

CANBY CITY COUNCIL  
REGULAR SESSION  
NOVEMBER 20, 2002

Mayor Terry Prince presiding. Council members present: Jean Tallman, Walt Daniels, Patrick Johnson, Shirley Strong, and Randy Carson. Councilor Teresa Blackwell absent.

Also present: City Administrator Mark Adcock, Community Development and Planning Director John Williams, City Attorney John Kelley, Library and Parks Director Beth Saul, Finance Director Chaunee Seifried, Kim Scheafer, Marty Moretti, Bob Trappe, Melody Thompson, Fred Kahut, Rodney Rose, Ray Burdun, Tony Pearson, Everett Pearson, Ken Schuh, Frank Cutsforth, Terry Tolls, Craig Lewelling, R.A. Lovell, Virgil Montecucco, Jim Pliska, Lafe Feller, Jamie Porter, Lisa Weygandt, Georgia Newton, Vicki Adamson, Jamie Johnk, Mike Jones, Bob Westcott, Tony Helbling, Steven Amick, Carol Prael, Craig Finden, Leonard Walker, D. Archibald, Wayne Oliver, Bev Doolittle, Ernie Graham, Bill Cassel, Curtis & Lila Gottman, Buzz Weygandt, and Peggy Baker.

Mayor Prince called the regular session to order at 7:31 p.m., followed by the opening ceremonies and a moment of silence for our troops in the field.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Keith Stewart spoke regarding his resignation as chairman of the Planning Commission. He was leaving because of obligations of a new job and family commitments. He thanked the City employees, Planning Director John Williams, and City Administrator Mark Adcock for their time and hard work. He discussed Admiral Zummel, who brought the navy into the 20<sup>th</sup> century and was disparaged by his colleagues often. The Admiral once said when asked how he handled this, "The list of my enemies is as long as the list of my friends, and I am proud of both." Mr. Stewart said ditto. He thanked the Council and took his leave.

Ken Schuh, Canby Gators Swim Club Meet Director, said he had been asked about the schedule of upcoming meets for the Canby Swim Club. He put a packet together with both the Gators and the Cougars schedules. There were some big meets coming up, the first annual Canby Ford Mile Open would be this Saturday. Over 100 swimmers were expected to attend. They would have another meet in December, with over 300 entrants. There would also be a meet in the spring. They brought people from throughout the state to Canby and were partnering with the swim center in various aspects of their operation.

Bev Doolittle, Chamber of Commerce Director, addressed the Council regarding a ribbon cutting ceremony this Sunday in downtown Canby. The Council was invited to cut the ribbon along with business owners. This would take place from noon - 4 p.m. The recognition and ribbon cutting would start at 1 p.m. There would be music in the plaza and several downtown restaurants would be selling samples of their food for \$1. Some new downtown businesses opened their doors: Sweet Pixels, Acme Satellite, Eagle Bargain Outlet, Canby Physical Therapy, and Team Spirit. Everyone was invited to come down and participate. Wallflowers did a beautiful backdrop of the streetscape and was offering family portraits. The businesses were extending their hours on Sunday as well.

Bev Doolittle went on to ask if they could work in some recognition on CAT regarding the businesses

that were helping to provide the service, maybe something written on the inside of the bus. She also announced the first annual Light Up The Night Parade prior to the holiday lighting of Wait Park. Every vehicle would have lights, and those on the sidelines would have flashlights. The last person in the parade would be Santa Claus. The parade started at 5:30 p.m. and the Tree Lighting Ceremony at 6 p.m. on Saturday, November 30. Administrator Adcock said that a formal action would have to be made regarding street closures for this event.

**\*\*Councilor Daniels moved to close the streets as described in Ms. Doolittle's letter. The motion was seconded by Councilor Johnson and passed 5-0.**

Administrator Adcock said as for the CAT recognition, they could forward the request to the Transit Advisory Committee. There was Council consensus to forward the request.

Administrator Adcock introduced Kim Scheafer, the new Office Specialist with the City of Canby.

**CONSENT AGENDA: \*\*Councilor Strong moved to approve the Minutes of the Regular and Executive Session of October 16, 2002 and the Minutes of the Regular Session of November 6, 2002; Accounts Payable of \$298,303.07; and Recommendation of Approval for New Liquor License Application for Ticenda La Mixteca. Motion was seconded by Councilor Carson and passed 5-0.**

**COMMUNICATIONS:** Administrator Adcock referred to a letter from Planning Commission Chair James Brown regarding the proposed joint meeting for the industrial area annexation public hearing. Mayor Prince said the letter stated that the Planning Commission wanted to have a public hearing separate from the City Council, and this would not affect the timeline.

Councilor Carson asked if the applicant had been notified of this because now they would have to present their application twice. Mayor Prince thought there was no guarantee they could have finished in one night anyway. This way there was more opportunity for citizen input.

Councilor Carson preferred to leave it the way it was, to have the public hearing jointly. Councilor Tallman disagreed, she thought it was rushing to do it the other way and time for more input was a good idea. Councilor Strong agreed with Councilor Tallman as long as it would still get on the March ballot.

Councilor Daniels wanted to keep it as a joint hearing. Councilor Johnson thought there was a concern of cost for having the IAA attorney come out twice, but he thought they needed to do this right. If the Planning Commission felt comfortable to do this on their own, they should go along with it.

Councilor Daniels said a lot of people had made plans for this particular date. Councilor Carson asked to hear from the applicant.

Craig Lewelling, the applicant, said he did not have a preference. He was not sure why they needed to split it, but his attorney would only be there for one meeting.

Mayor Prince said the Planning Commission would hold the hearing on the 12<sup>th</sup>, and the Council would

hold their hearing on the 18<sup>th</sup>.

**PUBLIC HEARING:** Proposed 2003-2008 Economic Improvement District (E.I.D.) -

Mayor Prince opened the public hearing at 8:05 p.m.

STAFF REPORT: Community Development and Planning Director John Williams said the EID process had two public hearings, and this was the first one. The purpose of this hearing was to discuss the concept of the EID, and if they wished to go forward with it they would do a public notice for all of those who were assessed and hold another hearing on January 15 where a final decision would be made. At that meeting, property owners would be able to register their objections in writing and if more than 33% of the total value of the assessment opposes, the EID would not go forward; if fewer, then it might go forward. The existing EID was a five year plan that ran out next Spring. If approved, the new plan would take effect when the old plan expired. Mayor Prince clarified that this was not a new tax on citizens, but an assessment against businesses in the City. Mr. Williams said it was a tax on commercial and industrial property and the money went to fund Canby Business Revitalization.

**PUBLIC TESTIMONY**

APPLICANT: Bill Castle, President of CBR, said the new proposed EID would be placed in three different zones which followed City zoning. In the past 5 years, the projects that had been completed were Pioneer Plaza, gateways, facade improvement program, the grower's market, banners along 99E, directional signage, 2<sup>nd</sup> Avenue project, Wait Park restroom project, marketing materials, and business recruitment and retention. The five years of funding totaled \$365,000 and total investment through the above mentioned projects was \$1,384,520. CBR's mission was to support Canby's commercial districts through retention, recruitment, and revitalization and added this year to the mission were job creation and development. CBR had a number of projects underway at the present time, recruiting businesses for more Canby jobs, filling the empty buildings in downtown Canby and along 99E, and working to develop industrial land. The new EID would include all of the commercial and industrial zoned properties. Only those properties that have been developed would be assessed. There was an opt out option for those properties that were developed after the EID was established. The last five years had been beneficial to the City, and if CBR's ongoing role was not a viable commodity, who would do this type of business for the City of Canby?

Mayor Prince said the amount of annual property assessment was based on the square footage of the property tax lot. Zone 1 would be downtown commercial for \$.04 per square foot, zone 2 was highway commercial at \$.01 per square foot, and zone 3 was industrial at \$.0025 per square foot.

**PROPOSERS:**

Bob Trappe, representative for the CBR board, read a letter from Gregory Jenks, the Business and Economic Development Coordinator for Clackamas County, which encouraged the formation of the EID. His office had worked with CBR, and in his opinion CBR had provided a consistent and strong voice for the Canby business community. CBR was an important and valuable asset for the community, and he commended the board and staff for their efforts. Many smaller communities had successfully utilized the EID tool to reinvest in their community and secure a degree of self

determination. He encouraged CBR to undertake this important initiative on behalf of the City of Canby.

Mike Jones, CEO of Columbia Inland Corporations of Oregon City, said several months ago they had a project for a research and development company that would bring several hundred jobs to a community. He was encouraged to meet with CBR Director Jamie Johnk, and he also met with several other communities. Some of those places had a lot better economic overlay for their project, but they did not have a person like Jamie Johnk. They were very intent on bringing their project to Canby, and if they did not have Canby revitalization, he would not be there that night.

Tony Helbling, resident of 227 SE 10<sup>th</sup>, Canby, said as a resident and businessman in Canby, he was active in civic and charitable work in the community in the local and county level, and he thought the EID was important to the community. He talked about how participating in the EID was a way for businesses to band together to help other businesses be successful in the community. They needed to support the EID because CBR was one of the things bringing business to Canby. Additionally their community was not the only one experiencing benefits--Estacada, Canby, and Molalla had the majority of the developable commercial and industrial property in the Portland area. Growth was going to occur both in the community and outside. They needed to identify the best businesses that contributed to the community and recruit those businesses and keep those strong businesses that were already in Canby. If they didn't, growth would still happen but the dirty industries would come, and they would get the left overs that didn't fit elsewhere. The EID supported their ability to help one another and pick the best businesses that fit the community and best fit their future. They needed to support the EID and the work CBR was doing.

Richard D. Beck, owner of Beck's Landings which did the construction on the old Mangus building, said that if their community was going to grow, someone had to sell it and CBR and the EID was the way to do it. The portion of Canby that needed the most help was paying 80% of the bill. They needed businesses downtown. Most of the affordable rental in this town was not in zone 1. It was very expensive to take this building across the street and bring it up to code. Mr. Beck suggested that the Council and City employees work with the people who were trying to develop these businesses. They needed affordable rentals. Someone needed to get businesses to town, and it wouldn't happen unless they had a plan and the people to do it.

Terry Pearson, treasurer of the Canby Grower's Market, said in 2001 they were seriously looking at moving out of Canby due to a lack of support. CBR stepped in and they moved to First Avenue and they got the support of downtown businesses. By the end of the summer, Canby Grower's Market was a destination mark for tourists. She thought they should support this.

Frank Cutsforth, resident of 225 NE 2<sup>nd</sup>, said his heart was in Canby. He wanted Canby to be the best. He was proud of the hours that they put into this project and the vision they had for the future. He thought it was important to note they tripled the money they collected in benefitting the community, and who would carry the ball and make their town better if CBR could not.



## OPPONENTS:

Jamie Porter, representative of Bethany Evangelical Free Church at 450 S. Ivy, said he did not get notification of this public hearing and he wanted to know how this affected residential and non profit properties. City Attorney John Kelly stated he didn't believe they were in the commercial zone. Jamie Johnk said the non-profits were exempt from the EID as were residential and undeveloped industrial properties. If they were to redevelop and be used for commercial purposes then there was an opt out option in those cases.

Jim Pliska, property owner on 99E, said he was all for improving the business/client atmosphere. When they were talking about taxing property owners, they wanted to know what kind of value they would get for that money and if it was well spent. They hadn't seen any improvements on 99E. If they were going to be taxed, he thought the money should go equally to 99E, not just downtown.

Ray Lovell, business owner on 99E, said he was in favor of improving the business climate in the City, but having more taxes would not help that climate. Other locations that cut the taxation costs seemed to be benefitting most and drew businesses in because the demand was so great. To compete against the big companies, they had to do something better, be leaner and meaner, and had to perform and turn out a good product. This town had been good to him, he made about 7-8 million dollars a year and the money went back into the community. If he really thought that this would draw in more businesses and help the community, he would support it. But he was not convinced.

Rodney Rose said he came into town 2 years ago and he felt the EID did nothing for him. They said they would put a road in, but that was done a long time ago. He had not seen a plan for where future development would go, and he thought people would move into Canby because the outlying towns were almost full.

Dave Archibald, resident of 360 S. Ivy near the Evangelical Church, wanted clarification on the future of his property. His property was zoned residential commercial, and in the future, how would he sell his property? Planning Director John Williams said they could talk later, but they wouldn't change the zoning of the property until he applied to do so. As long as the property remained a residence, he would not be subject to the EID. If he was to change the use, that business would pay the fee. The residence could continue as long as he wanted.

## REBUTTAL:

Jamie Johnk, Economic Development Coordinator for CBR, said there were numerous projects they did on 99E. They did the gateway project, banners along 99E, facade improvements, marketing vacant buildings and putting businesses in them, and cleaned up the signal boxes. They were beginning to delve into the issue of access along 99E, and the design team was looking at 6-8 projects that would address the issue. All of their focus was not on downtown commercial, and now CBR was working on the industrial market.

Mayor Prince asked about a plans map that would show future development. Ms. Johnk stated that each property owner that would be assessed received a list of the goals and objectives as proposed and

approved by the Council. What was proposed was not set in stone, if other businesses had ideas they would work with them. They would also be working on the Berg Parkway.

Councilor Johnson asked if they were involved with filling in empty buildings along 99E. Ms. Johnk said they helped to fill four, and she explained where they were and how they helped. They also helped relocate businesses and worked with a number to get through the planning process from the beginning to the end.

Councilor Johnson said the opponents seemed to be asking how they would know that the money they paid was going to reap dividends. He wanted to know what type of education program they were doing for the expanded EID. Ms. Johnk said they sent out 435 newsletters each month outlining what they were doing. They also sent out the goals and objectives, and once the EID passed, there would be public meetings where they could expand the goals and objectives. They had monthly meetings, and several committees where people could be involved.

Mayor Prince complimented Jamie Johnk for her work, she had really turned CBR around. She was very energetic and helped bring people together. The whole city looked better, and the facade improvements were a great addition and helped businesses who would not have been able to afford the improvement. It also prompted other businesses to make improvements, and the whole city was starting to react to it.

Ms. Johnk stated that her board of directors, the community, property owners, and Planning Director John Williams and his staff had been wonderful to work with. Should the business owners decide not to have another EID, she would still say that she was happy to be a part of it. Mayor Prince said it was important to have a liaison like Ms. Johnk between the business community and the City.

**\*\*Councilor Johnson moved to direct staff to prepare detailed assessments on each property, mailing these to affected property owners, and setting January 15, 2003 as the date for a second public hearing at which property owners could remonstrate from the proposed EID. Motion seconded by Councilor Daniels.**

Councilor Johnson said when he ran for office, CBR was the bane of his existence and in two years it had gone from a political nightmare to being an organization that did a lot of good things for Canby. He thought this was just the beginning and he hoped it would go through.

**The motion passed 5-0.**

Mayor Prince closed the public hearing at 8:55 p.m.

Mayor Prince recessed the meeting for a 5 minute break. He reconvened the meeting at 9:04 p.m.

**NEW BUSINESS:** None.

**UNFINISHED BUSINESS:** None.

## **ORDINANCES & RESOLUTIONS:**

### Ordinance 1109 -

**\*\*Councilor Johnson moved to adopt Ordinance 1109, AN ORDINANCE AMENDING TITLE 2 OF THE CANBY MUNICIPAL CODE BY ADDING A NEW CHAPTER, 2.70, NEIGHBORHOOD ASSOCIATIONS; AND DECLARING AN EMERGENCY on final reading. Motion was seconded by Councilor Tallman and passed 5-0 by roll call vote.**

Mayor Prince said it was his understanding that there was at least one neighborhood association ready to come on board and he would like to see if they could officially recognize them at the next Council meeting.

**MANAGER'S REPORT:** Status Report on 2<sup>nd</sup> Avenue/N. Ivy Street Improvements - Community Development Director John Williams invited everyone to the celebration on Sunday. The medallion at Grant and 2<sup>nd</sup> was virtually done. They started to put in truncated domes which were the new safety standard. The trees, barkdust, and street furniture went in. The one thing they were waiting on was the street lights which were on their way from Chicago. Tomorrow morning there would be paving and traffic should have access to the road by tomorrow afternoon. They had to finish some brick work, the street lights, and the striping. Friday should be the last day of inconvenience.

Councilor Carson said he thought it all looked good and he appreciated John's hard work.

Administrator Adcock asked that a Budget Committee meeting be called due to the economic uncertainty and the financial atmosphere they were dealing with. They had some preliminary discussions with the department managers and with the Budget Committee Chair and Co-Chair, and he thought they should convene a budget committee early on so that he could give a comprehensive presentation of the current financial situation of the City and also to present some of the significant concerns in developing next year's budget. He asked if they could meet on December 11. He also thought this was a critical meeting for the Mayor elect and new Councilors to attend. There was Council consensus to meet on that date.

**CITIZEN INPUT:** None.

**COUNCILORS' ISSUES:** Councilor Tallman said there were going to be four vacancies on the Planning Commission in January, which did not allow for a quorum. She felt it was very important that a position be filled that night. She thought Dan Ewert should be appointed, as he was a former Planning Commission Chair and had a lot of experience.

**\*\*Councilor Tallman moved to appoint Dan Ewert to the Planning Commission to fill a position that would expire in December 2003. The motion was seconded by Councilor Strong.**

Councilor Daniels said they had a process for filling these positions, and he thought they could do it before the first of the year. Councilor Carson agreed.

Councilor Johnson asked if there was any language in the charter as to how they were supposed to appoint planning commissioners? Attorney Kelley said in the planning code all it said was they would be appointed by the Council. There was no specifications for how they were appointed.

Councilor Johnson thought they should follow procedure.

Councilor Tallman said they needed someone on the Commission with experience, and it should be done immediately.

Mayor Prince thought it was possible to interview the candidates and make a recommendation by the next Council meeting.

**\*\*Councilor Tallman withdrew the motion, and Councilor Strong withdrew the second.**

Councilor Tallman thought they should pick from the current applicants to fill that one position by the next Council meeting.

Councilor Carson requested that either he or Councilor Johnson be on the interviews. Councilor Carson, Councilor Blackwell, Planning Commission Chair Brown, and Mayor Prince would do the interviews. They wanted to advertise for another week and take applications, and then schedule the interviews.

Councilor Daniels said they had a new Planning Commission chair and vice chair, and they were looking for candidates to serve on the Commission. Applications could be picked up at City Hall.

Councilor Carson stated that they needed to advertise for the Budget Committee as well.

Councilor Daniels announced a community wide Thanksgiving Eve service at the Fine Arts Center on Wednesday, November 27 at 7 p.m.

Councilor Johnson thanked Marty Moretty for her hard work in making sense of his ramblings. She was going to take a new position at the Library. He welcomed Kim Scheafer.

Councilor Johnson said someone told him City government was run by people who showed up. He invited the public to become involved, especially in the Planning Commission and Budget Committee.

Councilor Johnson said that he had some new professional challenges and would not be able to attend the 7:30 a.m. CBR meetings. He asked Councilor Carson to take over his duties.

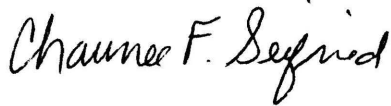
#### **ACTION REVIEW:**

1. Approving the consent agenda.
2. Approving Ord. 1109 on final reading.
3. Setting an annexation hearing for the industrial area for the Planning Commission on December 12 and for the Council on December 18.

4. Approving the Chamber of Commerce Holiday Parade and street closures.
5. Moving forward with developing EID property assessments and setting a second public hearing for January 15, 2003.
6. Setting a Budget Committee Meeting for December 11, 2002.
7. Directing the Transit Advisory Committee to work in response to Bev Doolittle's request regarding acknowledging the business community with the CAT Program.
8. Bringing back Neighborhood Association Recognition on December 4 Council Meeting.

There was no executive session.

Mayor Prince adjourned the Council meeting at 9:25 p.m.



Chauncey F. Seifried  
City Recorder pro tem



Terry L Prince  
Mayor



Prepared by Kim Scheafer  
and Susan Wood  
Office Specialists