

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
March 5, 2008**

**Presiding:** Mayor Melody Thompson

**Council Present:** Paul Carlson, Teresa Blackwell, Wayne Oliver, Walt Daniels, Randy Carson, and Tony Helbling.

**Staff Present:** Mark Adcock, City Administrator; John Kelley, City Attorney; Beth Saul, General Services Director; Chaunee Seifried, Finance & Court Services Director; Dwayne Barnes, Public Works Director; Catherine Comer, Economic Development Manager; and Kim Scheafer, City Recorder Pro-Tem.

**Others Present:** Bob Cornelius and Jason Padden.

The Executive Session scheduled prior to the City Council meeting was cancelled.

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

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Bob Cornelius, resident of Canby, asked if the Council could delay the implementation of the fuel tax due to the economy and price of gas.

Mayor Thompson said they would bring it up under New Business.

**MAYOR'S BUSINESS:** Mayor Thompson said that the City of Canby would be hosting the Clackamas Cities Association Dinner on March 20. They would have a presentation on their economic development efforts especially regarding downtown.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Helbling said the design standards would be going before the Planning Commission next month. There were still two openings on the Planning Commission.

Councilor Carson said he attended the Clackamas Cities Dinner last Thursday and it was on urban and rural reserves. This was State mandated and they would be dealing with it soon.

Councilor Daniels said the Historical Society's 40<sup>th</sup> anniversary would be celebrated on the third Tuesday of the month during their annual meeting. Regarding transit, he thanked the people who were to continue to serve on the committee as well as welcomed new members.

Councilor Blackwell said she would not be at the Clackamas Cities Dinner on March 20.

Councilor Carlson said there were openings on the Traffic Safety Committee. He encouraged people to get involved with the Adopt-A-Road program.

**CONSENT AGENDA: \*\*Councilor Daniels moved to approve the minutes of the February 13, 2008 City Council Work Session; minutes of the February 18, 2008 City Council Work Session; minutes of the February 20, 2008 City Council Work Session and Regular Meeting; reappointments of Sandra Cranston and Richard Ball to the Transit Advisory Committee for terms to expire on March 31, 2011; appointment of Brian Olson to the Transit Advisory Committee for a term to expire on March 31, 2009, and appointment of Robert Cooperrider to the Bike & Pedestrian Committee for a term to expire on June 30, 2010. Motion was seconded by Councilor Carson and passed 6-0.**

#### **RESOLUTIONS & ORDINANCES:**

Resolution 973 – Mr. Adcock, City Administrator, said one component of the resolution was the expenditure of \$10,000 from each participating city to a common intergovernmental fund that would pay for public information. Part of the recommendation upon passing the resolution was to appropriate \$10,000 from the General Fund Contingency for this purpose.

**\*\*Councilor Blackwell moved to adopt Resolution 973, A RESOLUTION APPROVING A CLACKAMAS COUNTY ORDER TO INITIATE THE FORMATION OF THE CLACKAMAS COUNTY LIBRARY SERVICE DISTRICT. Motion was seconded by Councilor Carson and passed 6-0.**

Ordinance 1267 – **\*\*Councilor Carson moved to adopt Ordinance 1267, AN ORDINANCE AUTHORIZING THE PURCHASE OF ROAD RIGHT-OF-WAY FOR THE EXTENSION OF SE SEQUOIA PARKWAY AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 6-0 by roll call vote.**

Ordinance 1271 – Beth Saul, General Services Director, said the bridge over 99E had been painted. The City Engineer had estimated it would cost \$12,000 to oversee the project. Due to the extra requirements that were placed on them by ODOT and the railroad they would be exceeding that amount. The extra amount would be \$5,790.

Councilor Carlson asked if Curran McLeod had in the past let the City know when they were going to run over.

Ms. Saul said the contract was at the request of ODOT, and the person in charge of the project at Curran McLeod had left and there were some complexities that they did not anticipate which is why there was a lapse in the timing.

**\*\*Councilor Daniels moved to approve Ordinance 1271, AN ORDINANCE RATIFYING A CONTRACT WITH CURRAN-MCLEOD ENGINEERS OF PORTLAND, OREGON FOR ENGINEERING SERVICES TO THE LOGGING ROAD BRIDGE PAINTING PROJECT; AND DECLARING AN EMERGENCY to come up for second reading on March 19, 2008. Motion was seconded by Councilor Carson and passed 6-0.**



Ordinance 1272 – Ms. Saul said that Scott Beck had designed the restroom facilities for Legacy and Maple Street parks. The picnic shelter would match the architecture. The target date for completion was the end of June.

**\*\*Councilor Carson moved to approve Ordinance 1272, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A PERSONAL SERVICES CONTRACT WITH SCOTT BECK, ARCHITECT FOR ARCHITECTURAL SERVICES FOR THE LEGACY PARK PICNIC SHELTER; AND DECLARING AN EMERGENCY to come up for second reading on March 19, 2008. Motion was seconded by Councilor Carlson and passed 5-1 with Councilor Helbling opposed.**

**NEW BUSINESS:** None.

**CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** Report on Exemption of Churches from Street Maintenance Fee – John Kelley, City Attorney, said at the time the fuel tax and street maintenance fee were approved the Council had been asked if churches could be exempted from the street maintenance fee. The Council had asked him to look into the issue. He had researched information from the League of Oregon Cities web site and no one had a church exemption. He had spoken with legal counsel at the League and she had not heard of anyone requesting that exemption before. League counsel did not think it was a good idea because it was hard to justify. The Council had the ability to establish exemptions, but he would not recommend it. If they set an example of exempting churches they would be receiving requests from other non-profit and for profit organizations and would have to make a distinction on why they would authorize an exemption for a church but not another organization. Churches paid sewer, water, and they generated traffic. The ordinance had a provision for churches to request a waiver from their classification if they showed they did not generate the traffic that the category showed.

Councilor Daniels said he had two churches contact him and they said they would be putting it in their budget as they felt they created traffic. There was not much opposition to it.

Mr. Kelley said the Council could stay the execution of the ordinance to implement the street maintenance fee and fuel tax if they desired.

Mayor Thompson asked if the Council wished to make any changes to the ordinances. The Council did not.

Councilor Daniels said he did not think there would ever be a good time to implement it, but the longer they waited the worse the problem became.

**CITIZEN INPUT:** Jason Padden said that he was one of the citizens on the Street Maintenance Task Force. He had been reading in the newspaper what people were saying about it. He commended the Council for being vigilant and seeing the vision through and standing up to the opposition it was experiencing in the community. They had not shot for the moon when they designed the plan. As the roads continued to deteriorate, people were going to begin to understand why this was put forward.

## **ACTION REVIEW:**

1. Approved the consent agenda.
2. Adopted Resolution 973.
3. Adopted Ordinance 1267.
4. Approved Ordinance 1271, to come up for second reading on March 19, 2008.
5. Approved Ordinance 1272, to come up for second reading on March 19, 2008.
6. Decided to keep the Fuel Tax and Street Maintenance Fee as they were.

**\*\*Councilor Daniels moved to go into Executive Session pursuant to ORS 192.660(2)(e) Real Property. Motion was seconded by Councilor Carson and passed 6-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 8:02 p.m.

An Urban Renewal Agency Special Meeting and Executive Session were held immediately following the City Council Meeting.

Mayor Thompson reconvened the Regular Meeting at 9:46 p.m. and immediately adjourned.

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### **CANBY CITY COUNCIL EXECUTIVE SESSION March 5, 2008**

**Presiding:** Mayor Melody Thompson

**Council Present:** Paul Carlson, Teresa Blackwell, Wayne Oliver, Walt Daniels, Randy Carson, and Tony Helbling.

**Staff Present:** Mark Adcock, City Administrator; John Kelley, City Attorney; and Kim Scheafer, City Recorder Pro-Tem

**Others Present:** None.

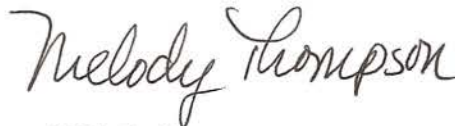
Mayor Thompson called the Executive Session to order at 9:22 p.m. in the City Hall Conference Room.

ORS 192.660(2)(e) Real Property – The Council discussed a possible real property transaction regarding the Canby Adult Center.

Mayor Thompson adjourned the Executive Session as 9:48 p.m.

Handwritten signature of Kimberly Scheafer in cursive script.

Kimberly Scheafer, CMC  
City Recorder Pro Tem

Handwritten signature of Melody Thompson in cursive script.

Melody Thompson  
Mayor

Assisted with preparation of minutes – Susan Wood