

CANBY CITY COUNCIL  
WORKSHOP  
APRIL 3, 2002

Present: Mayor Terry Prince, Council members Jean Tallman, Walt Daniels, Patrick Johnson, 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, Project Planner Matilda Deas, City Engineer Curt McLeod, Street Supervisor Roy Hester, Curtis and Lila Gottman, Laura Evans Sattler, Georgia Newton, Craig Finden, Jamie Johnk, Vicki Adamson, Melody Thompson, Bob Rapp, Bob Trappe, David Howell, and Paul Dawson.

Mayor Prince called the session to order at 6:32 p.m. A light dinner was served.

The Council met in workshop session for a discussion re: Second Avenue Street Scape.

Mayor Prince adjourned the session at 7:17 p.m.

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CANBY CITY COUNCIL  
REGULAR SESSION  
APRIL 3, 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, Community Development and Planning Director John Williams, City Attorney John Kelley, Finance Director Chaunee Seifried, Marty Moretty, Joyce Peters, Transit Director Margaret Yochem, Library and Parks Director Beth Saul, Leonard Walker, Curtis and Lila Gottman, Kathleen and Ron McNamee, Steven Amick, Melody Thompson, Bev Doolittle, Roy Hester, Georgia Newton, Craig Finden, Paul Dawson, Wayne Oliver, Sharon Hughes, Steve Hughes, David Howell, Jamie Johnk, Bob Pete, Javier V. Correa, Dave Sheldon, Rigoberto Robles, K. Lewelling, Craig Lewelling, Leighton Perkins, Lisa Weygandt, and Buzz Weygandt.

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

**CITIZEN INPUT ON NON-AGENDA ITEMS:** None.

**CONSENT AGENDA: \*\*Councilor Strong moved to approve the Minutes of the regular session of March 20, 2002, Accounts Payable of \$192,481.83, and the Amendment to the City of Canby/Canby Adult Center Agreement with Clackamas County for FY 2001-2002. Motion was seconded by Councilor Carson and passed 6-0.**

**COMMUNICATIONS: Report from Planning Commission re: Street Maintenance Fee** - City Administrator Mark Adcock stated that Planning Commission Chair Keith Stewart was going to report on the public testimony and feedback resulting from the two informational meetings held on the Street Utility Maintenance Fee, as well as a public hearing.

Mr. Stewart referred to the communication from John Williams which outlined some of the public comments and the general conclusions and recommendations from the Planning Commission. Despite the poor turnout after sending around 5,500 notices, he highlighted the comments that were made at the public meetings with less than fifty people in total attendance. Comments were: the name of the utility fee confuses people, it needs to be more specific such as, "street maintenance fee" or "road maintenance fee"; the City would need to guarantee that the pavement will improve and stay better if new funding is put in place; how would non-payment be enforced; can urban renewal fund streets and if so, is that what Council would want to use those funds for; to consider a local gas tax option; to provide voters with a level of information contained in the Mr. Williams presentation; standards of exemptions; and linear and non-linear decay.

Mr. Stewart commented that the more exemptions that are made, the more difficult it is to be fair. Where is the line drawn on who is a senior? What constitutes being disabled? Who makes the final determination?

In 1998, a study was done which showed between 1998-2000, 2% of the roads were in the fair to poor category; between 2000-2002, the number increased to 11%. At that rate, by the year 2024, 20% of the roads would be in the fair to poor category which is referred to as linear decay. A concern of the Planning Commission is that the non-linear decay is greater, calculated at about 23%. The price tag currently is \$7 million and if the rate goes up, it will compound the problem.

The Planning Commission looked at the recommendation of a combination of a street maintenance fee and a small local gas tax option perhaps somewhere in the area of one-half to two cents per gallon.

Everyone in this community uses the roads so the less exemptions, the more fair it is. More exemptions will drive the burden on the people who pay - the young working families. This is a community problem and deserves a community solution.

The Planning Commission would like to continue to be involved and do outreach in the community. They also feel that this must be "fast-tracked" through aggressive outreach. It will require the staff to do research. As stated in Mr. William's presentation, it will take a minimum of \$4.40 to maintain the status quo of what we already have, so a fee should not be under that amount. Going above \$5.00 might not be palatable; people will pay as long as it is fair, equitable, and balanced.

Speaking as a citizen about the Clackamas County road maintenance fee, Mr. Stewart said that he would not like to see the authority for our roads with the County.

Mayor Prince, after attending the meetings, felt that there would need to be additional outreach to

engage more of the community in discussion. He knew that there would be people who would want to be exempt and would want to make sure that the money was going where it should go. He stated that this was an investment in our city streets and if this problem is left unattended, the expense would be far greater down the road.

Mr. Stewart encouraged everyone to view Mr. Williams' presentation that OCTS filmed before the Planning Commission. It will be replayed at various times over the next several months and after viewing, he encouraged those who had questions or comments to come to staff or the Commission meeting. He and Commissioner Tessman are contemplating setting up informational booths in the local shopping areas to seek out citizens to answer questions and gain comments they might have. Although he is not disappointed in the comments obtained so far, he doesn't think they are a representative view of the community. Another comment made at one of the meetings was that Council has already made up its mind about initiating a fee.

Councilor Carson didn't think there would be much participation until there were actual dollar amounts down so citizens could see what the impact would be.

Mr. Stewart said that the Planning Commission could not ask staff to spend hard pressed time to do the research so he was before them tonight ask Council to direct staff to pursue.

Councilor Johnson stated that this problem has been years in the making and no matter what you call it, it is a tax, and the citizens need to be behind it. He also wanted to see continued neighborhood meetings to spread the word.

**\*\*Councilor Johnson moved to direct staff to come back with a proposal mixing street maintenance fee and gas tax financial impact scenarios. Councilor Blackwell seconded the motion.**

Commissioner Stewart said that the Planning Commission was ready to assist in any way.

Councilor Daniels appreciated that the maintenance fee and gas tax would be figured together, because citizens watch the pump prices and if they get too high, they would just buy gas out of town.

Councilor Blackwell said that one of the most important pieces was the public information. There were already six neighborhood groups established and they would just have to work on arranging the presentation details and content of meetings.

Mr. Adcock framed the discussion to put it in perspective as far as the magnitude of work that needs to be done by staff. The problematic area is that the majority of John's presentation was conceptual in nature. Currently, the building and uses inventory is yet to be completed which is necessary to come up with the hard numbers wanted. He came away from the presentations feeling that people wanted to know what it would actually cost rather than conceptual estimates. He didn't see any problem with staff doing the calculations and estimates on the revenue related to the range discussed on the gas tax (\$.005-\$.20) but felt that there would need to be more

precision in the numbers before a comfort level could be elicited from the business community and commercial property owners. He asked Mr. Williams when he felt that the large body of work would be able to be completed so that when they went back out into the community, there would be meaningful numbers to discuss?

Mr. Williams responded that he was inquiring about a possible Canby Business Revitalization inventory that had been previously mentioned. If that were found, it would give staff a substantial start but as of yet, that report had not been located. Otherwise, it would depend on how many other resources would be put into it. He had considered perhaps hiring an intern or part time worker to do the inventorying, and explore using the City GIS system and the aerial photos on hand to make up a 90% estimate. Mr. Williams said that this would take a minimum of two months due to the lack of staff to devote to this project. He would be bringing updates back to Council.

**\*\*Motion passed 6-0.**

Request from Canby Jr. Jazz Festival for Fee Waiver - City Administrator Adcock referred to a letter in the packet requesting all fees be waived in association with Wait Park and also for the use of street closures and barricades to take place on May 18, 2002. The initial request letter had been sent in November of 2001 prior to the adoption of the new fee schedule and Council might want to take that into consideration when making the decision. Coming to the next meeting will be a policy discussion regarding the types of events that Council might want to waive fees.

Councilor Johnson asked what the financial impact would be if the fees were waived?

Parks Director Beth Saul responded that prior to April 1, 2002 and the adoption of the new fee schedules, the cost would have been \$50. Since then, the cost has been increased to \$375.

Mayor Prince asked if the group could be asked to clean up the park after the event?

Ms. Saul said that groups in general have always been excellent about cleaning up after events, but that this fee of \$375 had more to do with the kinds of preparation staff needs to do in advance and after the event is over.

Mayor Prince said that perhaps the groups could help out more with the barricade placement for the event and Mr. Daniels said that staff usually brings the barricades on Friday afternoon for the groups to put up and then the groups have the barricades set aside for staff to pick back up on Monday morning.

**\*\*Councilor Carson moved to waive the fee for the use of Wait Park for the Canby Jr. Festival of Jazz on Saturday, May 18, 2002. Motion seconded by Councilor Daniels.**

Councilor Carson said that he was making the motion to waive the fee because the event is coming up soon and there is yet to be a discussion on the policy for handling these waivers for non-profit groups.



Councilor Johnson said that these fee-waiver decisions were not going to get any easier, and if the fee is waived, the City is in essence writing the check for \$375 to have the event. He would be voting no because the City is in a financial situation where it doesn't have the money to do this. It creates a bad situation for both the City and the community.

Councilor Tallman asked if it would be reasonable to ask them to pay the old fee of \$50.

Councilor Johnson said that if there were a motion for that he would support it.

**\*\*Councilor Johnson amended the motion to require the Canby Jr. Jazz Festival to pay a \$50 park fee and to approve the request to barricade streets for the May 18, 2002 event. Motion was seconded by Councilor Strong.**

Councilor Carson said that groups should not be charged without having the policy discussion.

Councilor Daniels thought it came down to a fairness issue and if their application had just been submitted, it would be another matter. But, it had been submitted in November of last year and we held it up because we didn't and still don't have a policy. He felt that the fees should be waived.

Councilor Strong wanted it clarified that Mr. Johnson's motion is for the group to only pay the \$50 and not the full \$375 amount. In November, the fee was the \$50 amount and that Councilor Johnson is recommending that the fee as it was then, not be waived. The fee was always in place, and groups who asked for waivers had to come before Council on a case-by-case basis.

Mr. Adcock briefed the Council on the background of this waiver request. It had come before the Council but was tabled until such time as the fee schedule was established and the Cost of Service Study was completed. After the initial request by the Jazz Festival, there was a scheduling conflict with Wait Park and it has only recently been resolved precipitating this new request letter.

Councilor Johnson restated that this was "on principle"; the fees are big and painful but this Council should support the results of the Cost of Service Study or why did we spend the money to do it? These events need to be aware that if they want to hang banners, use Wait Park, or barricade roads - it all comes with a cost attached.

**\*\*The amended motion passed 4-2 with Councilors Daniels and Carson voting nay.**

**\*\*Motion to waive the \$375 fee and charge a \$50 fee passed 4-2 with Councilors Carson and Strong voting nay.**

**INFORMATIONAL PUBLIC HEARING:**  
**South Locust Advanced Financing District -**

STAFF REPORT: Community Development and Planning Director John Williams stated that

this public hearing was to inform the public and allow for public testimony about the proposed small AFD. The intention was to create an AFD encompassing three properties on S. Locust just off of S. Township. This originated because there was a partition that occurred on Township Road and in order to provide sewer service to the back lot, a cut would be required in Township which is fairly newly paved. The only other way to provide service to the property being divided without cutting was to bring the service in from S. Locust to the back of the property. When looking at that option, there were other lots that could be provided service but the problem was timing. The person who is doing the partition is interested in moving ahead sooner than the other property owners. So rather than forcing the person to do the service that the City would like or allowing them to cut S. Township Road, an advanced financing district can be created. The City could then put in the pipe and get reimbursements when the properties around it develop. The two properties at the front end of the pipe are in the process of developing.

The proposal in front of them is to have the City up-front the costs for the sewer pipe and set up a district where the costs would be allocated as the properties developed and connected to the service. They would then reimburse the City for the costs plus interest. Mr. Williams is anticipating at least the two main parcels are going to develop quickly.

As part of the process for an informational hearing, the parties have been noticed and a meeting has been held with them to discuss general costs and how it would work. The meeting tonight was to give individuals and Council an opportunity to ask any questions they might have. It is not a formal public hearing in any way. After the informational hearing, staff can be directed as to how to proceed and staff would then come back with a resolution to adopt, if they were in agreement. In the City code under advanced financing, there is no remonstrance as there is with a local improvement district so Council can impose an AFD. If an individual never connects to the service, no payment needs to be made.

Mr. Williams responded to the Mayor that the property owners involved had seen the amounts.

#### DISCUSSION:

Ron McNamee stated that he owned the three lots that front onto Locust Street and when a decision is made by Council, they will start developing the properties immediately. Mr. Williams added that the McNamees have done a partition on their lots and this service would have to go in for them anyway.

Steve Hughes of 490 S. Township Rd. said that he owned the flag lot at the very back and would access the line soon for the house on the property now. He has no immediate plans to develop the rest but will be interested somewhere down the road.

Councilor Carson asked if he would rather have an AFD and pay at a later date as the property developed rather than paying up front. Mr. Hughes said that 46% of the project costs are allocated to his property which is a considerable amount for the amount of service he would be presently using. Mr. Carson was concerned about the staff time involved to set this up; he also noticed that there was no staff time figured in to the project costs.

City Engineer Curt McLeod said that this is considered a very small project and most of the administrative cost would be for engineering time projected to be \$1810 through completion.

**\*\*Councilor Daniels moved to direct staff to prepare a resolution designating the S. Locust Street sanitary sewer improvements as an advance financed public improvement. Motion was seconded by Councilor Tallman and passed 6-0.**

**PUBLIC HEARING:**

Supplemental Budget: Transit Fund FY 01-02 -

Mayor Prince opened the public hearing at 8:14 p.m.

STAFF REPORT: Mr. Adcock stated that a few meetings back, a resolution was passed to establish the transit fund in the city budget. Hoping to get the bus system up and running by September 2002 or sooner, at this time there needs to be a supplemental budget approved by way of resolution that would give budget authority to make the necessary expenditures to accomplish that goal. This public hearing was also to allow for public testimony about the supplemental budget.

Mr. Adcock further explained that the total amount for this fiscal year was \$376,890. Sources of revenue included \$178,890 from the employer payroll tax, \$198,000 from a FTA grant for a total of the \$376,890. Expenditures included \$21,890 for personnel, \$3,000 for materials and expenditures, \$105,000 for contract services, and \$247,000 in capital outlay for the balanced total of \$376,890.

TESTIMONY: None.

Mayor Prince closed the public hearing at 8:19 p.m.

Resolution 791 -

**\*\*Councilor Carson moved to adopt the Resolution 791, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2001-2002 FOR THE TRANSIT DISTRICT FUND. Motion was seconded by Councilor Tallman and passed 6-0.**

**NEW BUSINESS:** New Liquor License Application for Meritage Trading Company, Inc. - Mr. Adcock reviewed the memo in which Police Chief Pagano recommended approval of the application.

Councilor Tallman asked about the names in the paperwork that appeared on the last several applications, this one included. Attorney Kelley said that as many names listed as possible aided in the background investigation. Mayor Prince asked who was receiving the license as there was an individual name referenced and Mr. Kelley referred him to the application which gave the name Meritage Trading Inc. and that the names referred to the officers of the corporation.

**\*\*Councilor Johnson moved to forward a recommendation of approval to Oregon Liquor Control Commission for the new liquor license application for Meritage Trading Company, Inc. Motion seconded by Councilor Daniels and passed 6-0.**

New Liquor License Application for Nuevo Vallarta Restaurant located in the Canby Market Center was also recommended for approval by Chief Pagano.

**\*\*Councilor Johnson moved to forward a recommendation of approval to Oregon Liquor Control Commission for the new liquor license application for Nuevo Vallarta Restaurant. Motion seconded by Councilor Blackwell and passed 6-0.**

Green Corridor/Rural Reserve Agreement between Metro, ODOT, Clackamas County, and City of Canby and sometimes referred to as the Neighboring Cities Agreement.

Mr. Williams said that this agreement had been in the works for a long time and it covers Highway 99E and about two hundred feet on each side, known as the green corridor. The goal is to ensure that the road from the Portland metro area to Canby's more developed areas is aesthetically kept and to give the feel of rural areas along the highway between the cities. The other part of this agreement is to maintain rural areas between the cities and not allow development to blend one city into another, specifying that there will be some coordination of planning on how the areas develop.

Discussions started in 1995-96, and by 1997-98 there was an agreement that had been signed by Canby, Clackamas County and Metro. At that time, ODOT refused to sign the agreement due to budget issues that would have committed them to doing studies, inventories of signage, etc., and did not want to obligate themselves. They are now willing to sign the revised agreement after being approached off and on over the years since, and would like all the other entities to review. Some of the "meat" and some of the enforcement has been taken out. Where it used to say ODOT will develop an access management plan that is a stricter for the green corridor, now it says they will "consider" working on such a plan. The result is that the agreement is less specific and at this time, ODOT would like the other agencies to review it to make sure they would still be willing to sign. The other agencies prefer to sign only after ODOT has signed this time around and if approved in context by the others and once ODOT has signed, Mr. Williams reported that he would then bring the agreement back to Council for signature by way of a resolution.

The zoning in the rural reserve areas will continue to be of a rural nature with mainly rural land uses. It basically says that we will continue to work together to keep that zoning in place and if the County wants to upzone any areas, it has to consult the City and vice-versa. It is really a policy-type agreement to make sure that all the parties are working on the same page and that the areas get planned and coordinated. As a side note, it was used as part of our withdrawal from TriMet when their Board asked what assurances they had that Canby would not just get blended into the metro area. The City was able to refer to the agreement which addressed our commitment to try to maintain a rural feel. It proved to work to our advantage when the TriMet Board made their decision.

Mayor Prince remembered that it grew out of discussions with Metro about Canby being a "satellite" city which Canby didn't want. Both he and Councilor Daniels were on the Council at the time. He thought that maybe this got reintroduced to ODOT after discussions with Rep. Kurt Schrader recently.

Mr. Williams said that ODOT was going to be working on agreements with all the neighboring cities. Sandy is working on one at this time also, and soon one will be going to Washington County.

Mayor Prince stated that this was important for Canby so that the rural areas between us and Oregon City didn't grow together and that farmland and nurseries could be protected.

Councilor Tallman was grateful to see this "at last"; she remembered when this had come before the Planning Commission years ago. She would support it completely and would provide as much protection as Canby could hope for.

**\*\*Councilor Daniels recommended that Council give initial approval to the proposed Green Corridor and Rural Reserve and Population Coordination Intergovernmental Agreement between Metro, ODOT, Clackamas County and City of Canby with changes noted. Motion was seconded by Councilor Tallman.**

Councilor Blackwell commented that this agreement, eight years in the making, helps take the "punch" out of the last year that Council has been discussing Sequoia Parkway, so "let's go for it".

**\*\*Motion passed 6-0.**

John Williams said that this will probably come back to Council sometime in May with a resolution. In reading the agreement over, he noted that it doesn't really commit Canby to much, as most of it deals with the area outside our urban growth boundary, but we will still have a say in the decisions.

Discussion re: Clackamas County's Annexation Election Fees - Mr. Adcock reviewed the topic from the last meeting. Mr. David Sheldon had recently annexed into the City by voter annexation and had made an \$1,800 deposit fee to the City to cover city and county costs related to the election with the expectation that those monies would be adequate. Later, the County sent a bill stating that the actual cost of the annexation was \$4,193. Council then had asked Mr. Williams to write a staff report detailing the history of this annexation and related charges. The staff report indicated that in February 2002, the City had offered to waive \$1,050 in City fees in an effort to assist Mr. Sheldon with his expenses.

At this time, Mr. Sheldon is before Council to request that everything above the initial \$1,800 be waived. This instance is different from other waiver of fee discussions in that any policy would not address the issue. For that reason, the recommendation is up to the Council after assessing the facts.

Mr. Williams added that this was a one-time problem. When the bill came back, the City was just as surprised as Mr. Sheldon by the size of the County costs. Our forms never indicated that the costs could be higher, because in the short time that the voter annexation process has been in place, they never had been. Since this incident, the City forms have been changed to raise the initial deposit fee and state that the costs could be higher. Staff also now informs and encourages applicants to gear their annexations for a general election which will have more measures on the ballot thereby dividing the costs between more parties. In this instance, there were only three measures on the special election ballot so all of the costs were only divided amongst those parties; the County still has most of the same costs whether there are many or few measures on the ballot.

Mr. Williams noted that Mr. Sheldon has six-tenths of an acre and his annexation costs were close to \$7,000 largely due to the election process.

Councilor Carson asked if Mr. Williams knew what the costs were for the other two jurisdictions that had measures on that ballot and Mr. Williams indicated that he did not but he thought that one of them was a city measure. Mr. Williams said that Mr. Sheldon's sewer system was failing and he was connected with the understanding that he needed to annex. Mr. Williams also answered Councilor Carson that he had paid all of the other associated fees.

Councilor Blackwell asked if the bill had been paid by the City to Clackamas County and Mr. Williams said that the County bill had been paid.

Mayor Prince felt that because the information was not on the form and that Mr. Sheldon had not been told that the fees might be higher, it was not reasonable to expect him to pay for the amounts over and above the original fee. He stated that there was some culpability on the City's part since the form didn't conform to what the fee should be.

Councilor Tallman agreed that what had happened was unfair to Mr. Sheldon and because it was a one-time expense, it would not be setting any precedence.

**\*\*Councilor Tallman moved to waive the cost of Mr. Sheldon's remaining annexation fees. Councilor Carson seconded the motion and passed 6-0.**

Mr. Adcock stated that he viewed this as more of a learning experience since it was new ground for the City and a first time experience. He considered it to be more of "an event" rather than negligence on the City's part. Councilor Johnson agreed. Councilor Daniels said that the word "deposit" implied that money might be coming back to an individual as opposed to the word "fee".

**UNFINISHED BUSINESS:** None.

## **ORDINANCES & RESOLUTIONS:**

### Ordinance 1094 -

Transit Director Margaret Yochem reviewed with Council that she had been out looking at buses



and State purchasing agreements and discussing with the Transit Advisory Committee. It has been decided to purchase four buses. After looking at the State process, the price would be \$203,918 but they could not guarantee a ninety day deadline which was one of Canby's criteria in an effort to get the buses on the road by July 1st. At that point, a request for proposal was put together with the assistance of Advisory Committee member Clair Kuppenbender, and it was published with a four day deadline. After contacting several vendors, one vendor did submit a proposal within the time frame. Western Bus Sales, Inc. came back with a proposal of \$204,402 for four buses - one 18-passenger with two wheelchair, three 14-passenger with two wheelchair. They will guarantee delivery within 90 days and will try for 75 days.

She told a little about Western Bus: they could deliver; the manufacturer has been in business since 1966 and the vendor, Western Bus since 1974; they are located 15 minutes away in Clackamas and are full service with full time field technicians who can travel to us; the buses are made of heavy-gauge steel and aluminum as opposed to fiberglass which is more costly to repair and maintain; and lastly, they come highly recommended - North Clackamas School District, Mid-Columbia Bus Company, and Evergreen School District.

Councilor Carson clarified that three of the buses were 14 and not 12 passenger capacity as stated in the staff report.

Ms. Yochem also added that after taking possession, there would be a \$4,000 rebate coming from Ford Motor Company.

Mayor Prince said that in talking with Darlene Hooley's staff, they already have Canby's application for next year's money and would be pushing that forward.

Councilor Johnson asked if there was any concern that only one bid had come back and Ms. Yochem said she had none because from past experience in Silverton, she thought they would be the only company that could guarantee delivery under 150 days.

**\*\*Councilor Daniels moved to adopt Ordinance 1094, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE ACQUISITION OF BUSES FOR THE CANBY TRANSIT SYSTEM; AND DECLARING AN EMERGENCY to come up for final reading on April 17, 2002. Motion was seconded by Councilor Blackwell and passed 6-0.**

Councilor Daniels commended her for the extra work getting this out in such short order.

Mr. Adcock complimented Ms. Yochem for all of her hard work and that she is already making her mark in the community.

Margaret reminded everyone that the "Name the Bus" contest ends on April 9th at 5 p.m..

Resolution 790 -

**\*\*Councilor Tallman moved to adopt Resolution 790, A RESOLUTION CREATING AND**

**ESTABLISHING A TRANSIT ADVISORY COMMITTEE FOR THE PURPOSE OF ADVISING THE CITY, THROUGH ITS TRANSIT DIRECTOR, REGARDING ISSUES OF DEVELOPMENT, IMPLEMENTATION AND ONGOING TRANSIT SERVICES FOR THE CITY OF CANBY. Motion was seconded by Councilor Strong.**

Councilor Carson had some issues with items in Section 3 , A. Membership, and B. Terms of Office. Under Membership, he referenced the wording which states “the members of the committee shall be appointed by the Mayor and confirmed by the City Council and serve at the pleasure of the Council”. He would prefer that the wording to be “*recommended or submitted by the Mayor and/or submitted by the Council and confirmed by the Council*”. His feeling is that all of the resolutions should have seven people that can make recommendations, and not one. In Terms of Office, he wanted the wording that stated “the Mayor shall appoint a new member or reappoint a current member” to reflect the similar wording that he had recommended.

Under Section 3, D. Meetings, he wanted the quorum to be changed from four to five since it was a nine-member board.

Councilor Johnson concurred with Councilor Carson’s recommendations. The more people who were actively searching for new members, the more open and easier the process.

The Mayor stated that he did not have any problem with the changes. The process has usually worked more informally over the years and the applications have been shared with the Council but a more formal wording change would be acceptable.

City Attorney John Kelley clarified the intent of the new wording and would change the language.

Councilor Tallman said that she was the liaison to the Transit Advisory Committee and is very impressed with balance of its members and hopes the other committees can achieve that.

**\*\*Councilor Daniels moved to table Resolution 790. Motion was seconded by Council Carson and passed 6-0.**

Mr. Kelley also clarified that they wanted the quorum to be five and Council concurred.

**MANAGERS’ ISSUES:** None.

**CITIZEN INPUT:** None.

**COUNCILORS’ ISSUES:** Councilor Johnson thanked everyone for wishing him well during his recovery from his ruptured appendix bout, and a special thanks to Councilor Daniels.

Councilor Johnson asked Mr. Adcock to brief the Council regarding the spending freeze meeting that was held today with City employees. He wanted a little more information about what actions were being taken to limit the amount of money that staff spends.

Mr. Adcock said that when he had given some preliminary information to the Budget Committee several months ago, it was discussed what strategies would need to be used in order to balance the general fund for FY 02-03. One of those items was a need to create a cash carryover from the current fiscal year by identifying savings and use those savings as carryover as a basis for one of the strategies to balance the general fund for next year. At that time, it appeared that \$61,000 would be needed and in February 2002, a speeding freeze was implemented. The guidance to the department managers at that time was to forego all general fund expenses that were not "mission critical" to their respective operations. Subsequently, it has been found that there needs to be an additional \$30,000 generated in cash carryover, for a total of approximately \$90,000. Today, he met with everyone in the organization who is empowered to encumber, charge, or in any way spend city funds by asking them to make further sacrifices in their respective operating budgets in the general fund and to come up with another \$30,000 needed to bridge into next year.

The guidance that he gave them narrowed somewhat, basically asking them to look at every expense they have and ask the question, "Can I forego using these funds and still provide the service we have to provide?" He told them he expected them to make that distinction in their own departments, they can best make that judgment. It will be looked at again in 30 days and if it looks like the \$90,000 mark can't be reached, then the next step would be to determine how much more money will be needed and prorate it accordingly on a percentage basis over all the general fund departments. At this time, he has directed staff to use their best professional judgment; it is a complete team effort from the Finance Department on down.

Councilor Johnson commented on Mark's words and wondered if there were things that he could forego and still do his duties and he asked the Mayor and Councilors if they would also be willing to give up the dinners at workshops, city-paid monthly dinners at the Clackamas Cities Association? Perhaps the Councilors could pay for these special events out of their own pockets and be part of the team effort as are the city employees. He does not want to have to look at further employee cuts this year or next. He requested that the Council look into that suggestion.

Councilor Johnson also mentioned conversations with CBR Director Jamie Johnk about the upcoming EID renewal and if Council were going to support that effort, or continued discussions with CBR about how they would modify the plan. He would like to see a workshop set and talk with CBR about how to make the EID work again for five years or their future plans.

Attorney John Kelley said that there were two ordinances; one that sets up the criteria for establishing an economic improvement district and another that created the district that is in place now.

Mark Adcock thought that there could be something put together by April 17 for a workshop. Jamie Johnk said that they would be holding a board meeting prior to that date and could have additional information ready for the workshop.

**\*\*Council concurred to hold a workshop with CBR at 6:30 p.m. on the 17th of April.**

Mayor Prince said that he had a conversation with Mr. Williams about establishing a housing code to establish minimum standards of upkeep. Mr Williams said that this would be another tool

to help with enforcement and safety, as well as maintain a quality level of housing beyond what is in the building and fire codes, such as the City of Tigard has established. Canby doesn't have the tools for intensive enforcement, but it could prove to be another tool in the cases where there is a problem. He would look further into it if the Council wished to see what levels of staff time would be generated.

Councilor Daniels said that as liaison to the Canby Adult, he is aware of case studies of workers going into housing in the area and concern for the conditions. There are some apartments in town that they had entered for health situations and found conditions very deteriorated on the inside. They checked with the Fire Department but they were in compliance as far as fire safety, and the building inspector stated that the structure was sound. The building was generally in disrepair with garbage lying around so this code could possibly address those issues.

Councilor Tallman asked if this would address abandoned cars around houses and Mr. Williams responded that this code would deal more with safety, and sanitation, etc. issues.

John Williams said he would rather go to other jurisdictions to see what they have adopted and again, as staff, the main concern would be if are they going to be creating something that's going to generate time involvement.

Mr. Adcock mentioned that two cities where he worked in California; one had a residential property maintenance code and the other called it a neighborhood preservation ordinance and also a community standards section for enforcement. He would offer to help John research but he agreed that the issue is that it is one thing to have the code and another to be able to enforce and have the personnel resources. It could be something that they could bring back to Council for evaluation.

Mr. Williams said that he had direction from Council.

#### **ACTION REVIEW:**

1. Approving the consent agenda.
2. Bringing back Ordinance 1094 to come up for final reading on April 17, 2002.
3. Bringing back Resolution 790 with revised language changes.
4. Adopting Resolution 791.
5. Recommending approval to OLCC for a new liquor license for Meritage Trading Company, Inc.
6. Recommending approval to OLCC for a new liquor license for Nuevo Vallarta Restaurant.
7. Waiving fees associated with the additional County election annexation fees for Sheldon.
8. Scheduling a 6:30 p.m. workshop for April 17, 2002 with CBR re: future of the Economic Improvement District.
9. Waiving the current fee and imposing a \$50 park fee for use of Wait Park for Canby Jr. Jazz Festival.
10. Approving the establishment of the S. Locust Advanced Financing District and directing staff to bring back a resolution for the April 17, 2002 meeting.
11. Approving conceptually the Green Corridor/Rural Reserve Agreement and bringing back a resolution at a later date.

12. Directing staff to work on a building inventory and report back to Council in approximately two months as to what kind of revenue could be generated pursuant to the Planning Commission's recommendations.
13. Directing staff to look at a Neighborhood Preservation Ordinance/Property Maintenance Code and reporting the findings back to Council.

Mayor Prince announced that after this meeting there would be an Urban Renewal Agency meeting.

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

Mayor Prince adjourned the regular Council session at 9:15 p.m.

A fifteen minute break was taken prior to entering into an Urban Renewal Agency meeting.

Mayor Prince read the executive session format after adjourning the Agency meeting and recessed into the Council executive session at 10:20 p.m.

Mayor Prince reconvened the regular Council session and immediately adjourned at 11:23 p.m.

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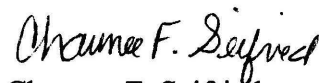
EXECUTIVE SESSION  
APRIL 3, 2002


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, and Library and Parks Director Beth Saul.


Mayor Prince called the session to order at 10:25 p.m.

ORS 192.660 1(e) - The Council discussed a real property transaction.

Mayor Prince adjourned the session at 11:20 p.m.

  
Chaunee F. Seifried  
City Recorder pro-tem

  
Terry L Prince  
Mayor

  
Prepared by Marty Moretty  
Office Specialist