

CANBY CITY COUNCIL
REGULAR SESSION
MAY 1, 2002

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

Also present: Community Development and Planning Director John Williams, City Attorney John Kelley, Marty Moretty, Transit Director Margaret Yochem, Library and Parks Director Beth Saul, Leonard Walker, Melody Thompson, Tom Nolan, Mike Harms, Suzie Voss, Larissa Voss, Irene Higashi-Breshears, Vickie Teerman, Edmidio Montoya, Randy Tessman, Craig Finden, Roger Reif, Jamie Johnk, Victoria Luchterhand, Nick Luchterhand, Ron Berg, Royann Lund, Curtis and Lila Gottman, Bev Doolittle, Bob Pete, Darlene Key, Peggy Sigler, Wayne Oliver, Lisa Weygandt, Buzz Weygandt, and David Howell.

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

PROCLAMATION: National Association of Letter Carriers Food Drive Day - Irene Breshears and Vickie Teerman from the Canby Post Office were present as Mayor Prince read the Proclamation declaring Saturday, May 11, 2002 as the National Food Drive. Local letter carriers will collect non-perishable food items placed by the mailboxes to go to our local food bank. Ms. Teerman thanked the Mayor, Council, and local businesses for their support of the seventh annual food drive and said that they were hoping for even a better collection than last year and would be delivering bags to patrons prior to May 11th.

Poppy Month and Poppy Days in the City of Canby - Suzie Voss and Larissa Voss with the Canby American Legion Auxiliary were on hand to accept the Proclamation read by Mayor Prince. The poppy represents the Auxiliary's memorial flowers which pays tribute to the casualties of war as well as surviving veterans and families. Ms. Voss let everyone know that there would be cans around town for donations and thanked the Mayor and Council for their support. Larissa read the *Flander Fields* poem passing out poppies to the Mayor, Council, and audience and declared May as poppy month and May 1-7th as Poppy Days in Canby.

CITIZEN INPUT ON NON-AGENDA ITEMS: Victoria Luchterhand residing at 24440 S. Eldorado Road, Mulino introduced her son, Nick Luchterhand a twelve-year-old student from Carus Elementary School who spoke of his opportunity to travel to Uganda with a puppet group from his Rolling Hills Community Church. They have been performing for various organizations such as hospitals, nursing homes, schools, and even the Oregon State Penitentiary. The group was approached by Sports Outreach to take the puppet group with them to Uganda to perform at hospitals, orphanages, and other events as well as play soccer with the African children. The Joyful Noise Puppet group has been raising money to offset some of the travel expense and hope to have several thousand puppets made to distribute on the trip. Nick thanked Councilor Johnson for inviting him to speak about his upcoming experience. Victoria Luchterhand showed examples

of the puppets the group would be using and said that interested parties could contact her directly at 503-632-6122 or the church at 503-638-5900. Councilor Blackwell said the Council would probably like to see trip pictures. Ms. Luchterhand said that they had a film maker going along who would be making a videotape of their experience.

Edmidio Montoya a two-year Canby resident living at 250 S. Locust, came before Council with a letter signed by about 46 residents regarding speeding and crosswalk concerns on his street near S. Locust Street Park.

Councilor Carson agreed with the Mayor that this matter should be sent to the Traffic Safety Committee. He said that within the city limits of Canby there is a speed limit of 25 mph, so anyone going over that limit is subject to a ticket. The first issue would be to refer the crossing to the Traffic Safety Committee; then staff can address the issue of monitoring the speed through the use of the speed car and writing tickets.

Mayor Prince suggested the stenciling of the 25 mph speed limit on the street.

Councilor Daniels announced that the Traffic Safety Committee has changed its meeting day to the first Thursday of each month at the Canby Utility Board Room at noon, so he would pass on this concern at tomorrow's meeting. He also suggested that the Police Department has a radar gun that citizens can check out; this might also be a helpful tool.

Councilor Blackwell also suggested a "Caution Children at Play" sign would help as well as a posted speed limit sign.

Bev Doolittle the Chamber of Commerce Director let everyone know that the flower baskets have now been hung around Wait Park by the Chamber and some local businesses through donations of money and time. Canby Kids is taking on the responsibility of watering the baskets seven days a week to alleviate the City parks department. Mayor Prince thanked Bev for working together to figure out a way of watering the baskets on a continual basis after they had been hung.

CONSENT AGENDA: **Councilor Strong moved to approve the Minutes of the regular and executive session of April 17, 2002, Accounts Payable of \$111,037.78, and appointment of Michelle Nunez to the General Canby Day Committee. Motion was seconded by Councilor Carson and passed 5-0.

Mayor Prince announced to the citizens that Councilor Jean Tallman had been in a traffic accident and wished her a speedy recovery; she is now recuperating at H.O.P.E. Village.

COMMUNICATIONS: Request from Slice of Summer for Fee Waivers and to Barricade Streets and Request for Street Closures for Rotary Three on Three Basketball Tournament - City Administrator Mark Adcock outlined the waiver requests and highlighted that the Rotary had already paid the old fee of \$50.00. He referred to Council's request to have staff look into how other cities handled fee waivers for community events such as these. He asked that the discussion about fee waivers be moved up from Unfinished Business and after that discussion, to make a

determination on these requests. Mayor Prince and Council concurred.

UNFINISHED BUSINESS: Discussion re: Community Event Fee Waivers - Parks Director Beth Saul said that while a fee structure had been in place for some time, the Cost of Service Study bore out the staff time that goes into the process of reserving and handling events. Over the years, there have always been requests for waivers from various agencies asking for waiver of fees and in light of the budget and the study results, she had been asked to see what other cities do and try to form a policy for when it was appropriate to waive fees and when not. She talked with communities such as Tualatin, Portland, Newport, Tigard, Wilsonville, and Oregon City and several themes emerged. There were no scenarios exactly like ours, so she could only draw from the discussions she had with the various cities.

In some instances, a small fee was charged to all organizations; any event that had the City named as an official-named sponsors could have fee waived; fees waived only if the event was free for participants and open to the public; and from the City of Troutdale, the fees were waived for organizations that perform a community service for the city every year. In coming up with a recommendation, Ms. Saul presented the staff recommendations in four categories and to choose from among them or build on them, and create a policy that would be right for Canby. They were as follows: a) charge a base fee of \$110 for *any and all* events at Wait Park as a minimal maintenance fee with no waivers; b) waive fees *only* for those events that are officially sponsored in part or in whole by the City; c) waive fees *only* for those events that are non-profit, open to the public, and do not require any kind of charge for participation; and d) waive fees *only* for those organizations that, in exchange for the fee waiver, provide significant regular volunteer services to the City, thus saving the City money for needed activities throughout the year. Such projects must be approved by the City in advance and must be projects that benefit the City while requiring minimal or no staff time to carry out. Council could combine or build on the options.

Councilor Johnson thought that they needed to think long and hard about the policy because \$30,000 was spent on the Cost of Service study. On the other hand, we like to have all these community events in town so somewhere there needs to be a balance. He would hope that those two things can be kept in mind when making the decision.

Councilor Carson felt that most of the organizations such as Rotary, Kiwanis, and Lions, put the money back into the community and their members volunteer their time. Different projects draw people into our downtown putting money into local businesses. Businesses also contribute to various fund-raisers when approached. He felt that it needed to be consistent - either charge or waive for all. He considers weddings to be for private individuals; movie companies coming into town, etc. and should be charged the full fee. He realizes that this would be a cost to the City, but the City should come up with money for some projects - people pay taxes for a reason and part of it is to provide this type of service. The point is that community service organizations should get a fee waiver on all fees.

Councilor Daniels asked for clarification on the types of events that would be charged the base fee of \$110 and Ms. Saul explained that because the smallest fee for use at the Park is for the gazebo rental, that was following the theme of having just a small fee charged. Perhaps a non-profit

would pay that fee rather than the standard \$375 for use of the entire park. She considered option a) to be a discounted price rather than to be considered a waiver.

Mayor Prince asked if Council was in agreement on "b) city-sponsored events" such as General Canby Day and Slice of Summer? He also asked the Council if they could concur on "c) waiving fees for the non-profit, open to public groups"?

Councilor Johnson asked if the City sponsored Slice of Summer and Ms. Saul responded that for many years the City was a contributing sponsor, but that they have not budgeted for them recently. Mayor Prince did respond that the Slice event was free to the public.

Mayor Prince said that he did like "d) waiving in exchange for volunteer regular service to the City".

****Council concurred to accept "b) to waive fees for City-sponsored events". At this time, General Canby Day fell into that category.**

Councilor Johnson asked how many non-profit organization events there would be in a year and it was estimated by Ms. Saul that the Jazz Festival, the Slice of Summer concert series, and the 3 on 3 Basketball Tournament fell into this category presently. There have been other times in the past when the Chamber has used the park for events like a chili cook-off but they had not held it there recently. Councilor Daniels added that the Canby Christian Church held a "Church in the Park" once a year in the summer. Councilor Johnson said it did not appear that they were talking about a huge amount of money. Beth said that the tree lighting sponsored by the Chamber has never been done through a reservation process since it is not held at a frequently used time or season.

Beth also wanted them to keep in mind that there were associated fees such as barricades, banners, police protection, etc.

Councilor Blackwell asked what the 3 on 3 basketball fund-raising monies went toward?

Councilor Carson said there were people in the audience who would address that question. He added that it would probably hold true for all the civic organizations such as Rotary, Kiwanis, Lions, etc.

Mayor Prince said that these organizations would fall under category "d" involving organizations who provided volunteer services to the City in exchange for waiver of fees.

Councilor Carson also added that Rotary did Highway 99E cleanup once a month and wasn't sure if that was mentioned anywhere. Ms. Saul did say that category "d" referred to services to the City staff time specifically.

Councilor Daniels felt that personally, these organizations who were already actively involved with projects in the community would not have the membership to get additional volunteers to do the City projects that would be required to waive the fees. He would prefer to consider "a" and "c". His preference would be to eliminate category "d" entirely.

Mayor Prince questioned why he would leave out "d" and Councilor Daniels said that he didn't think there should be a condition that required these groups to provide more community service. Mayor Prince responded that we would want to encourage any other group in the future that would come before them for a waiver.

Councilor Strong also agreed with Councilor Daniels; the non-profit groups already maintain a lot of required projects and to add more would not be necessary.

Councilor Johnson also agreed that asking these groups to take on even more volunteer services to the City would be too much. He also felt that "d" should just be removed from the conditions.

****Consensus by Council was to exclude condition "d) requiring volunteer services to the City in exchange for fee waivers".**

Mayor Prince stated that category "c" referred to waiving of fees for non-profit groups which did not require any kind of charge for participation; the 3 on 3 tournament did require a charge.

Councilor Daniels said that they didn't charge the public to watch, the fee was only for the participants. Councilor Blackwell added that they raised their funds by charging the participants. Councilor Carson stated that the event was open to the public at no charge to watch the event; only the people participating are charged.

Councilor Daniels informed everyone that any funds raised locally by Kiwanis must be put back into the community as in the instance of the thrift shop. With the exception of some paid help, the thrift store is run by volunteers and all of that money is kept separate from the regular organizational dues and fines monies.

Mayor Prince asked if Council would like to modify the language since the charges are for participation.

Councilor Carson asked if the last part of the sentence *"and do not require any kind of charge for participation"* could just be left out.

Councilor Blackwell thought that the purpose of these events such as the "3 on 3" or an ice cream social were to raise funds. Would the exception be if it weren't a non-profit? Mayor Prince said that the clause would either have to be removed, or an event like "3 on 3" would need to be charged.

Ms. Saul clarified that a good example of that theme would be in the City of Tualatin. They have a large commons area where people perform music, magic, etc., but as long as it is free to the public, there is no charge for them to be there. But it became apparent in her research, that no other town was just like Canby so they would have to sort through the decision.

Attorney John Kelley stated that part of the sentence would have to be eliminated since the fund-raising aspect is requiring a fee to participate. So, if a fee were charged by the non-profit

organization to participate, the sentence could be reworded to modify "c" so the sentence would then read: c) *Waive fees only for those events that are non-profit, and open to the public.*

Tom Nolan President of the Canby Rotary and Director of the Nothing but Net "3 on 3" Basketball Tournament addressed the discussion issue of what happened to the monies received by their organization. He referred to the brochure of the upcoming tournament where it lists some of the projects it supports. He mentioned that they brought in some of the high school groups to help, such as the FFA and Canby junior basketball, and then they in turn were given a donation from the tournament proceeds. Rotary also tried to get as many vendors from the area for food and beverage. When the tournament was started, they envisioned something that would bring recognition to Canby. He turned the discussion over to Roger Reif who could address where the project funds went.

Roger Reif, Treasurer of the Canby Rotary Foundation said that the participation fee is charged to make ends meet and help defray costs rather than a source of revenue. Initially to establish the tournament, it required an investment of \$32,000 and with the on-going event, the participation fee has been around \$100. They have paid police for security, Canby Disposal has donated garbage pickup for the event, and they have paid youth organizations to help.

They have business people within the club who have donated for the advertising, and this year, there are 12-15 sponsors who will offer scholarships to youth for defraying the participation fee. Last year, the specific purpose of the event was to help the Canby Library and tote bags were donated. There is some money seed money that is held in reserve to pay for the up-front charges for the next year's event which amounted to \$3,200 last year. To date, the event has not been a real moneymaker but as it grows, they hope it will be.

Over the last year, \$24,000 was given back to the community for a variety of youth exchanges, Christmas freewill offerings for food and blankets, scholarships to graduates, Leadership Canby, Canby FFA, Clackamas County livestock auction, CHS and North Marion graduation parties, Canby Library, Whiskey Hill Jazz Club, CHS speech team, General Canby Day, Canby Kids, Canby Youth Basketball, Canby High School track, speech mission, Gales Creek Camp Foundation for juvenile diabetes, YMCA, Parrot Creek Boys Ranch, and NW Medical Teams. The only paid person associated with Rotary is for bookkeeping purposes, everything else is volunteer.

Councilor Strong thanked them for sharing the brochure; it was very educational to she had no idea of everything that their money went for until she read the brochure.

Mayor Prince reviewed that they had agreed on b), a modified c) and eliminated d) so they only had a) left to discuss.

Ms. Saul said that "a) to charge a base fee for any and all events" would not be necessary if they had already agreed upon "b" and "c" because anyone who was not non-profit or sponsored in full or in part by the City would pay.

Councilor Johnson thought that a good way around this would be to modify "c" further by changing the wording to *...and do not require any kind of charge for public participation*. This way, any non-profit group who allowed public to watch for free, would qualify under this provision.

Attorney Kelley recommended changing the word "participation" to "admission" so the sentence would then read: c) *Waive fees only for those events that are non-profit, open to the public, and do not require any kind of charge for admission*.

****Councilor Daniels moved to waive the fees only for those events that are non-profit, open to the public, and do not charge admission. Motion was seconded by Councilor Johnson and passed 5-0.**

****Councilor Johnson moved to waive fees that are officially sponsored in part or in whole by the City. Motion was seconded by Councilor Strong and passed 5-0.**

****Councilor Blackwell moved to refund the \$50 fee already paid by Canby Rotary. Motion was seconded by Councilor Strong.**

Councilor Johnson commented that the last several times fee waivers have come before Council, he has taken a hard line stance not to waive the fees and rather, to charge everyone. The thing that changed his mind was when he saw the list of things that Rotary donates back to the community; asking them to donate to an organization and then have to turn around and pay a fee for holding the event doesn't make sense. Rotary also supported the Canby drug prevention programs, and these are the types of programs that citizens want and the community needs.

****Motion passed 5-0.**

Ms. Saul asked Council that now the policy has been made, are these decisions that could be made at the staff level rather than bringing the request before Council each time?

****There was Council consensus to leave it at staff level unless there were something that fell outside the policy.**

COMMUNICATIONS: The requests from Slice of Summer and the Rotary Three on Three Basketball Tournament were resolved after the policy regarding the fee waivers had just been established. City Administrator Adcock stated that staff had direction and would notify those organizations of the new fee waiver policy.

NEW BUSINESS: None.

ORDINANCES & RESOLUTIONS: None.

MANAGERS' REPORTS: Update on Wait Park Restroom Project - Parks Director Beth Saul said that this project had been identified in the Neighbor to Neighbor Day last year. Jim Brown

had made a design for the restroom but in the course of the projects for the day and the amount of money that would need to be raised, it was put on hold.

Canby Business Revitalization and the Canby School District are now partnering to do some fund raising in hopes that the high school building department can build the restroom during the next school year. Hopefully, they can add to the donations that were already received last year; this would make it truly an educational project for the students and a more affordable way to build the structure.

Councilor Daniels asked what the estimate for cost of construction would be and Ms. Saul said that it was in the area of \$80,000. That number could be drastically reduced through donations, grants, and by the volunteer work that was anticipated. Plumbing and electrical work would be some areas that the students couldn't do themselves. There are no City funds available and identified for the project unless some portion could qualify under parks development but at this time, those groups are trying to get all the money raised.

Jamie Johnk was thanked by the Mayor as the driving force because after speaking with her several weeks ago, he feels she ran with the project and got the volunteers and workers.

Ms. Saul said for those who have not seen the design, it is a nostalgic motif that will fit into Wait Park.

Councilor Carson thanked Jim Brown for his architectural design which he drew up after getting a lot of input from a lot of people and his volunteer time was greatly appreciated.

CBR Director Jamie Johnk said that Ed Armstrong from the High School was responsible for trying to set up the students for the construction project and very excited to do that. There is now a newly formed committee to work on assigning tasks while she, Mr. Armstrong, Planning Director John Williams will be working diligently on the fund raising. Within the past week, people have stepped up to volunteer for plumbing and electrical work. It has been amazing to see how quickly this is coming together. They are hoping to have everything in place by August so that construction can start in September.

Historic Preservation Program: Local Government Certification - Administrator Adcock said that staff was recommending that the Council direct the Mayor to sign the agreement.

Planning Director John Williams said that one of the main goals of being a certified local government is that it gives Canby access to grant money in the continued interest in historic preservation that the Historical Society cannot do on their own. A strategic plan is being put together by the Society about how the application for grant money will be focused.

Former Canby Planning Technician Kelley Canode was instrumental in putting this together and continued to work on this after she left the City's employment. A motion from Council would be needed to authorize the Mayor to enter into this agreement on behalf of the City.

****Councilor Johnson moved that the City Council direct the Mayor to sign the Local Government Certification Agreement. Motion was seconded by Councilor Strong and passed 5-0.**

Canby Area Transit Update - Transit Director Margaret Yochem was thanked for all of her hard work by City Administrator Mark Adcock. The project is moving along and the most recent accomplishment is that the Transit Advisory Committee has approved the design and external colors for the buses.

Ms. Yochem showed the Council and audience a drawing of the newly designed buses with logos, artwork, and colors. The cat theme will include paws prints, cat with whiskers, and a silhouette of a black cat. The colors will be reflective hunter green, black, and white. The request for proposal for contract services went out today so everything is moving along and should be done by May 22, 2002.

CBR Director Jamie Johnk said that the Canby Business Revitalization would be ready for a workshop with the City Council regarding the Economic Improvement District sometime in June.

City Administrator Mark Adcock publically thanked the Canby American Legion for the appreciation dinner and a special note that it was the first time in the eight years of the event, that every employee of the Canby Police Department was in attendance. This also included the reserve officers, employees of the Court, City Attorney, and a great number of other city employees. One of the things that didn't get published in the coverage of the event by the newspaper, was the recognition of Chief Ken Pagano with a commendation signed by every employee of the police department for his outstanding leadership skills.

Administrator Adcock made the community aware of a seatbelt/child safety restraint blitz that will be in effect for 10 days starting May 17th - 26th and also a Driving Under the Influence special enforcement day on May 5th (Cinco de Mayo).

Administrator Adcock also referred to the memorandum from the Police Chief that mentioned a police incident on April 19th involving Officers Feters, Panoff-Jamison, and Tro and commended them for outstanding actions that brought it to a successful conclusion. It was an excellent example of outstanding police work.

Councilor Strong asked if the letter from the Seventh Day Adventist Church was for their information only tonight and Mr. Adcock responded that it would be on the next Council meeting.

CITIZEN INPUT: None.

COUNCILORS' ISSUES: Councilor Carson referred to two applications that had been received for the Budget Committee. Being one person short on the committee, he requested that someone be appointed tonight. This would create a full Budget Committee in time for the final days of the current budget.

Councilor Daniels stated that he had no objection to appointing someone at this time, but that it might be hard for that person to catch up with what has happened the previous four meetings. There are two applications so a decision would have to be made between them if they were to proceed, even if they considered it to be for the next budget cycle.

Councilor Johnson said that one of the applicants, Georgia Newton, had been at almost all of the meetings.

****Councilor Johnson moved to appoint Georgia Newton to the Budget Committee position ending on June 30, 2002. Motion was seconded by Councilor Carson.**

Councilor Johnson said he was recommending this appointment to see as many citizens involved in the process as possible especially with the budget as it is now. They will be making decisions about OCTS, and other community-type amenities, prioritizing and coming up with the monies. Georgia has attended most of the meetings; it makes sense to have a whole committee discussing these tough issues.

****Motion passed 5-0.**

Councilor Daniels announced the Budget meeting this coming Monday night at 7:00 p.m. at Eccles School Cafeteria. They are planning for this to be the last meeting and will then be making a recommendation to the City Council. There will also be an Urban Renewal Budget meeting that night following the budget meeting.

Councilor Johnson said that as a City Council he feels they are divided on the issue of meals at the workshops. Looking at the calendar, there are three dates left to possibly have meals until the end of this fiscal year.

****Councilor Johnson moved to suspend meals at workshops from now until the end of the fiscal year. The motion was seconded by Councilor Daniels.**

Mayor Prince said that this practice was started because there were councilors who had a hard time fitting in something to eat before coming to the workshops directly from work.

Councilor Johnson's response was that at present, there was only one workshop scheduled and it at least showed staff solidarity on the part of the Council to help with the budget problems.

Councilor Carson said that staff has cut back a lot attending meetings and this would help show that Council is doing their part in conserving by holding down costs.

****Motion passed 5-0.**


ACTION REVIEW:

1. Approving the consent agenda.
2. Approving fee waivers for the Slice of Summer and Rotary 3 on 3 Basketball Tournament and refunding the \$50 fee to Rotary previously paid.

3. Approving committee appointment of Michelle Nunez to the General Canby Day Committee.
4. Adopting a fee waiver policy for community events.
5. Approving Budget Committee appointment of Georgia Newton for a term to expire on June 30, 2002.
6. Referring Edmidio Montoya's concern to the Traffic Safety Committee.

Mayor Prince adjourned the regular Council session at 8:51 p.m.

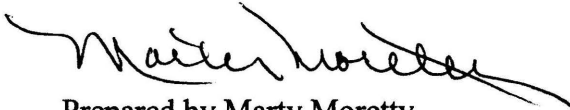
There was no Executive Session.



Chaunee F. Seifried
City Recorder pro-tem



Terry L Prince
Mayor



Prepared by Marty Moretty
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