

CANBY CITY COUNCIL
REGULAR MEETING
SEPTEMBER 7TH, 1994

Council members present: Mayor Taylor, Councilors Daniels, Stark, Strong, Harris, Nolder and Prince.

Also present; City Administrator Michael Jordan, Assistant to the City Administrator Sarah Jo Chaplen, Director of Planning Bob Hoffman, Assistant Planner Jim Wheeler, Library Director Beth Saul, Parks and Recreation Director Scott Nelson, Chief of Police Jerry Giger, Director of Waste water Treatment Plant Steve Hanson. From the Police Department, Greg Kroeplin and Tim Skipper. Citizens that were present: Darlene Key, Greg Hall, Brian Hall, Matt Eide, Perry Eide, Maryanne Redding, Benjamin Foy, Cheryl McKeon, Kevin McKeon, Will Hight, Betsy Ross.

Mayor Taylor 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 SESSION: Councilor Prince moved to approve as distributed the minutes of regular session August 17th, 1994. Motion seconded by Councilor Stark and approved 6-0.

PROCLAMATION-AMERICA'S NEIGHBORHOOD BANK: Mayor Taylor declared that September 13th, 1994 would be "Neighbors Make the Difference Day." Hundreds of Key Bank employees will spend the day doing community public service on a variety of projects.

CITIZEN INPUT ON NON-AGENDA ITEMS: Ms. Darlene Key sent a letter to the Mayor and the Council outlining her concerns about the way that Mr. Ray Jackson's Grand Prix event on August 14th, 1994 had been organized and run. It outlined the impact the event had on her business establishment. She had had two weddings on that day she said both of which had been interrupted by the event. Ms. Key wanted a letter of apology sent to the two couples from the Council. In addition she wanted the Council to refund them the money that had been spent on the chapel. Ms. Key also wanted the Council to consider how to help licensed businesses in Canby. She told the Council that her business effected more of the other businesses in Canby such as photographers, hotels, catering and so on.

Ms. Key also wanted to share some information with the Council that had not been in the letter that she had sent to the Council. The gentlemen organizing

the event was supposed to have talked to everyone along the track. He never called her. While he was out early in the Spring talking to other people along the track he was also asking for donations for the event. He was promoting the race for the children in Canby and he was asking and accepting donations. The second piece of information was that in between the races there was a parade of Cadillacs led by a black hearse covered with balloons. This parade went around the church three times honking. He did hold off the races for the second wedding. This was done with the help of a police man that I asked to help us. The third incident happened while the last party was taking photographs. The bride and the groom were being photographed as they entered their car. Someone in dark glasses drove up on a motor bike and said "Aren't you gone yet? You were supposed to be gone half an hour ago!" The photographer had to stop the groom from punching out the man who had made the comment. The churches should have been notified that this event was going to be taking place and the Church of God was not.

Councilor Stark commented that the Councilors were told that everybody had been contacted. She recommended that a letter of apology be written to the married couples from the City Council. However, she thought that the promoter of the event should pay their fee.

Councilor Harris said that he was sorry that this had happened, but it was really awkward to see how things could have been done differently. He pointed out that the Councilors have to take peoples' words for it when they say they have done something. There had been no objections from other citizens at the time Mr. Jackson had come forward. What could we do to avoid things happening like this? The information about the event had been on t.v., on a map as to where the track was going to be, at the Council Meeting, and in the Canby Herald. Ms Darlene Key felt that a special effort should have been made to notify churches when the event was happening on a Sunday.

Mayor Taylor commented that what the Council had been presented with was this was a community event. Often community events will interfere with some businesses in some way. Unfortunately, in this case we did not check with businesses and the Churches. The Counselors asked several times of Mr. Jackson whether everyone had been contacted. We were guaranteed that they had been. We have also received several calls from people that they had not been satisfied with the event. Whenever we blocked off a street it effects businesses. You have brought us to a greater awareness of who all could be effected. We did not discuss weddings and how far the track went. The Councilors all agree that the City should send an apology letter to both of the couples. Mr. Jackson will have a harder conversation with us for an event next year. There are other places where it would be better held. Councilor Nolder had advised us to be careful in the preparation details.

Councilor Prince commented that we had tried to touch all the bases and thought that everything had been handled. The bond that we have is not over anything after the event. I want to thank Officer Kroeplin for totally shutting the event down so the wedding could take place.

Councilor Nolder said that we learned from this.

Mayor Scott Taylor said that the entire Council would sign the letter.

COMMUNICATIONS:

Letter from Michael R. Breshears VFW Post Commander of the Canby-Aurora V.F.W. requesting the use of a portion of the City parking lot located on N.W. Elm and 1st Street for a combined garage sale with the Canby American Legion Post 122.

Councilor Cheryl Stark said that it was not a noisy sale and did not create much traffic, however, this year it was going to be a combined sale.

Councilor Harris asked if anyone would object to this?

Mayor Scott Taylor stated that the Council as a whole should not over react to the previous event [the Go Kart race.] It was pointed out that this event was on a Sunday so that nearby businesses would need to be located. There was also a confusion over the date, October 3rd is actually a Monday. This needed to be clarified.

****Councilor Stark moved to grant Michael Breshears request. Motion seconded by Councilor Harris.**

****Vote was for approval 6-0.**

Report from Councilor Prince on Joint Task Force of the City Council, the Planning Commission, and the School. He reported that Linda Mihata, Dan Ewert, Roger Reif, Carol Beddow, and Mike Jordan had also been there and that the meeting had been a successful one. Some of the issues raised included the question of whether the City might administer things differently, for example, the school conditional use permit. The administration decision process to allow assimilation of students needs to be faster. Councilor Prince commented that more specific items in the future would be found and discussed. We have never looked at this area seriously before, even though it is in the administrative rules. The School needs more information from the Planning Commission as possible plans go. We need to do a countdown and keep it current as to when a subdivision is added and how many kids it adds to

the system. We want the Planning Commission to be kept up to date on School information. The meetings are going well, people are talking together. The next meeting should be on Tuesday 25th.

Mayor Scott Taylor wants minutes done of these meetings and suggested that the City and the School could rotate staff in order to do that. In that way the content of the meetings could be remembered and consulted at a later date.

NEW BUSINESS:

Accounts Payable-**Councilor Daniels moved to approve payment of accounts payable to the amount of \$198,952.66. Motion seconded by Councilor Stark and approved 6-0 by roll call vote.

Request for Dedication of Land Mrs. Montgomery would like to deed the remaining five feet of Tax Lot 3200 to the City-City Attorney John Kelley explained the background of this dedication.

**Councilor Harris moved to accept dedication of the strip of land. Motion seconded by Councilor Stark and approved 6-0.

Request for Authorization for Purchase-Steve Hanson Director of the Waste water Treatment Plant presented two requests. The first was a request to proceed with a vehicle purchase with money that had been set aside during the budgetary process and had been agreed to by the Budget Committee. The second request was for a decision to be made about which of three repair options was the best for the Knights Bridge S.S. Pumping Station. The station is 30 years old and the equipment is so old that there is only one repair man who knows how to repair it. Hanson said that they would want to use Kurt McCloud as the Agent of Record and go out for an RFP to pick the contractor.

The three options: 1. Rehabilitate the Existing pump (\$37-40,000); 2. Install a Self-Priming Station (\$60-65,000); 3. Set up Submersible Station (\$37-40,000). Engineering expenses for each design is estimated at \$7-10,000) Hanson recommended the third option.

Mayor Scott Taylor asked if the van was part of the budget, and the lift station was new.

Councilor Harris wanted to know if the lift station had been a surprise. Hanson said that information about the lift station had been brought up more than once.

Councilor Nolder asked if this was the lift station that had caused the really bad backing up into the basement of a house two or three times. Hanson answered that it had indeed been this lift station, and that the City had installed a back flow prevention device in that house which did not work one hundred percent of the time.

****Councilor Nolder moved that the City Council allow the purchase of the Utility Line Truck and go with option three for the Knights Bridge S.S. Pumping Station. Motion seconded by Councilor Strong.**

****The motion was approved by a 6-0 vote.**

ORDINANCES AND RESOLUTIONS:

Resolution No. 569 revising the Official City of Canby Tree List-Jim Wheeler from the Planning Department presented the information on this Resolution. the Original "Street Tree List" was generated prior to the passage of the Solar Ordinance. The new list consists of trees recognized as being suitable for being planted alongside streets. The majority of the trees are rated for "solar-friendliness", however, some highly recommended street trees are not "solar friendly", but were included. The list has been reviewed by Mr. Goetz a consulting arborist. The Planning Commission has reviewed the list in their capacity as the Street Tree Committee and has made a unanimous recommendation to the City Council to accept the revised Tree List.

Councilor Prince commented that solar friendly or not some trees might or might not be good street trees. Wheeler responded that the trees that were not as solar friendly would be used on those streets that oriented more North/South where the impact would not be as high in terms of light loss. Councilor Prince responded that, in addition, less of those trees could be planted together

Councilor Nolder wanted a clarification of the land strips that street trees would be planted on. He did not want people to get the idea that this list would control the trees in their own backyard. Wheeler responded by saying that the list only includes those areas that the City has control over and were designed as such. Wheeler said this list is not exclusive. The city is not saying you cannot plant. If there is a tree that someone wants to use as a Street Tree and it is not on the list we will consult the consulting arborist.

****Councilor Daniels moved that No. 569 A RESOLUTION REVISING THE OFFICIAL CITY OF CANBY TREE LIST be accepted. The motion was seconded by Councilor Harris.**

****Motion was approved 6-0.**

Ordinance No. 570 Dedication to Public Right-of Way -Planner Wheeler said that when streets are constructed to the edge of unplatted, or undeveloped land or to the edge of land that is not in the City, a one-foot "reserve plug" is recorded on the plat. This strip of land, the width of the street right-of-way and one-foot deep, belongs to the City, and is not public right-of-way. The purpose of having this strip of land is to control access onto the public right-of-way from the unplatted or undeveloped land. There are four plugs in the middle of the street. In a practical sense they do not matter, however, in one case they do matter. There is a minor land appeal issue.

Kevin Howard applied for a minor land partition (MLP 93-02) in July of 1993 for the Wilhelm Guttormsen property located east of Millar Tire. The Planning Commission approved the application with a condition requiring a permit from the Oregon Department of Transportation for the access onto Highway 99-E. Mr. Howard appealed to the City Council regarding this condition. The City Council approved the partition without the ODOT condition. ODOT then appealed the Council's decision to the Land Use Board of Appeals. At that point, Mr. Howard and ODOT began negotiating an agreement. The result of those negotiations is that Mr. Howard is permitted to have a right-turn only ingress and egress onto Highway 99-E, and an exit-only onto S.E. 2nd Avenue. There is a "one-foot reserve plug" owned by the City at the end of S.E. 2nd Avenue that prohibits Mr. Howard from being able to fulfill his agreement with ODOT. ODOT will drop the appeal to LUBA pending the Council decision to grant access to 2nd. There are four places in the City where the non-developed side of the "reserve plug" has since developed. This was not considered a problem until this year when the County considered not recording a subdivision (Valley Farms II) that had its only access across one of these "reserve plugs". These four "reserve plugs" are no longer needed, and are therefore included for dedicated to public right-of-way. Resolution 570 was prepared to dedicate these "reserve plugs".

Councilor Prince said that the Planning Commission had discussed the storage issue on 2nd Street. Wheeler said with a minor land partition we separate direct access onto. The exit only is required by ODOT. The rest is a private agreement, if provide access to others means the Planning Commission is concerned if only exit onto 2nd.

****Councilor Daniels moved to adopt No. 570, A RESOLUTION TO DEDICATE TO PUBLIC RIGHT-OF-WAY ONE-FOOT RESERVE TRACTS CURRENTLY USED FOR STREET ACCESS CONTROL. Motion was seconded by Councilor Prince.**

****This motion was passed 6-0.**

Mayor Scott Taylor announced a five minute break. Meeting adjourned at 7.20 p.m. The meeting reconvened at 7.25 p.m.

Mayor Scott Taylor announced that there would be an adjustment to the agenda because we had citizens present at the meeting to listen to 10 B. under UNFINISHED BUSINESS.

UNFINISHED BUSINESS:

B. Community Development Block Grant for Adult Center (discussion item)

City Administrator Jordan reported that the City had been awarded a Community Development Block Grant for the expansion of the Adult Center during this funding cycle. The money will be available for the 1994/1995 fiscal year. The grant is for \$170,000 with a match of 20 % which adds up to a minimum of \$34,000. What is before you is a draft of an intergovernmental agreement from Clackamas County. The City is named as the applicant and we are responsible for the 20% match. It was my understanding that the Friends of the Adult Center were responsible in some way for a portion of this. I have since been corrected. according to the agreement negotiated by Rusty Klem at the very most any money from the Friends of the Adult Center was supposed to be a loan for the match. I met with Will Hight and Barbara Guilds to see what their understanding had been. They too had understood that if anything was going to happen it would be a loan. We have left our Boards to resolve the situation and come back together. It would be a shame for the City to let a \$170,000 grant get away from us. What are your recollections of the discussion Councilors?

Mayor Scott Taylor said that the money from the CDBG is HUD monies which can be used on facilities used by low income people and/ or seniors. The City cannot change the use of the facility, otherwise we would have to pay the money back to the Federal Government.

Councilor Prince said that his recollection was that the money from the Friends of the Adult Center was to be a loan.

City Administrator Jordan said that the City does not have any money budgeted for this grant match this year, however, the City does have money budgeted for Capital Improvement and it could be budgeted for this. The City has \$150,000 for internal funding of infrastructure rehabilitation, internal loans, and for matching grant opportunities.

Councilor Prince asked if any to the terms have been discussed by the Boards? City Administrator Jordan said that City Attorney Kelley had drafted a City

agreement to enter into an agreement with the Friends. Clackamas County had not been interested in entering into multiple agreements for the grant.

Will Hight, President of the Friends of the Adult Center said that the Friends will be meeting tomorrow for a regular quarterly meeting at 1 p.m. He plans to have a better discussion than they were able to do a week ago. He is not prepared to make a statement this evening. The Friends' intention is to make available roughly \$20,000 interest free with a time frame for repayment compatible with both the City and the Friends' budgets. At the moment with the capacity we have at the Adult Center now we will take care of the needs, but as the elderly population grows the capacity will be needed. If we pass up the grant it could put us behind. By the end of October next year we could be operating in a new wing.

Mayor Scott Taylor said that if we have available the money now and we could allow the possible loan money to remain with the Friends of the Adult Center--as long as the City has the capacity to. He for one is not sure that with future budgets the City will be able to accommodate paybacks. Let us pay up front what is to the advantage of the City. A no interest loan from the Friends of the Adult Center takes away interest from them.

Will Hight, President of the Friends of the Adult Center said that they were thinking of putting in electric doors at the front of the building. This would cost between \$10,000 to \$15,000. We would also like to move ahead with that and the \$20,000 could also be used to help furnish the new wing.

City Administrator Jordan said that the match was a hard match and could not be in kind. At the moment the City has committed about \$5,000 of the internal fund.

Councilor Prince wanted to know how much time we had. City Administrator Jordan said that Scott Nelson, the Parks and Recreation Director, said that in order to stay on schedule we would have to start the process within the next month in order to stay on the building schedule track.

Councilor Strong said that for clarification the Friends of the Adult Center would have to meet as a whole body for a discussion in order for the Board to make a decision. The Friends' Board will meet after our next City Council Meeting.

Will Hight, President of the Friends of the Adult Center said that if the City needed motions passed he could call a special meeting.

Councilor Nolder said that the Friends should use the money the way they had originally intended to.

Councilor Harris agreed with this.

Councilor Prince was also for it. He would rather see the wing furnished. City Administrator Jordan thanked the Council for their direction.

Will Hight wanted to know if the Council needed a history of the prior discussions on this issue with the City for the next meeting. The Council said they would not need it.

City Administrator Jordan said that a draft agreement from Clackamas County had been sent to the City by Chuck Robbins for us to look at and respond to. City Attorney Kelley said that the County did not want a tri-party agreement. Staff will come back at the next meeting with a revised agreement.

ORDINANCES AND RESOLUTIONS:

Resolution No. 571 to Accept Dedication of Wetlands-At the Village of the Lochs site, a condition of the approval provided that the Planning Commission recommends that the City Council accept Mr. Nelson's offer to dedicate a portion of the site as park and open space area, and that he build the proposed walkway system. A portion of the dedicated site is put to the dedication of a pathway system and bridges. This enables people to get to the Community Park by way of a pathway system. Pathway construction includes three bridges. the Planning Commission recommends that the Council accept the dedication. SDC funds are at \$295 per new bedroom and because it was in force before this development the SDC funds paid on Village of the Lochs is \$45,000. It is totally the City option whether to reimburse the developer SDC money for the dedication for the park land. The recommend amount is \$22,500 for the land and the three bridges. Staff is comfortable that \$22,500 is a very reasonable price for the bridges. We as staff are hesitant to pay for wetlands. Hoffman, the Planning Director and Nelson, the Parks and Recreation Director recommend \$22,500 for the bridges and the land dedication. This includes the costs for the appraisals.

The City still needs two pieces of land in the trail. The only cost involved would be the maintenance of the trail in terms of resources. This area is the prime wet land in the City.

Councilor Nolder asked who was responsible for building the section of the pathway. Hoffman said it was Cedar Ridge and they gave us reimbursement for the remainder. In addition, Dave Nelson completed everything he was expected to do and the bridges are magnificent.

Councilor Prince said we do not want to compensate for wetlands. We do not want to make a precedent. Hoffman responded that staff did not want to either. It is money for bridge. Councilor Prince asked the city Attorney Kelley if he concurred with this? Kelley responded yes. Hoffman said we would pay Nelson back quarterly as funds became available so as not to deplete park funds while building locust Street Park.

Councilor Strong asked if the pathway was accessible to the general public? Hoffman responded that yes it is public land and it is even now available to the public.

****Councilor Nolder moved that Resolution 571, A RESOLUTION TO ACCEPT DEDICATION OF VILLAGE ON THE LOCHS WETLANDS AND PARKLAND AND CREDIT TOWARDS SDC FEES be adopted. Motion seconded by Councilor Daniels.**

****The motion was approved 6-0.**

Resolution No. 572 Dedication for Extension of S.Elm-Hoffman, the Planning director explained that a complicated set of trades was needed in order to open up a slight bend in the road. The actual dedication of the strip had not been brought to the Council. It was a detail oversight that we missed that one little piece. It is probably about 200 square feet in area.

Mayor Taylor commented that it fascinated him how we get to loose bitty parts of the land. Is there a system to avoid doing so? City Administrator Jordan responded by saying the pieces of land are found from many different sources such as the title company, the tax assessor, and the county clerk. If we could think of a way to catch them all we would, but you go through 100 different process to get land and there are 30 to 40 items in each.

****Councilor Daniels moved to adopt Resolution No. 572, A RESOLUTION FOR THE DEDICATION OF PROPERTY FOR THE EXTENSION OF S. ELM STREET. Motion seconded by Councilor Strong.**

**** The motion was approved 6-0.**

Resolution No. 565 to Establish Land Use Fees-Hoffman, the Planning Director said this was part of the Budget discussions. The current level of fees pays 2/3 of the cost of the Administration fees. It is a desire of the Council and the Budget Committee to increase these fees to cover the full cost of the service. Presently our fees are 50% lower than most of the others. There is now an increased complexity in administering State laws. The Solar Ordinance demands more administration and that has been added on.

Councilor Prince wanted to know when was the last time these fees had been raised. Hoffman responded that it had been 3 to 4 years ago shortly after he had come to Canby. Councilor Prince was concerned that this fee raise was over due. He wished staff would phase it in increments and not hit developers so hard at one time.

Councilor Nolder wanted to understand the differences in the amounts of the fees for what looked like essentially the same work. Hoffman responded that what made the difference was whether or not it was an administrative decision or it had to go in front of the Planning Commission and whether posting of notices had to take place.

'Councilor Stark wanted to know what percentage the fees had gone up 3 years ago. Hoffman responded that the fees had gone up a 100% then and also the time before that. She commented that she liked Councilor Prince's idea about doing the fee raises incrementally and not all at once.

Mayor Taylor said that a fee schedule was a living dynamic thing.

****Councilor Prince moved to adopt Resolution No. 565, A RESOLUTION ESTABLISHING LAND USE FEES. Motion seconded by Councilor Harris.**

****The motion was approved 6-0.**

UNFINISHED BUSINESS:

10 A. Draft Noise Ordinance (discussion item) Attorney Kelley presented the draft. Acceptable decibel bases at set times during the day will be spelled out. A policy needs to be set up for exemptions and Kelley wanted direction from the Council. An example is the Slice of Summer where the issue is not the hours of operation, but the actual level of noise for the adjacent properties. What was the noise level of the Go Kart race? Does Canby Kids need to have sanctioned rules as to how late the games will take place. Kelley has seen the games go as late as 11 p.m.

Councilor Prince said it is the quality of the community, the quiet at night. He does not agree with noise at night such as heavy industry.

City Administrator Jordan wondered how a noise policy would deal with the current industrial base.

Mayor Taylor wondered how you could tell what sound level a sound was at. He thought it would be advantageous to have the Officers trained in running the decibel meter do a brief demonstration on what it is and on different noises.

We need some way to make intelligent decisions. These measures all came from DEQ and are they at a reasonable level for Canby or not?

Councilor Prince said the quality of life is the silence at night. It is something that you cannot get back.

Mayor Taylor said that this will improve the ability of the community to deal with noises as long as we can make exceptions.

Councilor Harris said that we could sit here forever thinking of exceptions and still not get them all. When people talk to him about noise they talked, for example, of a boom box irritatingly loud in the park, or the train whistles in the middle of the night. What we should address is probably now what is the majority.

Councilor Prince said Johnson Controls at the Commission Meeting there are complaints about the use of forklifts and so on. We allow too much noise at night and we do not address it.

Councilor Strong asked who would enforce it? Is it really that enforceable?

Mayor Taylor said that we had citizen input in front of us talking about the amount of noise at night and now we have the ability to shut it off.

Councilor Daniels commented that the wind moves noise over. One hundred feet away you might not get the full effect of the noise.

Councilor Stark said yes this noise ordinance came from a citizen. It is to protect them from noise at home. We need to go into this ordinance.

Councilor Prince said that you would not want Fair noise year round, 360 days. The Rodeo goes on from 7.30 p.m. until 10.30 p.m. in the evening.

Chief Giger said that we have tested the Fair announcement equipment. At 100ft away it is 87-90 decibels. It travels because of its clarity.

Mayor Taylor said that this is now a starting point. We need a noise chart and we are not opposed to a move in this direction. What is at discussion is the level of noise. We need to hear different noises in order to make a decision. We could attach to the Ordinance that we would return to it in 6 months and adjust it.

Councilor Prince said that we should still have staff present to us demonstrations of noise or if they do not do so a standard chart, for example,

EPA standards. So some at 10ft, 20ft, and other tests and report back to us.

Councilor Daniels said he would like to see how people would apply for exemptions, for example, a chamber event or a fire work display.

Attorney Kelley said how the Council would address variance issues is set up in a procedure here in the ordinance.

Councilor Harris said that he is personally hesitant on the Council picking numbers without knowing the decibel levels of local industry and then end up hurting industry and they were not bothering anybody here.

Mayor Taylor stated we all want the Ordinance. We agree on most parts. We need noises measured for a Canby version. We need people trained to measure noises in Canby--the Canby version. Between normal live hours people are allowed to do these things. It is after this period that we begin to tone down.

Attorney Kelley commented that right now the City had one person trained to measure the noise.

City Administrator Jordan said that once we establish some kind of ordinance the City needs to have more than one person trained. Swing and graveyard shift of the Police Department to do the tests as well. Mayor Taylor added that the Parks employees could also be trained.

Councilor Strong said that she would hate to pass something that would make JCI leave this community after we worked so hard to keep them here.

Mayor Taylor said that the Councilors need a practical knowledge of the noises around town--as life goes on we could adjust them.

Councilor Nolder said that we do have a way to apply for a variance, you got to look at the process here for a variance.

Mayor Taylor replied that the Fair was not used to talking to us about the noise they emit. We need to warn people and get them used to it before we go in. Kelley suggested that a visit should be made to the Fair Board. The Mayor said this ordinance needed to be circulated to the businesses that would be effected--we might ask for their input.

OTHER REPORTS AND ANNOUNCEMENTS:

Mayor Taylor announced that Mayor Katz had invited the councilors to meet around the schools and that whole area on October 21st. She had also invited us to a discussion about METRO the day before the meeting. Unfortunately, none of the Council was able to go.

City Administrator Jordan reported that a representative of METRO would like to come out to Canby and show us the most recent format. It has the changes in it and they want us to make comments on it. Do you want this set up in a Workshop Session with other significant players there such as the Planning Commission? Do you want me to set up the meeting with the other smaller cities before the METRO meeting, or after? The expectation is to understand what METRO thinks it is talking about and ask our questions. They have taken some of our comments into account. The Council decided they would like to meet with METRO first, then the other smaller cities. In addition, they wanted the discussion set up in a workshop format from 7 - 9 p.m. The meeting will be more of the Council asking questions.

Councilor Nolder wanted the workshop televised. Also the suggestion was made that staff set the workshop up in a place where people could come, for example, the High School Auditorium. It was also decided that staff should start scheduling the smaller cities now to allow them time to put it on their calendar. The Council also wanted them invited to the METRO presentation.

Mayor Taylor said that he would be leaving Friday for extended training and a vacation. He would return Friday September 24th, until that time Councilor Prince would be Mayor.

City Administrator Jordan announced that a Planning Commissioner had resigned. Mr. Wigand would need to be replaced. He wanted to know from the Council what process they wanted to use.

Councilor Prince said that he had talked to the Planning Commission and they had hoped to choose from the current list. He and Planning Commissioner Linda Mihata had done the interviews. City Administrator Jordan had said that in the past the old list had been used and notice had been put in the Canby Herald for other possible candidates that wanted to be added to the list.

Mayor Taylor said it would be no problem to go with the people that were already on the list.

Councilor Prince said that they would need to contact the three on the old list to see if they still wanted the position. He knew of at least one that is available.

Linda Mihata is available to help select.

City Administrator said that staff would need to find the list, because we have already had one planning meeting where we failed to get a quorum.

ACTION REVIEW:

1. Contact businesses around the Railroad parking lot where the Canby-Aurora Veterans of Foreign Wars is holding the garage sale.
2. Speak to Steve Miller with regards to staff support for the Joint Council, Planning Commission, and School Task Force.
3. Move forward with the process of purchasing the Utility Truck for the Waste water Treatment Plant.
4. Move forward with the engineering work on the lift-station for the Waste water Treatment Plant.
5. Revise the Tree List as per Resolution No. 569.
6. Dedication of land plugs to take place as per Resolution No. 570.
7. Wetland dedication was accepted and system development charges given for the bridges at Village on the Lochs.
8. S. Elm will be extended as per Resolution No. 572.
9. Land Use Fees will be changed as per Resolution No. 565.
10. Noise testing around the City of Canby and training of City personnel to use the noise testing machinery will take place. This information will be brought back for the drafting of the new Noise Ordinance.
11. An agreement shall be developed with the Clackamas County Community Development Block Grant Agency.
12. The apology letters to the two couples whose wedding had been interrupted by the Go Kart race will be signed by the Council.
13. A letter will be sent to Mr. Jackson who organized the race to ask him to refund the cost of the rental of the Canby Chapel to the two couples who had been married on the day of the races.

Mayor Taylor talked about the next Visioning meeting to be held at the High School on October 1st.

****Councilor Prince moved to go into Executive Session under ORS 192.660 (1)(d), (1)(e), (1)(h). Seconded by Councilor Nolder and approved 6-0.**

Mayor Taylor recessed the regular session at 10.55 p.m. to go into Executive Session.

**EXECUTIVE SESSION
SEPTEMBER 7, 1994**

Present: Mayor Taylor, Councilors Prince, Nolder, Harris, Stark, Strong and Daniels, Administrator Jordan, Assistant Sarah Jo Chaplen, Attorney Kelley.

Mayor Taylor called the session to order at 10.03 p.m. in the Utility Board conference room. ORS 192.660 1(d) discussed communications that had been received. 1(e) discussed sale and acquisition of property. Mayor Taylor adjourned the Executive Session at 10.40 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING**

Back in session 11.04 p.m.

City Administrator Jordan reported that there would be 8 people running for the 5 Council positions. Three of the Council positions will be for 4 year terms, and 2 of them are for 2 year terms.

Mayor Taylor said that we need to decide before the election whether to do a Charter amendment. The Charter and the Ordinances are silent as to what happens in a case like this. Should it be decided according to the number of votes? The largest number of votes would get the 4 year term spots.

Council Prince wanted to know if this could be solved through attrition. He wanted to know if it was legal to make decisions that would change the terms of candidates when they all thought they were running for four year terms. He said that we may have to get legal input.

Mayor Taylor said that we need to decide before hand.

Councilor Stark said that it is really hard for a new Councilor if most of the Council is also new.

Councilor Harris said that he agreed.

Councilor Nolder said that yes it should be top down [in relation to the number of votes, the length of the term].

Councilor Prince and Strong disagreed with this.


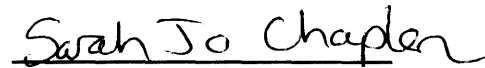
Mayor Taylor said it would be helpful to get legal advice on the Charter in two areas:

1. By the Attorney's reading of the Charter are we required to have splits on the terms.
2. How do we legally do something binding on people who are not present. What remedies do we have? What legal authority to bind them?

Councilor Nolder said we need to be legal.

Councilor Prince said that we did not want someone to sue the City.

Meeting was adjourned at 11.15 p.m.


Mayor Scott Taylor
Sarah Jo Chaplen
Asst. to the City Administrator