

CANBY CITY COUNCIL
WORKSHOP
MARCH 20, 2002

Present: Mayor Terry Prince, Council members Jean Tallman, Walt Daniels, Shirley Strong, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, Library and Parks Director Beth Saul, Community Development and Planning Director John Williams, Marty Moretty, Craig Finden, Georgia Newton, Pat and Buzz Weygandt, Lisa Weygandt, Randy E. Tessman, Jamie Johnk, K. Lewelling, Paul Dawson, Ron Tatone, Leonard Walker, Scott Taylor, Bob Zimmer, Curtis and Lila Gottman, Melody Thompson, Bev Doolittle, Steven Amick, Carolyn Ann Carson Graybill, David Sheldon, Mike Schaufler, Keith Stewart and David Howell.

Mayor Prince called the session to order at 6:07 p.m. A light dinner was served.

The Council met in workshop session for a discussion re: transferring of Urban Renewal Agency authority.

Mayor Prince adjourned the session at 7:15 p.m.

CANBY CITY COUNCIL
REGULAR SESSION
MARCH 20, 2002

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

Also present: City Administrator Mark Adcock, Community Development and Planning Director John Williams, City Attorney John Kelley, Marty Moretty, Joyce Peters, Transit Director Margaret Yochem, Library and Parks Director Beth Saul, Leonard Walker, Curtis and Lila Gottman, Georgia Newton, Bev Doolittle, Marlene Elmore, Melody Thompson, David Howell, Craig Finden, Lt. Greg Kroeplin, Carolyn Ann Carson Graybill, Steven Amick, Pat and Buzz Weygandt, Lisa Weygandt, Randy E. Tessman, Keith Stewart, Jamie Johnk, K. Lewelling, Paul Dawson, Bob Zimmer, David Sheldon, Mike Schaufler, Marlene Elmore, Leighton Perkins, Rick and Kathy Mashek, Jorge Tro, Tim Sommer, Lisa Panoff-Jamison, Chief Ken Pagano, Tim Green and family, Scott Farmer and family, Judge Jon Henricksen, and Paul Fox.

Mayor Prince called the regular session to order at 7:33 p.m., followed by the opening ceremonies and a moment of silence.

SWEARING-IN CEREMONY: New Canby Police Officers Tim Green and Scott Farmer were introduced by Chief Ken Pagano and sworn-in by Municipal Court Judge Jon Henricksen. Officer Farmer was a lateral transfer from the Clackamas County Sheriff's Department and Officer Green was a lateral transfer from the Hubbard Police Department. Mayor Prince presented them with their new badges.

CITIZEN INPUT ON NON-AGENDA ITEMS: David Sheldon, resident of 687 S. Redwood St., said he recently annexed into the City in November by citizen vote. He was sent an additional bill from Clackamas County for election fees above the \$1800 deposit he had paid. If he had known there would be this expense, he would not have gone through with the annexation. The bill was for \$2200 and he asked the Council if they would consider his situation.

Mayor Prince requested that the issue be brought back to the next meeting, giving staff time to prepare a report.

Bev Doolittle, Director of the Canby Area Chamber of Commerce, announced the first quarterly "Meeting of the Minds" meeting Thursday, March 21st at 8 a.m. at Cutsforth's. They got together 23 different organization leaders within the City and County. They wanted better communication among the groups, and were going to meet once a quarter.

Councilor Blackwell asked if the meeting could be taped. Ms. Doolittle said she would look into it.

Mike Schaufler, a candidate for Clackamas County Commissioner, said he got involved in politics when he moved to Happy Valley. He was a City Councilor there, and during his term helped to gain local control of growth in the community and rehabilitated government's reputation with the citizens and surrounding governmental entities. He thought the same thing needed to be done at the County level. He also wanted to create more jobs in the County, broaden the tax base, raise revenues without raising taxes and put the money back into the community, and make public records more accessible by putting them on the internet.

CONSENT AGENDA: **Councilor Strong moved to approve the Minutes of the regular session of March 6, 2002, and Accounts Payable of \$194,386.33. Motion was seconded by Councilor Carson and passed 5-0.

COMMUNICATIONS: Letter from Clackamas County re: Countywide Transportation Utility Fee Study - Administrator Adcock referred to a letter from the County Administrator, Jonathan Mantay, asking the City of Canby to pay a portion of the proposed county-wide transportation and utility fee study which would be \$3800. The County wanted to know if the Council wished to participate in the study. Administrator Adcock had some concerns about the contract as it stood, but if the Council concurred with staff's recommendation to continue to go on their own, it was a moot point. If they wanted to pursue this, he had some concerns.

Community Development and Planning Director John Williams announced that the meetings had started last week on the street maintenance fee in Canby and he had received a lot of public input. It seemed like they had identified a lot of the issues that the County would be looking at and had already done a lot of the work specifically here in Canby that the consulting group would do on a county-wide basis. Canby was manageable, and the more difficult problems facing the consultants existed in the unincorporated areas and in the relationships between the cities and the county and how a transportation utility fee would be put together. The work they proposed was preparation of a methodology and billing process. If they were looking at a City of Canby fee, a

lot of those issues were already addressed or easily addressed. The advantages to the County study would be having a consultant put the methodology together, and if it ended up being a county-wide fee, they would capture county-wide trips instead of city trips. If they created their own city fee, they would not be capturing the trips generated outside of the city that came into the city. He thought they could do the work, but there was a lot of groundwork that needed to be done. One thing they needed to do was inventory the buildings and uses in Canby. This proposal didn't include that, so they would still be providing it for the County.

Mayor Prince said his concern about county-wide trips was they would be penalized for going further into the County, versus people coming through Canby.

Councilor Carson said if all the cities in the county did not come on board, the individual cost would go up unless the County was planning on covering the difference. Mr. Williams said he thought the County was hoping all the cities would contribute and that way they could look at county-wide trips. If some cities opt out, they would have to create a patchwork. Councilor Carson asked if the money generated would be used on all streets, or just the County roads? Mr. Williams said they were talking about a county-wide fee that would come back to the jurisdictions based on population and could be spent on city roads.

Councilor Blackwell said it was very ambiguous right now and there were many questions that needed to be answered.

Mr. Williams said Wilsonville and Tualatin already had street maintenance fees, and were not going to be in the study.

Councilor Tallman said there was the initial cost of \$3800 to do what they had already done, plus there would be the cost of the study. Mr. Williams said they had the option to pay at the end of the study.

Councilor Carson asked if he thought the \$3800 would be wisely spent since the County would be doing the consultant work? Mr. Williams said he did not plan to hire a consultant. Administrator Adcock felt that the contract did not hit the area that represented the large bulk of work that was yet to be done. One of his concerns was it did not clearly say the data that came from the study would become the property of the city and the city could use the information. And there was no language about change orders, contract cost overruns, and how they would be handled by the jurisdictions.

Councilor Carson said there was nothing that said they would collect enough money through the County to do what they wanted. If they decided to do it on their own, they would gear it to what they felt was necessary for Canby. Mr. Williams wanted to make it clear that staff was still gathering initial public input, they were not working on an ordinance yet.

Mayor Prince said that at least in the initial stage, they could provide better service and gauge the program better to their needs. The County's preliminary discussions on this seemed to focus on trips generated from cities outside the urban core and putting more money into cities they went

through. He was hesitant about that approach because it penalized the cities that were further away from Portland.

Councilor Daniels said he was worried that they would not receive enough money to do the projects they wanted to do, because if the County ran short, it would be like the gas tax. They would take the bulk of it, and the cities got what was left. He didn't want to spend the money to find out it would benefit the County and not the City.

Councilor Blackwell said there was a general dilemma in what this was actually going to look like. If they had a project list, some important projects to Canby might not be on the list.

****Council concurred not to participate in the Clackamas County transportation utility fee study and directed staff to continue collecting data for establishing their own city street maintenance fee.**

City Administrator Adcock stated that he would contact the County Administrator with the Council's decision.

Update by the Canby Police Department re: Current Police Activity - Mayor Prince called upon Chief Pagano to brief the Council and the viewing audience about the recent events regarding an attempted abduction and a home invasion that occurred in Canby last week. These had gained a lot of attention due to the recent abductions in Oregon City.

Chief Pagano said these kinds of crimes happened in every city. They were doing extra patrols around the schools, neighborhoods, and bus stops. He pulled a sergeant on the case, and they were working on several leads. He contacted the superintendent of the school district about having a Stranger Danger program at the area schools. He could not say whether these crimes were connected to the incidents at Oregon City, there was no evidence to support it either way.

The incidents in question were a home invasion on March 12 at 8 p.m., and the attempted abduction of a young woman walking. They were working hard on the cases.

Mayor Prince relayed that in one of the incidents the door had been left unlocked.

Chief Pagano said anything the community saw as suspicious should be reported, they should teach their children to always be aware of their surroundings and to travel in groups, and keep their doors locked. He didn't want citizens to be paranoid, just aware.

NEW BUSINESS: New Liquor License Application for Denny's Restaurant - Police Chief Pagano recommended approval of the application.

****Councilor Strong moved to forward a recommendation of approval to Oregon Liquor Control Commission for the new liquor license application for Denny's Restaurant. Motion seconded by Councilor Carson and passed 5-0.**

Status Report on Canby Public Transit Activities - Transit Director Margaret Yochem gave the Council an update on the transit project and the Advisory Committee. She said they were ready to buy buses as soon as they went out to bid, which would be in the next two weeks. They hoped to have delivery of four buses and a minivan within 90 days after placing the order, and they would have a check from the Federal Transit Administration two days after delivery of the buses. They were having a "Name the Bus" and logo design contest. Their first meeting with the Advisory Committee was last week, and they were planning to meet twice a month. They were still looking at September 1 as their start-up date, but they did hope to have one of the new buses delivered before the Fourth of July celebration.

Mayor Prince thought they could reapply for the grant, and Ms. Yochem said they already did.

Councilor Carson wondered if they could have their buses before the Clackamas County Fair, and Ms. Yochem said they hoped to have delivery before then, and perhaps have the buses running for special events by then.

UNFINISHED BUSINESS: Discussion re: Merger of Traffic Safety and Bike and Pedestrian Committees - City Administrator Adcock said that this was a follow-up from initial discussions in December. The Council conceptually approved the merger, and then wanted to have discussions with both groups to see how they would implement it.

Chief Pagano said at first they received a lot of good ideas, but the further all the groups got in their discussions, he was now recommending that the committees not merge. He thought the committee would be too big, both committees agreed to have more communication between them. The Traffic Safety Committee changed its meeting dates to accommodate traffic officer attendance.

Councilor Carson said he was under the impression that they would cut the group back to 7 or 9 people and not keep the full membership of both groups. Chief Pagano said they had talked about that.

Marlene Elmore, Chair of the Traffic Safety Committee, said they held numerous discussions and they concluded that to combine both committees and do an adequate job that would satisfy the needs of both would not work. Rather, they wanted to keep the two separate committees, but they would work together on any proposals that might come to the Council. If the Council did not agree, they would go back to the drawing board, but she thought that if they gave them the chance, this was going to work.

Councilor Strong asked if there would be officers still attending the Bike & Ped Committee meetings, and Chief Pagano said that an officer who worked at night would be able to attend.

Councilor Carson asked if there could be a subcommittee of the Traffic Safety Committee that would fill the role of the Bike and Ped Committee. Ms. Elmore said that was a possibility, but they were working closely together and neither committee was in favor of combining.

Councilor Blackwell asked if this would alleviate the communication problems they had in the past, and Ms. Elmore said she hoped so. Councilor Blackwell confirmed that they did not have a full Bike and Ped Committee at this time.

Mayor Prince said there were two issues as to why this came up, the lack of a quorum at the Bike and Ped meetings and the other was officer overtime or not being able to have an officer liaison.

Councilor Strong recommended that they keep the groups separate at this time and give the Bike and Ped Committee two months to fill the open positions. If they did not fill them in that time, the Council would take a second look at the issue. The Bike and Ped Committee also needed direction as to what they should be doing.

There was Council consensus to follow Councilor Strong's recommendation.

Councilor Strong said Ms. Elmore would be going to the Bike and Ped meetings, and she could be the liaison between the two committees.

ORDINANCES & RESOLUTIONS:

Ordinance 1093 -

****Councilor Carson moved to adopt Ordinance 1093, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE SECTION 2.36.010 REGARDING THE FEE CHARGED FOR LIEN SEARCHES on final reading. Motion was seconded by Councilor Daniels and passed 5-0 by roll call vote.**

Resolution 788 - Administrator Adcock said this resolution would adopt the proposed Planning Department fees.

John Williams said they decided to add two exhibits rather than one in the resolution to be passed that night. He said the fees they recommended came out of a cost of service study, and were the last fees the Council was considering. It gave them some accurate hourly costs of their time by dividing the cost between labor and non-labor components and assigning them to the various things they did. They were proposing that a hundred percent of the time they spent on the applications be recovered by the costs. They also proposed that a certain percentage of their other activities be covered by the fees. The current fees totaled \$80,000 a year, and if the resolution was adopted, it would be raised to about \$175,000 a year. The cost of service study identified that the amount they were charging was not even close in recovering the amount of time they spent on application fees. One of the reasons it was such a dramatic jump in costs was that it hadn't been reviewed in so long. He thought in the future, they should update the cost of service study more often. The fees were covered in the two exhibits to the resolution. They also proposed adopting sliding scales where they were appropriate. Right now they had a flat fee for most of their applications, and they wanted to create a sliding scale so the big applications paid more than the small ones. For the design review fee, they were proposing a combined fee which would be based on how big the design review was and the cost of public improvements. They also wanted to

create a new fee for building permit plan checks.

Councilor Carson said he wanted to be sure they did not go overboard on the fees, as the City did get benefits from the public improvements.

Mayor Prince said they did not charge for pre-application conferences.

Mr. Williams said they tried to separate the different parts of the process, there were five parts to every project. The five parts were: pre-application meeting, which they were proposing no charge for; land use application, which they were proposing capturing all the costs for under one fee; recording a plat, which they were proposing a plat recording fee; preconstruction, which they were proposing to charge an hourly fee for; and building permit plan check, which there would be a fee for as well. Anyone could opt out at any stage of the process. Another approach was breaking out all the individual applications and finding out what each one took to do. Right now they had four different fees. They figured out how much time it took to do each kind of thing, and they put the hours together and rounded it to the nearest \$20. They were also moving a fee they charged now, from a subdivision development fee which did not have a rational basis in the actual time spent, and replacing it with the public works fee. In regard to Option 2, hardship permit fee, the cost for processing those applications was \$500-\$900, and currently they were charging \$100. If the Council so directed, they could reduce the fee and swallow some of the costs.

Councilor Carson discussed his concern that some of the fees were going up substantially, and named a few specific fees he wanted more clarification on. He also said they were going through a comprehensive plan review and would be talking about zoning. If they made zoning changes, that wouldn't be charged and could be put in the rules now? Mr. Williams said in those cases, the City would be the applicant and they didn't normally charge themselves fees. Councilor Carson said if people had issues they wanted to see in the next three to six months, they should come forward so they could be added to their standard periodic review. Mr. Williams said they had been encouraging people to bring larger changes in and would work them into the process, but they didn't want to get into the small lot by lot level.

Councilor Blackwell thought they should keep the rate the same as in the past for the hardship permit fees. She also liked that there was no fee for the pre-application process.

Councilor Daniels said regarding the hardship permits, there were additional costs just to issue the permit and they gave them a year to put up the structure and staff had to make sure it was handled right. Mr. Williams said there might be two of these structures currently, but both may be non-issues now.

****There was Council consensus on Option 2 to keep the previous \$100 fee for hardship cases. There was also Council consensus to leave the fee for appealing a Planning Commission decision to the City Council as recommended.**

Councilor Carson said all the fees that had been added in the last year were adding about \$10,000 per home in Canby, so it was a big hit for someone coming into Canby to buy a home and the

builders were not going to eat these costs.

****Councilor Strong moved to adopt Resolution 788, A RESOLUTION ESTABLISHING FEES FOR THE CITY OF CANBY PLANNING DEPARTMENT as amended. Motion was seconded by Councilor Tallman and passed 5-0.**

Mayor Prince distributed a draft of a resolution that he prepared following action from the last Council meeting in support of the County levy. As City staff was not able to write it, he had done so. Administrator Adcock said the district attorney and sheriff had to have this filed soon, so the Council would need to act on it that night.

****Councilor Daniels moved to adopt the Resolution (789), A RESOLUTION IN SUPPORT OF THE CLACKAMAS COUNTY THREE-YEAR COMMUNITY SAFETY LEVY. Motion was seconded by Councilor Strong.**

Councilor Carson said that they needed this money for beds for prisoners, but this may affect Canby's local levies and he supported it only because it would go to the voters and they could vote on it. This came at a tough time. Mayor Prince said if they caught criminals and they sent them to the County and they could not put them in the jail, they would have to release them. This made sense for public safety as a whole.

****Motion passed 4-0 with Councilor Blackwell abstaining due to conflict of interest as an employee of Clackamas County.**

MANAGERS' ISSUES:

Second Avenue Street Scape Project - John Williams said they had been working to get a design for the Second Avenue project. They adopted the downtown master plan that had overall concepts, but they were working on the details. They had a cost estimate for the project, and he wanted to schedule a workshop to take them through the proposal. They had enough money to fund the project, which was funded by the Transportation System Development Charges, depending on the level of the project. The Council concurred to hold a workshop on April 3, 2002 at 6:30 p.m.

Candidates Briefing - Administrator Adcock referred to a memo he prepared regarding a request from four candidates for public office in Canby. They requested a candidate issues briefing and a tour of City facilities. The candidate issues briefing was fundamental standard practice, he just wanted them to be aware of this and invited the Council to attend the briefing.

Councilor Strong recommended that it be scheduled at such time as they knew who would be running so all candidates had the same information at the same time. Councilor Carson said that would put this off until August, and he thought there could be more than one session scheduled that way the candidates would be aware of the issues involved. Councilor Strong said that would involve more staff time, which was costly.

Administrator Adcock said that all he was doing was extending the offer to the Council for them to come. He would extend this meeting more than once if needed.

CITIZEN INPUT: None.

COUNCILORS' ISSUES: Councilor Strong stated a concern about the bike racks at Denny's, and she wanted to know if they were conditioned and whether they needed them or not. This issue had come up at the last Bike and Ped meeting. Mr. Williams said he would look into it.

Councilor Strong also expressed a concern about an increase of basketball hoops in the streets and the children playing in the streets. She was concerned for their safety, and it also seemed that there were still many who were skateboarding around town instead of using the new skate park. Administrator Adcock said that these were prolific. He could ask the Police Chief, since they had no Code Enforcement, if this was a high enough priority for the Council to assign a police officer to make contact with the residents. They could also put an informational piece in the newspaper, but they did not have the resources in the police department to enforce this. Attorney John Kelley said he didn't think they had any prohibition for this, about ten years ago they decided they didn't want to restrict that activity.

Mayor Prince thought an informational piece in the newspaper would be helpful.

Councilor Strong said ten years ago, it was not as problematic as it was now. Perhaps this issue could even be given to the Traffic Safety Committee to look at. Councilor Tallman said this was the reason why they needed more parks in the City. Councilor Strong said the particular street she was talking about was near a school where the children could play.


Mayor Prince asked that the Council be given updated phone and committee lists.


ACTION REVIEW:

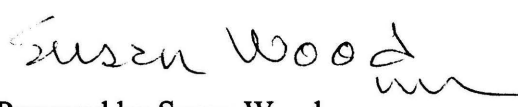
1. Approving the consent agenda.
2. Approving Ordinance 1093.
3. Adopting Resolution 788.
4. Recommending approval to OLCC for a new liquor license for Denny's Restaurant.
5. Referring to staff for the April 3, 2002 agenda a discussion about the concern of Mr. Sheldon re: County annexation fees and deposit.
6. Scheduling a workshop for April 3, 2002 re: Second Avenue Street Scape.
7. Deciding against participation in the countywide Transportation Utility Fee Study.
8. Directing staff to research the bicycle rack concern at Denny's Restaurant.
9. Creating an informational piece for the newspaper on the street basketball and hoop concern.
10. Forwarding to Council updated committee and phone lists.
11. Approving Res. (789) in support of the three-year County public safety levy.
12. Directing staff to continue to evaluate the Traffic Safety and Bike & Ped Committees.

There was no executive session.

Mayor Prince adjourned the regular Council session at 9:17 p.m.


Chauncey F. Seifried
City Recorder pro-tem


Terry L Prince
Mayor


Prepared by Susan Wood
Office Specialist