

**CANBY CITY COUNCIL  
REGULAR SESSION  
December 18, 2002**

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

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Library and Parks Director Beth Saul, Transit Director Margaret Yochem, Planning Technician Jodi Buchanan, Kim Scheafer, Melody Thompson, Zoe Yoder, Paula Palmer, Rodney Rose, Terry Tolls, Craig Lewelling, Steve Emerson, Traci Emerson, Kay Lewelling, Pat & Buzz Weygandt, Betty Ramey, Lynn Weygandt, Jack Orchard, Bob Zimmer, Craig Finden, Curtis & Lila Gottman, Steven Amick, Lisa Weygandt, Jillmarie Wiles, Bruce Martin, Marlene Elmore, Jim Gibson, Kim Parker, Nathan Clayton, Wayne Oliver, Bev Doolittle, Kym Buchanan, Shannon Rita, Keith Guisinger, Cathy Davis, and David Howell.

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

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Betty Ramey, resident on N. Ivy Street, stated that she had lived in this town since 1940. She said in 1974 the City said that if the residents paid for paving of the travel lanes, the City would pay for paving of the travel lane to the curb on N. Ivy. They were still waiting for the City to fulfill their part of the bargain. About 4 years ago they were told Ivy would become a main arterial and some improvements were to be made and that an Engineer would contact them. They were never contacted. This spring Mr. Hester said they were going to start on Ivy and were going to improve 1<sup>st</sup> to 4<sup>th</sup> streets this year, and then from 4<sup>th</sup> to 10<sup>th</sup> next year. They ended up improving some streets on 2<sup>nd</sup>, and would not get to Ivy Street. In May the Police Department went out for a levy and it failed. In that levy they wanted to hire some new police officers, buy a motorcycle, and get another records clerk. When that failed they asked for volunteers and she had been volunteering since then. But in July all of a sudden they bought a motorcycle which they said they didn't have the money for. She also heard from some very good sources that they had two motorcycles in the shop that a company would refurbish for \$1,500 a piece as opposed to the almost \$15,000. She did not think that they were handling the City's money in a very good way. She also hadn't heard that anyone really liked the improvements on 2<sup>nd</sup> and they thought it was a waste of money.

City Administrator Mark Adcock stated that the police motorcycle was not included in the first levy, and the second motorcycle was a surplus one purchased from the City of Milwaukie for \$1.

Ms. Ramey said that the budget for 2<sup>nd</sup> Street was \$800,000 and she heard that they went over that. She thought it was a waste of money, and they should have put it into streets that needed it.

Kim Parker, resident on SE 9<sup>th</sup> Street, was the executive director of the Mt. Angel Habitat for Humanity. She said there was now a Canby Chapter of Habitat for Humanity, and she looked forward to working with them in the future. Councilor Carson said that on Monday, January 6 at 7:15 p.m. there would be a general meeting at Cutsforth's Thriftway. Ms. Parker said in addition it would be a

time for people to get involved and at that time they would be forming committees.

#### **CONSENT AGENDA:**

**\*\*Councilor Strong moved to approve the Minutes of the regular session of December 4, 2002 and Accounts Payable of \$429,212.12. Motion was seconded by Councilor Carson and passed 6-0.**

**COMMUNICATIONS:** Administrator Adcock said they received a letter from Marlene Elmore from the Traffic Safety Committee in which they were requesting Council's authority to have the street department install a 4-way stop sign at N. Holly and N. Territorial. The cost would be shared with Clackamas County.

**\*\*Councilor Daniels moved to accept the Traffic Safety Committee's recommendation to install a 4-way stop sign at N. Holly and N. Territorial. Motion was seconded by Councilor Johnson.**

Councilor Strong asked about the cost. Administrator Adcock thought it would be a couple hundred dollars.

Councilor Carson asked if Clackamas County had been contacted about helping pay for it, and Councilor Daniels said it had been surveyed and the County's traffic engineer thought it warranted a four way stop. It would be striped and warning signs placed there as well.

Councilor Strong asked if it was a County street. Administrator Adcock said Territorial was.

Marlene Elmore, Chair of the Traffic Safety Committee, said that the County owned three corners and the City owned one and would only pay for one stop sign. This was a needed change. Mayor Prince said the main concern was that everyone knew about the change. Ms. Elmore said they planned to get an article in the *Canby Herald*.

**The motion passed 6-0.**

Administrator Adcock said they also received a letter from the League of Oregon Cities regarding PERS. The League was taking a leadership role in trying to serve the best interest of the cities in the next legislative session. This letter was asking the member cities to make a contribution to help defray the cost for a lobbyist of \$10-\$12 per active PERS employee within the organization. For Canby that would be \$670. This would come out of the contingency fund.

Councilor Carson asked if the lobbyist would serve the cities as an employer, not as the employees in the PERS system. Administrator Adcock said they would be representing as an employer.

**\*\*Councilor Carson moved to allow \$670 to be taken from the City's contingency fund to help the League of Oregon Cities lobby for PERS reform. Motion was seconded by Councilor Daniels.**

Councilor Carson said since PERS was going up 15% more out of the budget, he thought \$670 would

be money well spent.

**The motion passed 6-0.**

**PUBLIC HEARINGS: Industrial Area Annexation 02-02 -**

Mayor Prince opened the public hearing at 7:50 p.m. and read the public hearing format.

**CONFLICT OF INTEREST:**

Councilor Tallman - No conflict, plan to participate.  
Councilor Daniels - No conflict, plan to participate.  
Councilor Johnson - No conflict, plan to participate.  
Mayor Prince - No conflict, plan to participate.  
Councilor Strong - No conflict, plan to participate.  
Councilor Carson - No conflict, plan to participate.  
Councilor Blackwell - No conflict, plan to participate.

**EX'PARTE CONTACT:**

Councilor Tallman - Visited the site, drew no conclusions.  
Councilor Daniels - Visited the site, drew no conclusions.  
Councilor Johnson - Visited the site, drew no conclusions.  
Mayor Prince - Visited the site, drew no conclusions.  
Councilor Strong - Visited the site, drew no conclusions.  
Councilor Carson - Visited the site and had a conversation early in the process with Ray Burden and Bob and Roy Zimmer about the right of way acquisition for Sequoia Parkway.  
Councilor Blackwell - She had a phone call from Terry Tolls, but she did not return his call.

**STAFF REPORT:** Planning Director John Williams pointed to a map showing the properties that were included in the annexation. All of the parcels were contiguous to current City limits or located directly across right of ways from City limits. They were currently zoned exclusive farm use in Clackamas County. If brought into the City, they would be a mix of light and heavy industrial and commercial manufacturing. This area was part of the Industrial Area Master Plan and would be subject to the overlay zoning in that plan and it also served as the transportation plan for this application. This would go to the vote of the people in March 2003, and the deadline for submittal was January 9, 2003.

Mr. Williams went through the annexation criteria. The land included in this application was all priority B and C land. There was no priority A land left for annexing that was industrially zoned. He also mentioned that the Planning Commission held a hearing on this application on December 12 and recommended unanimously that the Council approve the annexation and send it to the voters. In regard to the need issue, the area proposed totaled 151 acres. In the Canby Land Needs Study it indicated a 20 year need for 170 additional acres of industrial land. There were about 80 acres of industrial land in the City right now, and about 53 acres of that was contiguous to the proposed annexation. The goal of this application was to bring in a large area of land contiguous to each other that could provide for a variety of sizes and locations of parcels. The other industrial land not near this area totaled 27 acres

near the post office and on S. Pine and Redwood. It took about a year to get an annexation through the process. One of the goals of this annexation was to provide a supply of land that would reduce the timeline to facilitate development. There was a general consensus for developing industrial parks that they had a better market if they had a larger chunk of land to choose from especially to recruit many different kinds of businesses.

The annexation proposed included both small and large lots and some of those were being farmed. This area had been planned for industrial development for a long time, and in the original comp plan this area would have already developed. They needed to balance the need for industry vs. farmland preservation. The Master Plan contained a transportation plan which included Sequoia Parkway. The other roads would be determined as development happened. One of the understandings was that a detailed traffic study had not been done and there might be additional needs for traffic control on the highway. The Master Plan also contained concepts for bike and pedestrian access and transit service.

The Industrial Area Master Plan described the public facilities and services for this area, and all services would be available upon development of the plan. They discussed street maintenance, but they thought it would be available. This application was in compliance with City ordinances and policies and met the requirements of state law. There were no natural hazards identified. The Zion Cemetery was the only specially designated resource out there, and the plan called for buffering and protection of the area. Industrial development was something Canby was looking for and with the guidelines, zoning restrictions, and design items in place, this would be a benefit to the City. There were four recommended understandings.

QUESTIONS: None.

#### PUBLIC TESTIMONY:

APPLICANT: Jack Orchard spoke on behalf of the 15 property owners involved in this proposal. The parcel sizes ranged from 1 to 30 acres. This was a different proposal than what was voted on two years ago. It was consistent with the Memorandum of Understanding concerning the next phase of Sequoia Parkway. This would move Canby forward in terms of job growth and positive industrial development and a City/private sector partnership. This property had been inside the County Urban Growth Boundary for a number of years and Clackamas County sent a letter endorsing the annexation which emphasized this was a great opportunity for Canby to develop a coherent industrial park. They urged the City Council to follow suit with the Planning Commission. All the public testimony to the Planning Commission was positive except one. This was a good proposal that should be taken to the ballot.

PROPONENTS: Craig Finden, member of the Canby Business Revitalization Board, spoke on behalf of Jamie Johnk, their Executive Director. He read a letter that was presented to the Canby Planning Commission which indicated CBR's support of this application especially on the basis of need and economic impact.

Lisa Weygandt, resident of 2522 SE Township, Canby, read a letter of support from Gregory M. Jenks, Business Services Coordinator for Clackamas County. He said that the development of this area would strengthen the future economic base of the City. Clackamas County faced a shortage of industrial and



commercial acreage for business expansion and recruitment and they supported this effort and the partnership to develop this property. Ms. Weygandt said this would help people find jobs near where they lived, which would help them spend more time and dollars in their own community.

Bob Zimmer, one of the property owners in the proposed application, stated that a lot of discussion took place at the Planning Commission regarding the size of the parcels and size of the annexation. He read excerpts from an article in the December 16 edition of the *Daily Journal of Commerce* which talked about a report on the Metro Council who had recently worked on their urban growth boundary. They talked about adding a 250 acre industrial parcel in the Tualatin area. Staff had recommended adding 4,200 acres of industrial land to satisfy the Portland metropolitan area's need over the next 20 years. They had a deficit in larger and medium sized lots which were hard to come by.

Cathryn Davis, resident of 2790 N. Maple Street, Canby, said this was a timing issue. It took a lot of time to get annexations approved in Canby, and with the State and Clackamas County pushing for more industrial land she thought it would be helpful to do this sooner rather than later.

OPPONENT: Nathan Clayton, resident of 715 NE 34<sup>th</sup> Place, Canby, said his biggest concern was adequate services. He said the two Police Department levies had not passed, however the Police Department endorsed the annexation and it did not add up. The Police Department said they did not have the money to service the community now, how could they service 150 acres of the industrial park? He didn't think that taking money away from City services to fund urban renewal for projects in the industrial park was the way it should be done. He was for the industrial park, but he did not want to fund it through taxes. The spirit of voter approved annexation was to get the people involved in annexations and have a say as to what was coming into the City. When Fred Meyer was voted in, they knew what was coming and how it was to be funded. He thought with bringing in this parcel of land they would take the voters out of any say so as to what went out there and who would pay for it.

REBUTTAL: Jack Orchard said the City knew exactly what it was going to get with the properties out there because it had been master planned and zoned for some time. This area would pay its way as in the Memorandum of Understanding for the Sequoia project as the City's match for the State loan was coming from the property owners. The City had some challenging budget issues, but they needed to look for a more balanced community that promoted job growth.

Mayor Prince closed the public hearing at 8:30 p.m.

#### DISCUSSION:

Councilor Carson said that he thought this application met the ten criteria. There was need for industrial property over farmland, and this had been in the comp plan for 20 years. The farmland could not be used to its full potential because of the development already out there. He thought Sequoia Parkway would encourage growth that would bring businesses into the community so they could get more economic development and employment taxes to help the transit system and franchise fees from the utilities. In regard to adequate facilities, Canby Utility built a new substation and already had leads under the road and was immediately ready to hook up, and the water and sewer systems were ready for the growth up to 20,000 people. He thought they were in compliance with State laws and he believed it would be of benefit to the community that would hopefully bring new businesses to town.

**\*\*Councilor Johnson moved to approve ANN 02-02, a request to annex 151 acres into the City and direct staff to return on January 8, 2003 with written findings and language for the ballot and voter's pamphlet. Motion was seconded by Councilor Strong.**

Councilor Johnson stated that this application was a win win for every party. This was a testimony to the leaders of the community, the property owners in the industrial park, and the citizens in the community working together to get their issues resolved. It's half of what the last annexation was. The City was not the applicant this time. There were letters of support from the County and unanimous agreement from the Planning Commission. He personally thought that this was a good deal for the citizens of Canby. Everyone was partnering to make Sequoia Parkway happen and be a fair deal for everyone involved. The City had to subsidize the growth. This was a long term economic plan to make sure they didn't have to continue to go out to the citizens to raise fees and beg for money to do the basic services cities needed to provide. They were not giving money to partner agencies or doing programs that previous Councils were able to do because they did not have a diverse economic base to pay for those things. The metropolitan area needed jobs and a diverse economic base to pay for things they enjoyed.

Mayor Prince said that he thought it was important to have voter approved annexation and that people had a choice about what went into their industrial area. He was disappointed that it was such a large piece of land, he thought they would have a 25 year of supply with this. They already had land on S. Pine that had not been developed yet. He thought that was a little excessive and that it kept farmland out of production because it was unknown as to when it would be developed and it would take a long time to develop. The 20 year supply out to Walnut Street was inside the Urban Renewal District, and therefore the tax increment would not go to citizens for services, it would go towards roads and other things. The Memorandum of Understanding did require that the URD pay approximately 70% of that road. He thought it was too big and would not accomplish what they were hoping for in phasing and development in the City.

Councilor Johnson thought that the 70% the Mayor mentioned included the SDC charges, because otherwise it was 50% for the City, IAA, State, and future development. He thought the reason that S. Pine had not developed yet was because of the Advanced Financing District that made it difficult for developers to build an industrial site and make money. With this proposed industrial area, there would be a partnership to make sure development could happen.

Councilor Strong stated that she did not want the whole 300 acres that was proposed the last time. She was on the committee with the IAA and she thought even though perhaps it should be a little bit smaller it should be sent to the voters to make that decision.

Councilor Tallman said she hated to see farmland go, but to develop anywhere in Canby they had to develop on the farmland. She thought it was time for this annexation, it had been 20 years in the making. She was worried about street maintenance and police, but she had faith in the future that they would find some kind of solution for those problems hopefully before the streets out there needed maintenance.

Councilor Daniels said that there was a comment about the City not receiving any taxes, but they would receive some money through the general fund for permits and licensing. The last time they had an

industry wanting to come to Canby, they could not fit into the present industrial park. They set up with the IAA the type of businesses they wanted to come in and had the opportunity to attract larger businesses that would provide jobs.

Councilor Blackwell said that they had come a long way since the first annexation. The Planning Commission was on board and the Fire Department was also on board. It was a smaller annexation which was well thought of in its process. She was concerned about the island that would not be annexed, but they could cross that bridge when they came to it. A group of citizens who came from many different groups and were at each others' throats had come to an agreement, and she thought this application fit the criteria. She thought they should move forward and send it to the vote of the citizens. They could not guarantee the future in any way, and they didn't know if it would be the end all for the budget problems with the City, but it couldn't hurt. She had faith in the future too.

Councilor Carson stated that S. Pine didn't develop because it was owned by two or three companies that they thought would develop there and they were just now deciding whether to release that property and let other businesses come in. The Mayor was right about the 20 year land supply west of Walnut within the URD, but they could develop the 50 acres outside that area right away and could hook up to services and work back in. There was another stand alone piece on the north side by the Boyer Metal Fab, and that could be developed which was also outside the URD and all the money could go directly to the City. The franchise fees could make up some general fund deficit.

**The motion passed 6-0.**

Mayor Prince recessed the meeting for a short break at 8:45 p.m. and reconvened at 8:55 p.m.

**Annexation 02-04 -**

Mayor Prince opened the public hearing at 8:55 p.m. and read the public hearing format.

**CONFLICT OF INTEREST:**

Councilor Tallman - No conflict, plan to participate.  
Councilor Daniels - No conflict, plan to participate.  
Councilor Johnson - No conflict, plan to participate.  
Mayor Prince - No conflict, plan to participate.  
Councilor Strong - No conflict, plan to participate.  
Councilor Carson - No conflict, plan to participate.  
Councilor Blackwell - No conflict, plan to participate.

**EX PARTE CONTACT:**

Councilor Tallman - Drive by the site daily, drew no conclusions.  
Councilor Daniels - Visited site, drew no conclusions.  
Councilor Johnson - Visited site, drew no conclusions.  
Mayor Prince - Visited site, drew no conclusions.  
Councilor Strong - Visited site, drew no conclusions.

Councilor Carson - Visited site, drew no conclusions.

Councilor Blackwell - Live down from site, drew no conclusions.

STAFF REPORT: Jodi Buchanan, City of Canby Planning Technician, said the site was in the North part of the City, 4 acres on Territorial and Juniper, and was surrounded on 3 sides by property in the City. It was currently zoned as County Rural Residential Farm and Forest, and would come in as low density residential. The applicants told her they planned to develop at low density. The Planning Commission recommended unanimously to send it on to the voters. It was Priority A residential, non farmland, and a small parcel. There was a two year supply of residential land right now, and they needed more. There was adequate access on both streets, and all public facilities said they were adequate except street maintenance. It was in compliance with City ordinances and State law. There were no identified hazards and no adverse affects to the City and economic impacts would be minimum. Currently there was a single family home on the lot, and one neighbor hoped that the trees on the property would be preserved.

QUESTIONS: Councilor Tallman asked if the Planning Commission put any conditions on the application. Ms. Buchanan said only the normal conditions with every application.

Councilor Carson asked about the row of arborvita, would it have to be taken out for the sidewalk? Ms. Buchanan did not know.

Councilor Johnson asked how many houses could go on that parcel. Ms. Buchanan said 19. Councilor Johnson asked what effect that would have on the streets. Planning Director John Williams said it would be about 10 trips per day. They did propose a street to be built in the middle, but it would be a small one.

PUBLIC TESTIMONY: There was no public testimony.

Mayor Prince closed the public hearing at 9:05 p.m.

**\*\*Councilor Daniels moved to approve ANN 02-04, a request to annex one tax lot totaling 4 acres into the City Limits, and direct staff to return with written findings and ballot language for placement on the ballot for the May 20, 2003 election at the next available regular meeting of the City Council. Motion was seconded by Councilor Blackwell.**

DISCUSSION: Councilor Tallman stated that because of its position in the City, it was a logical annexation. It was Priority A, and should be brought in.

Councilor Carson said they should bring it in, it was a little island, even though it was great farmland. With the new Council they would have to make some decisions about City services and street maintenance in the next year. He also had an issue with access onto Territorial, but that was another issue when it became a subdivision.

Councilor Blackwell asked about making decisions as a Budget Committee regarding projects and how things were going to be maintained. Administrator Adcock said there was not a nexus between the financial policies which were just guidelines for making future financial decisions and a land use

application. Councilor Blackwell thought it was specific to street projects. Her question was putting in more roads. They also received a letter from a citizen who had many concerns, how would those be addressed? Councilor Carson said they would be addressed at development.

Councilor Johnson said that he did not see a letter from Roy Hester in regard to the industrial park annexation, but there was one for this smaller annexation. Mr. Williams said the timeline had been too short for the industrial park application to get his comments, and that was why he had mentioned it in the staff report.

Mayor Prince said that the money being received from the State gas tax was too small and decreasing every year and they did not have enough money to take care of the maintenance needs in the City. They were looking at other ways to fund it.

**The motion passed 6-0.**

City Attorney John Kelley explained that the next item on the agenda was an opportunity for citizens to comment on the proposed street vacation prior to the Council's decision. It had been advertised.

Ordinance 1112, Martin Right-of-Way Vacation - Jodi Buchanan said this was a vacation on 9<sup>th</sup> Avenue and S. Redwood. Those streets had a divot which was put there as a fire turnaround before 9<sup>th</sup> was completed, and now the street was finished, this portion was no longer needed. The applicants were requesting that it be returned to their property.

Mayor Prince opened the public hearing at 9:10 p.m. and dispensed with reading the public hearing format.

Bruce Martin, the applicant, stated that they bought the land to build their home on and the purpose of this request was for the setback requirements which would be too great and make their house out of line with the rest of the houses in the neighborhood. He needed it to level out the front of the property.

Mayor Prince closed the public hearing at 9:15 p.m.

**\*\*Councilor Carson moved to adopt Ordinance 1112, AN ORDINANCE VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY ORIGINALLY CREATED AS AN EMERGENCY VEHICLE TURNAROUND ON THE SOUTH SIDE OF SE 9<sup>TH</sup> AVENUE BETWEEN TAX LOTS 508 AND 509 OF MAP 4-1E-03BB to come up for second reading on January 8, 2003. Motion was seconded by Councilor Blackwell and passed 6-0.**

**NEW BUSINESS:** Discussion re: Appointment to Budget Committee - Administrator Adcock said they had three applicants for two openings on the Budget Committee.

**\*\*Councilor Daniels moved to appoint Ron Berg and Sandra Fields to the Budget Committee for terms ending in the year 2005. Motion was seconded by Councilor Strong.**

Councilor Carson said he would like to put off this decision until their meeting on January 15<sup>th</sup>.



Councilor Daniels stated that they only wanted to do it tonight because the Budget Committee would meet before then and the other applicant could get a letter letting them know they would be on file in case of another vacancy.

Councilor Johnson stated that they should wait because they would have a new City Council.

**The motion passed 6-0.**

**UNFINISHED BUSINESS: None.**

**ORDINANCES & RESOLUTIONS:**

Ordinance 1096 -

**\*\*Councilor Daniels moved to adopt Ordinance 1096, AN ORDINANCE VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY BETWEEN S IVY STREET AND THE INTERSECTION OF SE 10<sup>TH</sup> AVENUE AND S LARCH STREET. Motion was seconded by Councilor Johnson and passed 6-0 on second reading by roll call vote.**

Ordinance 1107 -

**\*\*Councilor Tallman moved to adopt Ordinance 1107, AN ORDINANCE AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE. Motion was seconded by Councilor Johnson and passed 6-0 on second reading by roll call vote.**

Ordinance 1108 - Jodi Buchanan said this ordinance was to adopt an erosion control manual and the code enforcing it. They would concurrently adopt Resolution 816 for erosion control fees to cover the City's costs to administer the permitting program. She gave a Power Point presentation on Erosion Control. They needed erosion control because recently the state and federal governments had put more strident regulations that Public Works had to enforce. The City could now be fined as well as the builder for pollution and sediment control problems up to as much as \$100,000. This would protect the City from fines and saved the public money.

Usually erosion happened slowly, but when they removed the top layer of soil from a lot it made erosion happen about 100 times more rapidly. Builders were not doing enough to prevent erosion control. This would require that an erosion control permit be approved before building permits could be issued, it would grant Public Works the authority to enforce city, state, and federal regulations, it would establish the erosion control manual as a guide for good erosion control maps and methods, and it would authorize Public Works to perform inspections at the beginning and end of the project and after any major storm event.

An erosion control permit was necessary for anyone who needed to obtain a building permit for ground breaking activities. The system was that a citizen brought in an erosion control map which was a plan of what they were going to do on the land to make sure the soil and water stayed on and would be turned in at the same time as the building permit application. The permitting fee would be collected up-

front and inspection fees collected at the time of final approval for the final building permit. The erosion control fees for the typical single family builder would range from \$127 to \$165. There were two categories, ESPC certification and without ESPC certification. ESPC stood for Erosion Sediment and Pollutant Control, which would be a class held by Public Works that a person took once for \$25 and would apply for the rest of the time they would build in Canby. Four inspections were worked into the base rate for the building permit. The rates were based off time estimates for the administration, inspections, materials, mileage, and time to check and approve the plans. The hourly rate was based off the cost of services study. Compared with other municipalities, Canby's fees were in the range.

Who violated erosion control now? Almost everyone violated it. The regulations were designed to stop the major violators and these measures were the least necessary to prevent sediment pollution before it happened. The costs were not prohibitive, and were designed to cover all costs to the City for implementing the measures and inspections. The City would not make money, the fee would simply cover the costs. The proposed regulations would give Public Works what it needed to ensure the City met all mandates.

The Planning Commission approved this unanimously, assuming the Council would think about the following questions. Why not charge violators, instead of everyone? The problem with this was they needed to stop pollution in the beginning and not reprimand the people who did it afterwards. Were the proposed costs to builders reasonable? The fees were based off the minimum the City needed to cover its own costs and nothing more. Should the City provide an incentive program to frequent, careful builders? This idea could be addressed later, but it was difficult to come up with an incentive program that was fair to everyone. Should Public Works be authorized to require maintenance bonds? Right now planners had the option to require builders to issue maintenance bonds for streets, landscaping, curbs, and pouring pavement. It was an assurance that when the builder agreed they were going to do something they did it, and if they didn't, the City could obtain money from the bond to pay for it to be done.

**\*\*Councilor Johnson moved to adopt Ordinance 1108, AN ORDINANCE AMENDING TITLE 15 OF THE CANBY MUNICIPAL CODE to come up for second reading on January 8, 2003. Motion was seconded by Councilor Strong and passed 6-0 on first reading.**

**Resolution 816 -**

**\*\*Councilor Tallman moved to adopt Resolution 816, A RESOLUTION ADOPTING CERTAIN FEES FOR THE CITY OF CANBY EROSION CONTROL PERMITTING PROCESS. Motion was seconded by Councilor Daniels and passed 6-0.**

**Ordinance 1111 -** Administrator Adcock said this ordinance made minor language changes to the code.

**\*\*Councilor Johnson moved to adopt Ordinance 1111, AN ORDINANCE AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE to come up for second reading on January 8, 2003. Motion was seconded by Councilor Strong and passed 6-0.**

**MANAGER'S REPORT:** Transit Director Margaret Yochem stated that the City of Canby and Canby

Area Transit was awarded \$65,000 in special transportation funds for the 2003-2004 fiscal year through the elderly and disabled pool of money. Also per Bev Doolittle's request, the Advisory Committee came up with some wording that thanked local businesses for their support of the bus system. It would read, "The CAT is funded by Canby area businesses, federal and state grants."

Councilor Carson asked if the \$65,000 was for a specific project or would it be general fund revenue? Ms. Yochem said that it was specific for the elderly and disabled, and 75% of their riders were elderly.

**CITIZEN INPUT:** None.

### **COUNCILORS' ISSUES:**

Councilor Blackwell wished the Council a merry Christmas and a happy New Year. She also wished the staff a merry Christmas and blessed New Year. She thanked everyone for their hard work over the last year. Councilor Tallman added the sentiment from all the Council.

### **ACTION REVIEW:**

1. Installing a 4-way stop sign at Territorial and Holly.
2. Conveying the payment to the League of Oregon Cities to assist with the PERS lobbying efforts on behalf of the City.
3. Approving the consent agenda.
4. Approving ANN 02-02 and bringing back the findings and ballot language to the January 8, 2003 meeting.
5. Approving ANN 02-04 and bringing back the findings to the January 8, 2003 meeting.
6. Approving Ordinance 1112 on first reading to come up for second reading on January 8, 2003.
7. Appointing Ron Berg and Sandra Fields to the Budget Committee.
8. Approving Ord. 1096 on final reading.
9. Approving Ord. 1107 on final reading.
10. Approving Ordinance 1108 on first reading to come up for second reading on January 8, 2003.
11. Approving Ordinance 1111 on first reading to come up for second reading on January 8, 2003.
12. Approving Resolution 816.

**\*\* Councilor Strong moved to go into Executive Session under ORS 192.660 1 (e) real property. Motion was seconded by Councilor Carson and passed 6-0.**

Mayor Prince read the executive session format and recessed the regular session at 9:45 p.m.

Mayor Prince reconvened the regular Council session and immediately adjourned at 10:30 p.m.

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**EXECUTIVE SESSION**  
**DECEMBER 18, 2002**

**Present: Mayor Terry Prince, Councilors Jean Tallman, Walt Daniels, Patrick Johnson, Shirley Strong, Randy Carson and Teresa Blackwell, City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Melody Thompson, Wayne Oliver, and David Howell.**

**Mayor Prince called the session to order at 9:50 p.m.**

**ORS 192.660 1 (e) - The Council discussed real property transactions.**

**Mayor Prince adjourned the session at 10:25 p.m.**

*Chaunee F. Seifried*

**Chaunee F. Seifried  
City Recorder pro tem**

*Terry L Prince*

**Terry L Prince  
Mayor**

*Kim Scheafer*

**Prepared by Kim Scheafer  
and Susan Wood  
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