

**CANBY CITY COUNCIL
EXECUTIVE SESSION
July 18, 2007**

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 and John Kelley, City Attorney.

Others Present: None.

Mayor Thompson called the Executive Session to order at 6:30 p.m. in the City Hall Conference Room.

ORS 192.660(2)(e) Real Property – The Council discussed the possible sale of the Canby Adult Center building to the Canby Adult Center Board.

Mayor Thompson recessed the Executive Session as 7:25 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
July 18, 2007**

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; John Williams, Community Development & Planning Director; Chaunee Seifried, Finance & Court Services Director; Amanda Klock, Human Resources Director; Beth Saul, General Services Director; Daniel Fraijo, Utility Maintenance Worker; Jerry Nelzen, Utility Maintenance Worker; Robert Wengert, WWTP Operator; Shane Hester, Mechanic; Jeff Crowther, WWTP Assistant Supervisor; Bruce Shelquist, WWTP Operator; Jeff Snyder, Parks Lead; Robert Johnston, Parks Utility Maintenance Worker; Michael Nakano, Parks Maintenance Worker; Nancy Muller, Office Specialist; Bruce Gulleff, Mechanic; Dan Mickelsen, Public Works Lead; Hanna Hofer, Office Specialist; Tracy Harris, Office Specialist; Craig Pottratz, Utility Maintenance Worker; Joyce Peters, Office Specialist; Ronda Rozzell, Office Specialist; Joe Witt, Lead Mechanic; Suzan Duffy, Office Specialist; Marty Moretty, Office Specialist; Matilda Deas, Project Planner; Jill Thorn, Office Specialist; and Melissa York, Office Specialist.

Others Present: Scott Taber, Patrick Fuge, Patricia Smith, Catherine Comer, John Savory, Steve St. Amand, Debra Kidney, and Hester Troutman.

CALL TO ORDER: Mayor Thompson called the Regular Meeting to order at 6:30 p.m. and immediately recessed for an Executive Session. Mayor Thompson reconvened the Regular Meeting at 7:48 p.m. following an Urban Renewal Agency Special Meeting.

Employee of the Month Presentation – Mark Adcock, City Administrator, presented Jill Thorn, Planning Department Office Specialist, with an Employee of the Month certificate for May 2007.

Canby Fire District #62 “Fill-the-Boot” Day Proclamation – Mayor Thompson read the proclamation proclaiming July 28 as Canby Fire District #62 “Fill-the-Boot” Day for the City of Canby and presented it to Pat Fuge. Mr. Fuge talked about the event. The money would be raised to send children to camp.

COMMUNICATIONS: Mr. Adcock said a letter had been received from Canby Kiwanis suggesting that Legacy Park be renamed the Herman Bergman Memorial Park.

Councilor Helbling recommended discussing this at a future meeting after the Parks & Recreation Advisory Board had time to review the request. Council agreed.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Dan Mickelsen, AFSCME President, said they were currently at an impasse with negotiating the labor contract. The proposed contract changes were not needed. He said that staff should be viewed as valuable employees and not referred to as a “different class of workers” like they were referred to at the bargaining table. He asked the Council to empower the administration to treat them fairly and bargain in good faith so they could continue to make Canby great.

Joyce Peters, Office Specialist, asked for AFSCME members to introduce themselves. All the members introduced themselves.

Mayor Thompson said the position of the City was being articulated by the bargaining team and they were prohibited by law from commenting and negotiating with them.

John Savory, Canby resident, said he lived in Canby and was concerned about the gang activity that occurred on July 4 and the Canby gang activity in general. He asked what the City was doing to get the gangs out of Canby. They were trying to make Canby a more livable community, but if they had this type of activity, they would not attract people if gangs were their reputation. He wanted to know what was being done about it.

John Kelley, City Attorney, said the situation was not quite as desperate as it sounded in the paper. This was the first incident where gang members confronted police. They had a gang enforcement officer and four police officers in Los Angeles attending gang training. They could not remove people from town. Logistically the majority of people involved in this incident were living in Wilsonville. They came home to visit family in Canby. They had managed over time to get rid of some of them through the court process. They were actively fighting gangs.

Mr. Adcock said he would be happy to coordinate a meeting with the Police Chief or Lieutenant to discuss the City’s strategic plan for gang enforcement.

Mr. Kelley said they would like to hear from anyone who witnessed the events on July 4 that would help them prepare cases for prosecution.

Councilor Helbling said he did not want people to think the Council did not know what was going on or did not care, because they did. He said it was not a riot, and one of the reasons people did not move here was because there were not a lot of houses for sale. They had no different or higher gang problem than any other City their size in the Portland area. The City was doing a great deal about this issue that most people would not know about. They did not want this to be blown up to something it was not. This was a wonderful and safe community.

Councilor Carlson said he was passionate about this issue as well and would like to attend the meeting Mr. Adcock would be coordinating with Mr. Savory. He commended the Police Department for their efforts and reiterated that gangs were not welcome in Canby. He thanked Mr. Savory for coming to ask the question and not just going on rumors.

Councilor Daniels said they contacted the media about their strategic plan and they were not interested unless there was an incident.

Councilor Blackwell said it was important to go to the right person for the answer and she commended citizens who came before the Council. She also commended the Council for their astute answers and staff for the job they were doing to protect their citizens and get them information.

Councilor Carson said most of the people in the area did not know what was happening on July 4 because it went smoothly. They followed procedure and Council stood behind them.

MAYOR'S BUSINESS: None.

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Blackwell asked General Services Director Beth Saul who won the pottery that was raffled on General Canby Day.

Ms. Saul said she would get that information.

Councilor Oliver commented on the loss of Herman Bergman. He said Mr. Bergman was a credit to the community and was a long-time supporter.

Councilor Daniels said at the last meeting he asked Council to send a letter to the City of Wilsonville in support of keeping the SMART transit route to Canby. He asked them to reply to the email about any changes to the letter. Approximately 200 people used that route.

Councilor Carson said Relay for Life raised \$65,000 to be donated to the Cancer Society.

Councilor Helbling said CBD gave them an update during the Urban Renewal meeting. They still had one seat open on the Planning Commission and they had received two applications.

Mayor Thompson said she wanted to discuss the City Administrator's performance evaluation form under New Business.

CONSENT AGENDA: **Councilor Daniels moved to approve the minutes of the June 20, 2007 City Council Regular Meeting; the reappointments of Ryan Oliver, Matt Olsen, and JillMarie Wiles to the Parks & Recreation Advisory Board for terms to expire on June 30, 2010; and a street closure request for NW 15th Place from Holly to Hawthorne on July 29, 2007.

Councilor Daniels said this was not a permanent street closure and was for a Block Party.

Motion was seconded by Councilor Carson and passed 6-0.

PUBLIC HEARING:

Proposed Changes to the City Charter – Mr. Kelley, said over the last few months they had been reviewing and looking at updating and improving the City Charter and as a result, put together a revised Charter. They decided to look at this at staff's request since some things were out-of-date and not in compliance with State law. The League of Oregon Cities put out a model charter for all cities and they melded the two together. The new Charter contained 13 changes. A charter amendment or revision must go before the voters for approval. A ballot title and resolution had been prepared and would be approved next meeting, which would put it on the November ballot. He reviewed the proposed Charter changes.

Mayor Thompson opened the public hearing at 8:40 p.m.

PUBLIC TESTIMONY: Patricia Smith, Canby resident, came to hear the rationale behind the changes. Model laws depended on who made them and for what reason and should not just be copied because they were model laws. She saw no reason why the changes were being made.

Councilor Helbling said most of the changes made were typographical errors or to bring the Charter in line with State law. The League of Oregon Cities came up with a model charter based on State law. The laws changed and the Charter had not kept up with it.

Mr. Kelley said the part of the Charter that talked about elections was out-of-date, along with the chapter on condemnation. Public contracting laws had changed several times since 1984.

Councilor Carson said the name change for Canby Electric was changed to their legal name of Canby Utility.

Mr. Kelley said debt limitation and tort liability were sections that needed to be changed to conform to State law.

Mayor Thompson said they were not eliminating the position of City Recorder and City Treasurer. They were just making them report to the City Administrator rather than to the Council.

Mr. Adcock said the primary reason was for accountability and supervision. The title and formal duties set forth in the Charter were no longer contemporary in this current form of government. The Council was not in a position to evaluate or supervise as part-time volunteer individuals. It made the responsibility and accountability more contemporary with what was found in other cities. These were throw backs to the old commission form of government that was replaced when the Council went to the council-manager form.

Mayor Thompson said it was very difficult to supervise day to day employees when they were a part time volunteer Council. It wasn't practical and the City Administrator could do a better job.

Mayor Thompson said it was her suggestion to make the Mayor a voting member of the Council and the Council had concurred because it was important to understand how every elected official weighed in on all of the issues. It allowed her to take a stand for the public with regard to her opinion on any given matter and rise or fall on that opinion the way most elected officials did.

Mayor Thompson said the residency requirement for Mayor and Council was a house keeping issue. The Council felt in this day and age that there was nothing wrong with the City Administrator not living in the City. As elected people representing the citizens, the Council was required to live in the City.

Councilor Carson said in regard to changing the limit for requiring an ordinance for purchases from \$15,000 to \$50,000, it was hard for staff to come to them with an ordinance where they had to go through a month's worth of readings to get it on the books and some things needed to be done quicker. The \$50,000 number was realistic. They were still letting them know where the money was going through the budget.

Mayor Thompson said there were standards and criteria for what made sense, was appropriate and legal and each department as well as the Finance Officer, City Administrator, and City Attorney looked them all over.

Mr. Adcock said some contracts coincided around the time lines, but there were times he had come to the Council on an emergency and asked them to waive the \$15,000 requirement. With the cost of goods and services now, the \$15,000 was no longer contemporary. It would be more efficient and they would not lose the policy maker oversight because reports went to the Council.

Councilor Helbling thanked her for coming to ask questions. They had numerous work sessions regarding the proposed changes and a lot of thought went into this. The last Charter was done in 1984, and if they took the inflationary value of \$15,000 and compared it to 2008 dollars, it was a significant difference. They were bringing it up-to-date.

Mr. Kelley said the public contracting law used to be anything over \$50,000 they had to publicly bid with an extensive process. Now that had changed to \$150,000 before they had to go through the public bidding process. The cost of goods and services had increased and the same thing was true for the Charter.

Mayor Thompson said most of the expenditures went through a budget process, it was just the means of how they were meant to accomplish that item they originally presented to Council in

the budget. The contract was not just about dollars, but getting a quality service or person for what they were doing in that contract.

Mr. Kelley said they eliminated term limits for the Canby Utility Board, because sometimes they operated short because they could not get people to volunteer. If they were short people and someone wanted to continue, they could do so. No other City committee had term limits so it made sense. Appointments were all made by the Council.

Ms. Smith asked if City law was always superseded by State law.

Mr. Kelley said where it conflicted, yes it did. A lot of the old charter conflicted with State law.

Mayor Thompson closed the public hearing at 9:02 p.m.

Mr. Kelly would come back with ballot language and a resolution at the next meeting.

RESOLUTIONS & ORDINANCES:

Ordinance 1245 – ****Councilor Carson moved to adopt Ordinance 1245, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2007-2008. Motion was seconded by Councilor Helbling and passed 6-0 by roll call vote.**

Ordinance 1250 – ****Councilor Helbling moved to adopt Ordinance 1250, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH FRANK C. BERG, ARCHITECT, P.C. FOR PROJECT MANAGEMENT SERVICES RELATING TO THE NEW POLICE AND COURT FACILITY FOR THE CITY OF CANBY; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Carlson and passed 6-0 by roll call vote.**

Ordinance 1251 – ****Councilor Daniels moved to adopt Ordinance 1251, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE CHANGE ORDER NUMBER 2 WITH CANBY EXCAVATING, INC. FOR CONSTRUCTION OF SOUTH BERG PARKWAY ROADWAY EXTENSION; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 6-0 by roll call vote.**

Ordinance 1252 – Ms. Saul said this was an attempt to get the contract in the new format for personal services contracts and to acknowledge that they hired Master Cleen for their janitorial services. This went through the budget process and was approved. The \$37,000 was higher than the actual contract proposed by Master Cleen, they added more because periodically something special needed to be done.

****Councilor Daniels moved to approve Ordinance 1252, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MASTER CLEEN, INC. FOR JANITORIAL SERVICES FOR VARIOUS CITY FACILITIES, NOT TO EXCEED \$37,000; AND DECLARING AN**

EMERGENCY to come up for second reading on August 1, 2007. **Motion was seconded by Councilor Blackwell and passed 6-0 on first reading.**

Ordinance 1253 – Mr. Adcock said this would be the shared amount for the repair that needed to be done and would be split with the Utility Board.

****Councilor Carson moved to approve Ordinance 1253, AN ORDINANCE AUTHORIZING A PAYMENT NOT TO EXCEED \$35,534.00 FROM THE CAPITAL RESERVE FUND TO CANBY UTILITY FOR THE CANBY MAINTENANCE FACILITY VEHICLE/STORAGE BAY GLULAM BEAM REPAIR AND REPLACEMENT PROJECT; AND DECLARING AN EMERGENCY** to come up for second reading on August 1, 2007. **Motion was seconded by Councilor Carlson and passed 6-0 on first reading.**

Ordinance 1254 – Councilor Helbling asked what the total for the project was.

Ms. Saul said it was a little over \$250,000 for the total project now which originally was \$150,000. This was an instance where the rapid rise of construction costs caught ODOT by surprise. This project was conceived back when they got the Logging Road Trail and part of the development of that trail was to repaint the bridge and beautify it as a gateway feature for the City. They had tried for many years to get grant money to help paint the bridge. Finally, Darlene Hooley was able to obtain some federal funds for transportation towards that project. It was a long awaited improvement project they would like to finish.

****Councilor Carson moved to approve Ordinance 1254, AN ORDINANCE AUTHORIZING A PAYMENT NOT TO EXCEED \$150,000.00 FROM THE CAPITAL RESERVE FUND TO OREGON DEPARTMENT OF TRANSPORTATION FOR THE LOGGING TRAIL BRIDGE PAINTING PROJECT; AND DECLARING AN EMERGENCY** to come up for second reading on July 25, 2007. **Motion was seconded by Councilor Blackwell and passed 6-0 on first reading.**

Councilor Carson said they had problems with ODOT and had they painted it years ago, it would have been less expensive. They did not have a choice.

Councilor Carlson asked why it was \$250,000 to paint the bridge.

Ms. Saul said it was a very long bridge and it would be painting both inside and outside and doing small repairs. There were a lot of costs associated with working over the highway. The old paint had lead in it and had to be taken off carefully and they were working over the railroad.

Councilor Helbling said that the bridge was not new and there was deterioration. Canby Utility had 14 conduits hanging on the underside of the bridge and had a vested interest in maintaining the bridge to a serviceable standard, would they be willing to pay part of this.

Mr. Kelley said if they had conduits there, they had easements for them. Council wanted Mr. Adcock to approach Canby Utility with the idea of sharing the cost.

NEW BUSINESS: Mayor Thompson said there was no need to meet in an Executive Session for Labor Negotiations or Performance Evaluation of a Public Officer. They would reconvene in an Executive Session for Real Property after the Regular Meeting.

City Administrator Performance Evaluation Form – Mayor Thompson said they needed approval of the City Administrator's performance planning and development form as presented.

The consensus was to combine Meets Expectations and Exceeds Expectations to read as one category. The rest of the form met the Council's approval.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the consent agenda.
2. A resolution and ballot title for the proposed City Charter amendments would come back on August 1, 2007.
3. Adopted Ordinance 1245 on second reading.
4. Adopted Ordinance 1250 on second reading.
5. Adopted Ordinance 1251 on second reading.
6. Approved Ordinance 1252 to come up for second reading on August 1, 2007.
7. Approved Ordinance 1253 to come up for second reading on August 1, 2007.
8. Approved Ordinance 1254 to come up for second reading on July 25, 2007 at a Special City Council Meeting.
9. Approved the City Administrator Performance Evaluation form.
10. Mr. Adcock and Councilor Helbling would talk with the General Manager of Canby Utility regarding the prospect of sharing the cost to paint the Logging Road Bridge.
11. Mr. Adcock would coordinate a meeting with Chief Kroeplin, Paul Carlson and John Savory about current City gang enforcement strategies.

Councilor Daniels thanked Steven St. Amand for covering the Council meetings. Mr. St. Amand was leaving the *Canby Herald* to take another job.

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 9:27 p.m.

Mayor Thompson reconvened the Regular Meeting at 9:45 p.m. and immediately adjourned.

**CANBY CITY COUNCIL
EXECUTIVE SESSION
July 18, 2007**

Presiding: Mayor Melody Thompson

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

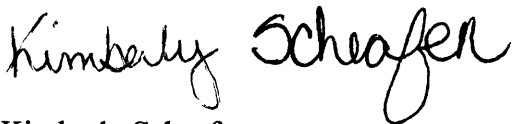
Staff Present: Mark Adcock, City Administrator and John Kelley, City Attorney.

Others Present: None.

Mayor Thompson reconvened the Executive Session at 9:30 p.m. in the City Hall Conference Room.

ORS 192.660(2)(e) Real Property – Discussed the possible sale of the Canby Adult Center building to the Canby Adult Center Board.

Mayor Thompson adjourned the Executive Session at 9:45 p.m.



Kimberly Scheafer
City Recorder Pro Tem



Melody Thompson
Mayor

Assisted with preparation of minutes – Melissa York and Susan Wood.