

**CANBY CITY COUNCIL
WORK SESSION MINUTES
November 4, 2009**

Presiding: Mayor Melody Thompson.

Council Present: Richard Ares, Walt Daniels, Robert Bitter, and Brian Hodson. Councilors John Henri and Jason Padden were absent.

Staff Present: John Kelley, City Attorney; Amanda Klock, Human Resources Director/Interim City Administrator; Dwayne Barnes, Public Works Director; Bryan Brown, Planning Director; Sue Engels, Finance Director; and Kim Scheafer, City Recorder.

Others Present: None.

Mayor Thompson called the Work Session to order at 6:00 p.m. in the City Hall Conference Room. The Council met to receive information on the new business recycling requirements.

John Kelley, City Attorney, said State legislature imposed a requirement upon the local jurisdictions in Oregon to increase their recycling programs to eliminate waste going into landfills. The proposed Business Recycling Ordinance amended the City's current Code that dealt with solid waste materials to create requirements for business recycling. The program was to provide education and help more than emphasize enforcement. Clackamas County would do the implementation of education and monitoring of business recycling for Canby. Money had been allocated from Metro for the program, which would be signed over to Clackamas County. The enforcement aspect had not yet been resolved, but it would probably be reported by Canby Disposal who would notify Clackamas County for enforcement. A Letter of Understanding between Canby and Clackamas County would implement the program. Another IGA would be issued for enforcement in 16 to 18 months. Public meetings had been held regarding this issue, and most businesses were already following the process.

Councilor Ares said he appreciated that the ordinance clearly spelled out that home based businesses would follow the residential plan.

Councilor Hodson said he had received a few phone calls regarding the mandate.

Mayor Thompson adjourned the Work Session at 6:24 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
November 4, 2009**

Presiding: Mayor Melody Thompson.

Council Present: Richard Ares, Walt Daniels, Robert Bitter, and Brian Hodson. Councilors John Henri and Jason Padden were absent.

Staff Present: John Kelley, City Attorney; Amanda Klock, Human Resources Director Interim City Administrator; Dwayne Barnes, Public Works Director; Bryan Brown, Planning Director; Beth Saul, Special Projects Manager; and Kim Scheafer, City Recorder.

Others Present: Lynn Peterson, Jim Bernard, Mike & Irene Breshears, Danielle Cowan, and Bob Cornelius.

CALL TO ORDER: Mayor Thompson called the Regular Meeting to order at 6:25 p.m. in the City Hall Conference Room.

****Councilor Bitter moved to go into Executive Session pursuant to ORS 192.660(2)(e) Real Property and ORS 192.660(2)(h) Pending Litigation. Motion was seconded by Councilor Ares and passed 4-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 6:25 p.m.

OPENING CEREMONIES: Mayor Thompson reconvened the Regular Meeting at 7:34 p.m. in the Council Chambers followed by the opening ceremonies.

Veterans Appreciation Month Proclamation - Mayor Thompson read a proclamation proclaiming November as Veterans Appreciation Month and presented it to Mike Breshears.

Beth Saul, Special Projects Manager, showed the Council a sample of the statue that would be part of the Vietnam Memorial in Canby.

Mr. Breshears read a letter from the Vietnam Veterans Memorial Committee about the final fundraising stage for the statue.

Update on Clackamas County Goals & Accomplishments - Lynn Peterson, Clackamas County Board Chair, spoke about economic recovery, implementing solutions, and providing outstanding services.

Jim Bernard, Clackamas County Commissioner, explained how the County was hard at work bringing money back into the County and being good stewards of taxpayer dollars.

Ms. Peterson discussed the Energy Efficiency Program. She also spoke about the County's goals to implement the action items in their planning documents especially in health, human, and housing services and continuing to provide services for libraries and corrections. She also discussed where they were in the process regarding a new jail.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Irene Breshears handed out a "Buddy" Poppy to the Mayor and City Council and spoke about fundraising that was going on in the community.

MAYOR'S BUSINESS: Mayor Thompson said the grand opening of the theatre was a success.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Ares had spoken with the Department Directors to gain an understanding of what each department was doing and what their challenges were. He was impressed with what was happening in the City.

Councilor Daniels said on November 17 at 7 p.m. the Historical Society would be having their annual election of officers and volunteer appreciation night. One application had been received for the Transit Advisory Committee, and there was one more opening. He encouraged citizens to apply. The Woodburn and Wilsonville route ridership was up.

Councilor Bitter said there would be a reception at the Hope Village Community Center on Thursday for the Police Chief candidates. Final interviews would be held on Friday.

Councilor Hodson attended a Planning Commission meeting. He thought the Planning staff was on the right path to making changes in their new process.

CONSENT AGENDA: **Councilor Daniels moved to approve the minutes of the October 8, 2009 Work Session, minutes of the October 20 Work Session, minutes of the October 21 Regular Meeting, and the Seifried v City of Canby Settlement Agreement. Motion was seconded by Councilor Ares.

Councilor Ares asked for the wording on Page 4 of the October 21 minutes be changed under Citizen Input to "the City did" instead of "they did."

Motion passed 4-0.

RESOLUTIONS & ORDINANCES: Resolution 104 - John Kelley, City Attorney, reviewed the need for the change in the IGA, which was an increase from 1% to 4% in the amount the City was reimbursed for the cost of administering the program.

Councilor Hodson asked what it cost to administer the program.

Bryan Brown, Planning Director, said there was no detailed analysis but from prior experience, it cost more than 1%. There was discussion regarding how much had been collected and what the administering of this tax entailed.

****Councilor Daniels moved to adopt Resolution 1049, A RESOLUTION ADOPTING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF CANBY (CITY) AND CANBY SCHOOL DISTRICT NO. 86 (DISTRICT) FOR THE PURPOSE OF COLLECTING A CONSTRUCTION EXCISE TAX (CET) ON BEHALF OF THE DISTRICT FOR NEW CONSTRUCTION IN THE CITY OF CANBY. Motion was seconded by Councilor Bitter and passed 4-0.**

Ordinance 1319 - Mr. Kelley said the Council had a work session earlier that evening regarding the new recycling requirements. The Oregon Legislature in 2007 required the State as a whole reduce its waste amounts. As a result, they wanted to encourage businesses to recycle in the same manner that residences did. The City was required to implement a business recycling requirement. The City would enter into an agreement with Clackamas County to have the County provide the education and outreach to businesses. Three public outreach meetings had been held. Canby Disposal indicated that the majority of local businesses already recycled. A

Letter of Understanding with Clackamas County would need to be signed by the Interim City Administrator to implement the program.

****Councilor Bitter moved to approve Ordinance 1319, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 8.04 BY REQUIRING LOCAL BUSINESSES TO SOURCE SEPARATE AND RECYCLE CERTAIN SOLID WASTE MATERIALS, ESTABLISHING GUIDELINES FOR SOURCE SEPARATING, STORING AND RECYCLING OF SOLID WASTE MATERIALS AND DECLARING AN EMERGENCY and to authorize the Interim City Administrator to sign a Letter of Understanding with Clackamas County to come up for second reading on November 18, 2009. Motion was seconded by Councilor Daniels.**

Councilor Hodson said he had a hard time with the mandatory recycling and preferred education to meet the results this was trying to achieve. He would be opposed to this ordinance.

Councilor Ares said it was a mandated State law.

Councilor Bitter said enforcement would be a long way off, this was about education.

Motion passed 3-1 on first reading with Councilor Hodson opposed.

Ordinance 1320 - ****Councilor Ares moved to adopt Ordinance 1320, AN ORDINANCE AUTHORIZING THE MAYOR AND INTERIM CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CANBY EXCAVATING, INC. FOR THE KNIGHTS BRIDGE ROAD SANITARY SEWER PUMP STATION RECONSTRUCTION; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Hodson and passed 4-0 by roll call vote.**

Ordinance 1321 - Dwayne Barnes, Public Works Director, said \$150,000 had been put in the budget to replace the roof of the Canby Adult Center. A professional roofing inspector said only a small amount of the roof had to be replaced and the rest was spot repair and new sheeting. They originally thought a new roof would cost \$150,000. Snyder Roofing quoted the project at \$71,000. Because the cost was less than anticipated, siding work on the building would be able to be done for \$39,000. The rest of the money would be put in contingency in case they encountered something out of the ordinary.

****Councilor Daniels moved to approve Ordinance 1321, AN ORDINANCE AUTHORIZING THE MAYOR AND INTERIM CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SNYDER ROOFING OF TIGARD, OREGON FOR THE INSTALLATION OF A NEW ROOF FOR THE CANBY ADULT CENTER BUILDING; AND DECLARING AN EMERGENCY to come up for second reading on November 18, 2009. Motion was seconded by Councilor Ares and passed 4-0 on first reading.**

NEW BUSINESS: Discussion Regarding Committee Liaison Assignments - The following liaisons were assigned:

Parks & Recreation Advisory Board - Richard Ares
Planning Commission - Brian Hodson

Canby Adult Center - Richard Ares
SE Canby Neighborhood Association - Brian Hodson
SW Canby Neighborhood Association - Robert Bitter

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

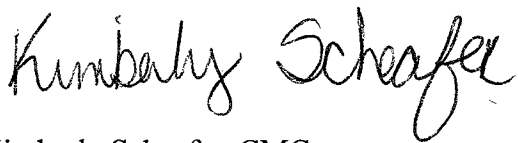
ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Resolution 1049.
3. Approved Ordinance 1319 to come up for second reading on November 18, 2009.
4. Authorized the Interim City Administrator to sign a Letter of Understanding with Clackamas County.
5. Adopted Ordinance 1320 on second reading.
6. Approved Ordinance 1321 to come up for second reading on November 18, 2009.
7. Selected new committee liaisons.

****Councilor Daniels moved to go into Executive Session pursuant to ORS 192.660(2)(h) Pending Litigation. Motion was seconded by Councilor Bitter and passed 4-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 8:45 p.m.

Mayor Thompson reconvened the Regular Meeting at 9:55 p.m. and immediately adjourned.



Kimberly Scheafer, CMC
City Recorder



Melody Thompson
Mayor

Assisted with Preparation of Minutes - Susan Wood