

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
October 7, 2009**

**Presiding:** Mayor Melody Thompson.

**Council Present:** Richard Ares, John Henri, Jason Padden, Walt Daniels, and Robert Bitter.

**Staff Present:** John Kelley, City Attorney; Amanda Klock, Human Resources Director; Bryan Brown, Planning Director; Rodney Grafe, Municipal Court Judge; Penny Hummel, Library Director; Beth Saul, Special Projects Manager; Jorge Tro, Acting Police Chief; Cynthia Thompson, Transit Director; Catherine Comer, Economic Development Manager; and Kim Scheafer, City Recorder.

**Others Present:** Bev Doolittle, Lee Wiegand, Kirk Mouser, and Joyce Ares.

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

Swearing In of New City Councilor – Rodney Grafe, Municipal Court Judge, swore in Richard Ares as a City Councilor.

Introduction of New Library Director – Beth Saul, Special Projects Manager, introduced Penny Hummel, Library Director, to the City Council.

Ms. Hummel came from the Multnomah County Library. She wanted to make the library the best in the nation and looked forward to working with them.

Oregon Day of Culture Proclamation – Mayor Thompson read a proclamation proclaiming Thursday, October 8, as Oregon Day of Culture and presented it to Kirk Mouser.

Mr. Mouser explained the Oregon Cultural Trust program. One of their most important accomplishments was the creation of cultural coalitions statewide, which helped with awarding grants. The trust had distributed \$44,113 in Clackamas County and statewide 1.45 million dollars.

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Lee Wiegand said the First Baptist Church of Canby prayed for them as leaders. He apologized for some of his communication in the past. In the future, he would communicate with the respect they were due.

Bev Doolittle, Executive Director of the Canby Chamber of Commerce, said that Thursday would be the 3<sup>rd</sup> Annual Shred it Day.

**MAYOR'S BUSINESS:** Mayor Thompson said the Theatre grand opening was happening on Friday, October 30. It also kicked off the Council's commitment to the Main Street Program.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Daniels said there would be a Community Concert on October 15. The Historical Society had their flea market on October 17. He and Councilor Bitter attended the League of Oregon Cities conference and he presented Amanda Klock, Acting City Administrator, with a Gold Service Award for an injury frequency rate of 1.11% for 2008-09 with 87 employees. He congratulated Dwayne Barnes on the Street Maintenance Fee projects.

Councilor Bitter said he also attended the League of Oregon Cities meeting. He encouraged the rest of the Council to attend it next year. The Police Chief Advisory Committee had narrowed 63 applicants down to 11 semi-finalists. The consultant was doing interviews. The committee would meet next week and would narrow the finalists. He had attended a tour of the 13<sup>th</sup> Avenue water tank and the Water Treatment Plant. Canby Utility agreed to waive the system development fees for three years for short-term water service for landscaping on Second Avenue and parking lot for the cinema. The Board awarded a bid for a new power transformer for the substation and agreed to enter into a three-year agreement with Bonneville Power for a Tier 2 short-term power supply.

Mayor Thompson said the Council would hold a Work Session on Thursday to discuss recruitment for a new City Administrator.

**CONSENT AGENDA: \*\*Councilor Daniels moved to approve the minutes of the September 16, 2009 Regular Meeting; minutes of the September 22, 2009 Special Meeting; minutes of the September 23, 2009 Special Meeting; and a New Outlet Liquor License Application for 76 of Canby. Motion was seconded by Councilor Padden and passed 5-0.**

**RESOLUTIONS & ORDINANCES:** Resolution 1042 – Jorge Tro, Acting Police Chief, said this was an update of the 2003 plan. He explained the hazards that were identified in Canby. It was pre-approved by FEMA. Without the plan, the City could not apply for hazard mitigation grants.

**\*\*Councilor Daniels moved to adopt Resolution 1042, A RESOLUTION ADOPTING THE CITY OF CANBY'S REPRESENTATION IN THE CLACKAMAS COUNTY MULTI-JURISDICTION NATURAL HAZARDS MITIGATION PLAN. Motion was seconded by Councilor Henri and passed 5-0.**

Resolution 1045 – Dwayne Barnes, Public Works Director, said this street had recently been rebuilt and when they got the permit, the County assumed they would take jurisdiction. They wanted jurisdiction because as subdivisions happened, they wanted to have control over the development standards and it was more efficient for emergency response. There were dry wells that would need to be included in the storm/sewer master plan.

**\*\*Councilor Bitter moved to adopt Resolution 1045, A RESOLUTION REQUESTING CLACKAMAS COUNTY SURRENDER JURISDICTION OF SE 13<sup>TH</sup> AVENUE BETWEEN THE EASTERLY RIGHT-OF-WAY OF S. IVY STREET AND A POINT APPROXIMATELY 358 FEET EAST OF THE EASTERLY RIGHT-OF-WAY OF SE TEAKWOOD STREET TOTALING APPROXIMATELY 3,952 LINEAR FEET. Motion was seconded by Councilor Daniels and passed 5-0.**

Resolution 1046 – Cynthia Thompson, Transit Director, said the Transit Advisory Committee was recommending this change to make it easier for them to recruit members. Currently business members or other organizations that had an interest in Canby, but did not live in the City, could not be on the committee. This change would allow only two members to reside outside the Urban Growth Boundary.

Councilor Ares asked if the committee would remain at seven members.

Ms. Thompson said yes they needed members and currently only had five.

Councilor Ares asked what the plan was to recruit members.

Ms. Thompson explained how they advertised.

Councilor Henri thought it was a good idea to have members outside the Urban Growth Boundary because CAT went beyond the City limits.

**\*\*Councilor Daniels moved to adopt Resolution 1046, A RESOLUTION AMENDING RESOLUTION NO. 857 AND RESOLUTION NO. 790 REGARDING THE MEMBERSHIP OF THE CANBY TRANSIT ADVISORY COMMITTEE. Motion was seconded by Councilor Ares and passed 5-0.**

Resolution 1047 – Mayor Thompson said the City Attorney had requested an amendment to the agreement, but the County was unwilling to make any changes. There was discussion about the amendment and the possible interpretations regarding funding for the network services in the future.

**\*\*Councilor Padden moved to adopt Resolution 1047, A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF CANBY (CITY) AND CLACKAMAS COUNTY (COUNTY) FOR THE PURPOSE OF PROVIDING FUNDING FOR THE CANBY PUBLIC LIBRARY. Motion was seconded by Councilor Ares and passed 5-0.**

**NEW BUSINESS:** Compensation for Interim City Administrator – Amanda Klock, Human Resources Director, said she had sent the Council a survey with dollar amounts attached to it.

Councilor Bitter said he heard from Brian Hodson who thought they should offer a salary increase now for the duration of the responsibility and then have the new City Administrator address it in a performance review.

Councilor Henri said he thought a 10% increase was fair for the duration of the responsibility.

Councilor Ares said he felt a fixed number like 10% was appropriate.

Councilor Padden said the amount should be retroactive to the date of appointment.

Council consensus was to have the Human Resources Director compensated an additional 10% for the duration of performing Interim City Administrator responsibilities retroactive to the date of appointment on August 26, 2009. If it exceeded six months, they would revisit the issue.

Immediate Opportunity Fund Agreement Type C Canby Pioneer Industrial Park – Catherine Comer, Economic Development Manager, said in June they announced that the City of Canby received a grant for improvements on S. Walnut Street in the Industrial Park. Last fall they created a LID along Walnut Street. This grant was a Type C, which created State certified industrial lands. They were awarded the grant for 50% of the street improvements of Walnut Street, which was approximately \$290,000. Since the grant was awarded, they had been working on the intergovernmental contract between ODOT and the City of Canby. They were ready to go to bid on the project. This would open up 100 additional industrial acres.

John Kelley, City Attorney, said he discussed making an amendment on this agreement regarding indemnification, but it was denied. There was discussion about what the potential risks were. This road would be completed in the spring.

**\*\*Councilor Henri moved to authorize the Mayor to sign the Immediate Opportunity Fund Grant Agreement, Type C, Canby Pioneer Industrial Park, No. 26,145. Motion was seconded by Councilor Padden and passed 5-0.**

Update on Urban and Rural Reserves Designation Process – Bryan Brown, Planning Director, said the Mayor and Councilor Henri met with staff and had agreed that the Council should be updated on the direction they were heading. The Planning staff was contacted by the County asking to meet next Tuesday to discuss a refinement of the designation process. The urban designation did not really affect them, but the rural reserves did.

Mr. Brown reviewed a map that showed what the City had requested for designation. If they hoped to grow beyond the year 2020, they had to look beyond the Urban Growth Boundary to what was currently designated as foundation agricultural lands. The Planning Commission and Council sent to the County on April 1 a letter indicating the growth in the areas to the east. It appeared that Area D was in question because there was pressure to reduce the amount of area to the east of Canby that was left undesignated. They were trying to evaluate what area to the north of Canby made logical sense 50 years from now for future urbanization knowing it was the best agricultural land and the criteria did not want it developed. The public discussions they had only talked about the area to the east, not the north. There was public support and some infrastructure for the property to the north, however it was prime farmland and it was currently being farmed.

Mayor Thompson said they could leave out the Parrot Creek area that was 600 acres out of the 2,000 acres because they were asking for more than they really needed and the topography did not lend itself towards urbanization.

The Council had discussion regarding different options for designation of property.

Mr. Kelley said there would be a battle for the land to the north because there were second and third generations operating the farms and they were not interested in urbanization.

Councilor Henri said they did not want to urbanize that land right now, but they wanted to have the ability in the future and this would be for 50 years.

The Council consensus was to negotiate to allow expansion of the rural reserve designation to northeast of Canby within the 3-mile designated distance of the Metro UGB. This could

potentially exclude the original Canby Study Area D from preferred and its existing undesignated status utilizing Parrot Creek and nearby property ownership lines as the primary means of determining the exact boundary. Staff would advocate for an undesignated status, thus removal of the rural reserve designation as currently proposed in the area NW of Canby for the tax lots lying between Locust and Maple Streets and from 22<sup>nd</sup> to approximately 32<sup>nd</sup> Avenue, and for the three tax lots outside of Canby's UGB that front Territorial Road on either side of Holly Street.

Councilor Henri said there would be more hearings after the County drew the map, and he thought in January they should have an outreach in Canby to discuss it.

**CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** None.

Councilor Ares asked about Council liaisons and how it was inconsistent to have liaisons to certain organizations and not others.

Mayor Thompson explained the history of how the liaisons were established.

**CITIZEN INPUT:** None.

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Adopted Resolution 1042.
3. Adopted Resolution 1045.
4. Adopted Resolution 1046.
5. Adopted Resolution 1047.
6. Approved a 10% increase in salary for the Human Resources Director while serving in the role of Interim City Administrator to be retroactive to August 26, 2009.
7. Authorized the Mayor to sign the Immediate Opportunity Fund Grant with ODOT.

Mayor Thompson adjourned the Regular Meeting at 9:52 p.m.



Kimberly Scheafer, CMC  
City Recorder



Melody Thompson  
Mayor

Assisted with Preparation of Minutes – Susan Wood