

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
August 15, 2007**

Presiding: Mayor Melody Thompson

Council Present: Paul Carlson, Wayne Oliver, Walt Daniels, Randy Carson, and Tony Helbling. Councilor Teresa Blackwell was absent.

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Beth Saul, General Services Director; John Williams, Community Development & Planning Director; and Kim Scheafer, City Recorder Pro-Tem.

Others Present: Kim Parker, John Baker, Bob Cornelius, Don & Ben Ririe, Connor Radford, and Brian McKeon.

CALL TO ORDER: Mayor Thompson called the Regular Meeting to order at 7:30 p.m. followed by the opening ceremonies.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR'S BUSINESS: None.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Daniels said that citizens interested in going to the fair could take Canby Area Transit. A letter had been received from the Mayor of Wilsonville regarding continuing transportation service between Wilsonville and Canby. They would continue it for this year, but there was a question for next year because of grants. They were going to start surveying the riders to find out why they were coming to Canby which might help them with grants.

Councilor Carson said he had attended the Neighborhood Night Out last week at Locust Street Park and Wait Park. It was well attended. He thanked the Police Department and Don Hemstreet.

Councilor Helbling said that CBD had hosted their last design charet. A public meeting would be held with the land owners that would be affected. The proposed document would appear for review with the Planning Commission and would come to Council for final approval. An applicant had been interviewed for the Planning Commission and he wanted to put an appointment to the Planning Commission under New Business.

Mayor Thompson said Councilor Blackwell was on vacation.

CONSENT AGENDA: ****Councilor Daniels moved to approve the minutes of the July 25, 2007 City Council Special Meeting and minutes of the August 1, 2007 City Council Regular Meeting. Motion was seconded by Councilor Carson and passed 5-0.**

RESOLUTIONS & ORDINANCES: Resolution 959 - ****Councilor Carson moved to approve Resolution 959, A RESOLUTION AMENDING CANBY'S SANITARY SEWER, TRANSPORTATION, AND STORM DRAINAGE SYSTEM DEVELOPMENT CHARGES TO ACCOUNT FOR INFLATION. Motion was seconded by Councilor Helbling and passed 5-0.**

NEW BUSINESS: Appointment to Planning Commission - ****Councilor Helbling moved to appoint Misty Slagle to the Planning Commission for a term to expire on December 31, 2009. Motion was seconded by Councilor Daniels and passed 5-0.**

Discussion Regarding Rite Aid – Councilor Carson said that Rite Aid was asking to build a new building at the corner of 99E and Pine that would replace the Space Age gas station. They were having issues with ODOT regarding access into the site. He proposed that the City send a letter to Senator Schrader and State Representative Scott requesting to talk with ODOT to see if they could get access on 99E. He wanted to see a brand new building at that location.

Councilor Helbling said that there had been discussion through the Planning Commission over the years that ODOT's intent was to reduce, over time, the total numbers of entries and exits onto 99E other than the surface streets. He recommended in the letter that the City propose a solution to the problem and have them consider a right turn only into the parking lot that would get traffic off 99E sooner. Traffic coming back would have to go onto Pine. They had already set a precedent of allowing this in the community, as it was done for the new Burger King and it did relieve traffic and pressure at the light.

Councilor Carson said they might need realignment on Pine on the front corner to tie it in to the north side.

John Williams, Community Development & Planning Director, said that Rite Aid had applied for access similar to what Fred Meyer had and was denied. He did not know if they would accept a right in-only turn, but it was an option.

Councilor Helbling thought they should get Catherine Comer with CBD involved and get her to contact Rite Aid and work with them.

Council agreed to the writing of a letter after Rite Aid had been contacted.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Request for Fee Waiver from Habitat for Humanity – John Kelley, City Attorney, said that a letter had been received at the last meeting and there was not enough information at that time to see if they met the criteria for a waiver. Both families that would be occupying the duplex qualified under the HUD criteria for low income. The Council had the authority to waive all three fees for each unit. The Council did this previously in 2005.

Councilor Carlson asked what would happen if the Council did not waive the fees.

Kim Parker, Habitat for Humanity Executive Director, said Habitat would cover it.

Councilor Helbling said he supported Habitat for Humanity. It was more than \$15,000 that they were waiving. The burden for road improvements for this structure fell on the community. They were making a choice for all the taxpayers to make a donation to Habitat. He asked what the limitation was for the owner to sell the house and receive the gains in the future.

Ms. Parker said there were two mortgages with the home owners. The first covered Habitat's expenses. The second was the difference between the assessed value and what they paid. The second was forgiven at the end of the term of the loan which was 30 years. If they sold the house prior to that, they owed Habitat the full second and 50% of any inflation equity they gained.

Councilor Helbling said that satisfied him because it protected Habitat and the community.

****Councilor Carson moved to waive the Plan Check Fee, Construction Excise Tax and SDCs for the Habitat for Humanity duplex home on North Locust Street in Canby. Motion was seconded by Councilor Carlson and passed 5-0.**

Update on New Legislature Regarding Manufactured Dwelling Park Closures – Mr. Kelley said the Council had previously had discussions regarding developers offering money to mobile home parks for redeveloping the land because it was more valuable as subdivisions or other development. This would evict the tenants of the mobile home park. There were some ordinances that required the owners to assist in the relocation of the tenants. The City of Wilsonville's ordinance was such an ordinance and required a good amount of money be given to residents. That ordinance was the impetus of the legislature getting into the picture. The main issue was taking away low income housing for retired people who could not recover the value of their manufactured home. The City of Wilsonville's ordinance was challenged, and it went to the Court of Appeals and was still in process. House Bill 2735 was passed and it stated that manufactured park owners who wanted to convert the use to something non-residential would have to give 365 days notice to tenants of the intent to close the park. The tenants had the option to require the park owner to pay them money. The money would be considered non-taxable income and carried a \$10,000 credit against taxes in the year in which they received the money. They were entitled to the money even if they left the manufactured home in the park. The bill pre-empted cities from drafting their own ordinance if they didn't have one in place when the bill was passed. This was what the City was now governed by.

Councilor Helbling asked if the Court of Appeals upheld the City of Wilsonville's ordinance, would the current law be challenged.

Mr. Kelley said it was possible.

Councilor Carson said the City would be abiding by State law if anyone complained.

Mayor Thompson said she had spoken with Mayor Lehan from Wilsonville and there was only one talking point that was challenged, and all would be upheld, except that one.

Report on State of Police Station Planning Project – Mark Adcock, City Administrator, said he met with the Frank Berg, the Project Manager, last week. They had developed a timeline. The

next step was surveying work to be done at the site. An architect would be chosen by mid-October. He asked the Project Manager to give weekly reports which would be forwarded to the Council. They were proposing the formation of two committees, one was the Program Committee comprised of staff, the stakeholder or Police Department, and someone knowledgeable about the construction industry. They wanted no more than seven people, ideally five. The other committee was the Professional Selection Committee that would help select architects, surveyors, engineering, soil testing, etc. A work session would be scheduled for the Council to meet with the Project Manager. They were working on everything that was pre-bond.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the consent agenda.
2. Adopted Resolution 959.
3. Staff would work with Rite Aid and draft a letter to ODOT.
4. Appointment of Misty Slagle to the Planning Commission.
5. Waiving fees for the Habitat for Humanity homes.

****Councilor Daniels moved to go into Executive Session pursuant to ORS 192.660(2)(i) Performance Evaluation of a Public Officer. Motion was seconded by Councilor Carson and passed 5-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 8:15 p.m.

Mayor Thompson reconvened the Regular Meeting at 9:05 p.m. and immediately adjourned.

**CANBY CITY COUNCIL
EXECUTIVE SESSION
August 15, 2007**

Presiding: Mayor Melody Thompson

Council Present: Paul Carlson, Wayne Oliver, Walt Daniels, Randy Carson and Tony Helbling. Councilor Teresa Blackwell was absent.

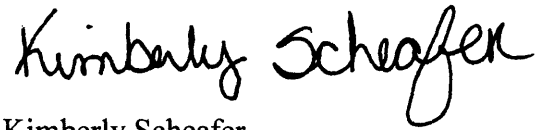
Staff Present: Mark Adcock, City Administrator

Others Present: None.

Mayor Thompson called the Executive Session to order at 8:25 p.m. in the City Hall Conference Room.

ORS 192.660(2)(i) Performance Evaluation of Public Officer – The Council discussed the performance evaluation of the City Administrator with him.

Mayor Thompson adjourned the Executive Session as 9:05 p.m.

Handwritten signature of Kimberly Scheafer in black ink.

Kimberly Scheafer
City Recorder Pro Tem

Handwritten signature of Melody Thompson in black ink.

Melody Thompson
Mayor

Assisted with preparation of minutes – Susan Wood.