

CANBY CITY COUNCIL
WORKSHOP SESSION
SEPTEMBER 16, 1998

PRESENT: Mayor Scott Taylor, Councilors Daniels, Strong, Lucas, Nolder, Harris, City Administrator and City Recorder Mike Jordan, Jerry Pineau, Jason Kruckeberg, and Cam Sivesind.

The session was called to order at 6:10 p.m. in the Canby Utility Board Room. Dinner was served.

The purpose of this session was to meet the new Community Development Director, Jerry Pineau.

The session was adjourned at 7:10 p.m.

REGULAR SESSION
SEPTEMBER 16, 1998

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

Also present: City Administrator and City Recorder Mike Jordan, City Planner Jason Kruckeberg, Recreation Services Director Beth Saul, Todd and Susan Wood, Cam Sivesind, Irene Breshears, Bill Kennemer, Richard Ares, Dr. Don Perman, Dawn Thompson, Terry Prince, Delbert Hemphill, Michael Stubbs, Penny Hadfield, Curtis and Lila Gottman, Bob Root, Gwen Schweitzer, Lyle Hilley, Mary Taylor, Marlene Elmore, Carl Shipley, Sharon Root, Pam Beery, and Ray Baldwin.

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

CITIZEN INPUT ON NON-AGENDA ITEMS: Don Perman, a dentist in Canby, wanted to review the Council's decision regarding downtown parking, especially the two hour parking all around Wait Park, the twenty minute parking sites, and if the handicap parking around Wait Park was properly located. He was concerned about the lack of all day parking. He gave the Council a petition signed by several business owners about their concerns regarding the parking structure and the system by which it was implemented. He was disappointed that a letter was not sent during the orientation of the meetings to the business owners that were affected by the change. His goal tonight was for the Council to review the parking plan and change some of the two hour parking spaces back to all day parking.

Mayor Taylor said he appreciated some of the points Mr. Perman's petition brought up and thought they were worth considering. As far as the question of participation, the Council worked with the Chamber of Commerce and had a committee talk to the different businesses, they made

sure they talked to almost every business in the area, and before they adopted the plan, they had at least one, if not two, open discussions and hearings about the plan and made some adjustments based on testimony and information they received. He did not want to change things without a major process and review. One of the things they talked about was instituting the plan to see how it worked, realizing that some time in the future, they would have to reconsider decisions they made after they saw how it really played out and what the results were. The Council could look to see if they could make some minor changes, but before they would make any decision for change, they would have another hearing process to let people who were fond of the first plan also speak. That process would be publicized. Mr. Perman's petition had 50 signatures of people who were concerned about the current plan. The Council would now have to look at the petition and decide if there are some things that they could add that would not change the overall set up, such as adding the words Monday through Friday on the street signs, and if there were some major adjustments to the plan, such as the removal of those signs all around the park, would need a process.

Councilor Nolder asked if they had a process in place when they found an inequity in the parking plan. Mr. Jordan said there was an appeals process which stated that any changes should be forwarded to the Council. Councilor Nolder thought it should be referred back to the Traffic Safety Committee for a recommendation.

Councilor Lucas said the parking plan took at least four months and kept coming back and being revised. There was a lot of input in this plan run by the Chamber, and the Chief of Police was involved. There were people at every meeting for three or four months talking about the plan. There were a lot of changes in ADA parking because of citizen input. He thought before they changed anything, a plan put together by the petitioners should be submitted to the Traffic Safety Committee and have them talk it over.

Councilor Daniels, as Council liaison to the Traffic Safety Committee, discussed some issues on the petition. He explained that they had a handicapped person test their ADA spaces and they changed them accordingly. Also, they included parking on 2nd Street by Mangus because even though Mangus was vacant, they did not anticipate the building being vacant for long because the building had been sold.

Mr. Perman's main issue was the parking around the park. He thought the businesses surrounding the park should have received a letter regarding this issue. He wanted to know if any kind of long term study on parking had been done to determine the traffic flow, especially how many people actually used the park, how much of the parking areas were completely full, and how often did it happen? He had not been aware there was any parking changes in Canby.

Mayor Taylor said they would be moving this issue to the Traffic Safety Committee. They had learned again that whenever they thought they had complete communication, they did not. He emphasized they did not try to hide this issue.

Councilor Harris said that they were assured by the Chamber that every business downtown had been contacted and he knew personally some of the names on the petition were aware of it and some had attended every meeting.

Mr. Perman asked when the petitioners could submit their plan. Councilor Daniels said the Traffic Safety Committee meets every fourth Tuesday and he would let Mr. Perman know if there was room on the agenda this month for them.

CONSENT AGENDA: **Councilor Daniels moved to adopt the consent agenda: minutes of the regular meeting, September 2, 1998; and accounts payable in the amount of \$520,296.16. Motion seconded by Councilor Harris, and passed 5-0.

PROCLAMATIONS: POW/MIA Recognition Day - Mayor Taylor read the proclamation. Bob Root, the VFW commander, was there to accept the proclamation. Bob Root said the nation must remember those Americans who remained missing and unaccounted for from all the nation's wars and conflicts. We should never forget our missing men and it was the duty of all Veterans to meet that obligation, an obligation they should gladly accept and all pledged to keep.

Irene Breshears, resident of 1000 NE 10th, was with the POW/MIA Recognition Day Chairman for Auxiliary. She said they made a plea last year regarding the commemorative stamp, which was up for retirement as a commemorative stamp. They had a program going to ask the U.S. Postmaster General, William Henderson, to continue it on not as a commemorative stamp, but as a definitive stamp. She passed out information regarding this to the Council. She continued by saying it was important not to forget the soldiers who never came back. As they waved the POW/MIA flag in Canby, she hoped they would remember Herman Bergman, a POW in World War II, who came back and participated in the community and made a difference in the community. Mr. Bergman and Art Seabert tell their living history at Ackerman Middle School around Veteran's Day every year.

Mayor Taylor said that he just got back from the East Coast and had the opportunity to go to Andersonville and visited the museum and memorial there for POW/MIA's and it was very powerful.

Councilor Harris also commented on POW's returning home and contributing to the community, that Mr. Bergman was his scout master years ago.

National Society Daughters of the American Revolution Constitution Week - Mayor Taylor read the proclamation. Gwen Schweitzer said that during Constitution Week, on the 17th, everyone should take out a bell and ring it. The Constitution was the supreme law of the land, not anyone else's thought. Councilor Daniels asked if there was a time of day for the bells to ring? Ms. Schweitzer said 4 p.m.

Mayor Taylor changed the agenda and moved to the IGA under Unfinished Business.

IGA Between the City, County, Metro, & ODOT Regarding Green Corridors & Rural Reserves -
County Commissioner Bill Kennemer stated that this Intergovernmental Agreement about green corridors was important. One of the things they wanted to do was make sure that the transits between communities were safe and beautiful, and that was what this IGA was all about. Mayor Taylor appreciated the County working with them and everyone else on the green corridors. One person who had a passion about this was Planning Commissioner Terry Prince.

Mr. Prince said he was excited about this, it had been four years in the making. This IGA dealt with an area going West of the City from Arndt Road all the way to Airport Road, North to the outside of West Linn, following the East end of Charbonneau City's urban growth boundary, over Pete's Mountain and followed the area across the river to Oregon City, mainly following the Canby School District boundary, and then went down South to about 13th Street and followed back into the City. This did three main things: one, it kept Canby as a City, versus being swallowed up by Metro. Metro agreed there should be a buffer zone between them and should be a green corridor that separated us and them. Two, it showed that farmland was important to save. Northern Canby was mainly the produce markets for Portland. Third, it saved a mini-gorge between Oregon City and Canby. He also thanked other Planning Commissioners, the County Planner, and Jason Kruckeberg for their work on this project.

The County Commissioner asked if there were any questions from the Council. He also stated that in the spirit of the previous proclamation regarding the American Revolution Constitution Week, tomorrow at 1 p.m. there would be a bell ringing in front of the County Courthouse in Oregon City. They were going to do it at 1 p.m. because the Constitution was signed at 4 p.m. Eastern time.

Mayor Taylor said he appreciated the relationship they shared with the County and the cooperative nature between the County and the City.

Councilor Daniels moved to recommend approval of the IGA to establish green corridors and rural reserve area and direct staff to forward the IGA to Clackamas County and also recommend that in the adoption to move the southern boundary line of the IGA to Township Road. Motion seconded by Councilor Harris and passed 5-0.

COMMUNICATIONS: Michael Stubbs introduced Penny Hadfield, the production designer/owner of the movie they wanted to do involving Wait Park. The movie was a Hallmark Hall of Fame t.v. movie. McGee Street Productions was the production arm of Hallmark. This movie would be on around Valentine's Day next year. It was about a family that dealt with the death of a teenage boy. Their principle location would be on a farm in Donald, and they hoped to use Oregon City for the main character's insurance office and hoped to have a parade there on Main Street, and with the magic of movie making, the parade would end at Wait Park. The parade would be for a Founder's Day celebration. They were proposing to use the park for two days, October 13th and 14th. Penny and her crew would use that Monday to decorate the park.

In addition to the 50 to 60 people in the crew, they wanted to get about 200 extras to fill the park. They would be recruiting extras from the local population. The fictional name of the city would be Elk Falls, Oregon. He requested that if they approved the idea, if they could assign a liaison to work with the Police Department, Parks Department, etc. They would like to hire off duty police officers to help them with traffic.

Mayor Taylor asked if the park was available for them to use. Ms. Saul said the park was available, but the Canby Harvest Festival was on the Saturday following those dates. She said they thought it would be a wonderful opportunity. Mr. Jordan said they had not discussed in detail all of the issues, but he did not foresee any problems with this. If the Council passed this by motion, they should add a contingency that the production company work with the Police Department, Public Works, and Parks Department.

Mayor Taylor said he would like to designate Beth Saul to be the liaison for this project.

****Councilor Daniels moved to allow McGee Street Productions to use Wait Park to do some filming and that they coordinate their efforts with the Police, Public Works, and Parks Departments through Beth Saul. Motion seconded by Councilor Strong, and passed 5-0.**

Mayor Taylor asked what the process was for extras. Mr. Stubbs said they would be putting out a casting call shortly and he would get all of the information to the City.

NEW BUSINESS: Franchise Renewal with Direct Link - Richard Ares, President of Direct Link, and Sandy Coleman, product manager of cable services, were there that night. He passed out a document to the Council to which he would be referring in his presentation. They had been meeting since June with Pam Beery to help negotiate a renewal of the cable t.v. franchise for the City of Canby. He praised Pam Beery and said she was a very reasonable person to negotiate with.

He felt they had resolved most of the smaller issues, such as language changes, terms, etc. They were now down to two very important items. The Council needed to give direction to Ms. Beery so they could come to terms and finish negotiations. The two items surrounded the rebuild, or potential rebuild, of the cable system within the City of Canby and interconnection requirements at a specific HUB site in Clackamas County and the level of public access capacity.

The Council was going to meet with Ms. Beery in Executive Session that night to discuss the franchise, and he would try to frame the issues from his point of view on those particular items. People wanted more and better video selection and lower costs. Their task was to determine the proper mix to satisfy their customer desires and the economic feasibility to provide that mix. Currently they provided 52 channels. To provide additional analog channels, a rebuild was required or a new alternative digital technology was an option. The preferred method of a rebuild from a long term point of view was to develop a Hyper Fibered Coax, HFC, System. An HFC

System would provide high speed cable modem access in addition to additional video programming. To rebuild just within the city limits would cost 1.2 million dollars. About 40% of their total subscribers in the Canby system would benefit from this rebuild. The largest cost increase the cable industry felt last year was programming fees charged to them by the networks. Their cost went up 13% even though they bought programming through a buyer's co-op that offered much better rates.

He reviewed the document he had distributed to the Council. This was a sample market basket of what a rebuild with a ten network addition might look like and what the additional cost to the customer might be. The programming fee for the ten additional networks amounted to \$1.40 a month per customer if they included this line-up in the extended basic package that approximately 90% of their customers ordered. If they put the additional networks in an optional package, the price almost tripled to about \$4.00 a month, and many networks would not allow their programming to go in that optional package. When that happened, their only option to add additional networks, if that was the desire of the people, was to fill the line up with less popular programming.

In addition to the programming fees, the cost of the rebuild must be recovered. The additional monthly cost per customer would be \$1.60 a month. This only took into consideration rebuilding within the City limits of Canby and not the more expensive rural area, which they would do a portion of and then perform rate averaging. The total monthly increase for an additional ten networks programming and facilities rebuild would probably exceed \$5.00 per month per customer after rate averaging.

An alternative to the rebuild was a digital system called HITS, Head Ind The Sky. This was not feasible today as there was only one supplier. Another source may soon debut, which should make HITS more attractive and competitively priced. They hoped that HITS would be an option available to them within a year. This technology would allow them to provide another 12 to 25 new networks for a much more modest capital investment than a rebuild. However, if they only went the HITS route, they would not be able to provide high speed cable modem service. HITS was a video product only.

Their recommendation to the Council was that if the City demanded more capacity, they would give them a window of time, maybe three years, to comply to allow these developing options to come to market and prove their feasibility.

The second major franchise item to be resolved was interconnection with other cable systems in the level of public access capacity. The draft franchise agreement required 36 Megahertz of band width in both directions. Was the City looking for high speed data transfer capability or were they asking for video channel capacity? If they were asking for data transfer capacity, there were several methods available to provide that. If they were asking for channel capacity, 36 Megahertz equated to six channels in each direction. Six channels amounted to over 10% of their system capacity. Direct Link was currently providing three educational channels, or PEG channels. One

was the interactive distance learning channel dedicated for internal use by the schools, the second channel was provided to Clackamas Community College for educational purposes, and the third was OCTS. Adding any additional PEG channel absent a system upgrade would require taking one entertainment network off the line-up for each additional PEG channel. If the City wanted to add more PEG channels, it would greatly add to the rates plus the 5% franchise fee they paid to the City. They would have to invest in switches, electronics, and management. His recommendation was for the Council to more clearly define their desires regarding interconnection capacity and connectivity and to give serious consideration to limiting PEG access to the current configuration at least until demand dictated more access.

Councilor Harris asked that the rebuild within the city limits would benefit 40% of customers, was that because 40% of their customers were in the City limits? Mr. Ares said yes, that number reflected the amount of people within the City limits.

Councilor Harris asked how many people used or benefitted by the high speed data transfer? Mr. Ares said it was new technology, but was starting to grow slowly. Canby had a reputation for being first and while that was good, it was also expensive. When they built the cable system 15 years ago, they used a lot of technology that was current then, but there was a lot better technology now for a lesser cost.

Mayor Taylor said if they did the rebuild, would that require them to do a lot of digging things up? Mr. Ares said it would be minor, if any. In the City, most of the plant was put into ducts and conduits.

Mr. Ares again thanked City staff and Pam Beery.

Mayor Taylor moved the agenda to extension of a special permit to CTA Services under Unfinished Business.

Extension of a Special Permit to CTA Service Corporation - Jason Kruckeberg said that six months ago, at the meeting of March 18, the Council approved a one year extension for the use of a temporary building on Canby Telephone Association property on 221 SE 2nd. There was a 56 by 12 foot mobile building that was placed there to be used as a temporary office. The extension was granted with two conditions, one was that it was a one year extension, and two that at sixth months a progress report would be given to the Council as to what the status of development at the site was. The condition was that if no building permit application had been applied for and there was not significant or any progress towards a movement of relocation of the building or construction of a new facility, the Council reserved the right to revoke the special permit. There was a letter from CTA from John Melamphy who outlined several reasons why no building permit application had been submitted, and the building was being used as it was six months ago. The reasons were they were having problems locating a facility to move to and were still in the planning phases for selecting an option to expand. Growth was happening fast, and they did not want to move into something that would not be big enough and they would need to move again.

****Councilor Daniels moved to approve the extension to CTA Service Corporation for a temporary permit to expire March of 1999. Motion seconded by Councilor Nolder.**

Councilor Harris asked if there were any complaints from neighbors, was any part of the community being bothered by this temporary building? Jason Kruckeberg said that was part of the original approval, that there were not any complaints. There had been no complaints.

Councilor Harris asked if there was any liability on the part of the City for allowing an extension. Mr. Jordan did not think there was any liability.

Councilor Harris said six months ago they wanted a report back because for some reason they did not like that it was continuing on for so long, but he could not remember why they objected to it.

Mayor Taylor said they originally granted this because there was going to be some construction and a building permit was going to be issued. They went for some time without a building permit being issued and no movement on it and there was some question as to why a special permit was granted if nothing was happening. They wanted to see that some action was being taken and not let it be a forgotten issue.

Councilor Harris said the reasons CTA gave seemed reasonable, but there was also a projection that sixth months from now, if there was still no action, that staff would recommend not extending it further. It seemed that the reasons for needing an extension now could still exist six months from now. Mayor Taylor said it was up to the Council's patience as to how long they would extend the permit.

The motion to approve the extension to CTA Service Corporation passed 5-0.

Mayor Taylor moved to parking and traffic movement on SW 2nd and S. Birch under Unfinished Business.

Parking & Traffic Movement on SW 2nd and S. Birch - Tina Leber, Code Enforcement Officer for the City Police Department, was acting as staff in lieu of Police Chief Jerry Giger and members of the Traffic Safety Committee were there to answer any questions.

Marlene Elmore, Traffic Safety Committee Chair, said in talking with Roy Hester today, he had painted the section on 2nd and Birch, but had not put the signs in yet.

Councilor Harris asked if this issue was just 2nd and Birch, or if the 2nd and Elm intersection Mr. Baldwin was more interested in was a separate issue? Mr. Jordan said the Chief was to bring back at this agenda the 2nd and Birch issue before them. At the last meeting, he was instructed to bring back any changes, recommendations, more information, etc., regarding 2nd and Elm.

Councilor Harris wanted to know if they were combining those or just working on Birch?

Councilor Strong asked if this included the whole of 2nd Street from Elm down to Birch? Mr. Jordan said the initial recommendation was to do as the map in the packet denoted, with certain curbs being painted and signs being placed, etc. There was a note at the bottom of the Chief's staff report which discussed his further investigation of the issues of 2nd and Elm.

Mayor Taylor said they would do 2nd and Birch first, and then discuss 2nd and Elm.

Councilor Harris asked who was likely to object to this plan on 2nd and Birch? Ms. Elmore said truck drivers who parked their trailers there and took their cab elsewhere have used that overnight. The chief's plan was to direct them to the parking on the north side of town, on 3rd Street.

Councilor Harris asked if there was enough room for trucks to park over there. Ms. Elmore said according to the Chief there was. There were only a couple people who used 2nd and Birch as an overnight stop.

Councilor Strong thought the map was confusing. Councilor Lucas agreed.

Ms. Leber tried to clarify the map. She said there were signs that would be removed, which on the map would be a circled one, but there were no circled ones on the map. The two no parking signs placed near the intersection looked like they were pretty close to the intersection at the end of 2nd.

Councilor Lucas said so where the circled two's were to the corner of Birch there was no parking. Ms. Leber said yes. Where the three's were indicated, no truck parking signs were posted on 2nd.

Councilor Strong asked if that would include the driveways of Pacific Pride? Ms. Leber said she did not think it was that far back. Councilor Lucas asked from where the three's were, were they going toward Elm Street with no truck parking or going the other way? Ms. Leber said from where the three's were to Birch there was no truck parking.

Councilor Strong said that did not address the problem they talked about before between the two driveways of Pacific Pride. Ms. Leber said she thought those were addressed on the other parking issues and were still parking areas. It was only toward Elm and further that had become no parking.

Councilor Strong said her concern was that when they had truck parking between those two driveways that those trucks and cars coming in and out could not see around those trucks until they were clear out into the intersection.

Councilor Harris said in the rationale paragraph, it stated that elimination of truck parking would make vehicular movement out of the driveways almost completely unrestricted. He did not know if the signs were listed in the right place, but when this was written that was the intent.

Mayor Taylor said what they did not see on the map were the five's and the five's went on all driveways and there was twenty foot no parking on the driveways. Mr. Jordan said he thought the Chief's intent was that no parking areas on each side of driveways for twenty feet would alleviate the vision clearance issue at driveways.

Mayor Taylor said that the Council would like a better map, they wanted to see the driveways, be clear where they had the three's, was there no parking in one direction or both directions, maybe use different colors, etc., much like what they did for the downtown parking issue. They wanted to have a clear picture of what was going on. Ms. Elmore said the Chief had intended to present this, but he was not able to be there and he subbed her and Ms. Leber who were not quite up with his map and she apologized for that. She agreed that everything should be absolutely clear so they would not have to revisit the issue.

Councilor Lucas said that as he drove by this area today, there were wreckers and wreck cars parked between the corner of 2nd almost all the way to 3rd on Elm and from the corner of 2nd on Elm at least halfway down 2nd. Ms. Leber said she thought that would be an issue they would need to address in the future.

Councilor Strong requested that it be brought back on October 21, because she would not be there for the October 7 meeting. Mayor Taylor made sure that the delay did not keep current traffic pattern in a bad situation. Mr. Jordan said the bus issues had been taken care of.

Mayor Taylor moved the discussion to 2nd and Elm.

Councilor Harris said the issue that remained outstanding from the last meeting was that Mr. Baldwin lived on that corner and was directly affected by any changes. Mr. Jordan said he had been out to the site with both the Chief and Roy Hester to re-look at the turning radius issues, yellow curbs, and the signage on the corner where Mr. Baldwin lived. The issue was the corner on which he lives, which was the Southeast corner of Elm and 2nd, the City had painted curbs and put in signs for no parking along 2nd Street for approximately two thirds of the length of his lot, leaving room for one car to park before his driveway. On Elm Street, the City painted the curb and put in a sign for no parking some distance past the gate that was at his front door. He had room to park a couple vehicles, but it was some distance from his front gate. The other issue he brought up other than the distances for the no parking was the sign arrangement, and he talked with Roy Hester regarding this issue. There were currently three signs placed, two on 2nd and one on Elm trying to delineate where there was no parking. Mr. Hester agreed that one of those signs, the one closest to the corner, could be removed. The thinking behind the no parking areas around that intersection was to accommodate traffic like buses, non articulated large vehicles that had to turn at that corner. All four corners were painted to accommodate turning movements in

all directions at that corner. The concern of the neighborhood was the turning movement going east on 2nd toward Elm from the lot where the buses left and they used to continue on down 2nd to Ivy. Now the buses were making the turn south onto Elm, preceding to 13th, and getting to Ivy. With the no parking that has been striped in front of Mr. Baldwin's house, that turning movement was easy to make now.

Ms. Leber said the Chief had asked her to go out and talk to Roy about setting back four feet the orange curb by Mr. Baldwin's front door. Mr. Hester, Ms. Elmore, and she went out there today and looked at the sign. They went when the school buses were out taking kids home and it seemed clear that the space was very much needed for the school buses. Their opinion was that the importance of the school buses being able to turn there was weightier than the small amount of distance it gave Mr. Baldwin. Regarding the signs, she felt it did not significantly make any difference to remove the sign.

Councilor Harris asked if it was essential to keep the no parking strip in front of Mr. Baldwin's house on Elm, what about around the corner on 2nd on the other side of his house, were there trucks or buses going south on Elm that were turning east on 2nd that needed that same clearance? Ms. Leber said there were buses that turned from Elm to 2nd.

Ms. Elmore said that they were there at Mr. Baldwin's house around 3 p.m. when the traffic was very heavy and one thing they noticed was the people going towards Grant Street. Before there was a problem with people pulling over to let other people by and they noticed that people stayed in their own lanes because they had marked the yellow on both sides.

Mr. Jordan drew a map and discussed the flow of traffic, particularly school bus movements. Ms. Leber also discussed it, saying there would not be enough room for school buses and traffic would get backed up if they changed the no parking.

Ms. Elmore said buses were not the only big rigs that turned on the corner. They saw other bigger trucks as well.

Mayor Taylor asked if they could regulate the parking between certain hours, in other words no parking between 6 a.m. and 9 a.m. and between 2 p.m. to 5 p.m., so people could park there after five? Mr. Jordan said the only down side would be they would need different signage and it would be a fairly unique parking situation for the City.

Councilor Strong said that she drove that area every day and felt there was not much room marked off, even though it sounded like a lot. The streets were very narrow and it was hard for buses and trucks to have room to turn there. She was in favor of leaving it the way it was for right now.

Ms. Elmore said they marked it off that day and it was 49 feet from the corner to the first sign on 2nd and 43 feet on Elm.

Councilor Harris asked if it had to be 49 feet to accomodate the traffic turning on 2nd? Ms. Elmore said with what they saw that day, yes it did, not only for buses but for general traffic as well. People were able to turn there and stay on their side of the road because there was no parking on the street.

Mr. Baldwin said that at the last Council meeting they discussed the issues at hand regarding the parking which was relative to the previous workshop meeting they had at the Library on June 3rd. At that time the Mayor said there would be no changes between Elm Street and Grant on 2nd Street. When Roy Hester came out to make these changes, it surprised him. He thought they created a safety hazard on 2nd, both for traffic and pedestrians. Traffic was moving considerably faster because it did not have to negotiate now. With the increase of traffic and speed with their ability to move through the intersection, it made more of a hazard for pedestrians as well as the traffic. One thing he was concerned about was if a bus or truck decided to turn and another vehicle headed for 99E decided to swerve around, they could conceivably run right into his front gate. There were a lot of small children on 2nd and Elm Street. The question they had to decide was if they wanted to increase the flow of traffic, increase the speed, or make it a one way street. If they were going to make the area livable, they needed to have an understanding of what was necessary to make it livable.

He felt that 49 feet was excessive for turning radius. He also added that the signs they put in were tilted at an angle towards the street. Also at the original workshop meeting, Larry Whitman made a request of the City that the Department of Environmental Quality be brought in so the pollution question could be answered. The City had to request that or the Department of Environmental Quality would not come in. In addition, 2nd Street was not a truck route, there were no trucking signs on 3rd and 4th Streets and they on 2nd Street would like the same signage. He also wanted to move the no parking signs back and requested that the Council allot him the few feet he was requesting in front of his house and be allotted one more parking space on 2nd Street.

Councilor Harris asked what the DEQ study would deal with? Mayor Taylor said it dealt with the diesel fumes of the traffic.

Councilor Lucas asked how they had created faster traffic on 2nd? Mr. Baldwin said traffic was coming up to the signs and taking off faster because they felt uninhibited and there was a much quicker stop and go in that intersection. The Council removed the constriction of the parking there and had created a safety hazard.

Councilor Lucas said that when they had that workshop at the Library, the big request by all of the people on 2nd Street was not to change the parking on both sides of the street. They wanted it to be narrow and wanted people to slow down and go through there? Mr. Baldwin said that was correct.

Councilor Lucas also asked if Whitman was not parking on Elm anymore? Mr. Baldwin said he

was not parking from the telephone all the way to the other side of his driveway, so that could allow another 30 feet on his side of the street that the buses could hug over towards that side, they would not need to come over to his side of the street as much.

Councilor Nolder asked what it would cost for a traffic study of this situation. Mr. Jordan said David Kelly could come out for a few hundred dollars. Councilor Nolder said that would help him. Councilor Harris agreed, it would help to have an expert come out and give them a better idea of this situation.

Councilor Daniels asked how many parking spaces on the street Mr. Baldwin had now. Mr. Baldwin said he had two, one on Elm and one on 2nd.

Mr. Jordan said the driveway curb cut on Elm Street had a fence in front of it, there was no driveway there.

Mayor Taylor said they would do a traffic study, they could look into the slanting poles, and the request for the City to ask DEQ to come out and test the pollution could also be done.

Councilor Lucas asked that when they had the workshop and they talked about DEQ, Mr. Baldwin said that when those buses took off, the fumes went into his kitchen window. By turning the buses onto Elm Street, the City has taken two-thirds of the bus route off of 2nd Street, did he still want to call DEQ out to check on the fumes? Mr. Baldwin said he did not see why the buses could not turn left and go in front of the high school. He thought it was arbitrary that they were coming down 2nd and turning on Elm Street.

Mayor Taylor said the Council was not going to make a decision on this issue that night. They would have as a primary issue the turning radius required, and have a certified person come out and give them a report on what footage was required for the turn.

Barbara Kirwin spoke as a representative for school buses, a citizen, and a former member of the Traffic Safety Committee. She thought the changes had created a much safer environment for the buses. It was not only the turning radius that was the issue, but also the fact that before the changes, the buses had to be in the middle of the roadway to make that turn. She referred to Mr. Jordan's drawing and said they were now able to stay in their lane and make the turn. Ms. Kirwin also asked if there was an Ordinance about a vehicle on the street that had not been used for a long period of time? She showed where a vehicle has been sitting near Mr. Baldwin's house for about six months. Why couldn't that car be moved and Mr. Baldwin could use that for a parking space? Also, why did Whitman, as a business, have a right to park all of their vehicles on the street, why couldn't it be used for citizen parking?

Councilor Harris asked if as far as Ms. Kirwin was concerned operating the buses, would it make a difference if the 49 feet of no parking was changed to 40 or 35 feet to allow one more parking space there? Ms. Kirwin said they were doing it before, but what it created was the buses would

have to go past the middle line and into the middle lane to make the turn.

Mr. Baldwin said he was thankful for the changes that had been made regarding the bus routes. He thought they had improved considerably, but he thought it would benefit them better if the buses turned down 4th Street. As far as the other vehicle that was parked near his house, he did take it to the store occasionally and it was not sitting there right now. Since the signs became an issue, he wanted to leave it there to see about the traffic and how it would work.

Ms. Leber said in her estimation the no parking signs were perfectly straight and for the record, City Ordinance does state that vehicles are supposed to be on the road for no more than 24 hours and your vehicles are in violation if it is longer than that and if the vehicles were moved off the road, there would be more parking in front of your houses.

Mayor Taylor recessed the session at 9:26 p.m. for a short break and reconvened at 9:33 p.m.

Mayor Taylor moved to N. Redwood St. Storm Drain Improvements under New Business.

N. Redwood St. Storm Drain Improvements Application for Advanced Financing District - Mike Jordan said that Curt McLeod was requesting the Council take its first action regarding the formation of an Advanced Financing District for the N. Redwood Storm Drainage improvements. This project was underway right now to provide a storm drainage collection system for much of the Northeast quadrant of the City where dry wells were defective for storm drainage collection. Some of that system was being built for the benefit of undeveloped property in that quadrant. This Advanced Financing District would allow the City to recoup some of its costs for the undeveloped portions of the Northeast quadrant. When they develop, they would be able to pay an allotted percentage of the cost to help reimburse the City for these improvements. The first action the Council needed to take was by motion to direct the City Administrator to submit an application for Advanced Financing.

****Councilor Harris moved that the Council direct the City Administrator to submit an application for an Advanced Financing District for drainage improvements to N. Redwood Street and to submit the AFD application to the Public Works department without a fee. Motion seconded by Councilor Lucas, and passed 5-0.**

Mayor Taylor then moved to Change Order No. 1 under New Business.

Change Order No. 1, 1998 Street Improvements Project - Mike Jordan explained that this was a change order for a fairly complex street improvements contract for multiple street improvement projects. This change order allowed the City to use the unit price that the contractor gave them for asphalt to extend that unit price to other projects. There were some places where relatively small pieces of asphalt needed to be laid in numerous locations in the City, such as the cemetery, Trost Track & Trail project, and the parking lot at the Swim Center/Adult Center complex which was being overlaid and improved. There was one change that was associated with one of the

original projects, and that was some utility conflicts they ran into on South Fir, where the utilities were much shallower than they expected and needed to be relocated.

Councilor Harris asked if the path around the Trost School would be asphalt? Mike Jordan said the part that was there now was asphalt, but there was a plan to put a bark or wood chip path four foot wide next to the asphalt.

Councilor Harris asked if this just covered the cost of the asphalt? Mr. Jordan said yes.

Councilor Harris said when they talked about contributing to that pathway, they put a limit of the City's contribution to \$15,000. Was an accounting being kept, and this was part of that \$15,000? Mike Jordan said that was correct and actually because they were associated with the contractor, and it was their contract, they were fronting all of the cost, but their limitation in cost was \$15,000 by Council motion and they would be looking to the school district to reimburse costs over the \$15,000.

****Councilor Daniels moved to approve the Change Order No. 1 for the 1998 Street Improvements Project contract with Parker Northwest Paving Company in the amount of \$25,429.20. Motion seconded by Councilor Harris, and passed 5-0.**

ORDINANCES AND RESOLUTIONS:

Ordinance No. 1008 -

****Councilor Harris moved to adopt Ordinance No. 1008, AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE TO ADD AN INDUSTRIAL OVERLAY ZONE CHAPTER INCLUDING DESIGN STANDARDS AND GUIDELINES. Motion seconded by Councilor Strong, and passed by roll call vote, 5-0.**

Ordinance No. 1009 -

****Councilor Lucas moved to adopt Ordinance No. 1009, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON TO ADD AN INDUSTRIAL OVERLAY ZONE TO PROPERTIES WITHIN THE INDUSTRIAL MASTER PLAN AREA GENERALLY BOUND BY SE 1ST AVENUE AND HIGHWAY 99-E TO THE NORTH, MULINO ROAD TO THE EAST, SE 13TH AVENUE TO THE SOUTH AND THE MOLALLA FOREST ROAD TO THE WEST (TAX LOTS 700, 900, 901, 1000, 1100, 1700, AND 3400 OF TAX MAP 3-1E-34). Motion seconded by Councilor Strong, and passed by roll call vote, 5-0.**

UNFINISHED BUSINESS:

Daytime Curfew Ordinance - Councilor Daniels said that the Council made a motion several meetings ago that they would table this indefinitely and he wanted to see it brought back as an agenda item at their next Council meeting when John Kelley, City Attorney, would be there with more information. Mike Jordan said they may need to make a motion to bring it off the table and to put it on the next agenda.

Councilor Daniels felt that since they postponed it indefinitely that they could bring it up anytime, and thought maybe they should wait until the next meeting to bring it up.

Councilor Harris said Mr. Jordan's point was that by bringing it up, they could put it on the agenda?

Mr. Jordan said the only contingency he was concerned about was if someone moved to bring this issue off the table and it failed. If that happened, there would be no need to notify anyone and no need to put it on the agenda.

****Councilor Daniels moved to take from the table the Daytime Curfew Ordinance for discussion. Motion seconded by Councilor Lucas.**

Councilor Harris said if they voted this down, they would not have to hear about it again. Mr. Jordan said yes, it would not come back.

Mayor Taylor said that there was an expectation of citizens concerned about this issue that they would have an opportunity to address this issue. He thought they wanted it to come back.

Councilor Lucas said they wanted it to pass so they could put it on the agenda for the next meeting.

The motion passed 5-0.

****Councilor Strong moved that they postpone this issue to the agenda on October 21. Motion seconded by Councilor Daniels, and passed 5-0.**

Mayor Taylor also reminded the Council of a meeting with the Planning Commission and School Board next week and they may ask the School Board if they had any thoughts about this issue.

Mayor Taylor also requested some data for that discussion from the Police Department. One of the reasons for the Curfew request was concern about a number of youth who were not from the Canby area the Police had to interact with. He wanted to know how big a problem it was, what was the population they were trying to address with this solution. Mayor Taylor said he would even go with an example, such as once a week they had to talk to somebody, once a month they had to talk with somebody, etc.

Councilor Lucas said most of the letters they received about this Daytime Curfew issue were about truancy, which was not the issue at hand.

MANAGERS REPORT: Mr. Jordan reminded everyone that City Hall would be closed on September 18th for interior work on the building. Other City departments would still be working that day, however. He reminded the Council that they needed to RSVP by Monday for the meeting on September 24th, the Clackamas Cities Association Dinner. There would be a workshop on October 7th before the Council meeting regarding meeting with local legislative candidates. There was also a meeting on September 28th, with the Council & Planning Commission at 6:30 p.m.

Mayor Taylor said that speaking of legislative candidates, there was also a County Commission seat open and the Council was interested in meeting with those candidates also.

Mr. Jordan also commented that it was Susan Wood's birthday today and she was working for them that night in taking the minutes. The Council graciously sang Happy Birthday to her.

COUNCILORS' ISSUES: None.

ACTION REVIEW:

1. Working with McGee Productions regarding Wait Park and their use of the Park.
2. Referring the Wait Park parking issue to the Traffic Safety Committee.
3. Forwarding the IGA to Clackamas County, ODOT, Metro, etc., for its approval.
4. Extending permit to CTA on the temporary building for another six months.
5. Contacting DEQ regarding an air quality test on the air around 2nd and Elm.
6. Checking the poles at 2nd and Elm to see if they are plumb.
7. Contacting David Kelly to do a brief traffic study around the safety issues and turning radius at 2nd and Elm.
8. Preparing an Advanced Financing District report to bring back to the Council and go through the procedure regarding the N. Redwood Storm Drainage project.
9. Implementing Change Order No. 1 with Parker Northwest Paving.
10. Implementing Ordinances 1008 and 1009.
11. Bringing back the Daytime Curfew Ordinance at the October 21 Council meeting.
12. Gathering data regarding interactions with youth outside of the Canby area.
13. Bringing back a better map of parking and traffic movement on SW 2nd and Birch.

****Councilor Daniels moved to go into Executive Session under ORS 192.660 1(e) property negotiations and 1(f) exempt public records. Motion seconded by Councilor Strong and approved 5-0.**

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

Mayor Taylor reconvened the regular session at 11:20 p.m. and immediately adjourned the session.

**EXECUTIVE SESSION
SEPTEMBER 16, 1998**

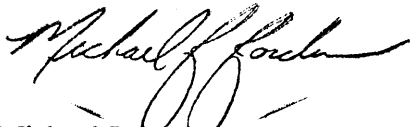
PRESENT: Mayor Taylor, Councilors Daniels, Strong, Lucas, Nolder, Harris, City Administrator and City Recorder Mike Jordan, and Pam Beery.

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

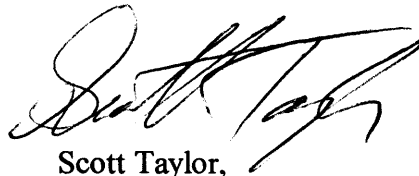
ORS 192.660 (1)(e) - The Council discussed school property at the Adult Center and Swim Center

ORS 192.660 (1)(f) - The Council discussed Direct Link Franchise

Mayor Taylor adjourned the session at 11:15 p.m.



Michael J. Jordan,
City Recorder pro tem



Scott Taylor,
Mayor



Prepared by Susan Wood,
Office Specialist