

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
September 5, 2007**

Presiding: Mayor Melody Thompson

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

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Jorge Tro, Police Lieutenant; Beth Saul, General Services Director; Chaunee Seifried, Finance & Court Services Director; Marty Moretty, Office Specialist; John Williams, Community Development & Planning Director; Mariann Hall, Office Specialist; Melissa York, Office Specialist; and Valerie Kraxberger, Office Specialist.

Others Present: John Baker and David Hagland.

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

Employee of the Month Presentation – July 2007 – Mark Adcock, City Administrator, presented Mariann Hall, Library Office Specialist, with the Employee of the Month Certificate for July 2007.

COMMUNICATIONS: Letter from Pam Berry Regarding Transfer from Willamette Broadband to Wave Broadband – John Kelley, City Attorney, said they received forms from Wave Broadband, a company proposing to assume the current franchise agreement between the City and Willamette Broadband. They operated out of Kirkland, Washington. The City used an attorney, Pam Berry, to review the background, financial information, experience, and proposal. She represented all of the jurisdictions Willamette Broadband currently served and was representing all of the jurisdictions with respect to the acquisition by Wave Broadband of Willamette Broadband. They did something similar when Willamette Broadband took over N Willamette Telecom. Ms. Berry sent them a letter which was a summary of what the process was under the federal cable act and a list of recommendations and requests. He handled the list of requests and sent answers in a letter to her. They had a meet and greet with a representative from Wave Broadband and Wayne Vestal, the president of Willamette Broadband, and had a fruitful meeting with them and OCTS board members. They did indicate at the meeting as far as enhancements were concerned for the future of those who continued to subscribe, they would offer an array of high speed service: increase the speed, provide video on demand, which might include local access, implement more HD channels, and provide a telephone service similar to the voice over IP process. He indicated they would be hiring and keeping all the current employees. He would come back with a resolution once everything had been reviewed. There was no re-negotiation process. They were not able to open up negotiations between the new company and increase the fee or add additional terms as they were assigning the current franchise agreement. The only issue was if they could not respond in the manner of the service they had so far, but that did not seem to be an issue.

Mayor Thompson expressed her concern about Willamette Broadband not consistently making franchise agreement payments. She wanted staff to stay on top of that, and it worried her that a company of that magnitude could not meet their timely commitment to the City.

Councilor Carlson asked what would happen if they did not agree to the transfer.

Mr. Adcock said there were certain parameters the cable act would allow them to make in the decision, and it would have to be defensible under specific criteria such as financial, technical, and legal. It was a narrow scope they were limited to.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR'S BUSINESS: Mayor Thompson invited the community to attend the joint meeting between the Riverside and Northeast Canby Neighborhood Associations on Thursday, September 13. They would discuss a five person County Commission, the charter amendment on the November ballot, and parks. The Mayor along with John Kelley would be there, and Ms. Saul and Ms. Deas would come to talk about parks. It would be held at the Methodist Church at 7 p.m.

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Carlson said he would not be able to attend the September 19 meeting. He had a friend who had property stolen and the friend commented that the timeliness and professionalism of the police department was phenomenal. He thanked Lieutenant Tro, Chief Kroeplin, Officer DiCenzo, and Officer Scharmota.

Councilor Blackwell thanked the entire Canby Police Department and other jurisdictions for the safety at the Clackamas County Fair.

Councilor Oliver thanked Beth Saul for the completion of the restroom projects at Maple Street and Legacy parks.

Councilor Daniels said it was nice to have CAT bus service available at the Clackamas County Fair and even SMART buses from Wilsonville transported people to the fair. The next Transit Advisory Committee meeting would be next Wednesday at 5:30 p.m.

Councilor Carson said that the Canby Utility Board held a water rate hearing on August 29th. The rate was raised by 7.2% for homeowners. Citizens would see it on their next bill. No one made comments at the hearing for or against it. The saturation patrol on Monday had been very effective. He had been asked why Canby police cars were patrolling out of the area. He had explained it was a grant situation where they were given money to patrol out of the area. It had nothing to do with the protection of Canby. Current officers were still in town. This was for the officers that wanted to take the extra hours.

Mayor Thompson said she worked with someone that participated on the East County Gang Team. She had been told that it surprised them when they were out here doing their job to be complimented by the citizens. She thanked the jurisdictions that helped during the fair. These

were part of the strategies that the City had been talking about using inter-jurisdictional aide. The reduction in library hours had been a budgeted item. She wanted to get people to think about passing a bond in the future. The Council would be meeting with the Clackamas County Board of Commissioners in October and this would be discussed. She would be taking the lead on spearheading a levy to provide money for the library.

Councilor Carson said there had been some letters to the editor and people asked him about what they were doing regarding gangs and graffiti. They relied on citizens to let them know what areas were being targeted. Canby was no worse than any other town in the area.

CONSENT AGENDA: **Councilor Daniels moved to approve the minutes of the August 15, 2007 City Council Regular Meeting; minutes of the August 22, 2007 City Council Work Session; and a Change of Ownership Liquor License Application for Canby Shell. Motion was seconded by Councilor Carson and passed 5-0.

RESOLUTIONS & ORDINANCES:

Ordinance 1249 - ****Councilor Daniels moved to approve Ordinance 1249, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC. CONSULTING ENGINEERS FOR ENGINEERING SERVICES ON AN APPROXIMATELY 1,850 FOOT EXTENSION OF SEQUOIA PARKWAY AND APPROXIMATELY 750 FEET OF IMPROVEMENTS TO S.TOWNSHIP ROAD; AND DECLARING AN EMERGENCY to come up for second reading on September 19, 2007. Motion was seconded by Councilor Carson and passed 5-0.**

Ordinance 1255 - ****Councilor Carson moved to approve Ordinance 1255, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH WITHNELL MOTOR COMPANY OF SALEM, OREGON FOR THE PURCHASE OF TWO 2008 DODGE CHARGER VEHICLES WITH POLICE PACKAGES FOR THE CANBY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY to come up for second reading on September 19, 2007. Motion was seconded by Councilor Carlson and passed 5-0.**

NEW BUSINESS: Discussion Regarding Park and Recreation Joint Policy Committee – Mr. Adcock said they had a work session to discuss strategies for the goal of developing a way to provide financing for parks and recreation facilities and activities. They discussed a possible merger of the current Canby Area Parks and Recreation District with the North Clackamas Parks District. They recommended establishment of a joint policy committee to flesh out some of the ideas and do public outreach. He thought it should be a limited number of Council and Canby Area Parks and Recreation District board members on the committee.

Beth Saul, General Services Director, said one of the main concerns was the size of the committee and she thought it would be better to have everyone involved. The project manager for the police facility said the optimum size for a task force was no more than 12. There were other stakeholders that might make the committee quite large. One option was instead of trying to form the whole policy body now, they should let the Canby Area Parks and Recreation

District Board, who was the main agency, take more of a lead role. Option two was they could form a delegation that would go to the Park District's next board meeting to talk further about how it would be comprised. Another option was to wait for the stakeholder process to happen and out of that would grow a committee that everyone would agree who would participate.

Councilor Carson said he thought it would be better if all the members were involved to get a consensus of the bigger group on decisions. He thought to meet in the middle, the staff and the Parks and Recreation Advisory Board could do some ground work and the Council could come in another month and have a stakeholder's meeting. They should all be on board to try to make a decision as quickly as they could once they had some ideas.

Ms. Saul said it looked like they had the stakeholder process pinned down now with the consultant for the first or second week of October. The stakeholder process would bring as many interested and involved people in at once and go through a process that would bring out what issues and concerns there were as well as what areas of agreement there were.

Councilor Daniels said the difference between the Parks and Recreation Advisory Board and the Recreation District was the Advisory Board was citizen volunteers and Canby Area Parks and Recreation District were five elected officials. They worked together frequently. He thought they should have an initial meeting with the stakeholders and out of that group they could come up with a smaller task force. He did not want them to get too many people on the committee. He also did not want all the ideas coming from the City, but from the larger community with the stakeholders. He thought it should be a broad support group.

Councilor Oliver said he would like to see Canby Area Parks and Recreation District at every meeting so they were getting the same information.

Mr. Adcock said they viewed the District as the lead agency and it would be the deciding factor to attempt a merger or establish a tax base. He and Ms. Saul could serve as adjunct staff to them and the Council at the same time. They were pivotal in what the final outcome would be.

Councilor Blackwell said she thought it made more sense to have the input of Canby Area Parks and Recreation District at every meeting. They should all be getting the same information.

Councilor Carlson said he thought Canby Area Parks and Recreation District should be the lead.

Mayor Thompson said she would like to find a comprehensive approach. The stakeholders should not be only the Council, but they were a part of the process. They could be there to help especially with the taxing issues.

Councilor Carson said the City's staff would be doing the work, so they had a lot to offer and say in the process.

Ms. Saul said each stakeholder would probably have a representative. Councilor Daniels thought there should only be a Council liaison to the group so they did not portray they had all the answers.

Ms. Saul said they had a variety of stakeholders that would be asking for things. It would be a large group and they would rely on an outside facilitator to help them through it because it would take outside expertise to move this group of all diverse interests to some consensus on various issues.

Mayor Thompson asked if Council should consciously step back and not participate actively as a stakeholder, but they would be kept in the loop and informed. They would be observing but not a stakeholder at the table, and allow them to get it all out there without a City Council leading them.

Councilor Carson wanted to move it forward as fast as they could. He would be willing to step back, but he did not want to prolong the process.

Councilor Oliver thought they were a stakeholder because they took care of the parks. If they had a representative, it would be someone technically informed who knew the bigger issues.

Councilor Blackwell agreed that the issues needed to be discussed at a stakeholder meeting, and the City was a stakeholder because of the amount of City parks. She thought they should not all be there at the meeting, she wanted to know not only what the City required but what all the other stakeholders required. They would not go in any direction until that discussion happened.

Mr. Adcock said to achieve the Council's goal, they were going to be involved in the process at the policy level. It was a balancing act knowing when to do that. It might be sooner or later. They had to figure out whether a merger would work or not. If not, they would have to discuss other options.

Ms. Saul said they would pursue the stakeholder process and keep the Council informed.

Discussion Regarding Park Construction/Planning Management Position – Mr. Adcock said there was interest on the Council to see that the park projects and improvements were completed in a timely manner. The issue was staff's capacity in terms of available time to be able to do that. He recommended that City Council grant permission to take money from the Park Development Fund to hire a Park Project Manager. Ms. Saul said it would be wise to use the money in this way to give total focus to some of the projects they had not been able to give.

Mr. Adcock said they would give the contractors a list of projects and scope of work and they would identify how many hours and at what rate and they would enter into a personal services contract with a not to exceed amount.

The Council discussed which park projects would be on the list.

Councilor Daniels wanted to make sure the Northwoods Park was kept on the radar whether further work would be done on the park.

Ms. Saul said it would already have irrigation, grass, trees, and would look nice. They had to honor the development agreement.

There was Council consensus to hire a project manager.

Ms. Saul said the Library would need to be closed on September 17 and 18 to update the network servers.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the consent agenda.
2. Approved Ordinance 1249 to come up for second reading on September 19, 2007.
3. Approved Ordinance 1255 to come up for second reading on September 19, 2007.
4. Move forward with stakeholders meeting for Parks and Recreation funding issue.
5. Bring back a proposal for a Parks Project Manager.

****Councilor Daniels moved to go into Executive Session pursuant to ORS 192.660(2)(d) Labor Negotiation and ORS 192.660(2)(e) Real Property. Motion was seconded by Councilor Carson and passed 5-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 8:43 p.m.

Mayor Thompson reconvened the Regular Meeting at 10:10 p.m. and immediately adjourned.

**CANBY CITY COUNCIL
EXECUTIVE SESSION
September 5, 2007**

Presiding: Mayor Melody Thompson

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

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Chaunee Seifried, Finance & Court Services Director; and Amanda Klock, Human Resources Director.

Others Present: None.

Mayor Thompson called the Executive Session to order at 8:50 p.m. in the City Hall Conference Room.

ORS 192.660(2)(d) Labor Negotiation – The Council discussed AFSCME labor negotiations. Negotiations would be continued and further discussed at a future Executive Session.

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

Mayor Thompson adjourned the Executive Session as 10:10 p.m.



Kimberly Scheafer
City Recorder Pro Tem



Melody Thompson
Mayor

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