENTS; AND DECLARING AN EMERGENCY. Motion seconded by Councilor Strong, and passed by roll call vote, 5-0.**

Resolution No. 717 - Mr. Adcock said at the last Council meeting, Jerry Pineau had brought a draft copy of a resolution and a letter to the Council and now it was in final form to convey it onto the County.

****Councilor Prince moved to adopt Resolution 717, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY REQUESTING THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS TO INCREASE FUNDING AND PRIORITY TO UPGRADE COUNTY ROADS WITHIN THE CITY OF CANBY TO CITY STANDARDS. Motion seconded by Councilor Carson, and passed 5-0.**

Resolution No. 718 -

****Councilor Lucas moved to adopt Resolution 718, A RESOLUTION TO ACCEPT DEDICATION OF LAND FROM DONALD D. & CHARLENE R. CHASE FOR NORTH IVY STREET RIGHT OF WAY PURPOSES. Motion seconded by Councilor Prince, and passed 5-0.**

UNFINISHED BUSINESS: Approval Process for Canby Urban Renewal Report & Plan - This was discussed under Ordinances and Resolutions, Ordinance Number 1032.

Pioneer Plaza Agreement - Jerry Pineau passed out a copy of a grant of easement from a lady who was out of town at the time the packet was completed. He explained Pioneer Plaza was funded and opened but there were a few things that needed to be done. One was to get a maintenance and use agreement with the owners of the property so they could have City sponsored, community events. He said those people who wanted to put an event on would have the responsibility to clean up after themselves.

****Councilor Lucas moved to approve the Maintenance Agreement and accept the three easements that were listed in the packet with the addition of the Altenhofen's easement. Motion seconded by Councilor Harris.**

Mayor Taylor said they were responsible for maintenance and repair of the public property and were responsible for the cleanup. He asked if the Chamber approved someone to use it, would the City have to clean it up. Jerry Pineau said no, it would be in coordination with the City. They would be doing the process and the City would be signing off in case someone was injured in an event in which the City sponsored.

The motion to approve the Pioneer Plaza Maintenance and Use Agreement and accept the three easements that were listed in the packet in addition to Altenhofen's easement, passed 5-0.

MANAGER'S REPORT: Mark Adcock said the first meeting of the Clackamas County Concurrency Task Force meeting was going to be held Thursday night, and he would be representing the City. For those interested in attending, it was going to be at 7:00 p.m. at the Pioneer Community Center in Oregon City.

Mark Adcock also said the Council should have received the registration materials for the League of Oregon Cities annual conference. They were also asking for a voting delegate for the business meeting on November 14 as well as an alternate delegate. Mayor Taylor volunteered to be the primary voting delegate and have Mark Adcock be his alternate.

The Council concurred.

Mark Adcock said it was that time of year again to hold the quarterly meeting with the School District, Planning Commission, Council, and Canby Utility Board. Staff would coordinate the meeting.

COUNCILORS' ISSUES: Councilor Prince said he was privileged to go to the touching MIA/POW ceremony. He encouraged people to attend next year.

Mayor Taylor asked how the investigation was going on finding additional office space. Mark Adcock explained Jerry Pineau had been in discussion with the two individuals who were interested in purchasing the Mangus building. They had given them a dollar per square foot lease rate, but they were still waiting on what that amount included.

ACTION REVIEW:

1. Refer the matter that was brought up by Jean Tallman to the Traffic Safety Committee.
2. Implement the dedication of right of way from the Chase family for N Ivy Street improvements.
3. Implement easement modifications in Tofte Farms.
4. Execute Clackamas County Dispatch Center Charter and convey to the County Administrator.
5. Implement Pioneer Plaza Improvements Change Order Number 1.
6. Execute Mount Hood Economic Alliance Rural Investment Fund Grant Award Contract.
7. Implement Ordinance 1032 and authorize City Staff to move forward with the adoption components of the Urban Renewal District.
8. Implement Ordinance 1033.
9. Implement Resolution 717 and 718.
10. Approved Pioneer Plaza Maintenance and Use Agreement with the additional easements.
11. Will be working with City Attorney to work with court interpreter to see what could be done to facilitate his job with the Judge.
12. Accepted the executive summary from Joe Driggers regarding the Hispanic Interagency Networking Team of Clackamas County.

Councilor Lucas thanked City Staff for the wonderful newsletter. He felt it was very informative.

Mayor Taylor said it would be beneficial for him to spend some time with the Jerry Pineau and the Urban Renewal Task Force for a briefing of the Urban Renewal and make sure they understood where the key policy points were and the operation issues that have been decided on. He wanted to schedule a workshop before the next Council meeting which would be October 20 at 6:00 p.m.

****Councilor Harris moved to go into Executive Session under ORS 192.660 1(h) pending litigation. Motion seconded by Councilor Prince, and passed 5-0.**

Mayor Taylor recessed the regular session at : 9:37 p.m.

Mayor Taylor reconvened the regular session and immediately adjourned the session at 10:40 p.m.

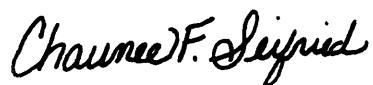
EXECUTIVE SESSION
OCTOBER 6, 1999

PRESENT: Mayor Scott Taylor, Councilors Prince, Harris, Lucas, Carson, and Strong, City Administrator Mark Adcock, Community Development Director Jerry Pineau, City Attorney John Kelley, and Pat Johnson.

Mayor Taylor called the session to order at 9:45 p.m.

ORS 192.660 1(h) - The City Council engaged in discussion with the City Attorney regarding pending litigation related to the Advanced Financing District for the Redwood Street Storm Drainage Improvements.

Mayor Taylor adjourned the session at 10:40 p.m.



Chaunee Seifried,
City Recorder pro tem



Scott Taylor,
Mayor



Prepared by Sharon Tramel,
Office Specialist