CANBY CITY COUNCIL
REGULAR SESSION
APRIL 1, 1998

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

Also present: Administrator & City Recorder Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, City Treasurer Chaunee Seifried, Planning Director Aneta Synan, Susan Wood, Curtis and Lila Gottman, Cam Sivesind, Jane Jung, Marlene Palmen, and Curt McCleod.

Mayor Taylor called the session to order at 7:30 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: Jane Jung, co-owner of the Cottage Kitchen, discussed her concern over a parking place in front of her restaurant used for Francesca's Coffee Shop from 6-8 a.m. every morning. This space was for fifteen minute parking only. One of Ms. Jung's customers, Mr. Railey, received a ticket for parking there because he had seen no fifteen minute parking sign. Ms. Jung stated there were many other places to park, such as on Grant Street, at that time other than in front of her restaurant. Also most other businesses were closed at that time and their parking could be utilized. Police Chief Jerry Giger and Kathy Henderson from the Chamber of Commerce, stopped by the restaurant and City Administrator Michael Jordan talked with Ms. Jung over the phone about this concern. Ms. Jung also stated that many elderly people used that parking space because it was close to the door and there were many people who came to the restaurant early in the morning.

DISCUSSION: Mayor Taylor stated that Chief Giger had given the Council a report on the history of downtown parking and was there to answer any questions they might have.

Councilor Lucas said he heard that the Chamber of Commerce was going to look at downtown parking and make a recommendation to the Traffic Safety Committee, and Mayor Taylor said that was still being put together.

Councilor Harris stated that many of the businesses around Ms. Jung's restaurant were closed that early in the morning. What would be the harm of Francesca's using more spaces, but having them all on Grant instead of 1st Street?

Mayor Taylor stated that he had driven downtown that morning to take a look at the situation. He drew a diagram to show where the two parking spots Francesca's was using were. He also commented that the two most active businesses between 6-8 a.m. were right next to each other. People who wanted coffee could still pull into the two hour parking spots for the Cottage Kitchen. There would be a change of traffic flow no matter what the Council did, and there would be a different business environment at that corner.

Councilor Nolder said Ms. Jung had come to him with her concerns prior to the Council meeting. He then had a meeting with Kathy Henderson and Heidi Henry in the Chamber of Commerce and found out there was no process in place for a person to notify changes in parking to other businesses, such as removal of a parking spot or time limits changed. Had someone notified Ms. Jung about the change of parking, circumstances might have been different. There was now a proper process of notification and he believed that if the process was allowed to work, the problem would solve itself.

The Mayor felt Ms. Jung wanted some resolution to the problem tonight while the process was taking place.

Councilor Nolder stated that the 15 minute parking in front of Ms. Jung's was not permanent until the process was completed.

Mayor Taylor said that the Chamber was an important part of resolving the problem because of the change in businesses and the need to encourage and keep the downtown area vital. He stated that this incident had showed them that there needed to be a process put in place.

Chief Giger stated that the request from Francesca's was to have three parking spots for an additional hour, and they cut back to two spots and only two hours. Also, this was only going to be a temporary basis for parking until the rest of the downtown area was evaluated for other 15 minute signs, or limited parking places. It was to be an experiment to see if business and the public liked having short term/long term parking as some businesses did not need two hour parking spots.

Councilor Daniels asked if the other space Francesca's used was on Cottage Kitchen property. Mr. Jordan referred to the diagram.

The Mayor commented that the issue of Handicap parking that Ms. Jung brought up was an important one. It might be more appropriate to put Handicap parking close to both businesses and move the 15 minute parking spots somewhere else. However, customers had at the most a hundred foot walk wherever they were parked to get to the businesses. He stated that Francesca's moves a heavy volume of traffic in the morning. The reason the 15 minute parking spots were put on that street was so the traffic could come from more than one way. He suggested to move the 15 minute parking spot across the street in front of the Video store. He also stated that customers getting coffee would still park in the two hour parking, it was a first come, first serve basis. He would like to accommodate both businesses and while the downtown study was going on, move the 15 minute parking spot across the street.

Councilor Strong asked if it should be moved to the Railroad parking area. Mr. Jordan stated that the issue was the convenience of getting in and out, as most people going to Francesca's were commuters.

Councilor Daniels agreed with the Mayor that the parking spot be moved across the street.

Mayor Taylor stated that this one space would not make or break either business with the volume they both have. It only changed the parking to "survival of the fittest," whoever got there first, got the spot, like Mall parking.

Councilor Nolder stated that he did not want to get into decisions that the Traffic Safety Committee were going to make. However, he felt moving the 15 minute parking space temporarily was a good idea.

The Mayor stated that the Traffic Safety Committee had put the space where it was now. He reiterated this would only be a temporary solution.

Councilor Lucas thought it was a good suggestion also.

Mr. Jordan stated that a group of business owners were being put together to propose the best plan for the downtown core, the plan would then go to the Traffic Safety Committee to make sure there were no traffic hazards, and then the plan would go to the Council. He was not sure how long that process would take. There were many other parking concerns that needed to be hashed through as well, such as short term, handicap, employee, and long term commuter parking.

Councilor Strong stated that her suggestion to put the 15 minute parking space in the Railroad parking area was because the traffic coming off 99E could turn in and use it on the way out of town towards Barlow.

Mayor Taylor stated that they could come to the first open parking space and still be pointed in that direction. There were many ways they could come and many places where they could park.

****The Council agreed by consensus to move the 15 minute parking spot in front of the Cottage Kitchen to the front the Video store temporarily until the Traffic Safety Committee would meet and decide where it should be.**

Councilor Harris stated this was fine with him. His biggest concern was that the 15 minute parking spot be moved from in front of the Cottage Kitchen. He also stated that there was no shortage of parking at that time in the morning other than right in front of the restaurant, so putting a sign in front of an empty space anywhere was humorous, but it solved the problem at hand.

Mayor Taylor said that it at least started a pattern of moving traffic and making people aware that there would be different time zones throughout the City to facilitate different businesses.

Mr. Jordan stated that in traditional downtown parking, short term parking was placed at the end space in every block to accommodate different businesses' optimum parking situation.

Councilor Harris stated that the situation was unique in the fact that the only two businesses open at that time in the morning were right next to each other, and there was plenty of parking all around, except the competition was just for the one or two spaces in front of each business.

Mayor Taylor clarified that there were actually three businesses (another coffee shop) open at that time right next to each other.

CONSENT AGENDA: **Councilor Daniels moved to adopt the consent agenda: minutes of the regular meeting, March 18, 1998; and accounts payable in the amount of $54,365.01. Motion seconded by Councilor Harris and approved 5-0.

COMMUNICATIONS: none

NEW BUSINESS: none

ORDINANCES AND RESOLUTIONS: Ordinance No. 988 -

****Councilor Harris moved to adopt Ordinance No. 988, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CANBY AND THE CANBY SCHOOL DISTRICT FOR THE CONSTRUCTION OF A TRACK AND TRAIL AT TROST ELEMENTARY SCHOOL TO BE USED BY THE STUDENTS AND STAFF OF TROST SCHOOL AND THE PUBLIC AT LARGE; AND DECLARING AN EMERGENCY. Motion seconded by Councilor Lucas.**

DISCUSSION: The Mayor asked if for some reason there were no Corps of Engineers to do the work on this project, would the City still be obligated to spend $15,000 on a track system? Mr. Jordan said that was the way he read it.

Mayor Taylor stated he wanted to make sure this was fine because the original discussion and the excitement around it included the ability to do the whole project with the help of the Corps of Engineers, with the City contributing the funding, the school contributing land, and the students contributing the other matching funds with fund raising.

Councilor Lucas asked if they could complete the project without the Corps of Engineers for $30,000. Mr. Jordan stated that was his understanding along with the City's in-kind contribution of doing the excavation work.

Councilor Lucas stated that it would be a good savings to everyone if the Corps of Engineers could help, but even if they didn't, the track would get built.

The motion to adopt Ordinance No. 988 passed 5-0 by roll call vote.

Ordinance No. 989 -

****Councilor Harris moved to adopt Ordinance No. 989, AN ORDINANCE FIXING COMPENSATION FOR THE SERVICES OF CITY COUNCILPERSONS AND REPEALING ORDINANCE NO. 831. Motion seconded by Councilor Strong and approved by roll call vote, 5-0.**

Ordinance No. 991 -

****Councilor Harris moved to adopt Ordinance No. 991, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON FROM A MIX OF LOW AND HIGH DENSITY RESIDENTIAL TO A MEDIUM DENSITY RESIDENTIAL ZONE DISTRICT FOR TAX LOTS 502 AND 700 OF TAX MAP 4-1E-3BB AND TAX LOT 4401 OF TAX MAP 4-1E-3BC. Motion seconded by Councilor Strong.**

Mayor Taylor clarified for the audience that this Ordinance related to the discussion in the newspaper and a few hearings in the Council Chambers and allowed for development that better used that area; it did not remarkably change the overall mix of houses or lots that would be built there.

Councilor Nolder abstained because he was not there for the hearing process.

The motion to adopt Ordinance No. 991 passed by roll call vote, 4-0 (Councilor Nolder abstained).

Ordinance No. 990 -

****Councilor Daniels moved that Ordinance No. 990, AN ORDINANCE ADOPTING A REVISED CODE OF THE CITY OF CANBY ENTITLED THE "CANBY MUNICIPAL CODE" AND DECLARING AN EMERGENCY be posted and come up for final action on April 15, 1998. Motion seconded by Councilor Lucas and passed 5-0 on first reading.**

Resolution No. 669 -

Mr. Jordan explained that there was an expansion of the business Boyer Steel on the north side of Township Road. They had an approval as per Design Review 96-08, and in that approval there was a condition to dedicate property along Township Road. The Council had to accept dedications of property other than a plat through this process.

****Councilor Daniels moved to adopt Resolution No. 669, A RESOLUTION TO ACCEPT DEDICATION OF LAND FOR TOWNSHIP ROAD RIGHT OF WAY PURPOSES. Motion seconded by Councilor Strong and passed 5-0.**

Resolution No. 670 -

Mr. Jordan explained that back in September of last year, the Council passed Resolution 651, which declared the Council's intent to issue Sewer Revenue Bonds for the expansion and improvement of the Wastewater Treatment Facility limited to the amount of 1.5 million dollars. According to Oregon Revised Statutes, the Council had to wait 60 days before issuing the bonds to allow for a referendum to occur. This did not happen. He also stated that right now the rates were as good as could be, as low as five percent. Mr. McCleod's memorandum laid out the improvements and costs of the facility over the next few years. The largest cost was for a new Aeration Basin and the support equipment. Another project being done this year was the North Redwood Stormwater project.

Mr. Jordan explained that he had received email from the Bond Counsel that morning which made changes to the text of the Resolution. The revised Resolution included grammatical and punctuation changes as well as changes in wording, definitions, and a few additions.

****Councilor Harris moved to adopt Resolution No. 670, A RESOLUTION OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, AUTHORIZING THE ISSUANCE OF SEWER REVENUE BONDS, with the changes as mentioned by City Administrator Mike Jordan. Motion seconded by Councilor Daniels.**

DISCUSSION: Councilor Daniels asked if there was a three phase program for the Sewer Plant. Curt McCleod stated that there were two phases, but the second phase was broken into several components.

Councilor Daniels asked if this was the last component. Mr. McCleod stated there were three steps at this point, the Aeration Basin this year, Solids Handling next year, and Effluent Filtration the third year.

Mayor Taylor asked if at the end of Phase two, the plant would be a fully operational, state of the art sewer plant that accommodated a population of 20,000. Mr. McCleod stated that the changes were designed for 20 year growth.

The motion to adopt Resolution No. 670 passed 5-0.

UNFINISHED BUSINESS: Findings CPA 97-01 -

Mr. Jordan explained that these were the findings for the comp plan change associated with the zone change that just passed by Ordinance.

****Councilor Harris moved to accept the findings, conclusion and final order of CPA 97-01. Motion seconded by Councilor Lucas.**

Councilman Nolder stated that he was abstaining because of his absence on the night of the public hearing.

Motion passed 4-0 (Councilor Nolder abstained).

Advanced Financing Report (Faist) - Mike Jordan explained that the memo was prompted by the applicant of the Faist annexation who brought up the issue of how the Advanced Financing District was set up for Phase 1 of the Logging Road Industrial Park. The funding policy used by the Council seemed to be in conflict with the Council's annexation policy. It created an inequity because there was no way for them to develop their property without annexation and no way for them to stop the accrual of interest on that advanced financing assessment.

Mayor Taylor thanked Mr. Jordan, Mr. Kelley, and Mr. McCleod for their work on this.

DISCUSSION: Councilor Nolder asked what the Council should do now--bring the Faist annexation back to the floor?

Mr. Kelley said the Faist annexation was scheduled for consideration on May 20th, and the Council could decide to discuss the issue later on that date. He cautioned the Council that they not talk about the Faist annexation, however.

Mayor Taylor explained that the discussion was more like a policy call for the staff and Council.

Councilor Daniels asked if the decision would be on an individual basis or on all property outside the City.

Mr. Jordan said the Ordinance allowed the Council the flexibility to do this on a case by case basis whenever the Council felt an inequity had been created by any circumstance. This could not only apply to property within this particular Advanced Financing District, but all future Advanced Financing Districts.

Mr. Kelley said Mr. Jordan's approach to this issue was the best.

Councilor Nolder stated that Mr. Jordan's suggestion was a good one. He also suggested that staff bring forward a policy resolution and have it ready for the next Council meeting.

Mr. Jordan said they could create a Resolution or make an amendment to the Advanced Financing Ordinance.

Mr. Kelley thought the language in the Ordinance allowed them to make amendments and he did not think a Resolution was needed.

Mayor Taylor said that if they did not pass a Resolution, there was a policy set that allowed the

Council to make amendments to the plan.

Councilor Daniels stated that he wanted to make sure they were able to address individual cases.

Mr. Jordan said he could bring back a draft policy statement that the Council could adopt at the next meeting or they could wait until the Faist annexation meeting.

Mayor Taylor said his concern was to keep the two decisions separate and would like a statement brought back to the next Council meeting. The Council agreed.

MANAGER'S REPORT: Schedule - Mr. Jordan listed the following events or meetings:

The April 8th Budget Committee Meeting was canceled and rescheduled for April 22nd.
April 9th - Goal Setting for Recreation Services at 7:00 in the Council Chambers
April 15th - Regular Council meeting
April 29th - Community Development goal setting at 7:00 in the library

Mr. Jordan announced the resignation of Andrea Grusing, one of the new Office Specialists in the front office. She and her husband were offered new jobs and April 9th will be her last day. He also stated that Roy Hester would be returning from Turkey on April 6th.

Mr. Jordan also announced that Cedar Street had been finished. This was the first time the City utilized a heat sensitive tape for lines on the road, rather than paint, which should last many years.

The City had received word from the Department Of Transportation that they would like to talk about Access Management again, and that would start heating up soon.

The water project that CUB was working on along 99E was going well. They were replacing a large water main in 99E and were going to be rebuilding the sidewalk with some amenities that they had worked with the Canby Business Revitalization group to put in place. Dirk Borges also informed him that they were going to extend the project to the overpass, all the way to Millar's Hiway Tire. Councilor Lucas added by saying that the Construction company and the CUB were being very cooperative, especially with the businesses along there, to make sure they had access to their businesses and kept it clear and cleaned up. Mr. Jordan said they met and talked with the business before they even started and are doing a good job in that area.

Mr. Jordan stated that the City would soon be receiving word from DLCD. Aneta Synan explained that DLCD would issue the City an order in July to begin a Periodic Review. Mr. Jordan stated that this would formally begin the process of Periodic Review, which would make the City more eligible for grant money.

Mr. Jordan stated that there were many planning projects in the works, such as the Industrial Park Master Plan, which would be entering the adoption phase on April 27th. The Parks Master Plan would be going through the formal adoption phase in May. The City was in Periodic Review, and was beginning the process for Transportation Plan System amendments, included in that was the big job of Access Management.

Councilor Nolder asked if there was a committee of business people put in place for the Highway Access Committee yet. Mr. Jordan said the committee had not been chosen yet, but he knew of the ones who had been involved for some time.

Mr. Jordan also discussed the Canby DEQ test station and its need to reduce hours because of new processes for testing vehicles. They would be open half a day on Saturday and the City would help publicize this change. He asked if the Council was interested in keeping it open.

Mayor Taylor said it would be an advantage to keep it. Councilor Nolder stated that the new test was not going as smoothly as they hoped, and they had been changing it and dropping it in some places. Some states had a similar test and they decided to eliminate it because it wasn't worthwhile. So, if the City kept the facility, it may go back to its original strength.

COUNCILORS' ISSUES:

<u>Councilor Lucas</u> gave an update on the Regional Park. They received 11 proposals and the six person Advisory Committee narrowed it down to three. They will interview those three next Monday and will select one architect to design the park. He also took a trip to Vancouver and looked at their skate park and really liked it. He invited everyone to the Grand Opening of that park.

<u>Mayor Taylor</u> asked where the Planning Commissioner application process was. Mr. Jordan said that one more applicant applied and he thought there was a total of three. Aneta Synan stated she received one also. Councilors Lucas and Harris, Mayor Taylor, and Dan Ewert will interview the applicants and the Mayor will set a date for the interviews.

ACTION REVIEW:

1. Moving the fifteen minute parking on NW 1st to the NE corner of 1st and Grant.
2. Returning with a policy regarding Advanced Financing and properties outside the City limits.
3. Implementing Ordinance 988, and signing an IGA with the school district; Ordinance 989, raising Councilor compensation; and Ordinance 991, amending the zoning map.
4. Bringing back Ordinance 990, adopting the Canby Municipal Code.
5. Accepting dedication of land on Township Road as per Resolution 669.
6. Issuing Sewer Bonds as per Resolution 670.
7. Implementing Comp Plan Amendment 97-01.
8. Reminder that on April 21, there will be a meeting in the town of Dundee for the Neighboring Cities Forum. The agenda is to talk about Department of Transportation issues.

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

Mayor Taylor recessed the regular session at 8:55 p.m. to go into Executive Session.

Mayor Taylor reconvened the regular session at 9:20 p.m. and immediately adjourned the session.

EXECUTIVE SESSION
April 1, 1998

PRESENT: Mayor Taylor, Councilors Daniels, Lucas, Nolder, Harris, and Strong, John Kelley, Michael Jordan, and Cam Sivesind.

Mayor Taylor called the session to order at 9:03 p.m.

ORS 192.660 (1)(h) - The Council discussed Rafael Meza and Rinkes litigation.

Mayor Taylor adjourned the session at 9:15 p.m.

Michael J. Jordan
City Recorder pro tem

Scott Taylor
Mayor