

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
April 18, 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; Joseph Lindsay, City Attorney; and Kim Scheafer, City Recorder.

Others Present: Curt McLeod, Bev Doolittle, Roger Reif, Bob Cornelius, Matt Michel, and Andy Kahut.

CALL TO ORDER: Mayor Carson called the Regular Meeting to order at 6:05 p.m. in the City Hall Conference Room.

****Councilor Daniels moved to go into Executive Session pursuant to ORS 192.660(2)(i) Performance Evaluation of Public Officer and ORS 192.660(3) Labor Negotiations. Motion was seconded by Councilor Hodson and passed 6-0.**

OPENING CEREMONIES: Mayor Carson reconvened the Regular Meeting at 7:30 in the City Council Chambers followed by the flag salute.

Canby Disposal Rate Increase – Joseph Lindsay, City Attorney, said the current franchise agreement allowed Canby Disposal to come back and ask Council for rates to be annually adjusted per the methodology in the agreement. They had not asked for a rate increase last year.

Roger Reif, Attorney, said Canby Disposal had completed the application and showed the rates were still the lowest in Clackamas County.

Councilor Ares thought the citizens of Canby were fortunate to have the Kahut family as their garbage and recycling vendor. They were fair in their rates and provided great services.

Mayor Carson stated it was a 2.29% increase which was very reasonable.

Resolution 1123 – ****Councilor Ares moved to adopt Resolution 1123, A RESOLUTION AUTHORIZING A RATE INCREASE AND ESTABLISHING A NEW RATE SCHEDULE FOR GARBAGE COLLECTION BY CANBY DISPOSAL WITHIN THE CITY OF CANBY. Motion was seconded by Councilor Hodson and passed 6-0.**

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Bev Doolittle, Chamber Executive Director, announced April 19 was Shred-It Day at the Clackamas County Event Center. She attended the pre-bid meeting for the First Avenue redevelopment project. It was a good meeting and the consultants had stressed to the contractors that the project had to be completed by October 31.

MAYOR'S BUSINESS: Mayor Carson attended the Clackamas County Business Alliance Candidates Forum, Health Source Chiropractic ribbon cutting, and Clackamas County Event Center Main Lawn Pavilion ribbon cutting.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Ares also attended the pre bid meeting for First Avenue and would be participating on the bid evaluation team. He also reported on the Parks and Recreation Advisory Board meeting.

Councilor Hensley said the last 1776 discussion group would be meeting on April 24. The School District sent out a mailer about the upcoming school levy. There would be a Candidates Forum on May 1 at Baker Prairie Middle School.

Councilor Hodson announced Topaz Homestyle Bistro was opening in Aurora, a ribbon cutting for Pioneer Pump's new warehouse on Friday at noon, and the Chamber's Light the Night event.

Councilor Daniels reported on the Historical Society's program on logging. Canby Area Transit had two new buses. OCTS had hired a new Programming Director.

Councilor Dale attended a seminar at Canby Utility on being a Board Supervisor. He visited the Canby Ferry site, which was currently out of the water. They passed their Coast Guard inspection and were doing some minor repairs. The ferry would be converted to electric in the fall. The County had received a one million dollar grant for the conversion.

CONSENT AGENDA: **Councilor Daniels moved to adopt the minutes of the April 4, 2012 City Council Work Session & Regular Meeting. Motion was seconded by Councilor Ares and passed 6-0.

RESOLUTIONS & ORDINANCES:

Ordinance 1354 – Curt McLeod, City Engineer, said the City had received a Bid Award Protest. He gave an overview of the project and reviewed the claims in the bid protest letter. There were two provisions for rejecting a bid, one was for criminal events and one was for a breach of contract. His recommendation was that the Council deny the protest.

Councilor Ares agreed with Mr. McLeod's recommendation and gave examples from his previous work experience.

****Councilor Daniels moved that the Council deny the protest on the basis of the information in Mr. McLeod's letter and that the City Council award the construction contract to Jeff Kersey Construction as presented. Motion was seconded by Councilor Hodson and passed 6-0.**

Mr. McLeod stated this project would complete the roadway and pedestrian route across the front of the Clackamas County Event Center. He listed the grants and the extras added to the project. The project was on budget.

****Councilor Daniels moved to approve Ordinance 1354, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH JEFF KERSEY CONSTRUCTION, INC. IN THE AMOUNT OF \$356,653.15 FOR NE 4th AVENUE IMPROVEMENTS, PHASE II; AND DECLARING AN**

EMERGENCY to come up for second reading on May 2, 2012. Motion was seconded by Councilor Hensley and passed 6-0.

Mr. McLeod recommended the Council authorize the City Administrator to enter into an IGA with the County. The County wanted an IGA to document the trade of County right-of-way for improvements to the street. Staff had also been working with Canby Utility, Package Containers, Inc., and Canby Plumbing regarding the project.

****Councilor Ares moved to authorize the City Administrator to enter into an IGA with Clackamas County for the NE 4th Avenue Project if the IGA allowed the City to stay on budget and contained those items that were memorialized in the negotiations. Motion was seconded by Councilor Daniels and passed 6-0.**

Ordinance 1355 – Kim Scheafer, City Recorder, said current law required that in order for a City to file an impartial, simple and understandable explanatory statement for an initiative or referendum measure, they had to have an ordinance in place.

****Councilor Daniels moved to approve Ordinance 1355, AN ORDINANCE ADDING SECTION 2.05.020 TO THE CANBY MUNICIPAL CODE TO AUTHORIZE SUBMISSION OF EXPLANATORY STATEMENTS BY THE CITY OF CANBY FOR INCLUSION IN THE CLACKAMAS COUNTY VOTERS PAMPHLET FOR MATTERS SUBMITTED TO THE VOTERS RELATING TO MUNICIPAL LEGISLATION UNDER THE REFERENDUM OR INITIATIVE POWERS BY PETITION to come up for second reading on May 2, 2012. Motion was seconded by Councilor Ares and passed 6-0.**

Ordinance 1356 – Mr. Ellis said it was best management practice to manage the City's rights of way. The project reserve funds would not be impacted with this change.

Councilor Dale asked what was the impact to the rate payer.

Mr. Ellis said the rate study showed a recommended 4% increase and he was asking for a 5% increase.

Councilor Ares said anyone that used the rights of way should use them on an equal basis. He wanted to make sure that in all the agreements if the right of way needed a change, it would be repaired and paid for by the utility.

Councilor Hodson was concerned about the City's stormwater and sewer maintenance and improvement needs.

****Councilor Ares moved to approve Ordinance 1356, AN ORDINANCE AMENDING THE CITY OF CANBY MUNICIPAL CODE BY ADDING A NEW SECTION, 13.12.065, CREATING AN IN-LIEU-OF FRANCHISE FEE FOR THE USE OF CITY-OWNED RIGHT-OF-WAYS FOR SEWER SERVICE to come up for second reading on May 2, 2012. Motion was seconded by Councilor Daniels and passed 5-1 with Councilor Hodson opposed.**

NEW BUSINESS: None.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Ellis said he and Penny

Hummel met with Fletcher Farr Ayotte, Inc. to discuss different library sites. They would be giving a presentation to the Urban Renewal Agency in June.

The Ford Family Foundation Leadership Class would be making a film in Canby this weekend about the virtues of Canby.

Mayor Carson thanked Councilor Parker for attending the Main Street Conference.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Resolution 1123.
3. Approved Ordinance 1354 to come up for second reading on May 2, 2012.
4. Authorized the City Administrator to enter into an IGA with Clackamas County for the NE 4th Avenue Project.
5. Approved Ordinance 1355 to come up for second reading on May 2, 2012.
6. Approved Ordinance 1356 to come up for second reading on May 2, 2012.

There was no Executive Session.

Mayor Carson adjourned the Regular Meeting at 9:10 p.m.



Kimberly Scheafer, MMC
City Recorder



Randy Carson
Mayor

Assisted with Preparation of Minutes - Susan Wood