

**CANBY CITY COUNCIL
REGULAR MEETING
OCTOBER 5, 1994**

WORKSHOP: Present: Mayor Taylor, Councilors, Nolder, Harris, Prince, Daniels and Strong, Police Chief Giger, Lt. Scharmota, Administrator Jordan, Assistant to Administrator Chaplen and Recorder Perkett.

The workshop was held in the CUB board room at 6:00 p.m. until 7:30 p.m. The purpose was to discuss the Police Department staffing level.

REGULAR MEETING: Mayor Scott Taylor presiding. Council members present: Dennis Nolder, Roger Harris, Terry Prince, Shirley Strong and Walt Daniels. Absent: Cheryl Stark.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Assistant to Administrator Sarah Jo Chaplen, City Recorder Marilyn Perkett, Police Chief Jerry Giger, City Planner Bob Hoffman, Assistant Planner Jim Wheeler, Parks & Recreation Director Scott Nelson, Jim Cutier, Jim Brands, Bob Backstrom and Joe Burleson.

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

Roll call of Council showed a quorum to be present.

MINUTES OF PREVIOUS SESSION: **Councilman Prince moved to approve as distributed the minutes of regular session September 21, 1994. Motion seconded by Councilman Harris and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Noise Complaint - Jim Cutier, 604 N. Cedar, addressed the Council regarding noise in his neighborhood generated from within a home. Mr. Cutier cited a neighbor that plays the stereo so loud it can be hear in his home with the doors and windows shut.

Mayor Taylor informed Mr. Cutier that the City was currently in the process of drafting a "noise ordinance" which should assist in the enforcement of this type of complaint.

PROCLAMATION: Mayor Taylor read a proclamation for Public Power Week during October 2-8, 1994.

Jim Brands from CUB, accepted the proclamation and informed citizens that the City saves approximately one million dollars per year by being a community owned utility.

PUBLIC HEARING: Transportation Systems Plan (continued from September 21, 1994) - Mayor Taylor opened the public hearing at 7:43 p.m., which was continued from September 21, 1994.

Bob Hoffman, Planner, briefly reviewed the plan. He stated this plan is an update of the present and future transportation needs for the next 20 years. He noted that some of the changes are: a few changes in the Comprehensive Plan Transportation Element; a few additions of services to the outlying areas; and a few additional streets in the core area to serve the existing City. Some elements proposed to be added were bike paths, improved sidewalks and some funding suggestions.

Mr. Hoffman said the main concern expressed at the last session, specifically from school

officials and parents, was the 13th Street Intersection on Ivy. The group will pursue the process to obtain a light in that intersection in the first phase. He noted that an in-depth study on that intersection has been discussed regarding pedestrians to see if it meets the needed warrants.

Mayor Taylor asked the audience if anyone wanted to address the Council on this issue. No one stepped forward.

Discussion - Councilman Prince expressed a concern about S. Ivy Street not being recognized as a road needing improvements. He said the addition of two stops signs on N. Holly shifted the traffic load to N. Ivy, creating a major problem for pedestrians on an unimproved street.

Dan Seeman, from Kittleson & Assoc, noted that the N. Holly Street signs were done after the traffic study, however, the streets around town have "adequate capacity" for increased traffic and actually the placement of signs, curbs or sidewalks do not make a difference in the ability to carry the level of traffic flow that is required of streets.

Mr. Prince countered that he felt the pedestrian safety should be addressed on N. Ivy with a need for sidewalks.

Mr. Seeman agreed that is an existing deficiency, but should not fall within the SDC realm which is related to growth.

Mayor Taylor reiterated that due to the stops signs on Holly, the heavy traffic flow is now on N. Ivy and therefore the traffic flow pattern on the map was in error. He added that growth will put more traffic on that street. He asked if that warranted the needs.

Mr. Seeman said it was a matter of "interpretation" and that "could" be held valid in an SDC challenge.

Councilman Nolder inquired if the 13th traffic signal would be added to the plan. Mr. Hoffman said it could be added to the resolution.

Councilman Harris stated that moving the 13th Street signal into the 1-5 year plan doesn't assure that it will happen, specifically because it is a County road. Mr. Hoffman noted that there are three possible standards, and the standard used in this study was not met.

Councilman Harris suggested closing the subject area for about 20 minutes in A.M. and P.M. during peak use to divert traffic. He was informed the City could not close the road since it is a County road.

Administrator Jordan informed the Council that he had met with school official today, October 5th, to discuss this issue. The school official and parents are a group planning an intense political and data oriented campaign to establish this intersection as a school crossing. They have a petition with 700 signature regarding this issue. Mr. Jordan said there are three crosswalks within a 200 yard stretch - Lee School, Swim Center and 13th Avenue. The 13th crossing is used less than the other two.

Councilman Harris reiterated that we should consider any option possible to make this area safe for children.

Mayor Taylor asked if directing traffic was an option.

Mr. Jordan said even to have crossing guards, the County must make an official designation

that this is a school crossing to allow anyone to direct traffic. He added that other considerations could be a pedestrian activated signal at areas other than 13th Avenue. A policy is being considered that "no child will have to cross an arterial," and bus service will be provided.

The Council gave an unanimous consensus to support the efforts of the school campaign regarding this issue.

Dan Seeman pointed out that, in his communication with the school group, the suggested traffic light could be a flashing beacon, not necessarily a 3-way signal. He added that vehicle drivers expect a certain consistency and a light activated at peak times could be unsafe.

Mayor Taylor noted that there are also a vehicular traffic problems during peak hours in the subject area.

Mr. Jordan concluded that the goal is to make the area a "safe crossing" at all times.

Administrator Jordan reviewed the three current issues:

1. The Transportation Master Plan, to be adopted by motion;
2. The Transportation SDC proposal, to be adopted by resolution; and
3. The Transportation Maintenance Plan.

The Council discussed the placement of stop signs on N. Ivy to deter heavy traffic from that street. Mr. Seeman pointed out there are warrants to be met for placement of stop signs.

Councilman Daniels commented that N.W. 4th Avenue is used more now due to the improvements on that street because citizens turn on to Ivy from N.W. 4th to miss the Holly Street stop signs.

Administrator Jordan noted that the downtown core area has several major improvement issues to be addressed.

Mayor Taylor asked if the Transportation Plan is adopted now, could it be adjusted. He was informed it was simply a matter of making a motion to make a change when necessary.

****Councilman Daniels moved to adopt the Transportation System Plan and address the 99E to 10th Street on N. Ivy and the N.E. 13th Avenue and Ivy vehicle/pedestrian safety issues. Motion seconded by Councilman Prince. Motion was approved 5-0.**

WORKSHOP: Mayor Taylor recessed the regular session at 8:27 p.m. to go into a workshop session to discuss the Transportation Maintenance Plan. The regular session was reconvened at 9:12 p.m.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to approve payment of accounts payable in the amount of \$123,729.50. Motion seconded by Councilman Prince and approved by roll call vote, 5-0.

Council Terms for November Election - Attorney Kelley reminded the Council that the City Charter provides that appointed Councilors must stand for election at the next election, which is this November. He cited City Charter, Chapter 3, Section 3, which requires that three Councilors are to be elected at each biennial general election. He noted that the Charter is silent on how terms will be decided in cases like we now face with the appointment of two Councilors and three positions that are now due for election.

Attorney Kelley suggested the two following options to the Council:

the five persons receiving the most votes draw lots for the terms that they would serve; or

the top three vote-getters of the top five serve for four years and the last two serve for two year terms.

He pointed out that the State Attorney General's Office and Clackamas County Elections agreed with the second option.

Councilman Prince questioned if the candidates could sue the City if we set a policy on this matter. Attorney Kelley said it was possible.

Administrator Jordan noted that a Charter Change would circumvent this problem from occurring again.

****Councilman Harris moved to set the policy that the top three vote-getters of the top five candidates for the 1994 November City Council positions serve a four year term and the next two vote-getters serve two year terms. Motion seconded by Councilman Prince and approved 5-0.**

Mayor Taylor called for a short recess at 9:25 p.m., the regular session was reconvened at 9:30 p.m.

Traffic Safety Committee Recommendations - Chief Giger informed the Council that the Traffic Safety Committee had been working on several issues the past 13-14 months, and the memo in this agenda packet was a result of their efforts.

1. Intersection of N.W. Territorial & N. Birch - The suggestion was to place dots on roadway from center line on N. Birch to center line on N.W. Territorial to guide the turn of vehicles at the intersection. Also, place a temporary marker on N. Birch at the intersection to keep traffic in the correct lane. Chief Giger also suggested working with Clackamas County on this problem area. Petitions signed by some 100 residents in the subject area were included in the packet.

Bob Backstrom, N. Birch, informed the Council that he and other neighbors had used a radar gun to cite traffic violators and sent numerous letters informing them of their violation. He said that cars "fly around the corner" at this intersection.

The Council agreed with the suggested actions for this area and to include pursuing assistance from the County.

2. Restrict parking on one side of S.W. 2nd between S. Elm and S. Grant - Schedule a workshop to review this problem. Currently, it makes traffic one-way when vehicles are parked on this street.

The Council agreed to set a workshop to discuss this problem and to review it with ODOT.

3. 12 hour parking on the west side of N. Baker Drive, and "No Parking" on the east side - Chief Giger said this would prevent large trucks from being stored there. He noted that most of the violators are lease drivers needing a place to park, and are usually licensed in several states. He noted they typically have nothing to do with the businesses located in that area.

The Council agreed to this suggestion as well.

4. N.E. 13th Avenue & N. Ivy intersection - this was addressed during the Transportation System Plan.

5. Restrict truck parking on S.E. 2nd between S. Ivy and S. Knott - Chief Giger commented that one particular truck parks there for several days and often leaves a refrigeration unit running.

The Council suggested that at no time is a truck to be detached from the trailer. Also, a specific area should be designated for long-term parking for trucks. Chief Giger pointed out that they encourage these violators to park elsewhere, giving them specific locations. Council consensus was approval of this suggestion.

ORDINANCES & RESOLUTIONS: Ordinance No. 926 - Administrator Jordan reported that this ordinance was to be considered for final action to proceed with the S. Locust Street Park.

****Councilman Daniels moved to adopt on final reading Ordinance No. 926, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH 2KG CONTRACTORS FOR THE PURPOSE OF CONSTRUCTING A CITY PARK ON S. LOCUST STREET; AND DECLARING AN EMERGENCY. Motion was seconded by Councilman Harris and approved by roll call vote, 5-0.**

Ordinance No. 927 - Administrator Jordan reported that this ordinance was to authorize purchase of a tractor backhoe loader.

****Councilman Harris moved to adopt on final reading Ordinance No. 927, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH HESSEL TRACTOR FOR THE PURCHASE OF ONE NEW WHEEL TRACTOR BACKHOE LOADER; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Prince.**

Councilman Prince asked about the apparent low bidder. Administrator Jordan replied that the low bidder was actually "not responsive" to the specs.

****Motion was approved by roll call vote, 5-0.**

Ordinance No. 928 - Attorney Kelley said this ordinance was drafted to amend Ordinance 867, adding Storm Water to the applicable SDC's.

****Councilman Daniels moved that Ordinance No. 928, AN ORDINANCE AMENDING ORDINANCE NO. 867 REGARDING SYSTEM DEVELOPMENT CHARGES FOR CAPITAL IMPROVEMENTS FOR WASTEWATER, STORM WATER, DRAINAGE, FLOOD CONTROL, TRANSPORTATION AND PARKS; AND DECLARING AN EMERGENCY be posted and come up for final action on October 19, 1994. Motion seconded by Councilman Prince and approved 5-0.**

UNFINISHED BUSINESS: None presented.

OTHER REPORTS OR ANNOUNCEMENTS: Planning Applications - Bob Hoffman informed the Council that his department had three major applications at this time:

1. Canby Disposal Transfer Station, which is a Conditional Use, Design Review and Lot Line Adjustment, located at S. Redwood and Third;
2. Township Village VII, Subdivision; and

3. Office building located on north side of 99E at Ivy and Grant, for a Design Review, applicant is David Anderson.

Meetings - Administrator Jordan reminded the Council of the annual LOC convention in November.

A METRO 2040 meeting will be held on Tuesday, October 11th, 7:30 p.m. at the Canby Adult Center.

City Budget meeting will be October 17th, 7:00 p.m.

A "Visioning" session was held last Saturday, and several more meetings have been scheduled to set goals and benchmarks for the City. Mayor Taylor named five sub-committees and urged citizens to get involved: Education; Recreation Opportunities and Natural Resource Preservation; Devise Economic Base and Family Wage Jobs; Growth Management; and Community Involvement.

Noise Ordinance - Attorney Kelley suggested a workshop on the proposed noise ordinance. Staff recommended the workshop be held during a regular Council meeting.

Anne Frank Exhibit - Mayor Taylor informed everyone that an Anne Frank Exhibit will start in Canby on October 16th. He encouraged citizens to attend. Also, volunteers are still needed, and should call the Community School for information.

ACTION REVIEW:

1. Notify Council candidates of decision on who will serve what terms.
2. Implement Traffic Safety Committee recommendations as discussed.
3. Implement Ordinance No. 926, executing contract for S. Locust Street Park and Ordinance No. 927, authorizing purchase of backhoe loader.
4. Post Ordinance No. 928, and bring it back for final action at the next meeting.
5. Implement Transportation System Master Plan.

****Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(e) to negotiate real property. Motion seconded by Councilman Harris and approved 5-0.**

Mayor Taylor recessed the regular session at 10:20 p.m. to go into Executive Session. The regular session was reconvened at 10:36 p.m.

****Councilman Daniels moved to reject the second offer of \$42,500 for real property and the City will counter offer with no conditions. Motion seconded by Councilman Prince and approved 5-0.**

Mayor Taylor adjourned the regular session at 10:37 p.m.


EXECUTIVE SESSION
OCTOBER 5, 1994

Present: Mayor Taylor, Councilors Nolder, Harris, Prince, Strong and Daniels, Mike Jordan, Sarah Jo Chaplen and John Kelley.

Mayor Taylor called the session to order at 10:24 p.m.

ORS 192.660 (10(e)) - The Council discussed a real estate transaction on a parcel of property owned by the City near S. Pine.

Mayor Taylor adjourned the session at 10:35 p.m.


Marilyn K. Perkett
City Recorder


Scott Taylor
Mayor

WHEREAS, we, the citizens of Canby have chosen to operate a community-owned, not-for-profit electric utility, and

WHEREAS, we are both consumers and owners of our public power system and have a direct say in utility operations and policies, and

WHEREAS, the Canby Utility Board provides our homes, businesses, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates, and

WHEREAS, the Canby Utility Board is a valuable community asset that contributes substantially to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness, and

WHEREAS, the Canby Utility Board is part of a community of 2,000 publicly owned electric utilities in the United States that through consumer-ownership ensure cost-cutting competition in the electric utility industry to the benefit of electricity consumers everywhere, and

WHEREAS, the American Public Power Association initiated **PUBLIC POWER WEEK** in 1987, and it has proven a successful means to educate this community's consumers and the general public about public power's public service mission and community betterment goals.

NOW THEREFORE, I, Scott Taylor, Mayor of the City of Canby proclaim the week of **October 2-8, 1994**, be designated **PUBLIC POWER WEEK** in order to honor the Canby Utility Board, its consumer-owners, policy makers, and employees, who work together to provide the best possible electric service.

I urge the citizens of the City of Canby to join hands with other public power communities across the nation and celebrate the benefits of public power to our local and national progress.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 5th day of October in the year of our Lord One Thousand Nine Hundred and Ninety-Four.

Scott Taylor, Mayor