

CANBY CITY COUNCIL
WORKSHOP
JANUARY 2, 2002

Present: Mayor Terry Prince, Council members Walt Daniels, Patrick Johnson, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, Community Development and Planning Director John Williams, Library and Parks Director Beth Saul, David Biskar, Nathan Templeman, Marty Moretty, Bob Pete, Craig Finden, Tom Scott, Darren Manen, Ed Netter, Allen Manuel, David Howell, and Rick Maier.

Mayor Prince called the session to order at 6:04 p.m. A light dinner was served.

The Council met in workshop session with representatives of the Canby Swim Center and the Planning Department to discuss fees and charges.

Mayor Prince adjourned the session at 7:16 p.m.

CANBY CITY COUNCIL
REGULAR SESSION
JANUARY 2, 2002

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

Also present: City Administrator Mark Adcock, Community Development and Planning Director John Williams, Marty Moretty, Library and Parks Director Beth Saul, Leonard Walker, Curtis and Lila Gottman, Chief Ken Pagano, Carolyn Carson-Graybill, Bob Trappe, Hyun Joun, Chris Lee, Jamie Johnk, Dorothy Carson, Bob Pete, David Howell, Carol Jackson, Ben Jackson, and Steven Willis.

Mayor Prince called the regular session to order at 7:35 p.m., followed by the opening ceremonies and a moment of silence.

CITIZEN INPUT ON NON-AGENDA ITEMS: Jamie Johnk, Director of Canby Business Revitalization, shared some of their projects and their new marketing portfolio; the new 99E banners put up by Fred Kahut's crew; the awnings that are now installed on 1st Avenue. She also said that the directional signage has been approved at Elm, Grant, and Ivy and showed the audience and Council the conceptual drawings for the new signs. She thanked Councilor Johnson for stepping forward and becoming Council liaison to the CBR Board and looking forward to getting a lot of things done in the new year.

Bob Pete with Canby Swim Club reported on favorable comments about the latest swim meet held at Canby's Municipal Swim Center which was attended by 600-800 swimmers and

spectators. Swimmers at this meet were of outstanding caliber and after the meet, they were very complimentary about the hospitality in our community and at the pool. Justin Kretler of Canby won the "All-Around" for the boys division.

CONSENT AGENDA: **Councilor Daniels moved to approve the Minutes of the regular and executive session of December 19, 2001, Accounts Payable of \$148,519.24, and the Request by Canby Assembly of God Church for Use of City Lot. Motion was seconded by Councilor Carson and passed 4-0.

Mayor Prince announced that Councilor Strong was absent anticipating surgery and wished her well.

PUBLIC HEARING: Smoke 4 Less Liquor License - City Attorney John Kelley reviewed the application and the process that needed to be followed for the public hearing along with the standards and criteria. The business is located in Canby Square Shopping Center near Rite-Aid. They had applied with the OLCC for a "limited on-premise" liquor license which allows the sale of liquor on premises. In Canby's Municipal Code under Section 5.16, there is a procedure for granting an application. The Chief of Police conducts an investigation and makes a recommendation of approval or denial to the City Council. If the recommendation is for denial, then the Council schedules an evidentiary public hearing to take testimony regarding whether or not they want to make a recommendation of approval or denial to the OLCC. The action taken tonight will be a recommendation only because OLCC makes the final determination.

Mr. Kelley reported that in talking with the Police Chief, the criteria he feels will not be satisfied is Criteria (I) under CMC 5.16.060 indicating that there are sufficient licensed premises in the locality set out in the application and the license is not demanded by public interest or convenience.

Whichever decision is made, a motion should be made that staff return with appropriate findings to be adopted at the next meeting to be approved and forwarded on to the OLCC.

Mayor Prince opened the public hearing at 7:44 p.m.

Mayor Prince read the public hearing format.

STAFF REPORT: Chief Pagano restated that he was recommending denial of Mr. Joung's application pursuant to the Canby Municipal Code citing that there are sufficient similar services within walking distance. Puerto Vallarta is a full-service restaurant within 100 ft., Hoi Tin is about 600 ft., the Taqueria in back of the laundromat is about 900 ft. and the 4th Quarter Sports Bar is nearby. He stated that the business area is quite small and there does not appear to be sufficient room. Although not a criteria that can be used for denial, the Chief is concerned about the sale of fighting knives on the premises as well as fighting swords on display, only about 10 to 12 ft. away from where the alcohol would be consumed. This establishment is also only about 500 ft. from Canby High School. He again acknowledged that this is only a police department concern, and not a criteria for denial by OLCC.

Councilor Johnson asked the Chief if he had discussed the concern over the fighting knives and swords with Mr. Jounge and the Chief responded that he had mailed the applicant all the notices and the letters that were in the Council packet but he had not specifically discussed the knives with him since it could not be criteria for denial.

Mayor Prince announced that Mr. Jounge was accompanied by a friend, Chris Lee, who would act as an interpreter and asked Mr. Lee to confirm that the applicant understood the proceedings, the reasons for denial, and the Chief's comments so far.

APPLICANT: Mr. Lee said that Mr. Jounge had not been aware about the situation with the knives. He had not been aware of the criteria for denial and the concerns of the Chief. He feels that if the knives are of concern.....Attorney John Kelley inserted that the knives were of concern to the police department but not considered criteria for the determination of the recommendation. Mr. Kelley restated that the issue for the hearing is whether there are sufficient liquor-serving establishments within the immediate area.

Mr. Lee stated that the reason Mr. Jounge was applying for the license was to be able to gain video poker in his establishment, and the only way to do that is to go through the OLCC and obtain the necessary on-premise license. He is not interested in selling liquor but it is a step he needs to take in order to get the OLCC license for video poker.

Mayor Prince asked about an area in his establishment to serve patrons.

Mr. Kelley said there was a concern about the small size of the business and had Mr. Jounge given any thought as to how he would serve the liquor and food and be able to provide an area for seating as well as an area for the location of the video poker machines.

Mr. Jounge said that he had a floor plan to set up the arrangement and asked if the Council would like to see that in detail? Mr. Jounge, through the interpreter, said that the business was approximately 900 sq. ft. On the board, Mr. Jounge made a sketch showing that upon entering the business, the tables for eating and liquor consumption would be to the left. To the right, there would be a partition separating off the video poker area. They anticipated only having one keg for alcohol and then the rest of the merchandise for sale would be transferred to the rear of the business. Mr. Jounge was not specific about the square footage of the interior sections but thought that the area might be 5-6 ft. wide for the seating area. Mr. Kelley restated that having been in the business, the area would be too small for people to pass through between the seating area and the partitioned area for the poker machines. Mr. Jounge said that in order to make the room, he would be moving the merchandise for sale to the back.

Councilor Carson asked if the area for the cigarettes would remain in the display cases and to confirm that those would be moved to the back.

Mayor reconfirmed that the front of the shop would be opened up to allow for the video poker and the tables.

Mr. Kelley stated that the business sells tobacco which allows for young adults between the ages of 18 and 21 to purchase. Mr. Kelley asked if he now planned to make the store for only 21 and older. Mr. Joungh said he intended to post a sign that would prohibit minors from entering at anytime.

OPPONENTS: None.

PROPOSERS: None.

REBUTTAL: None.

Mr. Kelley asked Mr. Joungh if he would like more time to prepare a response and provide evidence to the Chief's concerns and criteria since he was not aware of the concerns and Mr. Joungh said that he would like more time.

Councilor Daniels said that he would like to see a diagram more to scale and the plans on limiting the establishment to 21 years and older.

Mr. Kelley said that one of the criteria is the question about having four establishments already in his immediate vicinity and wanting Mr. Joungh to address that issue - why his business would not be one more too many.

Mayor Prince said that Mr. Joungh could talk with the City staff and try to work together to make the project work, especially the Police Department or the Chief.

Mayor Prince asked Mr. Joungh if he could come back on the meeting of January 16, 2002 and Mr. Joungh confirmed that he could.

****There was Council consensus to continue the Public Hearing until the Council meeting of January 16, 2002.**

Mayor Prince closed public hearing at 8:05 p.m.

COMMUNICATIONS: Canby Municipal Court Judge Henricksen's Annual Report said that this was his 23rd annual report to the Council and citizens of Canby. He passed out an activity report for the last fiscal year; the revenue is clear to ascertain and the overall expenses and payment of the State portion of \$60,000 and the jail fund of \$16,383, the excess into the General Fund was \$143,965. He always likes to see if our Court is in compliance with the Oregon Supreme Court's directive of not having any more than 20% pending out of the total number of cases at the end of the year. 4,535 cases were opened and filed in the past year and 4,680 were closed; out of those opened cases, only 373 are still pending which is well within the margin. This means that people are in and out of our system within a timely manner.

Canby will continue with an experimental project that had been requested by the Clackamas County Circuit Court and the Juvenile Department. Canby was selected to implement an enforcement program of tobacco products possession under the age of eighteen through the court system under the auspices of the Clackamas County Juvenile Department. This program has been

successful due in large part to the community's cooperative effort and hopefully, awareness being instilled that these products are harmful to health as well as "not cool to smoke anymore". The Court is still continuing the seatbelt program with funding through the Police Department. First offenders of the seatbelt violation will have no conviction if they attend the seatbelt informational class. It has proved to be very successful with rarely a repeat offender.

The Court has recently been asked to take on a project in step with a similar program emanating out of Japan. Japan has a similar justice system to that of the United States. They have felonies, misdemeanors, provide defense attorneys, court-appointed attorneys, and the same burden of proof. They also have community courts similar to those in ours. A misdemeanor is an offense that one would serve a jail time less of less than one year; a felony would be something that an offender would spend time in a penitentiary - a criteria that is the same in Japan. As a statistical note, in Japan very few misdemeanors get into the court system; they are taken care of through a community process. The result has been to see if a similar process could be developed in our community and thus, the Canby Accountability Board has been established. This concept was brought to the Canby Court by Clackamas County Parole and Probation and after presenting it, our Attorney Kelley had some concerns - such as who would pay for it, how would it be tracked, etc. As in Japan, the offender and family, and the community "elders" sit down and try to fashion a way to take care of the problem while learning from it and leaving with some dignity in the community and not offending again.

Citizens serve on the Accountability Board when Mr. Kelley sees an appropriate case. They can refer cases involving anything but violent crimes or traffic. Then the offender is afforded the opportunity to go before the Accountability Board and fashion a way to take care of the offense, such as community service work, help at the Senior Center, Library or Parks, graffiti removal, etc. There have been about 100 of these cases that have been referred to the Board, and the Judge is only aware of two that either did not show up and a warrant needed to be issued or the offender went and decided not to go through the process. The rest were successful and the cases were then not filed meaning that it was taken care of, lessons learned, and dignity within the community for the offender. This is the only community that is doing this in the State, so Canby is being watched closely. By July, Canby will need to submit a report on the project to the State of Oregon Parole and Probation Department.

Our Municipal Court is the fifth largest in the State; there are now only 11 full service municipal courts left that prosecute all misdemeanor crimes, all traffic matters, and all City ordinance violations. Since the last legislative session, the jurisdictional limits for traffic matters can be cited into the closest court so we also serve those cases that are outside our city limits.

He said that this would not be possible without the working staff under the direction of Court Supervisor Kathy Mashek and the excellent prosecutorial direction of Mr. Kelley.

Mr. Daniels asked if repeat offenders could come back to the Accountability Board and the Judge responded that this was a one-time opportunity only. Mr. Kelley said that as of yet, there have not been any repeat offenders and it is being tracked for obvious reasons. Citizens from the community are volunteering by showing up one evening a month starting at 5pm and going until

they finish. An interesting case involved a young adult who was charged with furnishing alcohol to minors who, after going through the Accountability Board, has gone on to speak to all the Canby schools about the evils of alcohol and took his experience very seriously.

NEW BUSINESS: Appointments to Canby Public Transportation Advisory Committee - Community Development and Planning Director John Williams said that he was bringing six applications for the newly formed committee for possible appointment. There was a seventh application however, it was not presented to them tonight because the applicant fell outside the UGB which was a criteria that the Council had named. Council had decided to create a seven member committee, and as late as this afternoon, two additional applications came in. He felt that the mix of the applicants was good and although it did not have members from every represented group such as a youth that commutes, it would be a good mix. His recommendation was to appoint the first six, and then appoint the final position at the next meeting. The committee members would serve three year terms and at first meeting, the group would draw lots for one-year, two-year and three-year terms; from then on once the rotation was decided, the members would then be appointed to three year terms.

Councilor Daniels asked if it were important to get the committee started now, and Mr. Williams said that he would appreciate getting it going so that they can be somewhat involved in the hiring of the transit director which is closing on January 11, 2002.

****Councilor Johnson moved to appoint Barbara Kirwan, Bob Trappe, Jean Tallman, Richard Ball, Clair Kuppenbender, and Caroline McFarland to the Canby Public Transportation Advisory Committee and the length of terms to be determined by drawing lots at the first meeting. Motion seconded by Councilor Daniels.**

Mayor Prince said that several members of the newly-formed committee had served on the Public Transportation Task Force so there is a lot of collective experience already in place.

Councilor Carson asked if Mr. Williams could put something together that would outline the scope of what this committee would be dealing with so that the public would know.

Mr. Williams said in following up with Mr. Carson's comment, would the Council like this Committee established by an ordinance? There is nothing that says it has to be done, but if the Council would like a more formal process of setting parameters, terms, term limits, residency requirements, etc., it could be done.

Councilor Johnson said that he would like to see an ordinance drawn up as this is a very important committee, with many dollars eventually going through the transit system. There could also be input into an ordinance from the new transit director.

Mr. Williams said that he would work on a draft ordinance.

Councilor Daniels said that term limits had been done away with for the other City committees and that they could take that under advisement when drafting the document.

****Motion passed 4-0.**

Discussion re: Council Vacancy - Mayor Prince announced that at the last Council meeting, Councilor Corey Parks turned in his letter of resignation and the Mayor was asking the Council their choices on filling the position.

Councilor Johnson felt that an application process should proceed much like it was done when there last was an empty seat, to get things moving and accept applications until the next Council meeting and then start the interview process with a committee to be determined by the Council.

****Councilor Johnson moved to direct staff to advertise for the City Council vacancy to fill an unexpired term lasting until the next General Election in November 5, 2002. Applications will be accepted until 5:00 p.m. on January 15, 2002 with discussion at the meeting of January 16, 2002. Motion was seconded by Councilor Daniels.**

Councilor Johnson said that tonight had proved to be the reason why the seat needed to be filled. If any one Councilor cannot attend a meeting, it becomes a four member group and he doesn't think that it becomes a good representation of the community. Some might think that whoever filled the seat would have a political advantage in November, but looking at the budget crisis the City is going through, the occupant of the seat would have to face the tough budget decisions right along with the rest of the Council. This position would need to be someone who could lend the Council a hand in these tough, difficult budget times. His plea was to anyone who would be willing to help "crunch" budget numbers, to come forward and put in an application.

Councilor Daniels said that his first inclination was to wait until the November election and let the public decide, but inasmuch as there has been some sickness and emergency situations and a quorum was in question, he has decided that it is important to fill the vacant position with someone who will be willing to serve.

Councilor Carson said that he had originally felt along the lines as Councilor Daniels in leaving it open until the November election, but he sees the need to have an additional person present.

Councilor Blackwell thought that it would be in the best interest of the citizens to have a full Council. This is not a political move but rather the fact that there is a job to do and it will need all the "brainpower" available.

Councilor Daniels asked about the interview committee and Mayor Prince said that it would be discussed in a separate motion.

****Motion passed 4-0.**

Councilor Johnson asked about the makeup of the selection committee and the process. He expressed interest in serving on the committee, as did Councilor Carson.

The Mayor said typically he was on the committee since he would not have a vote when the

decision was made at the Council level.

Councilor Blackwell asked who had served on the previous interview committee and Councilors Strong, Daniels, and the Mayor had made up the subcommittee.

****Councilor Johnson moved to create a subcommittee for interview purposes comprised of Mayor Prince, Councilor Carson, and Councilor Johnson. Interviews would be conducted after the closing of acceptance of applications.**

Councilor Blackwell asked if there would be a chance to observe only, but it was decided that it would create a quorum.

There was consensus that the recommendations as a result of the interviews would be presented at the February 6, 2002 regular Council meeting.

****Motion passed 4-0.**

Administrator Adcock wanted it clarified that the City would stop accepting applications after the close of business, January 15, 2002 at 5:00 p.m. The applications that came in within the time period would then be given to the interview committee to come back to the Council with their recommendation on February 6, 2002.

Councilor Daniels wanted to make sure that he understood that the Mayor would have a vote in the interview committee process and it was agreed upon that he would have a vote.

UNFINISHED BUSINESS: None.

ORDINANCES & RESOLUTIONS:

Ordinance 1085 -

****Councilor Johnson moved to adopt Ordinance 1085, AN ORDINANCE ADOPTING BY REFERENCE CERTAIN SECTIONS OF THE STATE OF OREGON BUILDING AND SPECIALTY CODES TO PROVIDE A UNIFORM BUILDING CODE FOR THE CITY OF CANBY, REPEALING THE CURRENT CHAPTER 15.04, AND DECLARING AN EMERGENCY on final reading. Motion was seconded by Councilor Blackwell and passed 4-0 by roll call vote.**

Ordinance 1087 -

****Councilor Carson moved to adopt Ordinance 1087, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A LEASE/PURCHASE AGREEMENT WITH GRESHAM FORD AND FORD MOTOR CREDIT COMPANY FOR THE LEASE/PURCHASE OF TWO 2002 FORD CROWN VICTORIA POLICE**

SEDANS AND DECLARING AN EMERGENCY on final reading. Motion was seconded by Councilor Johnson and passed 4-0 by roll call vote.

Resolution 771 -

City Administrator Adcock said that this was the follow-up resolution as a result of the prior Council meeting workshop on December 19, 2001 discussing the building fees and charges.

Councilor Johnson asked if this could be adopted after the public hearing that was being scheduled so that the builders had heard all the information and were aware that this is coming. Mr. Williams said that the meeting Mr. Johnson was referencing would be happening during the fourth or fifth week of this month and so something could potentially come back to Council on the first meeting in February. Mr. Williams said that he would confer with Mr. Godon to see if that would work.

Mr. Godon said that the State audit was tentatively scheduled for sometime in February so that this delay would work.

Councilor Daniels asked if there would be a disadvantage in waiting and Mr. Godon said that there would be a loss in the additional revenue when permits came in at the old fee schedule rather than the new rates but it would only affect the unknown number of permits that came in the door tomorrow.

Mr. Williams said that a notice of increase had been provided to the State and then the State sends out a notice to their list, which probably does not include a lot of local builders as heard in the workshop tonight. A local notice has not been sent yet to the City list; that list would be noticed for the public hearing being scheduled at the end of this month.

Councilor Carson stated that he would not mind continuing the resolution so that there could be more public input. Councilor Blackwell concurred.

Mr. Adcock said that there was not a motion on the table, so no action would have to be taken. The resolution could just be brought back for the February 6, 2002 meeting.

Mr. Williams said that the notice for the planning department fee increases could include the information about the building fee increases.

Council gave consensus to bring Resolution 771 back on the February 6, 2002 regular Council meeting.

Resolution 774 -

Mr. Adcock referred to this evening's workshop where the Swim Center staff and Ms. Saul presented the various options in fee and charge increases. Should Council decide to act on this resolution this evening, Council would have to make a decision on which option they would like

to serve as the basis for fees from the various options presented. They had asked that the discussion be forwarded on to the open session.

Mayor Prince said that Council wanted to make sure that everyone knew what the fee increases were and the options that had been presented.

Ms. Saul reviewed that earlier this evening in the workshop session, staff had presented four options for fee increases. The first option was the one that had been presented to the Park & Rec Advisory Board and their recommendation was that Option 1 be forwarded on to the Council. At that meeting however, there was also discussion of possibly looking at some additional options with slightly higher fees. Usually in the past, fees were set and then it was quite a few years later before they were looked at again. So, staff came back with three additional options: Option 2 had fees a little higher but still in market range and all developed with the Cost of Services Study in mind. The staff felt that Option 3 went a bit beyond, and might result in a little drop-off of patronage and Option 4 incorporated charging what it took to recover 100% but it was felt by staff that this option would result in people not continuing to patronize the Pool. Hopefully, Council could pick one of these options to attach to the Resolution, thereby implementing a new fee schedule.

Mayor Prince said that this fee schedule is to offset the cost of services and Ms. Saul said that the fees at the Pool had not been raised since 1994. When a survey of other pools was conducted, they were charging significantly more for some of their services. She stated that the Cost of Services Study helped staff identify exactly how much it is costing to provide the Pool and the various programs. Staff has already used that information to provide only those programs that have the better cost recovery and then to arrive a fee schedule is fair and recovers as much of the actual cost as possible.

Mayor Prince said that the fee charged needs to be sensitive to the public; for instance, Option 4 would raise the cost of an adult pass from the current \$2.25 to \$5.91 vs. staff's proposal of Option 2 which would raise the pass to \$3.00.

Mr. Adcock restated that Option 2 would provide for a 55% cost recovery with 50% being the benchmark for a flat pool without water features, water slides, etc. Based upon that 55% recovery rate, staff feels that they would be able to do a better job in recouping some increased energy costs, personnel costs, and still have a competitive fee structure so that pool patrons won't be driven away. The current fees are providing about a 40% cost recovery.

Councilor Johnson said that the hard reality is that Option 2 doesn't go far enough towards cost recovery and prefers Option 3 with a cost recovery of 75%. He feels that the Council has a responsibility to face the uncertainty of the budget that is coming. He referenced that facts that 60% of pool patrons come from outside the City and that the community rallied to build the pool. He doesn't want to be responsible for the demise of the pool by not raising the fees significantly enough and when the budget process comes around and money goes to the pool budget, will more work force need to be let go; the reality is that 18% of the workforce was laid off last year.

Realistically, there can't be 100% cost recovery but he would lean towards a greater portion of cost recovery, therefore Option 3 allows for 75%. If people want to save the pool, then they should be willing to pay the higher rates. It could result in a drop-off, but every dime that we need to spend, is a dime that is taken away from other programs. He would like to ask those who use the pool what they would be willing to subsidize with tax dollars and what they would be willing to pay for. There will possibly be proposals coming before the voters asking for more money, and he would urge everyone to look at the Pool as a perfect example of the types of things that the City can do if it has the proper funding.

The community spirit that built the pool needs to come back to save it.

Councilor Daniels felt that the Advisory Committee had delved into these charges and compared our fee structure with other communities and it was in a better position to make the determination. He would support their recommendation of Option 2.

Councilor Carson asked if automatic increases could be built in, and Mr. Kelley said "no" that any change in a fee schedule would need to come back in a resolution form.

Mayor Prince said that a formula of a certain cost recovery % could determine when the fees would need to be increased. Mr. Kelley said that could be done but that the whole theory is that there would be an analysis of the costs before they were raised.

Councilor Blackwell thinks that all the fees need to be looked at yearly, so that the task isn't so daunting.

Councilor Carson noted that if the resolution were passed, there is an effective date of February 1, 2002 which means that we would not have another opportunity until February of next year so it really won't impact the next budget cycle if one of the lower Options is chosen. He also, would prefer Option 3 which would have a greater impact.

****Councilor Johnson moved to adopt Resolution 774, A RESOLUTION ESTABLISHING FEES FOR THE CANBY SWIM CENTER with Attachment Option 3 to be effective February 1, 2002. Motion was seconded by Councilor Carson and failed 2-3 with Councilors Daniels and Blackwell voting nay and Mayor Prince breaking the tie with a nay vote.**

Mayor Prince explained that staff is reluctant to raise the fees too high and thereby losing revenue and is voting in concurrence with the staff recommendation of Option 2. Option 2 can then be looked at to see how it has affected the volume and then consider Option 3 for next year.

****Councilor Blackwell moved to adopt Resolution 774, A RESOLUTION ESTABLISHING FEES FOR THE CANBY SWIM CENTER with Attachment Option 2 to be effective February 1, 2002. Motion was seconded by Councilor Daniels and passed 3-2 with Councilors Johnson and Carson voting nay and Mayor Prince breaking the tie with an aye vote.**

Councilor Johnson stated that when Budget time comes, his "hands are clean on this".

MANAGERS' REPORT: Administrator Adcock reminded the Council and the public of a joint Council/School Board meeting on January 7, 2002 at 6:00 p.m. in the Canby High School Library. On the agenda will be park planning for the City, Urban Renewal District update, the City transit plan program, and a discussion on City and School District budget concerns.

Beth Saul reported on the progress towards scheduling a joint meeting with Blue Heron Recreation District Directors. She had contacted Joe Driggers and found that Don Morgan is now the Chairperson. She has connected with both of these gentlemen and is trying to coordinate schedules and asked the Council what date would work.

Councilor Daniels suggested that they could meet in workshop session prior to a meeting.

****There was Council consensus to hold a workshop with Blue Heron at 6:30 p.m. prior to the January 16, 2002 Council meeting.**

CITIZEN INPUT: Steve Willis residing at 447 S Pine Street Canby, expressed his concern for the need of volunteers and not knowing how to get involved. He felt that the descriptions and duties of the committees should be concisely described in layman's terms and that the process could be streamlined. He applied for a position but was not sure what would be involved if he should get on a committee. He didn't know just where to go to find out where there were possible committee openings. He feels that there are probably people in the community willing to serve but don't know how to go about becoming involved. He asked whether there was any place that citizens could go to find out what's available, what would be asked of them if they served, and could a process be put together that would be more streamlined.

The Mayor responded that while we do have lists of the committees, advertise in the newspaper, post on the web page, he is correct that there is no explanation of the duties. Mr. Willis said that some of the more high-profiled openings such as the Planning Commission, Transit Committee, and the current Council vacancy will have no problem getting filled, but Boards such as the Canby Utility Board have had unfilled openings for over a year. There is also a school advisory committee that his brother is on due to receiving one write-in vote, but the other two positions are unfilled so the committee exists in name only. He wanted to bring this to the Council's attention to get some response from the public and put together a process that is more streamlined and make it easier for people to get involved.

The Mayor suggested that we could work with the newspaper to get a brief outline about the committees and the length of terms; and information and committee duties explanation in the newsletter.

Councilor Daniels suggested that anyone interested in volunteering was welcome to contact or stop by City Hall and get committee information and descriptions of duties.

The Mayor said that the committee application was a small one page form asking for general

information and what committees might be of interest.

COUNCILORS' ISSUES: Councilor Johnson thanked Bob and Irene Trappe for their donation to the Library of \$500.00.

Councilor Johnson referred to an *Oregonian* article about urban renewal. He asked Mr. Williams if he had any additional information and Mr. Williams said that he had nothing additional since he wrote the staff report accompanying the article. He said that he would be getting together with the City Treasurer and running numbers to see where we stand and what the scope of the problem may be. Secondly, he is waiting to see what develops with additional legal opinions. Personally, he thinks the intent of the court is clear but doesn't know what sort of appeals may come of it and that a cautious approach would be best for now. Mr. Kelley added that the City of Oregon City was going to be putting something out about this.

Councilor Johnson said that the Urban Renewal Advisory Committee was scheduled to meet on January 10th and they will be prioritizing projects. Will this ruling cause a delay in our process? Mr. Williams said that the ruling has said that there is a maximum liability that is possible so one course of action would be to look at that scope.

Mr. Johnson said that in his understanding, the Court said that any urban renewal district is considered general government so any increment that it takes that goes over \$10 per thousand, needs to be paid back to some entity by the urban renewal district. His concern is that just as we are proceeding with our urban renewal district, we seem to be getting stopped again or certainly another "speed bump" we are going to need to overcome to start spending urban renewal money. Attorney Kelley said that we didn't know yet because haven't begun to crunch the numbers yet.

Councilor Daniels wanted to think of it more as a "caution sign".

Councilor Johnson wanted to make sure that the Advisory Committee was aware of this latest ruling, as well as the community, CBR, and IAA.

Mr. Adcock said that he didn't think there was anything to preclude the Advisory Committee from prioritizing projects. That charge to them was made in the same motion as the shrinking of the District. Until such time as Mr. Williams gets clarity on the real ramifications of this Supreme Court ruling as it relates to relationships to Measure 5, the best advice staff could give to Council would be not to incur any debt. He thinks that the Advisory Committee can continue to move forward with Mr. William's guidance while staff continues to monitor through the League and other resources.

Mayor Prince thought that those comments also answered Mr. Johnson's concern about advising the Committee about the ruling. He knew that the City of Portland was going to have a lot of exposure in light of this recent decision.

Councilor Carson said that the Urban Renewal Advisory Committee was planning to have its agenda out by the next day with basic information and start to prioritize projects and a few other

items. He also spoke with Rep. Schrader and he was going to try to get some legislative information to see how they viewed this ruling and its ramifications.

Councilor Daniels reported that 273 baskets were put out by the Kiwanis Food Basket Drive. 757 children received gifts and 568 adults served for a total of 1327 individuals. He publically thanked all the citizens who contributed their donations of food and toys. The average child got three toys and the money donations allowed the group to purchase gifts for certain age groups. He also thanked all the citizens who came out and put together the baskets and helped with the delivery. Five pickup loads of extra food went to the Canby Food Bank; the food bank serves an average of 200 families a week so the Kiwanis excess amounted to one week's worth of food for that organization. It becomes apparent that the need for food is ongoing, not just at Christmas time.

Mayor Prince realizes that at the recent meetings, it is being stated that the City does not have a lot of money. It is apparent after 20% of the main workforce is already gone and the prospects of the State looking a more cuts will trickle down to the City. But, he thinks that this Council has done a lot this past year and in the coming year, we are looking at the start up of the new bus service which will be the start of something very good for the community. Hopefully this year, there will be another neighbor-to-neighbor community service day in July. He would hope that volunteers would come forward to organize this event after the great start provided by the Church of Jesus Christ of Latter Day Saints. It became apparent that many projects could get done and move forward as a community and get things done through this avenue.

John Williams said that effective January 1st, Canby has taken over the bus service so the buses out there are now officially ours. Mayor Prince said that soon we will be hiring a new transit director, purchasing buses, and employees to bring on board so, there are a lot of things happening and he sees things "going up".

ACTION REVIEW:

1. Approving the consent agenda.
2. Approving Ordinance 1085 on final reading.
3. Approving Ordinance 1087 on final reading.
4. Bringing back Resolution 771 to February 6, 2002.
5. Appointments to the Canby Public Transportation Advisory Committee.
6. Adopting Resolution 774 with Option 2.
7. Continuing the public hearing for Smoke 4 Less Liquor License application.
8. Setting a workshop with the Council and Blue Heron Board for January 16, 2002.
9. Directing staff to advertise for the Council vacancy to close January 15, 2002.

Mayor Prince adjourned the regular Council session at 9:20 p.m.

Chauncey F. Seifried

Chauncey F. Seifried
City Recorder pro-tem

Terry L Prince

Terry L Prince
Mayor

Marty Moretti

Prepared by Marty Moretti
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