

CANBY CITY COUNCIL
WORKSHOP SESSION
April 2, 1997

PRESENT: Mayor Taylor, Council members Roger Harris, Dennis Nolder, Brad Gerber, Walt Daniels, Barry Lucas and Shirley Strong, Michael Jordan, Sarah Jo Chaplen, Jerry Giger, Jim Scharmota, Eric Taasevegin, Julie Schoenfield and Cam Sivesind.

The session was called to order at 6:00 p.m. in the CUB Conference Room. A lite dinner was served.

The purpose of the session was to discuss 911 dispatch services and possible future services.

The session was adjourned at 7:25 p.m.

CANBY CITY COUNCIL
REGULAR SESSION
APRIL 2, 1997

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

Also present: Administrator Michael Jordan, Finance & Administrator Director Sarah Jo Chaplen, City Attorney John Kelley, City Recorder Marilyn Perkett, Library and Parks & Recreation Director Beth Saul, Police Chief Jerry Giger, Planning Director Jim Wheeler, Assistant Planner Larry Vasquez, Roger Reif, James Buchal, Bob Kacalek, Bill Guttormson, Barbara Lawrence, Roger Young, Clint Chiavarini and Cam Sivesind.

Mayor Taylor called the session to order at 7:30 p.m., followed by the flag salute and a moment of focus.

Roll call of the Council showed a quorum to be present.

MINUTES OF PREVIOUS SESSION: **Councilman Daniels moved to approve as distributed the minutes of regular session March 19, 1997. Motion seconded by Councilman Harris and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

At this time, Mayor Taylor adjusted the agenda to accommodate guests in the audience.

NEW BUSINESS: Accounts Payable - **Councilman Harris moved to approve payment of accounts payable in the amount of \$177,767.75. Motion seconded by Councilwoman Strong and approved by roll call vote, 6-0.

Liquor License Application - Quarters Diner - Administrator Jordan explained that the OLCC application was for a change of ownership at the Quarters Diner which previously had a liquor license.

Councilman Harris asked if the establishment currently was serving liquor and what the process was for obtaining the video poker. Mr. Young stated that they are currently operating on a 90 day temporary liquor license and the Oregon Lottery Commission will process the video poker applications. He said the site has had video poker for three months, however, they will be shut off on April 1sr, at which time both Mr. Young and his wife will have a background investigation performed prior to allowing the continuation of the lottery games.

Mayor Taylor noted that the Council had previously expressed a concern about a liquor license at this location because of the close proximity to the high school and the patronage of students at the location. Mr. Young said he had met with the Vice-principal and he intended to continue operating the facility as good or better than has been done in the past.

**Councilman Gerber moved to recommend approval to the Oregon Liquor License Commission for a restaurant liquor license for the Quarters Diner located at 851 SW First Avenue. Motion seconded by Councilman Lucas and approved 6-0.

Temporary Permit 97-04, Clackamas County Fair Board - Larry Vasquez informed the Council that the special permit application was to locate a trailer for a caretaker at the Clackamas County Fairgrounds, for one year with an annual renewal review. Mr. Vasquez stated that there were no residence within 200 feet of the trailer and four conditions were attached to the approval.

Councilman Nolder asked if they had experienced any vandalism. Barbara Lawrence stated that as recent as Spring Break, there was vandalism. Also, there are between 55 and 80 horses housed at the fairgrounds and the caretaker watches over the livestock.

**Councilman Lucas moved to approve the permit from the Clackamas County Fairgrounds to allow the location of a caretaker trailer with the following conditions:

approval for a one year period and renewed annually to verify need; agreement of removal of the trailer upon the end of the conditional use period; the trailer shall be connected to water, electrical and telephone services; and a vegetation screen shall be planted adjacent to the trailer to obstruct any visual impact to the surrounding neighbors.

Motion seconded by Councilwoman Strong and approved 6-0.

Bike/Ped Committee Appointments - Clint Chiavarini informed the Council that he was looking for one more member to serve on the Bike/Pedestrian Committee.

**Councilman Daniels moved to accept recommendation of staff and appoint the following people to the Bicycle/Pedestrian Advisory Committee: Lila Gottman, Don Yoder, Ron Marson and Helen Ferguson. Motion seconded by Councilman Harris.

DISCUSSION - Mayor Taylor suggested delaying appointments because the majority of the candidates live out of the City limits.

Mr. Chiavarini noted that there will be a Bike/Pedestrian meeting with a slide show presentation on April 8th, 7:00 pm at the Adult Center. He said Mia Burke will make a presentation regarding the bicycle/pedestrian system in Europe. Mr. Chiavarini said he hoped this program would generate interest in citizens to apply for a position on the committee.

Councilman Nolder suggested an amendment to the ordinance amendment to set residential requirements.

Councilwoman Strong said she shared the concern about this committee, as well as other advisory committee's, and suggested members be within the UGB.

Councilman Harris noted that three of the suggested committee members were outside the UGB. He added that they are a very enthusiastic group and he supported their appointment.

Councilman Gerber suggested that the matter be loosely approached by the Council as to just set a directive.

Councilman Harris suggested that the residency requirement needs to be debated.

**Councilman Daniels withdrew his motion to appoint the committee members, the second to the motion, Councilman Harris agreed.

APPEAL: MLP 97-01, Dick Morse - Councilman Daniels withdrew from participating in the matter since he was an employee of Dick Morse.

Mayor Taylor read the criteria for the appeal procedure.

Mayor Taylor asked the hearing body if they had any conflict of interest on the matter:

Nolder - None
Gerber - None
Harris - None
Taylor - None
Lucas - None
Strong - None

Mayor Taylor asked the hearing body to declare any *ex parte* contact in regards to the appeal matter.

Strong - None
Lucas - None
Taylor - None
Harris - visited the site, will participate.
Gerber - visited the site, will participate.
Nolder - visited the site, will participate.

Councilman Gerber asked if the Council could consider a motion to vacate, or to abandon the easement in lieu of proceeding with the appeal.

The appellant attorney and property owner appeared to agree with the suggestion.

Councilman Harris agreed with Mr. Gerber's suggestion, however, he asked that the Council discuss the abandoning of the easement.

Jim Wheeler explained that the partition has an emergency turn around on parcel three and the Planning Commission recommended that the City Council abandon the easement. He said the appellant filed the appeal to protect their interest in having the easement abandoned. Mr. Wheeler said the Council can direct staff to prepare a resolution to abandon the easement. Mr. Wheeler stated that the need to extend Second Avenue is not there at this time due to development, and that is why there is the temporary turnaround easement.

Councilman Gerber asked for clarification on the Second Street matter if it had been continued as a street. Mr. Wheeler said if Second Avenue continued, there would have been an automatic termination of the easement.

Councilman Harris asked if the property owners were obligated to allow for emergency access. Mr. Wheeler said that was correct and, in fact, is a directive from the Fire Marshal.

Councilman Lucas asked if the cul de sac will disappear and the property owners reclaim the property. He asked if curbs and sidewalks would have to be placed in that area. Mr. Wheeler said it was unlikely that the area to the south would be reclaimed, and the physical environment will probably not be changed.

Councilman Harris asked if the City would be obligated to make any changes or street improvements. Mr. Wheeler said none to his knowledge.

Councilman Gerber asked if there was a temporary agreement that Mr. Morse entered into stating he would get his property back if Second Street were to be continued. Mr. Wheeler agreed with that scenario.

Roger Reif, Attorney for the appellant, stated that the 120 day rule prompted the appeal and the applicant would abandon the appeal if the City is willing to prepare a resolution for abandonment of the subject easement.

Mayor Taylor asked the property owner and his attorney if they agreed with Mr. Reif. They did agree to the abandonment.

Councilman Gerber said it was legislation of the 120 rule that made this problem, causing a possible question of the time period which could have ultimately taken this into a court matter.

**Councilman Gerber moved to direct staff to prepare a resolution abandoning the easement on S.E. Second Avenue. Motion seconded by Councilman Harris.

DISCUSSION - Councilwoman Strong asked about curbing in the area. Mr. Jordan said the sidewalks and curbs would be addressed upon development of the area.

**The motion to abandon the easement was approved 5-0, Councilman Daniels did not participate..

Roger Reif officially withdrew the appeal by his client, Dick Morse, and asked for a consideration of a partial return of the appeal fee. Staff will prepare a report regarding this request.

PUBLIC HEARING: Special Public Works Fund Loan from OEDD - Mayor Taylor opened the hearing at 8:20 p.m. The Mayor informed the audience that the hearing was not quasi judicial, but a hearing for citizen input.

Curt McLeod said the public hearing is to receive public testimony in regards to entering into a loan agreement with the Oregon Economic Development Department for the improvement of S.E. 4th Avenue. He said the contract is to extend utilities 1200 feet east of Phase I and placement of an overpass over the railroad. Mr. McLeod said

this is Phase II of the Logging Road Industrial Park.

Mayor Taylor asked if there was anyone who wanted to address the Council regarding the matter. No one came forward.

Mayor Taylor closed the hearing at 8:22 p.m.

****Councilman Daniels moved to adopt on final reading, Ordinance No 970, AN ORDINANCE FOR THE CITY OF CANBY, OREGON, AUTHORIZING A LOAN FROM THE SPECIAL PUBLIC WORKS FUND BY ENTERING INTO A LOAN CONTRACT WITH THE OREGON ECONOMIC DEVELOPMENT DEPARTMENT AND DECLARING AN EMERGENCY.** Motion seconded by Councilman Harris.

DISCUSSION - Administrator Jordan noted that this process has been on an extremely fast pace due to tenants that wish to occupy a new facility in the industrial park as early as September. Notice to proceed with construction will be tomorrow. He added that the OEDD loan is for \$250,000; a OEDD grant for \$168,600; an ODOT grant for \$500,000; and the remaining \$37,400 will come from SDC's.

****Ordinance No. 970 was approved by roll call vote, 6-0.**

COMMUNICATIONS: Councilman Lucas stated that he had received some mail sent anonymously from Portland that was is "poor taste." He emphasized that he considered it "junk mail" and he intended to pay no attention to any mail mailed anonymously.

Mayor Taylor and Councilman Daniels agreed with Mr. Lucas.

Councilman Harris noted that if there is a subject that the Council needs to be concerned about, then citizens need to approach them to discuss the matter.

WORKSHOP: Mayor Taylor announced that the 99 E workshop had been canceled. He noted that a session was held last Wednesday and staff will be doing more work on the matter.

Jim Wheeler said the process will be a post acknowledgment process, which means the City has final approval of the 99 E and Transportation Plan. However, this could be appealed to LUBA. Mr. Jordan added that it is much the same procedure as the Comprehensive Plan goes through.

Councilman Gerber suggested that the City receive updates on litigation case law whenever they become available.

ORDINANCES & RESOLUTIONS: Ordinance 967 - Administrator Jordan noted that this ordinance provided the contract for the construction of the 13th and Ivy Traffic Signal.

**Councilman Harris moved to adopt Ordinance No. 967 AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER NORTHWEST PAVING COMPANY FOR THE 13TH AVENUE AND S. IVY STREET SIGNALIZATION AND ROAD IMPROVEMENTS; AND DECLARING AN

EMERGENCY. Motion seconded by Councilwoman Strong and approved by roll call vote, 6-0.

Ordinance 968 - Mr. Jordan reported that this ordinance is for a contract to start construction on the SE 4th Avenue Street in the Logging Road Industrial Park Phase II, including the overpass..

**Councilman Harris moved to adopt Ordinance No. 968, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH MOORE EXCAVATION, INC, FOR CONSTRUCTION OF SE 4TH AVENINE INTO THE LOGGING ROAD INDUSTRIAL PARK, PHASE II; AND DECLARING AN EMERGENCY. Motion seconded by Councilwoman Strong and approved by roll call vote, 6-0.

Ordinance 969 - Administrator Jordan explained that this ordinance was to initiate engineering services by the City's Engineer of Record, Curran-McLeod, for storm drainage purposes. He said the northeast quadrant of the City has experienced drainage problems and this project needs to be addressed the summer.

**Councilman Daniels moved to adopt Ordinance No. 969, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC., FOR ENGINEERING SERVICES FOR DRAINAGE IMPROVEMENTS TO NORTH REDWOOD STREET; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Lucas and approved by roll call vote, 6-0.

UNFINISHED BUSINESS: Web Page Report- Sarah Jo Chaplen informed the Council that the Web Net was actually an electronic book available through the Internet. She had passed out samples that Karen Travillion, Library Resource Librarian, had obtained. Ms. Chaplen said that, locally, the Canby Herald, Canby Kids, Community School and limited Canby Swim Center web pages are either planned or implemented. She said that CTA has offered to help produce a web page for the City. She said a web page can be used to both "give" and "receive" information. Ms. Chaplen said the web page allows for 24 hour a day information. She noted that the City will soon have a new phone system in-place with voice-mail and with a fax server we can possibly

offer information services without a web page. Ms. Chaplen said the costs would be staff time, which most resources say is 10 to 15 hours a week to adequately keep a web page updated.

Councilman Gerber asked if other communities indicated a time or cost savings by implementing a web page.

Ms. Chaplen said many cities were surprised by how much attention the web page generated and they were not prepared for the many questions received. Some cities noted that if they did not keep the web page updated, they did not get repeat calls, therefore, it was very important to keep it updated. She added that the most often used subjects were employment opportunities, general economic development and general information about the community, such as schools, activities, building, etc. She said some communities say their Council members have their E-Mail addresses on the web page.

Councilman Gerber asked if any of the cities showed any money saved by activity on the web page.

Ms. Chaplen said the only feedback was that the purchasing and bid process on the web saved money, eliminated advertising. She added that the Canby Reference Librarian, Karen Travillion, uses the web page for patron requests about communities that they may be moving to or asking about that area.

Mayor Taylor said in the future he sees that citizens can access the web page to pay fines, bills, obtain permits, all after hours on the web page. Ms. Chaplen said it is not years away, other cities are doing those functions now. However, it is a most difficult part of the web page.

Councilman Daniels said a web page would create an avenue to better inform citizens.

Councilwoman Strong expressed concern of 10 to 15 hours of staff time on a staff that is presently working at capacity. She added that the Council is currently working on the budget and final figures have not been generated. Mrs. Strong also pointed out that there are not many Internet users in Canby at this time.

Councilman Gerber agreed with Councilwoman Strong and suggested a static page could be created by CTA, or we must go to the second or third stage to create the interactive web page that could save staff time.

Mayor Taylor commented that CTA is willing to contribute time to set up this web page for the City while they are creating their market, however, he added that it would be nice to have it interactive as soon as possible. The Mayor said the City would no longer be an 8 to 5 operation with a web page. He suggested a probationary review

could be established.

Administrator Jordan noted that public involvement and feedback could be a great savings. He cited that the Measure 47 meetings and the visioning process two years ago could have been a web page activity with many hours of staff time hours saved.

Councilman Nolder suggested the City do a generic page to use on a trial basis to see how many "hits" it gets to judge if the City wants to consider implementing a web page. He pointed out that very few people in Canby have access at this time to the local Internet.

Councilman Harris said the type of program Mr. Nolder suggested is for a different "targeted" group of citizens.

Sarah Jo Chaplen said the library currently received approximately 189 patrons per month using the library Internet. She added that CTA is currently testing in some neighborhoods

Councilman Harris asked who on staff might operate the web page with the available time of 10 to 15 hours per week. Ms. Chaplen said it depend on the budget, but at this time it would be a combination of library personnel, Sarah Jo and Joyce Faltus. She said there are two phases to the program. First is the layout of the web page requiring a lot of staff time; time to translate documents to the web page using a software program would be minimal; and the best estimates for staff time, including updates, is 10 to 15 hours per week.

Councilman Harris said he views the future of being able to use the web page to preview issues in a selective manner and print it out on his computer.

Councilman Nolder said it was a good idea, however, he was concerned about paying to have a staff person update all that information.

Mayor Taylor stated that software and scanners can aid in the updating of information for a web page.

**Councilman Lucas moved to accept the offer from Canby Telephone Association to assist the City in setting up a City Web Page. Motion seconded by Councilman Harris.

DISCUSSION - Councilman Daniels said the use at the library of the Internet should encourage Council to accept generosity of CTA in assisting the City with the set up.

Councilman Gerber suggested that the motion be amended to insure that the project is utilized to the fullest capacity by setting policy that shows the use of staff time and track the use of the web page.

Councilman Lucas said they need the freedom to set up the web page and after it is operating we can review reports on the efficiency.

Mayor Taylor reviewed the motion, to go forward with the offer from CTA to establish a web page with the intent to establish more than a static page and upon launching the web page, the time spent managing the web page will be documented.

Councilman Daniels pointed out that this was not a part of the motion and could come as a directive from staff, the motion was to accept the offer from CTA to establish a web page.

Councilman Nolder said he would not support the motion without more documentation to support the decision, specifically the actual cost to the City.

Councilwoman Strong agreed with Councilman Nolder, saying she was concerned about staff time, and needed more information.

Councilman Harris said if staff finds they cannot keep up with the program, then there is nothing to lose, and he felt it would be successful.

Councilman Gerber said it was a good idea, however, he wanted strict accounting on the project.

**The motion was passed 4-3, with the following vote: Yea: Daniels, Lucas and Harris and Nay, Gerber, Strong and Nolder. Mayor Taylor cast the deciding vote of yes.

Mayor Taylor suggested that an accounting policy system be set up regarding the web page.

Councilwoman Strong asked if television can offer the Internet. She was informed that some new televisions allow this type of thing.

Mr. Jordan noted that Channel 21 and 22 allow for an interaction process, using a telephone.

MANAGER'S REPORT: HB 3347 - Mr. Jordan passed out a copy of a proposed house bill that is sponsored by Representative Schrader regarding a proposed SDC for schools funding.

HB 2060 - Mr. Jordan said he testified on this bill which was about initiating a privilege tax and deleting franchise fee's as we now utilize them.

Measure 50 - Mr. Jordan noted that Measure 47 has been reviewed by the legislature with some sections have been revised with a definite language. It will be on the ballot

on May 20th as Measure 50. He added that no formula has been developed to allocate the loss of funding.

Meetings - April 15th, a meeting is scheduled with METRO and the City of Sandy regarding Intergovernmental agreements regarding green space and green corridor issues between Canby and METRO.

Thursday, April 3rd is the Clackamas Cities Meeting at Happy Valley, Councilman Gerber will discuss libraries.

Wednesday, April 9th is a budget meeting at the library.

Mayor Taylor asked that some of the communities on highway 99 E, be asked about the 99E Access Management Plan when the group meets on Thursday evening.

COUNCILORS' ISSUES: Councilman Harris said he had two issues that he would like to see become agenda items for the future:

1. Initiate discussion about local burning laws and the smoke created. He said it has been suggested that containers, such as barrels, be required to burn or a central location be provided.
2. Some communities have annexation on a referendum basis, where the annexation is voted on by the citizens.

Councilman Gerber and Nolder both agreed that the annexation referendum would be worth discussing.

OTHER REPORTS OR ANNOUNCEMENTS: Beth Saul reported a trivia fact: the state of Utah uses more jello than any other state.

ACTION REVIEW:

1. Forward recommendation for liquor license approval to OLCC for Quarters Diner.
2. Proceed with Special Permit 97-04 for a caretaker trailer at the Clackamas County Fairgrounds.
3. Recruit additional local applications for the Bike/Pedestrian Committee.
4. Prepare a resolution to abandon an easement on SE 2nd.
5. Initiate Ordinance 970 to proceed with the OEDD loan.
6. Proceed with 13th & Ivy traffic signal as per Ordinance 967.
7. Proceed with SE 4th improvements as per Ordinance 968.
8. Authorize engineering for N. Redwood Storm Improvements as per Ordinance 969.
9. Proceed with a Web Page with CTA assistance and setting

a policy for performance measurements.

**Councilman Daniels moved to go into Executive Session under ORS 192.660 (1)(i) regarding the performance or evaluation of a public officer or employee. Motion seconded by Councilman Harris and approved 6-0.

Mayor Taylor recessed the regular session at 9:34 pm to go into executive session. The regular meeting was reconvened at 11:00 pm and immediately adjourned.

EXECUTIVE SESSION
APRIL 2, 1997

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

ORS 192.660 (1)(i) - The session was to evaluate the performance of the City Administrator.

The Mayor adjourned the session at 11:00 p.m.



Marilyn K. Perkett
Marilyn K. Perkett, City Recorder



Scott Taylor
Scott Taylor, Mayor