

CANBY CITY COUNCIL
WORKSHOP SESSION & REGULAR MEETING
MAY 21, 1997

WORKSHOP: A workshop session was held in the Library conference room at 6:30 p.m. to discuss the Access Management Plan for Highway 99 E..

Present: Council members Daniels, Strong, Harris, Nolder, Gerber and Lucas, Jim Wheeler, Sarah Jo Chaplen, Michael Jordan, Joan Witt, Del Huntington, Bruce Landon, Michael Ray, Thomas Picco, Adrian Fisher, Karla Keller, Don and Peggy Peterson, Pete Feller, Joyce and Dudley Gee, Michael Denner, Steve Millar, Ken Pellet, Dave Weaver, Dave Anderson, Floyd Brooks, Kathy Henderson and Cam Sivesind.

The session was adjourned at 7:20 p.m.

CANBY CITY COUNCIL
REGULAR SESSION

REGULAR SESSION: Council President Walt Daniels presiding. Councilors present: Dennis Nolder, Roger Harris, Brad Gerber, Shirley Strong and Barry Lucas. Absent: Mayor Scott Taylor.

Also present: Administrator Michael Jordan, Finance & Administrative Director Sarah Jo Chaplen, City Attorney John Kelley, Police Chief Jerry Giger, City Recorder Marilyn Perkett, Planning Director Jim Wheeler, Curtis and Lila Gottman, Joan Perinchief, Roger Reif, Estle Harlan, Fred Kahut, and Derek Bliss.

Council President Daniels called the session to order at 7:30 p.m., followed by the flag salute and a moment of silence.

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

MINUTES OF PREVIOUS SESSIONS: **Councilman Lucas moved to approve as distributed the minutes of the Special Meeting, April 30, 1997 and the Regular Meeting, May 7, 1997. Motion seconded by Councilman Nolder and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: None presented.

NEW BUSINESS: Accounts Payable - ****Councilman Harris moved to approve payment of accounts payable in the amount of \$140,151.48. Motion seconded by Councilwoman Strong and approved by roll call vote, 6-0.**

Approval of ODOT Immediate Opportunity Fund Project Grant - Administrator Jordan noted that this was part of the funding package for the Logging Road Industrial Park Phase II, and specifically, the Shimadzu development and the necessary SE 4th Avenue extension.

Curt Mcleod noted that this document was a Construction Finance Agreement with ODOT for a \$500,000 grant. He added that ODOT committed to this funding in December, 1996, and work was started in April, 1997.

Councilman Nolder questioned number 3, under "City Obligations." The section essentially stated that the City shall provide documentation that 46 jobs will be created by the first phase of the project and if they are not provided, the City shall reimburse ODOT all funds within three months of the expiration time limit.

Administrator Jordan stated that Shimadzu has signed an agreement with the City to provide the jobs, and it was not an unreasonable risk.

Mr. McLeod said that over the three phases of the Shimadzu project, 150 jobs will be created, and the City will be the recipient of the infrastructure.

Councilman Gerber expressed a concern regarding no specific time limit for creating the jobs and in the worst case scenario of Shimadzu failing, then the City would be liable to repay the grant.

Mr. McLeod said the City could refinance and the benefitted properties could cover the grant funding at time of development. He added that ODOT intentionally eliminated a time line to create a lenient agreement. He further noted that, in his opinion, ODOT would not "causally" terminate the agreement.

****Councilman Nolder moved to authorize the Mayor and City Recorder to execute a Construction Finance Agreement with the Oregon Department of Transportation for a grant from the ODOT Immediate Opportunity Fund for transportation improvements on SE 4th Avenue. Motion seconded by Councilwoman Strong.**

DISCUSSION - Councilman Gerber expressed a concern about number three regarding the time limit

Attorney Kelley suggested that the Council specify a time frame and indicate the entire Logging

Road Phase II as responsible for job creations.

****Councilman Nolder amended the motion to add: that approval is contingent upon creation of the specific jobs within the Logging Road Industrial Park Phase II within the next five years. Councilwoman Strong agreed to the amendment. The motion was approved 6-0.**

Curt McLeod suggested that Attorney Kelley meet with ODOT representatives and himself to work out the additional wording in the agreement.

ORDINANCES & RESOLUTIONS: Ordinance no. 973 - Administrator Jordan explained that this was the final reading on an ordinance to authorize improvements on 9th Avenue and repairs to the Community Park road. He added that since the project is scheduled to proceed tomorrow, the ordinance needs to have the signature of the Council President.

****Councilman Harris moved to adopt Ordinance No. 973, AN ORDINANCE AUTHORIZING THE MAYOR OR COUNCIL PRESIDENT AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER NORTHWEST PAVING COMPANY FOR CONSTRUCTION OF NW 9TH AVENUE STREET IMPROVEMENTS AND THE COMMUNITY PARK ROADWAY REPAIRS; AND DECLARING AN EMERGENCY. Motion seconded by Councilwoman Strong and approved by roll call vote, 6-0.**

Resolution No. 637 - Attorney Kelley informed the Council that Attorney Roger Reif had prepared a file letter stating that Fred Kahut agreed that the yard debris collection is a part of the solid waste collection and that the trucks will go directly to the out of town dump locations. Also, the trucks will not take the debris to the proposed transfer site in the Logging Road Industrial Park. Mr. Kelley pointed out that the proposed resolution has two fee schedules, with an option for a weekly debris pick-up and another for a bi-weekly debris pick-up.

Councilman Harris asked if the issue regarding burning in the City limits would be discussed. He noted that he had submitted a letter to the local newspaper requesting citizens contact him with their opinions on the matter.

Attorney Kelley noted that currently the City is out of compliance with DEQ regulations regarding the waste stream and recycling issues.

Councilman Lucas suggested that the City had until the year 2000 to reach DEQ recycling compliance.

Estle Harlan informed the Council that the 1995 recycling goal was not met by the City and without implementing the yard debris collection, the recycling goal that is state mandated for the year 2000 will not be met either. She added that the 1995 statutory state goal was 45% and the City is currently at 27%, the 2000 goal will be 50%.

Councilwoman Strong questioned the fee schedule. Ms. Harlan said the weekly pick-up schedule has \$5.00 added to the current \$10.50 monthly fee; and the bi-weekly schedule added \$3.45 to the existing monthly fee of \$10.50.

Councilman Gerber asked if a public hearing was required to raise the fees. Mr. Kelley said a public hearing was not required.

The Council decided that the yard debris collections and burning issues were two separate issues to be discussed.

Councilman Harris said that many of the citizen contacts he received were negative regarding the mandatory payment for yard debris collection. He said many citizens have yard services or haul their debris out of town for recycling; and many of the citizens are either retired or on fixed incomes and the additional fee would be a hardship. Councilman Harris had envisioned a "user" fee.

Ms. Harlan said it is a state law that a City cannot discriminate against those who recycle and therefore it is an administrative rule that the fee shall be paid by those who recycle and those who do not recycle. She added that there are currently customers who do not recycle anything. Ms. Harlan pointed out that the schedule needs to be revised to include the 68 and 95 gallon carts.

****Councilman Gerber moved to adopt Resolution No. 637, A RESOLUTION ESTABLISHING COLLECTION RATES FOR YARD DEBRIS RECYCLING FOR CANBY DISPOSAL COMPANY WITH THE WEEKLY PICK-UP FEE SCHEDULE, AND SUBJECT TO THE REVISION OF THE 68 AND 95 CART RATES. Motion seconded by Councilman Lucas.**

DISCUSSION - Councilman Harris stated that he was in favor of a bi-weekly program, this would satisfy goals and benefit society.

Councilman Nolder asked Mr. Kahut if he could monitor the collections to determine if a weekly pick-up was necessary. Mr. Kahut said that was possible.

Councilman Gerber expressed empathy for citizens that do not use the recycling system, however, he stated that recycling and disposing of trash is a global problem and one that everyone should be concerned about solving.

Councilman Lucas noted that even if a citizen has yard service, usually they will have weeds, flowers or some type of yard debris, and it is "better to recycle,"

Derek Bliss, 640 N. Ivy, addressed the Council and displayed a list of approximately 25 signatures he had gathered within 400 yards of his home from residents who were opposed to the yard debris collection, saying they would not use it. He said of the 35 houses he contacted, only 6 were in

favor of the yard debris collections. Mr. Bliss suggested a public hearing be scheduled.

Both Councilors Harris and Strong expressed a desire for a bi-weekly collection.

Councilman Gerber noted if a weekly collection appears to be "overkill," then the bi-weekly plan can be addressed.

****Resolution No. 637 was approved 4-2, with Councilors Strong and Harris voting nay.**

UNFINISHED BUSINESS: None presented.

MANAGER'S REPORT: Measure 50 - Administrator Jordan passed out some fact sheets regarding projections on Measure 50 funding. He noted that under Measure 47 Canby would have had an estimated 22.7% lose of funding and under Measure 50 the estimate is 17.7%. He reminded everyone that the funding will now be a rate base and the City will be able to collect more money when a new home is built in the City.

May 14th Workshop - Mr. Jordan handed out draft notes regarding the discussions at the May 14th Workshop about Council interactions and City Administrator expectations. He urged members to let him know if they had any additions or corrections.

Assistant Planner - Mr. Jordan informed the Council that Larry Vasquez, Assistant Planner, has accepted another position and the City is requesting permission to advertise this Sunday for a replacement. Permission was granted.

Community Planning Workshop - Mr. Jordan suggested the Council set June 4th at 6:00 p.m. for a presentation from the group of University of Oregon students preparing the Parks Master Plan and then accept public input during the session. The date was confirmed for the workshop.

Clackamas County/Shimadzu Road - Mr. Jordan informed the Council that Shimadzu had made a construction access road to their project from SE First Avenue. Clackamas County has requested that the City participate in a bond to insure repair of damages done by the traffic on SE First. Mr. Jordan said that Dean Boyer has cooperated with the City and a road across his property to the Shimadzu project was created, with an offer from the City to do \$12,000 worth of work on the road.

Transportation Consultant - Mr. Jordan informed the Council that several meetings to discuss the Master Plan for Phase II and III of the industrial park has been held. CUB, PGE and the City have been discussing possible funding sources as a cooperative effort. He noted that the major issue, specifically with the development of the Arneson property, will be transportation. He added that Graymor Developers, who are developing the Arneson property, have offered the City the use of their transportation consultant. Mr. Jordan said he was not comfortable with the perception that would be projected by using their consultants. However, he did suggest that the

Council approve a sole source rather than RFP proposal so this could be expedited. Mr. Jordan reminded the Council that this is personal services, which is acceptable in lieu of the bidding process.

Councilman Nolder asked for a projected cost. Mr. Jordan said it was in the scope of \$150,000. However, he has two consultants in mind and is hoping to propose a project of \$50,000 to \$60,000.

Councilman Gerber suggested using three consultant quotes for a comparison.

The Council concurred that the RFP process will not be necessary.

COUNCILORS' ISSUES: Councilman Nolder informed the Council that the Rotary Club had cleaned up highway 99 E and there is "no trash" along the Canby corridor.

Councilman Gerber asked what was happening at 13th and S. Pine near Ackerman School. Mr. Jordan replied that in cooperation with Canby Utility Board and Canby Kids, the City is seeding, grading and putting in a water system in hopes of having turf in that field for the fall soccer season.

Mr. Gerber suggested that the local newspaper cover this project in hopes of creating some more volunteer help for the proposed area.

The second topic Councilman Gerber wanted to address was the undesirable activity at the S. Locust Park late at night. He noted that the only curfew the City could enforce was for juveniles and suggested an ordinance be drafted to set a curfew and hours of closure at the S. Locust Street Park. Therefore, signs could be posted and enforcement implemented.

Attorney Kelley said an ordinance would be necessary to establish park hours and to prosecute violators.

Ms. Chaplen pointed out that special events will need to be considered.

Councilman Harris noted that the Canby Community Park is one that is easy to close, however, he expressed a concern about setting hours and closing any park within the City, saying it could be discriminatory. He suggested if someone wanted to sit in the park even at midnight, as long as they were not doing any criminal activity, it should be appropriate.

Councilman Gerber said it was reported to him that alleged drug traffic, prostitution, fights and displaying of weapons are occurring at the S. Locust Street Park.

Administrator Jordan reminded the Council of the neighborhood involvement in designing the park and suggested that Brain Howarth, with Community Policing, pursue some time of

neighborhood rally for input on the activities currently happening in the park.

Council President Daniels reminded everyone of the Saturday Growers Market from 9 am to 1 pm in the north end of the railroad parking lot.

OTHER REPORTS OR ANNOUNCEMENTS: None

- ACTION REVIEW:**
1. Approve signatures of the Construction Fiancé Agreement with ODOT contingent upon adding the five year time frame and entire Logging Road Industrial Park Phase II project for the specific 46 job criteria.
 2. Proceed with NW 9th and Community Park road improvements as per Ordinance No. 973.
 3. Implement the yard debris collection program, effective in August 1997, as per Resolution 637.
 4. Request coverage from the Canby Herald for volunteer assistance at the Ackerman athletic field project.
 5. Initiate a neighborhood rally regarding concerns about activities at S. Locust Street Park.

Council President Daniels adjourned the session at 9:15 p.m.



Marilyn K. Perkett
City Recorder



Walt Daniels
Council President