

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
December 3, 2008**

Presiding: Mayor Melody Thompson.

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

Staff Present: John Kelley, City Attorney; Beth Saul, Special Projects Manager; Dwayne Barnes, Public Works Director; Matilda Deas, Project Planner; Melissa Hardy, Associate Planner; and Kim Scheafer, City Recorder Pro-Tem.

Others Present: Jason Padden, John Henri, Robert Bitter, Marlene Elmore, Bev Doolittle, Greg Perez, Kathy Batz, Alice Merrill, Sharon Schneider, Bob Cornelius, Matt Hastie, Lee Wiegand, and Rennie Baskett.

CALL TO ORDER: Mayor Thompson called the Regular Meeting to order at 6:30 p.m. in the City Hall Conference Room.

****Councilor Carlson moved to go into Executive Session pursuant to ORS 192.660(2)(e) Real Property. Motion was seconded by Councilor Blackwell and passed 5-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 6:34 p.m.

PROCLAMATIONS: Mayor Thompson reconvened the Regular Meeting in the Council Chambers at 7:36 p.m. followed by the opening ceremonies.

Canby Community Food & Toy Drive Sponsored by Canby Kiwanis Proclamation – Mayor Thompson read a proclamation proclaiming December 14 – 20, 2008 as Canby Community Food & Toy Drive Week sponsored by Canby Kiwanis.

Councilor Daniels presented the proclamation to Marlene Elmore and Sharon Schneider.

Mayor & Council Election Proclamation – Mayor Thompson read the certification of the November 4, 2008 General Election regarding the Mayor and City Council election. The official count of votes from Clackamas County was:

MAYOR

Melody Thompson – 4,767, Write-In – 258, Over Votes – 2, Under Votes – 2,345.

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John Henri – 3,216, Walt Daniels – 3,461, Jason Padden – 2,976, Robert Bitter – 83 (Write-In) Robert Bittner – 91 (Write-In), Other Write-Ins – 933, Over Votes – 8, Under Votes – 18,720.

Mayor Thompson said it was the City's determination that write-in votes for Robert Bitter and Robert Bittner were for the same person as there was not a Robert Bittner registered as an active voter with Clackamas County Election that lived in the Canby city limits.

Measure 3-312 Proclamation – Mayor Thompson read the certification of the November 4, 2008 General Election regarding Measure 3-312. The official count of votes from Clackamas County was: Yes – 3,846, No – 2,949, Over Votes – 1, and Under Votes – 576.

Measure 3-313 Proclamation – Mayor Thompson read the certification of the November 4, 2008 General Election regarding Measure 3-313. The official count of votes from Clackamas County was: Yes – 3,621, No – 3,159, Over Votes – 1, and Under Votes – 591.

Measure 3-314 Proclamation – Mayor Thompson read the certification of the November 4, 2008 General Election regarding Measure 3-314. The official count of votes from Clackamas County was: Yes – 3,487, No – 3,290, Over Votes – 1, and Under Votes – 594.

Measure 3-315 Proclamation – Mayor Thompson read the certification of the November 4, 2008 General Election regarding Measure 3-315. The official count of votes from Clackamas County was: Yes – 2,471, No – 4,453, Over Votes – 4, and Under Votes – 444.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Lee Wiegand said he was from the First Baptist Church and that they were committed to pray for the Council on Wednesdays. He handed out cards to the Council to write down any prayer requests.

Alice Merrill, Canby Adult Center Board Member, said they were working on a Community Development Block Grant and needed an endorsement letter from the City because the City owned the building. They were going to ask for \$400,000 and they would have to come up with 20% of the funds.

Mayor Thompson said this would be discussed under New Business.

MAYOR'S BUSINESS: None.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Daniels encouraged citizens to read the ballot carefully as they had three write-in votes for Wayne Oliver and he was already on the Council.

Councilor Carson thanked the voters for voting in favor of the three annexation measures. Kendal Floral had an open house and they had 150-250 employees, even more during busy seasons, and this would help Canby's economy. The Canby Historical Society would be having pictures with Santa on December 6.

Councilor Helbling said there would be an opening on the Planning Commission in January. The Canby Pioneer Industrial Park sign was being installed in the next two weeks. Regarding the theater project, some of the buildings were coming down on the property. Also, the Canby Police Department had been largely responsible for one of the largest meth lab busts in Portland.

CONSENT AGENDA: ****Councilor Daniels moved to approve the minutes of the November 19, 2008 City Council Work Session and Regular Meeting and appointment of William Nesbit to the Library Board for a term to expire on June 30, 2012. Motion was seconded by Councilor Carson and passed 5-0.**

PUBLIC HEARING: TA 08-04 Canby Sign Standards – Mayor Thompson said the Planning Commission had already taken testimony on the subject so no public testimony would be taken.

Matt Hastie, consultant for Angelo Planning Group, did a PowerPoint presentation on the new sign code explaining its history, purpose, and overview of the types of signs in the ordinance.

Councilor Carlson thanked Ryan Oliver for chairing the committee. This project was initiated by the Chamber.

****Councilor Blackwell moved that the City Council approve Text Amendment TA 08-04 as presented based on the findings in the staff report and direct staff to present Council with an ordinance for adoption. Motion was seconded by Councilor Carson and passed 5-0.**

Ordinance 1299 – ****Councilor Carlson moved to approve Ordinance 1299, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTERS 16.04, 16.35, 16.42, 16.52, 16.53, AND 16.89 FOR THE PURPOSE OF AMENDING SIGN REGULATIONS to come up for second reading on December 17, 2008. Motion was seconded by Councilor Blackwell and passed 5-0 on first reading.**

RESOLUTIONS & ORDINANCES:

Resolution 1013 – ****Councilor Carlson moved to adopt Resolution 1013, A RESOLUTION ACCEPTING THE RESULTS OF NOVEMBER 4, 2008 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF 4.85 ACRES DESCRIBED AS TAX LOT 2190 OF TAX MAP 3-1E-28DD LOCATED SOUTH OF NE TERRITORIAL ROAD, WEST OF N. PINE STREET AND NORTH OF NE 16TH AVENUE, AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS. Motion was seconded by Councilor Carson and passed 5-0.**

Resolution 1014 – ****Councilor Daniels moved to adopt Resolution 1014, A RESOLUTION ACCEPTING THE RESULTS OF NOVEMBER 4, 2008 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF 2 ACRES DESCRIBED AS TAX LOT 01600 OF TAX MAP 3-1E-27CB LOCATED AT 1335 NE TERRITORIAL ROAD, JUST EAST OF THE MOLALLA FOREST ROAD, AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS. Motion was seconded by Councilor Carlson and passed 5-0.**

Resolution 1015 – ****Councilor Carlson moved to adopt Resolution 1015, A RESOLUTION ACCEPTING THE RESULTS OF NOVEMBER 4, 2008 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF 14.88 ACRES DESCRIBED AS TAX LOTS 04700, 04900, 05000 AND 05100 OF TAX MAP 4-1E-04DA LOCATED SOUTH OF SE 13TH AVENUE AND EAST OF S. IVY STREET, AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS. Motion was seconded by Councilor Carson and passed 5-0.**

Resolution 1016 – Beth Saul, Special Projects Manager, said there were further repairs to the air conditioning at the Swim Center that were not expected when they were preparing the budget.

****Councilor Daniels moved to adopt Resolution 1016, A RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATIONS FROM AN EXISTING CATEGORY TO ANOTHER EXISTING CATEGORY WITHIN THE SWIM CENTER LEVY FUND. Motion was seconded by Councilor Blackwell and passed 5-0.**

Resolution 1017 – Ms. Saul said this was for the purchase of the Historical Society calendars.

****Councilor Carson moved to adopt Resolution 1017, A RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATIONS FROM AN EXISTING CATEGORY TO ANOTHER EXISTING CATEGORY WITHIN THE GENERAL FUND. Motion was seconded by Councilor Carlson and passed 5-0.**

Resolution 1018 – Councilor Carlson said this would be for the utility billing.

****Councilor Daniels moved to adopt Resolution 1018, A RESOLUTION AUTHORIZING THE CITY OF CANBY TO ENTER INTO A DEPOSITORY SERVICES RESOLUTION FOR GOVERNMENTAL ENTITIES WITH U.S. BANK NATIONAL ASSOCIATION. Motion was seconded by Councilor Blackwell and passed 5-0.**

Ordinance 1298 – ****Councilor Carson moved to adopt Ordinance 1298, AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE MAILING SERVICES OF SALEM OREGON TO PROVIDE SEWER AND STREET MAINTENANCE FEE PRINTING AND MAILING SERVICES; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Carlson and passed 5-0 by roll call vote.**

Ordinance 1300 – ****Councilor Carlson moved to approve Ordinance 1300, AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SIGHTLINES PARK AND PLAYGROUND PRODUCTS TO PURCHASE REPLACEMENT BLEACHERS FOR MAPLE STREET PARK AND DECLARING AN EMERGENCY to come up for second reading on December 17, 2008. Motion was seconded by Councilor Blackwell and passed 5-0 on first reading.**

NEW BUSINESS: 2009-2011 Community Development Block Grant Proposals – Matilda Deas, Project Planner, said they had come up with a long and short term list of projects. One of the major criteria was projects should be located within a low or moderate income area. Public infrastructure had been a tried and true category that they could get funds for. The County had told the City that one of the reasons why their projects weren't competitive in the past was because they weren't ready with the required right-of-way or easements. They had two projects that they were applying for, one was extending the improvements for downtown to the streets around Wait Park by resurfacing the road, redoing the sidewalks, stormwater amenities, and decorative street treatments from Ivy to Grant on 3rd and 4th and on Holly. This would highlight Wait Park and make it an integral part of downtown. The other project was street improvements on 2nd Avenue from Grant to Elm and sidewalk improvements from Elm to Cedar. They would focus on the safety at the intersection at Elm and 2nd Avenue. They would also submit two pre-application grants, one was to do a design for the railroad property on 1st Avenue to make it a refined area of downtown and the other was the fairgrounds and Pine intersection, connecting 3rd and 4th from Locust to the fairgrounds, pedestrian access, and realignment of Pine.

Councilor Helbling said Elm was the truck route to get into the industrial park on 3rd Avenue. He was concerned that the improvements would impact the businesses there.

Ms. Deas said the community identified it as not a safe section for pedestrian access and wanted it to connect with the rest of downtown. She explained how much money the County tended to fund, that it was typically one project per City, and who could apply for these grants.

Kathy Batz, Canby Adult Center Executive Director, said the Adult Center building was owned by the City and it needed repair. The insurance company might not cover them because the building was getting so bad. The block grant was an opportunity for them to fix the building. They would be going for \$400,000 in block grant money.

Mayor Thompson said it was important for the public to understand that the City had been in conversations with the Adult Center Board about the Board taking the building over for free.

Ms. Merrill said this had come up as a way to help the City and the Adult Center.

Ms. Batz said for the last year the Board had been working very hard getting appraisals and the information needed for the grant. There was a 20% match that they thought they could handle.

Councilor Carlson asked if the County could give money for the Adult Center and the Wait Park project.

Ms. Deas said they usually only funded one project. They could send all three applications to the County and it was their decision what to approve.

Councilor Daniels confirmed the Adult Center would submit all of the problems that needed to be addressed in their application and contract bids and numbers for how much repairs would cost.

Councilor Carlson said as landowners they had an obligation to support the Adult Center.

****Councilor Carlson moved to write a letter of endorsement for the Canby Adult Center Block Grant. Motion was seconded by Councilor Helbling and passed 5-0.**

Mayor Thompson said after the first of the year representatives of the Council would meet or they would have a work session with the Adult Center Board to discuss this issue.

Ms. Batz said the work session would be to discuss all options including the purchase of the building.

****Councilor Helbling moved to approve support for the Canby Adult Center for a block grant as the first priority, the City's request for downtown street improvements around Wait Park as second priority, and the City's request for 2nd Avenue from Grant to Elm and safety improvements as third priority. Motion was seconded by Councilor Carson.**

Ms. Deas said she would contact the County and find out the best way for the grants to be submitted and how they could maximize the amount of funds they could be awarded.

Motion passed 5-0.

Purchase of Real Property – ****Councilor Carson moved to authorize the City Attorney to execute a Sale agreement and Receipt for Earnest Money to purchase 34.5 acres of real property from the Three Sisters Ranch LLC located off Territorial Road. Motion was seconded by Councilor Blackwell and passed 5-0.**

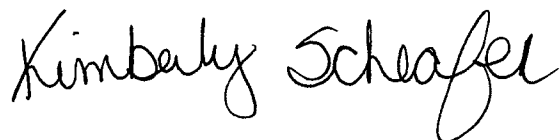
CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Resolution 1013.
3. Adopted Resolution 1014.
4. Adopted Resolution 1015.
5. Adopted Resolution 1016.
6. Adopted Resolution 1017.
7. Adopted Resolution 1018.
8. Adopted Ordinance 1298 on second reading.
9. Approved Ordinance 1299 to come up for second reading on December 17, 2008.
10. Approved Ordinance 1300 to come up for second reading on December 17, 2008.
11. Approved submission of 2009-2011 Community Development Block Grant Proposals.
12. Schedule a work session with Canby Adult Center Board after the first of the year.
13. Authorized the City Attorney to purchase property on Territorial Road.

Mayor Thompson adjourned the Regular Meeting at 9:30 p.m.



Kimberly Scheafer, CMC
City Recorder Pro-Tem



Melody Thompson
Mayor

Assisted with Preparation of Minutes – Susan Wood