

CANBY CITY COUNCIL
REGULAR SESSION
JULY 16, 1997

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Finance and Administration Director Sarah Jo Chaplen, Planning Director Jim Wheeler, Recreation Services Director Beth Saul, Clerk Marty Moretty, Municipal Court Judge Jon Henriksen, Curtis and Lila Gottman, Pat Harmon, Ken Perinchief, Harry Daudt, Glennette Danforth and Allen Manuel.

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

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

MINUTES OF REGULAR SESSION: **Councilman Daniels moved to approved as distributed the minutes of regular session, July 2, 1997. Motion seconded by Councilor Harris and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Ken Perinchief residing at 583 NE 10th Avenue, Canby addressed the Council regarding his concerns about putting the issue of voter approval of annexations on the November ballot. He feels the current system of utilizing staff, commission and council expertise is better than subjecting annexation decisions to the general public. He wishes his remarks to become part of the record when the matter will be discussed at the August 6, 1997 council meeting.

Pat Harmon residing at 735 NE 30th Place, Canby feels that the public needs to know what is going on; and the growth cannot be stopped in Canby. Infrastructure is a must and wishes the Council to strongly consider the matter before offering annexation to voters.

As Ken Perinchief indicated, staff have been instructed to come back on August 6, 1997 with a draft proposal at which time the Council will discuss whether to move that forward to a vote and put it on the ballot per Mayor Taylor.

City Attorney John Kelley reported back to the Council after a discussion with the City Attorney Scot Fewell for Corvallis and also Philomath. Answering the question about one lot annexations, Mr. Fewell's research indicated the "equal protection" argument

would constitutionally flaw any legislation which allowed exceptions for a single lot. The other problem was the definition of a "lot"; therefore everything goes before the voters in Philomath and Corvallis. Discussion of a draft proposal about the annexation issue will be brought before the August 6, 1997 council meeting integrating some procedures into the Corvallis model. Mr. Kelley has also prepared a resolution and supporting documents for the proposed annexation if Council decides to have it on the November 4, 1997 General Election. City Planner Jim Wheeler is working on the procedure should the voters approve.

MUNICIPAL COURT REPORT: Judge Jon Henricksen addressed the Council in his 18th Annual Report. There has been a large increase in cases during the last fiscal year. Main reasons are 1) growth of the community and 2) the addition of new police officers. Highly complimented Chief Giger and staff and feels the new officers have had "exemplary training". The 12 mile Safety Corridor from Oregon City to beyond Canby has been very effective. Canby is one of few full-service courts in which all misdemeanor crimes pass through our court system instead of being channeled through Clackamas County. The City Attorney, Court Administration staff and the Police Department are extremely efficient and have been able to handle the additional workload. This community is to be commended on responding to the needs of the Hispanic population, of which Canby has the highest number in Clackamas County. Ron Russ our court interpreter goes the extra mile outside the courtroom in providing personal help to our Hispanic population. Attitudes through schools, community sports, civic groups, and concerned individuals provide outlets and education contributing to the reduction of criminal activities.

Our court office runs a highly efficient collections system and started the new fiscal year with a \$11,313 cash carry over. Our Court has again been given the authority to hear juvenile cases for possession of tobacco products of juveniles under the age of 18.

The Council and Mayor complemented Judge Henricksen on the closure rate, timeliness, volume and self-sustaining capabilities, allowing Canby to continue to have a court in our community.

PUBLIC HEARING: ANN 97-02 Logging Road - Mayor Taylor briefly reviewed the legislative public hearing process after opening the hearing at 8:22pm.

Mayor Taylor asked the hearing body to declare any expert' contact.

Nolder - none and will participate.

Gerber - none and will participate.

Harris - none and will participate.

Daniels - none and will participate.

Lucas - none and will participate.

Strong - none and will participate.

Mayor Taylor asked the hearing body to declare any conflict of interest on the subject matter:

Nolder - none.
Gerber - none.
Harris - none.
Daniels - none.
Lucas - none.
Strong - none.

There were no persons present who wished to testify at this time.

STAFF REPORT - Planning Director Jim Wheeler proposed annexation of the City-owned southern portion of the logging road extending from Hwy 99E south to 13th Avenue for efficiency purposes. In 1992, the northern portion was annexed from 99E to Territorial Road; the southern portion has remained in city ownership but outside the city limits. Now that several properties on the west side in 1991, the Boyer property on the east side in 1991 and now recently the Burden property annexation with Shimadzu have been annexed, we now have 3/4 of the perimeter of the logging road from 99E to Township inside the city limits. Then all the City-owned portion of the logging road would be inside the city limits. The priority of annexation is A from the highway to approximately halfway to Township; then B to Township; and C from Township to 13th. The need for the annexation of the C property is not great, but mostly for staff time and cost efficiency purposes.

In the Public Hearing portion of the Planning Commission, there was a concern of facilitation of annexation of property, mostly the Arneson and Walluck property; but since they are contiguous to property within the city limits on the other side of the logging road that criteria could happen independently without the annexation of the logging road.

The priority classification or any other criteria of annexation would not change, so staff does not think it would facilitate annexation of any properties south of Township; it is also not the purpose. The only other benefit is that it is a walking and bike path and it would facilitate any permit process since it has to go through Clackamas County now. Down the road, there will be a bridge over Township and it is the only other ramification; it would go through the County process unless annexed into the City.

Staff and Planning Commission recommend annexation of the logging road property. The options would be not to do so, or annex only the northern portion requiring an amendment to the proposed Resolution No. 643, ANN 97-02.

Questions clarified that the annexation is only the City-owned logging road, and in this case, was being discussed after the subject of voter annexation.

No decision has been made as to a placement of a cell tower on that site, now it would have to go through Clackamas County for permit process; permission would have to go through the City because it is City-owned property.

The bikepath would only be effected If the City had to go through a permit process.

Annexation usually does not have improvement requirements tagged to it.

Councilman Gerber requested to know who initiated this request to annex, and was told that it was staff, Mr. Wheeler in particular. He also inquired as to the cost and was told \$605 to take to Portland Metro Boundary Commission.

The annexation would remove an island of County that is surrounded by City if annexing the A and B portions, but would create an island of City if annexing the C portion. Tax lot 190 between the rail spur and the logging road off of 13th and tax lot 400 & 401 next to the logging road off of 13th, would be the three properties that are currently not contiguous.

The public hearing was closed at 8:40 pm.

DISCUSSION: Councilors Nolder, Harris and Strong centered around concerns of annexing B and C portions and having the action being construed as encouraging bringing C property into the City limits when emphatic about not letting citizens do so. It would appear that the City can do it, but not the general public.

The Mayor pointed out that the comp plan already addresses annexation, we already have a priority of how we bring land in, rules that govern all the other requirements for annexation to happen. He pointed out the Planning Commission supported the annexation proposal with a 5-1 vote, with one member absent.

Mr. Gerber sees its purpose as a bikepath can be done so, whether it's in the City or the County. It sends the wrong message if we were to annex in C property; sees no justification in doing any of it now.

Councilor Daniels pointed out that no services appear to be involved, worries about the precedence they would be setting by bringing in C land.

Councilor Lucas sees it as a housekeeping issue if it is going to be part of our hiking and bike trail and with possible improvements to it and we own it, do not want to have to go through the County process. He does not think the C classification is a big issue since it is a road to be used for a bikepath and not building property.

Mr. Wheeler pointed out that a small portion of C property was annexed with the

Shimadzu annexation; and it is not necessarily a precedent setting move - certain situations warrant it. For the record Councilor Gerber requested copies of the Council meeting when an option to annex and then de-annex a C parcel; Mr. Wheeler said that option was not pursued, not requested by the Council or the owner thus it became a zone change.

Administrator Jordan addressed the infrastructure and permit issue. Staff had discussed concerns of the right-of-way from the highway to Township Road for a water main going through somewhere in the industrial area to a treatment facility and an electrical power capacity issue bringing additional power to the Twilight sub-station; and an overpass at Township Road. These were certainly in the future but would go through a County process if not in our city limits.

****Councilman Harris moved to recommended denial of Annexation 97-02 application. Motion was seconded by Councilor Gerber and fails 4-3.**

****Councilman Nolder moved to recommend approval of Annexation 97-02 from Hwy 99E to Township Road. Motion was seconded by Councilor Daniels. Council directed staff to rewrite Resolution 643 to include only those A and B portions from south of 99E to Township Road being annexed at this time. Motion was approved 4-2.**

COMMUNICATIONS: Letter from Bike & Pedestrian Advisory Committee requesting a Council liaison to that committee which meets every 2nd Tuesday of each month. Barry Lucas volunteered to do so having been one of the councilors who has taken a bike ride with the Gottmans and is now more aware of concerns through a cyclist's perspective.

NEW BUSINESS: Accounts Payable - ****Councilman Harris moved to approve payment of accounts payable in the amount of \$46,725.81. Motion seconded by Councilman Daniels.**

****Accounts payable were approved 6-0, by roll call vote.**

Appointments to Park & Recreation Advisory Board: Beth Saul, Director of Recreation Services recommended that Brooke Cates be appointed to the board and that Lance Lyon, Rick Maier be reappointed and Randy Carson be appointed to fulfill the term of Leanne Sanders who has moved away. The Council directed Beth to let the Board decide amongst themselves the length of the appointments so that the terms do not all come up for reappointment at the same time.

****Councilman Daniels moved to appoint Brooke Cates and Randy Carson to the Parks & Recreation Advisory Board and reappoint members Lance Lyon and Rick Maier. They will inform Beth Saul as to the lengths of terms decided upon and which new member**

would accept a term to run through 1998, and three members would accept terms to run until the end of the year 2000.

****Motion seconded by Councilman Harris and approved 6-0.**

ORDINANCES & RESOLUTIONS: None.

UNFINISHED BUSINESS: Computer Support Services - in Mr. Hanson's absence, Administrator Jordan reviewed the Computer Network Management proposals recommending the Council direct the City Administrator to enter into the contract with Computer Products Inc. to provide computer network maintenance for the City's computer systems. Computer Products represented by Tom Flanders was the only firm that adequately addressed all of the requirements outlined in the Request For Proposals which had been sent to ten network consulting firms. The City's internal Computer Committee has reviewed all the proposals and selected Computer Products.

Steve Hanson will serve as the liaison and will be the one working most closely with the contractor to make sure contractual obligations are met. His hourly involvement will be greatly reduced after the consultant comes on board. There would be an on-site certified network engineer 24 hours per week based at the treatment plant; and on-call at all times through the company. The company will completely document the system so that at any point in time if there is a change in contractors or switch to an in-house employee, they can pick up Computer Products documentation.

Councilor Harris pointed out that there is \$8000 surplus between budgeted amount vs. amount of the contract.

****Councilor Daniels moved to direct the City Administrator to enter into a contract with Computer Products Inc. to provide computer network maintenance for the City computer system and seconded by Councilor Lucas and approved 6-0.**

Discussion followed about disposition of the \$8000 and including the monies in the future budget meetings coming up in September, 1997.

Mayor Taylor adjourned at 9:47 pm for a short break and resumed at 9:52 pm.

MANAGERS REPORT: Legislative Review: - Senate Bill 500 lost while property tax exemption for centrally assessed utilities passed; so the property value will be coming off the books. SJR-27 will be sent to voters next May. It was the Measure 47 double majority portion that appears again in Measure 50. Transportation funding package has the most impact on our budget. We are affected by \$60,000 that was budgeting into our street department but we will not be receiving.

Overpass banner issue with ODOT - The City now has a blanket permit with the Oregon Department of Transportation for overhead banners on the overpass; so it will continue to be a cooperative venture.

Industrial Park Master Plan funding - the request has gone directly to the Governor's office and so we expect an answer within the next two weeks. A \$45,000 request has gone to the Governor to help with the costs of our Master Plan.

Street Tree issues - in the SE quadrant of the community, Township Village there is a planting strip and now they are creating problems for the street sweeper. The trees planted have the potential to outgrow and move the curbs and sidewalks. In addition, in Township 8, some of the homeowners do not want the trees planted that were part of the Planning Commission's order and the City is dealing with the neighbors about where the trees will go so that the intent of the order is met and still keep the neighborhood happy.

Locust Street Park - Potluck scheduled with the neighborhood on July 20, 1997 with Brian Howarth, Community Policing Officer, will facilitate a discussion about some of the problems that have been occurring around the park and soliciting input on potential solutions.

Workshops - none scheduled until September, 1997.

Resignation - City Treasurer Virginia Biddle tendered her resignation to be effective July 29, 1997.

COUNCILORS ISSUES: DEQ Meeting - Dennis Nolder stated that he and Sarah Jo Chaplen met with Ed Woods with DEQ on July 10, 1997 regarding the Canby test station. At this point in time, they are not going to be taking it away. There is a possibility of used equipment and researching the possibility of grant monies for an enhanced station which requires additional funding of \$80,000. It seemed to be a very encouraging meeting.

Canby Adult Center Advisory Board Meeting - Walt Daniels reported that Keith Murphy has been elected President, Ken Tucker is Vice President and Nancy Murphy is Secretary. They are looking over some by-laws to see if the responsibilities of the advisory board need to be adjusted. Since they only recommend policy and then report that to the Board, felt that they only need to meet quarterly, on the second Thursday.

The question was raised about why the Adult Center was closed on Tuesdays. The matter is going to be researched and see how many additional meals it would need to have in order to be open five days.

OTHER REPORTS OR ANNOUNCEMENTS:

1. Exclusion Ordinance report by City Attorney John Kelley. Spoke with the Dave Worborel, City Attorney in Portland who drafted the drug-free zone legislation. Mr. Kelley asked him about the concept of a gun-free zone. We would have to show that certain areas of our city had problems that other areas did not. Then we would have justification of exclusions from that area. After speaking with Mr. Worborel, he felt it would be very difficult to establish. The fact is that people can possess guns legally so it is not the same thing as a drug-free area where you are not supposed to be possessing drugs at all. The first step would be to research to see whether there is an area in the City where crime involving the use of guns is more prevalent than in any other area in the City.

Councilor Harris requested to be sure that the Police Department is researching the drug-free zone and also perhaps to do a study to see about guns associated with crimes being more prevalent in a certain part of the City. He would like to confirm with the Police Department that they are researching the numbers to see if there is a prevalence of drug-related crime and gun-related crime in any particular section of town.

2. Associate Planner - Mr. Jordan, Mr. Wheeler, Ms. Chaplen and Ms. Saul conducted seven interviews and Jason Kruckeberg was the high-scoring applicant. There will be a memo about his background and will bring to the next meeting.

- ACTION REVIEW:**
1. Bringing back Res. 643, on ANN 97-02 Logging Road from Hwy 99E to Township Road
 2. Appointments to Parks & Recreation Advisory Board per Council's recommendations
 3. Councilor Lucas will be acting as the Bike & Pedestrian Advisory Committee liaison
 4. Signing a personal services agreement with Computer Products Inc. for computer support services

****Councilman Daniels moved to go into Executive Session under ORS 192.660 (1)(d) regarding labor negotiations. Motion seconded by Councilor Harris and approved 6-0.**

Mayor Taylor recessed the regular session at 10:14 pm to go into Executive Session. The regular session was reconvened and immediately adjourned.

EXECUTIVE SESSION

July 16, 1997

PRESENT: Mayor Taylor, Councilors Nolder, Gerber, Harris, Daniels, Lucas, Strong, and Mr. Jordan.

Mayor Taylor opened the session in the CUB conference room at 10:20 pm.

ORS 192.660(1)(d) - The Council discussed the following labor negotiations:

Management Compensation Structure
Exit Review with City Treasurer Virginia Biddle and Council

Mayor Taylor adjourned the session at 11:45 pm.



Marty Moretti
City Clerk



Scott Taylor
Mayor