

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
June 17, 2009**

Presiding: Mayor Melody Thompson.

Council Present: John Henri, Jason Padden, Walt Daniels, Robert Bitter and Tony Helbling. Councilor Wayne Oliver was absent.

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Bryan Brown, Planning Director; Dwayne Barnes, Public Works Director; Sue Engels, Finance Director; Beth Saul, Special Projects Manager; Melissa Hardy, Associate Planner; Cynthia Thompson, Transit Director; and Kim Scheafer, City Recorder Pro-Tem.

Others Present: Bob & Sheila Tice, Curt McLeod, Bob Cornelius, JillMarie Wiles, Dennis Bighain, and Kevin Batridge.

CALL TO ORDER: Mayor Thompson called the Regular Meeting to order at 7:30 p.m. followed by the opening ceremonies.

Annual Livability Day Proclamation – Mayor Thompson presented JillMarie Wiles with a proclamation proclaiming the fourth Saturday in June every year as annual Livability Day. Ms. Wiles spoke about the 15 locations that would be cleaned up.

Canby Fire District #62 “Fill-the-Boot” Day Proclamation – Mayor Thompson presented Dennis Bighain with a proclamation proclaiming Saturday, July 25, 2009 as Canby Fire District #62 “Fill-the-Boot” Day for the City of Canby.

Certification of Measure 3-336 Proclamation – Mayor Thompson read the certification of the May 19, 2009 Special Election regarding Measure 3-336. The official count of votes from Clackamas County was: Yes – 971, No – 974, Over Votes – 0 and Under Votes – 103.

Certification of Measure 3-337 Proclamation – Mayor Thompson read the certification of the May 19, 2009 Special Election regarding Measure 3-337. The official count of votes from Clackamas County was: Yes – 1,101, No – 814, Over Votes – 1, and Under Votes – 132.

Certification of Measure 3-338 Proclamation – Mayor Thompson read the certification of the May 19, 2009 Special Election regarding Measure 3-338. The official count of votes from Clackamas County was: Yes – 1,234, No – 633, Over Votes – 1, and Under Votes – 180.

Certification of Measure 3-339 Proclamation – Mayor Thompson read the certification of the May 19, 2009 Special Election regarding Measure 3-339. The official count of votes from Clackamas County was: Yes – 997, No – 879, Over Votes – 0, and Under Votes – 172.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR’S BUSINESS: None.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Padden reviewed the library's new hours starting July 6. The library would be closed the week of July 27 to update their computer system. The interview process had been started for the new Library Director.

Councilor Bitter said he had attended the Canby Utility Board meeting last week. Catherine Comer had made a presentation regarding a partnership between the Board and the Urban Renewal Agency for short term water service for the new Industrial Park entrance sign. The Board agreed to waive the SDCs for three years. They were going to plant sustainable native plants in that area, and after three years it should self sustain and would not require additional water. The same approach was proposed for the new welcome signs going in that required planting. He thanked the Utility Board for partnering with the Agency. The Utility Board also authorized earnest money in case they found property to purchase for a new facility. They awarded the contract for the new 13th Avenue water tank. A neighborhood meeting would be held on June 24 at 7 p.m. regarding the water tank. Councilor Bitter also announced the members of the Police Chief Search Committee. The Committee met twice, the first time for an organizational meeting and the second they heard presentations from search firms. A recommendation for a personal services contract would be brought to the Council on July 1.

Councilor Helbling said he and Mayor Thompson attended the SE Canby Neighborhood Association meeting.

CONSENT AGENDA: **Councilor Daniels moved to approve the minutes of the May 20, 2009 City Council Work Session and Regular Meeting; minutes of the May 27 City Council Special Meeting; minutes of the June 3 City Council Work Session and Regular Meeting; Change of Ownership Liquor License Application for Couches Lounge, Steakhouse & Grille, and Reappointment of Kevin Batridge to the Bike and Pedestrian Committee for a term to expire on June 30, 2012. Motion was seconded by Councilor Henri and passed 5-0.

PUBLIC HEARINGS: State Revenue Sharing – Sue Engels, Finance Director, spoke about the money the City received from the State through State Revenue Sharing funds. It was estimated they would total \$262,500.00 and would be put into the General Fund.

Mayor Thompson opened the public hearing at 7:55 p.m.

Public Testimony – None.

Mayor Thompson closed the public hearing at 7:55 p.m.

2009-2010 Fiscal Year Budget – Ms. Engels said the Budget Committee had approved the proposed budget. One outstanding issue was that the budget incorporated a School Resource Officer which in the past had been reimbursed by the School District. This year the School District asked for the City to consider funding one-half of the cost which would be \$52,640. In the budgeting processes they had budgeted tightly. The increase in health insurance was not going to be as steep as anticipated. The difference between what was budgeted and what the City would have to pay was \$40,000 which could be applied to the School Resource Officer. The additional amount would need to come from contingency.

Councilor Helbling thought there should be continued discussion with the School District regarding the out years and what they were looking at in the future.

There was discussion about the School District paying for 9 months and the City 3 months.

There was also discussion about approving nothing that night and the City Administrator negotiating with the School District.

Council consensus was to pay for the SRO for this year as proposed and have the City Administrator and Police Chief talk with the School District regarding the out years.

Mayor Thompson opened the public hearing at 8:10 p.m.

Public Testimony – None.

Mayor Thompson closed the public hearing at 8:10 p.m.

Correcting Fees for the City of Canby Planning Department – Bryan Brown, Planning Director, said there were no increases in fees that had not already been authorized or in practice. The resolution would correct errors on the Planning Department's fee schedule.

Mayor Thompson opened the public hearing at 8:16 p.m.

Public Testimony – None.

Mayor Thompson closed the public hearing at 8:16 p.m.

RESOLUTIONS & ORDINANCES: Resolution 1025 – **Councilor Daniels moved to adopt Resolution 1025, A RESOLUTION AMENDING FEES FOR THE CITY OF CANBY PLANNING DEPARTMENT. Motion was seconded by Councilor Padden and passed 5-0.

Resolution 1026 – **Councilor Helbling moved to adopt Resolution 1026, A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES. Motion was seconded by Councilor Bitter and passed 5-0.

Resolution 1027 – **Councilor Padden moved to adopt Resolution 1027, A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND CATEGORIZATIONS FOR THE 2009-2010 FISCAL YEAR. Motion was seconded by Councilor Daniels and passed 5-0.

****Councilor Padden moved to amend the motion to include the funding of the SRO officer as recommended. Motion was seconded by Councilor Henri and passed 5-0.**

Resolution 1028 – **Councilor Bitter moved to adopt Resolution 1028, A RESOLUTION REMOVING THE OFFICES OF CITY TREASURER AND CITY RECORDER FROM THE CITY CHARTER OF CANBY. Motion was seconded by Councilor Helbling and passed 5-0.

Resolution 1029 – **Councilor Helbling moved to adopt Resolution 1029, A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE

CITY OF CANBY (CITY) AND OREGON DEPARTMENT OF TRANSPORTATION (ODOT) ENTITLED OREGON PUBLIC WORKS EMERGENCY RESPONSE COOPERATIVE ASSISTANCE AGREEMENT FOR THE PURPOSE OF SUPPORTING AND PROVIDING MAINTENANCE OF PUBLIC FACILITIES DURING NON-ROUTINE AND EMERGENCY CONDITIONS. Motion was seconded by Councilor Daniels and passed 5-0.

Resolution 1030 – **Councilor Padden moved to adopt Resolution 1030, A RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATIONS FROM EXISTING CATEGORIES TO OTHER EXISTING CATEGORIES WITHIN THE GENERAL, STREETS AND SEWER FUNDS. Motion was seconded by Councilor Henri and passed 5-0.

Resolution 1031 – Mark Adcock, City Administrator, said this resolution established the cost of living, added some reclassifications, established a cap on vacation, provided for language requiring employees on approved family leave to utilize all paid leave prior to taking unpaid leave, and a new cell phone reimbursement program.

****Councilor Bitter moved to adopt Resolution 1031, A RESOLUTION ESTABLISHING SALARY AND NON SALARY BENEFITS FOR NON REPRESENTED EMPLOYEES FOR THE CITY OF CANBY, OREGON. Motion was seconded by Councilor Henri and passed 5-0.**

Resolution 1032 – Councilor Bitter said the amount on Exhibit “A” was less than 5%. Ms. Engels said she would correct the Exhibit so it showed the correct amount.

****Councilor Padden moved to adopt Resolution 1032, A RESOLUTION PRESCRIBING MONTHLY RATES TO BE CHARGED FOR SANITARY AND STORM SEWER SERVICE to reflect a 5% increase from 2007. Motion was seconded by Councilor Henri and passed 5-0.**

Ordinance 1307 – **Councilor Daniels moved to adopt Ordinance 1307, AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH OREGON DEPARTMENT OF TRANSPORTATION (ODOT) FOR A TRANSPORTATION AND GROWTH MANAGEMENT (TGM) PROGRAM GRANT IN THE AMOUNT OF \$111,000.00 FOR THE TRANSPORTATION SYSTEM PLAN (TSP) UPDATE PROJECT; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Padden and passed 5-0 by roll call vote.

Ordinance 1310 – **Councilor Daniels moved to approve Ordinance 1310, AN ORDINANCE DECLARING THE CITY’S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2009-2010 to come up for second reading on July 1, 2009. Motion was seconded by Councilor Henri and passed 5-0 on first reading.

Ordinance 1311 – **Councilor Daniels moved to approve Ordinance 1311, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT EXTENSION WITH CYNTHIA THOMPSON OF BCB CONSULTING FOR PROFESSIONAL SERVICES FOR MANAGEMENT OF CANBY

AREA TRANSIT SERVICE; AND DECLARING AN EMERGENCY to come up for second reading on July 1, 2009. Motion was seconded by Councilor Bitter and passed 5-0 on first reading.

NEW BUSINESS: Request for Letter to Clackamas County Regarding Funding Library Service Levels – Councilor Padden said there was a question about the wording in the IGA revolving around the levels being to the 2008-2009 fiscal year and if, in 2010-2011 when they became more expensive, did it step up.

Beth Saul, Special Projects Manager, said the Library Board had talked about the second IGA with the County. Each IGA would be slightly different with each city. Some city managers and librarians were concerned regarding the levels of service in the future.

John Kelley, City Attorney, said the question was did the language mean they would fund at the 2008-2009 level forever or would they increase the funding each fiscal year as those years occurred and keep up with the technology. He recommended making sure the language was clear in the IGA before it was signed.

Council agreed to table the letter until staff could do more research.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Approved Change of Ownership Liquor License Application for Couches Lounge, Steakhouse & Grille.
3. Reappointment of Kevin Batridge to the Bike & Pedestrian Committee.
4. Adopted Resolution 1025.
5. Adopted Resolution 1026.
6. Adopted Resolution 1027.
7. Adopted Resolution 1028.
8. Adopted Resolution 1029.
9. Adopted Resolution 1030.
10. Adopted Resolution 1031.
11. Adopted Resolution 1032.
12. Adopted Ordinance 1307.
13. Approved Ordinance 1310 to come up for second reading on July 1, 2009.
14. Approved Ordinance 1311 to come up for second reading on July 1, 2009.
15. Staff would continue to work on the Library IGA with the County.
16. The City Administrator would be talking with the School District regarding the out years funding for the SRO.
17. Staff would bring back more information regarding the cell phone reimbursement program.

There was not an Executive Session.

Mayor Thompson adjourned the Regular Meeting at 8:53 p.m.

Handwritten signature of Kimberly Scheafer in black ink.

Kimberly Scheafer, CMC
City Recorder Pro-Tem

Handwritten signature of Melody Thompson in black ink.

Melody Thompson
Mayor

Assisted with Preparation of Minutes – Susan Wood