

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
July 2, 2008**

Presiding: Mayor Melody Thompson.

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

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Sue Engels, Interim Finance Director; Dwayne Barnes, Public Works Director; Catherine Comer, Economic Development Manager; Jorge Tro, Police Lieutenant; Toni Tracy, Administrative Assistant; Melissa Hardy, Associate Planner; and Kim Scheafer, City Recorder Pro-Tem.

Others Present: Bob Cornelius, Bill Harper, Marlene Elmore, Javier Fernandez, Carol McCoog, Ronell Warner, Richard and Florence Ball, Thomas Holmes, and Karl Mawson

CALL TO ORDER: Mayor Thompson called the Regular Meeting to order at 7:33 p.m. followed by the opening ceremonies.

Police Bond Presentation – Javier Fernandez, Vice President Seattle Northwest, gave a presentation on the General Obligation Bond that would go to the voters in November. He spoke about the current market conditions and rising inflation and how that would affect the voters. They would issue debt at the tax exempt rates which was a big savings. Rates were not substantially higher than they were a year or two years ago. When they projected tax rates for municipalities, they took today's rates and added a full percentage point as a cushion. He did not think the rates would go up that high. The City was allowed to have general obligation bonds for up to 3% of the City's real market value. The 19 million dollars was well within the range. This limit only applied to general obligation bonds, so urban renewal bonds, revenue bonds, etc. did not count against this. There was no maximum term for the bonds. These bonds would be issued with a fixed rate structure and they provided pre-payment provisions so they could be refinanced. The proceeds could only be used for capital construction and improvements, not regular maintenance or repair issues. He explained how the bonds were levied on a dollar basis. Taxpayers would be paying taxes based on the assessed value of their properties, not the real market value. He looked at other cities and how much taxpayers were paying for city services. Taxpayers in the City of Canby were paying 3.9086 cents per 1,000 to support City services. This was quite a bit less than other cities. They would need a 19 million dollar general obligation bond to complete the police facilities project. He was assuming the City would grow at 4% over the next two years, 3.5% for 2011 and 2012, and 3% thereafter. These were conservative assumptions. He talked about how they would handle delinquencies. The bond would result in \$1.01 per 1,000 amortizing over 26 years. Each property would be assessed differently. He discussed what the ballot title must include and the process.

Carol McCoog, K & L Gates, spoke about deadlines to file the ballot title and approve the resolution. The filing deadline was September 4. As soon as they adopted the resolution they could start to campaign.

Council discussed the tax rates and if they wanted to pass the resolution or wait for further input.

Canby Cares Day Proclamation – Mayor Thompson presented Ronell Warner with a proclamation proclaiming July 19, 2008 as Canby Cares Day in Canby.

Ms. Warner talked about the health services that would be provided.

Canby Kiwanis Day Proclamation – Mayor Thompson presented Marlene Elmore with a proclamation proclaiming July 14, 2008 as Canby Kiwanis Day.

Presentation to Marlene Elmore – Councilor Carlson presented Marlene Elmore with a certificate thanking her for her twelve years of service on the Traffic Safety Commission.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR'S BUSINESS: Mayor Thompson said the Council would be having a work session on July 9 in the Council Chambers at 6:30 p.m. to obtain comments regarding the changes to the proposed charter. She spoke about how Clackamas County would be cutting library funding by 2010. There were I Love My Library signs at the library as part of the campaign to pass the levy.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Carlson thanked Ms. Elmore for her time on the Traffic Safety Commission.

Councilor Oliver also thanked Ms. Elmore. He also thanked staff and citizens for cleaning up downtown.

Councilor Daniels also thanked Ms. Elmore. CAT would have a bus in the General Canby Day parade and a booth at the celebration to give out information about the route revisions. A lot of new businesses were going into the Industrial Park including American Steel.

Councilor Carson said General Canby Day would be this Friday. Also on Friday the Historical Society would be having their annual breakfast starting at 7:30 a.m. at Knight School. They had a meeting on urban and rural reserves and they were moving forward on the different types of land and what was appropriate for reserves.

Councilor Helbling said they still had two open seats on the Planning Commission and one applicant. Regarding the library, over three months ago the Council participated with the County Commissioners in discussing the future of the library. They voted to use \$10,000 to help fund the campaign to support the library.

CONSENT AGENDA: ****Councilor Daniels moved to approve the minutes of the June 18, 2008 City Council Work Session and Regular Meeting. Motion was seconded by Councilor Carson and passed 5-0.**

PUBLIC HEARING: Annexation 08-01 Holmes –

Mayor Thompson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Carlson - No conflict, plan to participate.
Councilor Oliver - No conflict, plan to participate.
Councilor Daniels - No conflict, plan to participate.
Councilor Carson - No conflict, plan to participate.
Councilor Helbling - No conflict, plan to participate.
Mayor Thompson - No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Carlson - None.
Councilor Oliver - None.
Councilor Daniels - None.
Councilor Carson - Driven by the site, drew no conclusions.
Councilor Helbling - None.
Mayor Thompson - None.

STAFF REPORT: Melissa Hardy, Associate Planner, said this was an annexation of 4.85 acres located at one tenth of a mile south of the intersection of NE Territorial Rd and N Pine Street, on the west side of N Pine Street. The only development currently on the property was a small shed. The land was designated for medium density residential development. The Planning Commission held a hearing on May 27 and they found the proposal met all the criteria. There was no public comment at the Planning Commission hearing. If Council approved the application, staff would bring back a ballot title to forward the annexation to the voters in the November election.

Councilor Daniels said they planned to use the existing road between that development and Territorial on NE Oak, and asked if it would continue to be a half street.

Ms. Hardy said no street improvements were required with annexation, but if the property was developed then public street improvements may be required.

Councilor Carlson asked what kind of developments could be placed on medium density, and Ms. Hardy explained.

Mayor Thompson opened the public hearing at 8:55 p.m.

PUBLIC TESTIMONY

APPLICANT: Thomas Holmes said he was the applicant and owner of the property and that Karl Mawson was his representative.

Karl Mawson, Compass Engineering, said the annexation had previously gone to the voters several years ago when the property was zoned high density. It was now at medium density. There were several design alternatives, and it would be a varied development. This was an infill residential development. The criteria were met and the project was cost effective because they knew where the utilities were and it was adjacent to other residential property. There had been discussion regarding the City purchasing the property for a park, but it was not needed in that particular area for park purposes and it was a good property for residential use.

PROPOSERS: None.

OPPOSERS: None.

REBUTTAL: None.

Mayor Thompson closed the public hearing at 9:00 p.m.

DISCUSSION:

****Councilor Carson moved to approve ANN 08-01 based upon the Planning Commission's findings and that upon annexation the zoning of the subject property would be designated medium density residential, R-1.5, and request that the City Attorney return with ballot title and language appropriate to forward the final decision to Canby voters in the General Election on November 4, 2008. Motion was seconded by Councilor Daniels.**

Councilor Carson said this property met all the criteria for approval. It was time to start doing more infill so they did not have to go outside the City limits. There was less than one year of platted lots available for building. They needed more housing for the businesses coming into the Industrial Park.

Mayor Thompson said natural space was always important, but there was considerable acreage in that area that would be opened soon, such as the fish eddy and log boom property. It was not accessible now because of planning and access issues.

Motion passed 5-0.

RESOLUTIONS & ORDINANCES:

Resolution 990 – ****Councilor Daniels moved to adopt Resolution 990, A RESOLUTION OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, CALLING A MEASURE ELECTION TO SUBMIT TO THE ELECTORS OF THE CITY THE QUESTION OF AUTHORIZING UP TO \$19,000,000 OF GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF CAPITAL CONSTRUCTION AND CAPITAL IMPROVEMENTS; DECLARING INTENT TO REIMBURSE EXPENDITURES; AND RELATED MATTERS. Motion was seconded by Councilor Helbling.**

Councilor Carson said if citizens had questions they could talk with City staff or Councilors. There would also be several public meetings.

Councilor Carlson said he would be abstaining due to a potential financial conflict of interest.

Motion passed 4-0 with Councilor Carlson abstaining.

Resolution 991 – Councilor Oliver said he checked with the softball association and they had no conflicts.

Dwayne Barnes, Public Works Director, said the school was in favor of it. They would make some custom no parking signs that would direct people to use school facilities for overflow parking.

****Councilor Helbling moved to adopt Resolution 991, A RESOLUTION RESTRICTING VEHICLE PARKING ON THE SOUTH SIDE OF SW 13TH AVENUE BETWEEN SOUTH ELM STREET AND A POINT APROXIMATELY 250 FEET WEST OF BAYWOOD COURT. Motion was seconded by Councilor Carson and passed 5-0.**

Ordinance 1275 – ****Councilor Carson moved to adopt Ordinance 1275, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A PERSONAL SERVICES CONTRACT WITH BETH SAUL FOR MANAGEMENT OF SPECIAL PROJECTS; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Daniels and passed 5-0 by roll call vote.**

Ordinance 1278 – ****Councilor Daniels moved to adopt Ordinance 1278, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2008-2009. Motion was seconded by Councilor Carson and passed 5-0 by roll call vote.**

Ordinance 1283 – ****Councilor Carson moved to adopt Ordinance 1283, AN ORDINANCE AUTHORIZING PURCHASE OF ROAD RIGHT-OF-WAY FOR THE WIDENING OF S. PINE STREET AT ITS INTERSECTION WITH HIGHWAY 99E AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Daniels and passed 5-0 by roll call vote.**

Ordinance 1282 – ****Councilor Daniels moved to adopt Ordinance 1282, AN ORDINANCE REVISING CANBY MUNICIPAL CODE CHAPTER 12.12.035 ENTITLED "SIDEWALK DISPLAYS". Motion was seconded by Councilor Oliver and passed 5-0 by roll call vote.**

Ordinance 1284 – ****Councilor Helbling moved to approve Ordinance 1284, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE PURCHASE OF ONE (1) 2008 HONDA ODYSSEY LX VAN FOR THE CANBY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY to come up for second reading on July 16, 2008. Motion was seconded by Councilor Carlson and passed 5-0 on first reading.**

Ordinance 1285 – Mr. Barnes said this was the last piece for Legacy Park. They received three bids and Mowry Rebar, a local Canby company, was the lowest bidder.

****Councilor Carson moved to approve Ordinance 1285, AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MOWRY REBAR INC. OF CANBY OREGON TO CONSTRUCT A PICNIC SHELTER AND RELATED IMPROVEMENTS AT LEGACY PARK FOR THE CANBY PARKS DEPARTMENT; AND DECLARING AN EMERGENCY to come up for second reading on July 16, 2008. Motion was seconded by Councilor Carlson and passed 5-0 on first reading.**

NEW BUSINESS: None.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the consent agenda.
2. Approved ANN 08-01, and staff would return with a resolution and ballot title.
3. Adopted Resolution 990.
4. Adopted Resolution 991.
5. Adopted Ordinance 1275 on second reading.
6. Adopted Ordinance 1278 on second reading.
7. Adopted Ordinance 1282 on second reading.
8. Adopted Ordinance 1283 on second reading.
9. Approved Ordinance 1284 to come up on second reading July 16, 2008.
10. Approved Ordinance 1285 to come up on second reading July 16, 2008.

****Councilor Daniels moved to go into Executive Session pursuant to ORS 192.660(2)(i) Performance Evaluation of a Public Officer. Motion was seconded by Councilor Carson and passed 5-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 9:15 p.m.

Mayor Thompson reconvened the Regular Meeting at 9:40 p.m. and immediately adjourned.



Kimberly Scheafer, CMC
City Recorder Pro Tem



Melody Thompson
Mayor

Assisted with preparation of minutes – Susan Wood