

**CANBY CITY COUNCIL
WORK SESSION MINUTES
February 1, 2012**

Presiding: Mayor Randy Carson.

Council Present: Rich Ares, Traci Hensley, Brian Hodson, Walt Daniels, Greg Parker, and Tim Dale.

Staff Present: Greg Ellis, City Administrator; John Kelley, City Attorney; Bryan Brown, Planning Director; Renate Mengelberg, Economic Development Director; and Kim Scheafer, City Recorder.

Others Present: Dave Soloos, Keith Galitz, Laurel Butman, Roger Reif, Joe Morelock, Roger Skoe, and Matt Michel.

Mayor Carson called the Work Session to order at 5:30 p.m. in the City Hall Conference Room.

Laurel Butman, Clackamas County Deputy Administrator, introduced the County's dark fiber infrastructure project and explained the grant funding for the project.

David Soloos, Clackamas County Broadband Project Manager, gave an overview of the project including where the fiber was to be placed if it went through Canby. The County would not be a provider of any service; this was an economic development tool.

Joe Morelock, Director of Technology and Innovation at Canby School District, said the School District was in support of the project. The School District had signed a long-term agreement with Canby Telcom for service which would continue in the future. The dark fiber would give the District a low-cost option and flexibility for fiber service.

Councilor Ares disclosed he was a retired employee of Canby Telcom.

There was discussion regarding competition for service and the need for what the County was proposing in Canby.

Keith Galitz, Canby Telcom President, stated both Wave Broadband and Canby Telcom opposed the application from Clackamas County and were still not in favor. He was concerned the County would have an advantage that Canby Telcom and Wave did not have in regard to a franchise and paying franchise fees. Canby Telcom had installed fiber to every one of the anchor institutions and downtown businesses. They had spent a lot of money placing fiber in the community. There were inconsistencies with Clackamas County and he did not see a need at this point for the route the County was proposing. Wave and Canby Telcom would not be purchasing the fiber as they already had facilities and could provide the bandwidths. He thought the County should have the same obligations to get permits and pay fees. He clarified how redundancy was being used in this situation.

There was further discussion regarding what the County would be providing to Canby.

The Council consensus was to take more time before making a decision.

Councilor Hodson stated at the next C4 meeting there would be discussion regarding the County's Transportation System Plan. He needed to bring back a list of City projects that the group will decide on as funding becomes available. In January he and Mayor Carson had met with staff and came up with a list of projects which included continuing 4th street to access Pine Street in front of the Clackamas County Fairgrounds and Event Center; repair and turnover of County Roads within the City of Canby; two Pioneer Industrial Park road outlets; and Berg Parkway and 3rd Avenue extension.

Councilor Ares suggested adding the Barlow Road interchange to the list. There was consensus to present the four items listed by Councilor Hodson and add the one suggested by Councilor Ares.

Renate Mengelberg, Economic Development Director, discussed a program with Union Pacific and local communities to aggregate demand for rail service.

There was discussion regarding how the program would work and possible issues.

Councilor Ares discussed the improvements to Triangle Park and other improved areas where the utility poles were not moved and blocked the handicapped access to the sidewalks. He requested negotiation with Canby Utility to move these facilities for a public project where the City did not pay for it separately.

Matt Michel, Canby Utility General Manager, said his understanding was the City Engineer called the meetings where all of the utility placements were discussed and to move them from the designated areas would mean a greater cost.

Councilor Ares thought if the cost was included in the rate base, they could be moved.

Mr. Michel would pass on the information to look at the placement from a different perspective and the City would pass the information on to the City Engineer.

Mayor Carson adjourned the Work Session at 7:13 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
February 1, 2012**

Presiding: Mayor Randy Carson

Council Present: Rich Ares, Traci Hensley, Brian Hodson, Walt Daniels, Greg Parker, and Tim Dale.

Staff Present: Greg Ellis, City Administrator; John Kelley, City Attorney; Penny Hummel, Library Director; Julie Wehling, Transit Director; and Kim Scheafer, City Recorder.

Others Present: Bob Cornelius, Roger Skoe, and Matt Michel.

CALL TO ORDER: Mayor Carson called the Regular Meeting to order at 7:30 p.m. in the City Council Chambers followed by the opening ceremonies.

Presentation on Canby Public Library's 1776 Reading and Discussion Series – Penny Hummel,

Library Director, said the City received an anonymous donation of 100 copies of David McCullough's 1776 book. Clackamas County Cultural Coalition, Oregon Cultural Trust, and Friends of the Canby Library provided funding for a scholar to lead discussions in the community regarding the book. There were many copies available for checkout at the library.

Bob Cornelius, Friends of the Library President, said they were a 501(c)(3) non-profit group that provided support to the Library. He talked about the different programs and events the Friends had offered so far this year.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR'S BUSINESS: Mayor Carson reported on the Clackamas County Coordinating Committee meeting, O'Reilly's Auto Parts Ribbon Cutting, 99E/Gateway Project Kick Off meeting, Town Hall meeting with Senator Merkley, State of the City message to Kiwanis, meeting with Cub Scout Pack 503, Clackamas Cities Association dinner hosted by Canby, and the Chamber of Commerce Gala.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Ares was on vacation last month and had not attended any meetings. He did attend the Clackamas Cities Association dinner.

Councilor Hensley said the presentation that was given by the City on economic development at the Clackamas Cities Association dinner was well received. She was also participating in the Ford Leadership Program.

Councilor Hodson attended the 99E Corridor meeting, Town Hall with Senator Merkley, and Chamber Gala. The Council held a Work Session earlier that evening about what transportation priorities they wanted covered in the County's plan. Two applicants would be interviewed for the open Planning Commission seat.

Councilor Daniels attended the Transit Advisory Committee meeting. The Historical Society would be having a board meeting next week. If anyone was interested in the City's electronic newsletter they could contact City Hall with their email address or download it from the web page.

Councilor Parker attended a second 99E Corridor meeting and a dance competition at the High School. Several people had commented about how nice Canby looked and about the Canby Vietnam Memorial.

Councilor Dale also attended the Clackamas Cities Association Dinner and the positive feedback he heard about Canby's economic development and Urban Renewal. He attended the 99E Corridor meeting, Canby Police Department and Fire District Press Conference for the Rodriguez family fund raisers, Chamber of Commerce Gala, and Linda Baty's retirement. He congratulated Bob Cornelius, the new Chair of CUB. CUB would be signing the BPA settlement agreement. The Share the Warmth program was going on and was tax deductible.

Councilor Daniels explained why the trees that were removed on NE 1st Avenue could not be saved.

CONSENT AGENDA: ****Councilor Daniels moved to adopt the minutes of the January 4, 2012 City Council Work Session and Regular Meeting; annual liquor license renewals; and reappointment of Todd Wagner to the Canby Utility Board for a term to expire on February 28, 2015. Motion was seconded by Councilor Hensley and passed 6-0.**

RESOLUTIONS & ORDINANCES: Resolution 1120 – Mayor Carson explained the need for the new buses which were being purchased through grant funding and the sale of older buses for the match.

****Councilor Daniels moved to adopt Resolution 1120, A RESOLUTION OF THE CITY OF CANBY, (CITY) OREGON AUTHORIZING THE SALE OF FOUR (4) BUSES AND ONE (1) VAN, PROPERTY OF THE CANBY TRANSIT DEPARTMENT, PURSUANT TO THE CITY'S RESOLUTION NO. 897 FOR SALE OF SURPLUS PROPERTY. Motion was seconded by Councilor Hodson and passed 6-0.**

NEW BUSINESS: Greg Ellis, City Administrator, said the Council had an Executive Session last week regarding the non-working sludge dryer at the WWTP. After two all-day mediation sessions they were still not able to reach an agreement with the seller. Staff was requesting to take the issue to Circuit Court to collect damages.

Councilor Ares thought City staff had done everything possible to try and get the equipment to work properly.

****Councilor Ares moved to authorize the law firm of Marvin, Chorzempa and Larson to file the appropriate legal action against R & G Excavating, Inc. and Therma-Flite, Inc. in Clackamas County Circuit Court for defective equipment and deficiencies in the contractors work when installing and operating the sludge dryer at the Wastewater Treatment Facility. Motion was seconded by Councilor Daniels and passed 6-0.**

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

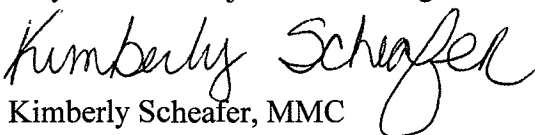
CITIZEN INPUT: None.


ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Resolution 1120.
3. Authorized legal action against R & G Excavating, Inc. and Therma-Flite, Inc.

There was no Executive Session.

Mayor Carson adjourned the Regular Meeting at 8:03 p.m.


Kimberly Schaefer, MMC
City Recorder


Randy Carson
Mayor

Assisted with Preparation of Minutes - Susan Wood