

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
November 7, 2007**

Presiding: Mayor Melody Thompson

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

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; John Williams, Community Development & Planning Director; Beth Saul, General Services Director; and Kim Scheafer, City Recorder Pro-Tem.

Others Present: Janet Matthews, Mike Bondi, Bob Cornelius, Jim Penney, and Wayne Vestal.

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

Briefing from METRO on Regional Solid Waste Management Plan – Janet Matthews, Assistant Director in the METRO Solid Waste and Recycling Department and the Project Manager for the update of the regional solid waste management plan, said Canby was in the three county region that had a state mandated waste reduction goal of 64% by 2009. This plan provided the state required direction to address how the region was going to achieve the goal. Regional coordination made sense when waste traveled across jurisdictions as it did. The plan made no changes to the rules of solid waste. There were four major issues addressed in the plan. These were resource conservation, toxicity reduction, sustainable solid waste operations, and disposal system decisions. One point three million tons of waste was sent to landfills on a yearly basis from the region, and almost 60% of that waste was recyclable. The state goal required they recover a quarter of the recyclables that were currently disposed. They also needed to reduce the use of hazardous products through education and proper disposal of them. Regarding local implementation and what it meant for jurisdictions in and out of the Metro boundary, they were looking to ensure the recycling service levels in collection in contracts and franchises were consistent with the regional service standard. They wanted recycling service levels standardized in the region. They were looking for many local jurisdictions to participate in annual waste reduction program planning and reporting. For Canby, Clackamas County served the role for them. This plan would be in effect until 2017. It was designed to serve regional values and common interests and ensuring the continuation of an efficient and effective solid waste system for rate payers.

Councilor Daniels asked about the confusion regarding recycling plastics.

Ms. Matthews said at the curbside plastics were very hard to collect. They were trying to get the message to people that plastic bags were recyclable just not curbside and to work with the stores to make sure people who wanted to recycle them would have a place to take them. They were a contaminate and problem in recycling facilities.

Councilor Helbling asked if Canby would fall under the jurisdiction of the RSWMP.

Ms. Matthews said it would as part of the three county region that was responsible for reaching the mandated goal and every jurisdiction in the region was a participant in that effort. To the extent their collection services were inconsistent with Appendix I, they would work with Canby and Clackamas County to see if there were alternatives that they could take to make sure their collection was securing the amount of recyclables that the standard was intended to address.

Councilor Helbling said he was concerned about Canby losing its autonomy. He saw this as a potential for a municipality outside Metro's urban growth boundary to become subject to the rule of Metro. He believed in recycling, but did not agree with the RSWMP including the non-Metro areas of the three counties. He thought it was odd that Metro was pressing the tri-county area for the RSWMP as opposed to the Metro boundary. It was Metro flexing its muscle outside of the Metro boundary and he thought it was a really bad idea.

Mayor Thompson asked what was the mechanism for influencing local recycling and waste management to a contracted waste management provider. They had a franchise agreement, and she assumed they were letting them know that these were the guidelines that were going to be coming down onto the franchise hauler. Would they as the government entity be asked to approve regulations which were binding on the local hauler or not.

Ms. Matthews said the franchise agreement set the service levels and what this plan was saying there was a minimum threshold of service levels for residential and commercial recycling services in the region. They simply wanted the franchise terms to be consistent with that. They tried to allow flexibility for local decisions in those recycling service levels but they did want them to be based on performance.

Mayor Thompson asked if they would want them to take action within their franchise agreement or they would look favorably upon the fact they would agree with some of the items in the document and do them.

Ms. Matthews said if the standards laid out in Appendix H did not match with their franchise that would be something they would like to discuss with the City and County. They mostly coordinated with Clackamas County. When last they did this plan, all of the jurisdictions were pretty lined up with the service standards and lately there had been some changes proposed to go from every week collection of recyclables to every other week. They were going through the alternative program review with those jurisdictions to make sure that every other week performed as well as every week. That was the one obligation that she wanted to alert local governments to, that regional service standard.

Mark Adcock, City Administrator, said to reach that certain standard would involve some effort on the part of City staff. He asked if Metro would provide funding for cities to be able to meet their expectations.

Ms. Matthews said their services probably were already meeting the guidelines. They made funding available for the alternative program review process to do the data analysis.

Councilor Helbling asked if the State mandated the three counties be considered as the Metro waste shed or did Metro decide.

Ms. Matthews told him what document it referenced and it identified all the waste sheds in Oregon and for this region it said the three counties in aggregate.

Councilor Helbling asked if the local municipalities had the ability to make their own decisions without Metro's approval.

Ms. Matthews said every decision made by a jurisdiction regarding solid waste could be made without Metro's approval. It was just the one slice regarding recycling service standards that was contained in the plan.

Mayor Thompson said they had a regional service standard they were required to meet, and they had to make sure they met it.

Councilor Helbling did not support the adoption by Metro of this document because it placed a restriction on them as a municipality on what they might have to do in the future.

Ms. Matthews said that DEQ required Metro, as the planning authority, to ensure that the region made progress toward, meets the goal, and have a plan that had standards that were enforceable.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Bob Cornelius, Canby resident, wanted to know about the status of the Canby movie theater.

John Williams, Community Development & Planning Director, said they were at a detailed site planning stage and would be working on property acquisition. They could be up and running in a year.

MAYOR'S BUSINESS: Mayor Thompson said she had attended a Metro function where they talked about infrastructure challenges. Last October she attended another meeting to discuss what kind of a regional legislative agenda would be beneficial in planning for growth and out of that came some policy bills that were passed through the legislature. She would be attending a neighbor community meeting sponsored by Metro to discuss future urban and rural growth for the greater region jurisdictions that were not normally involved in Metro activities.

Mayor Thompson said the City's website had a wealth of information for citizens.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Daniels said things were going great with Canby Area Transit. The Transit Advisory Committee would be having a meeting next week. The Historical Society had their 2008 calendar available to be purchased.

Mayor Thompson said there was a link on the City's web site for the Canby Transit Master Plan.

Councilor Helbling said that Catherine Comer was no longer with Canby Business Development and was now the Economic Development Manager with the City. Erin Burekhard is the acting executive director through April through the termination of the Economic Improvement District and Canby Business Development.

CONSENT AGENDA: **Councilor Daniels moved to approve the minutes of the October 3, 2007 City Council Work Session and Regular Meeting, Minutes of the October 22, 2007 City Council Special Meeting, and a change of location liquor license application for La Mixteca Market. Motion was seconded by Councilor Blackwell and passed 4-0.

RESOLUTIONS & ORDINANCES: Resolution 963 – John Kelley, City Attorney, said that the City had been working with WaveDivision VII, LLC for the assignment of the cable franchise from Willamette Broadband. The franchise had been reviewed by Pam Beery, of Beery, Elsner & Hammond. They recommended the approval of the transfer. If Council approved, Wave would take over the responsibilities of Willamette Broadband under the current existing franchise agreement.

Councilor Carlson asked about the customer service calls being handled by Wave's call center in Kirkland, Washington in addition to local offices, what local offices were there.

Jim Penney, Executive Vice President of Business and Legal Affairs for Wave Broadband, said that part of the acquisition was they would be acquiring all of the assets in connection with the cable operating systems and would be retaining all of the employees. There was a call center existing right now in Woodburn and an office in Canby and they would maintain those. As they were able to integrate into their Kirkland operations center they would be able to handle phone calls here and there and pass them back and forth as needed so they got immediate answering. They had full staff that was available 24 hours, 7 days a week, 365 days a year.

****Councilor Helbling moved to adopt Resolution 963, A RESOLUTION APPROVING ASSIGNMENT OF A CABLE FRANCHISE FROM WILLAMETTE BROADBAND, LLC TO WAVEDIVISION VII, LLC. Motion was seconded by Councilor Blackwell and passed 4-0.**

Resolution 964 – ****Councilor Daniels moved to adopt Resolution 964, A RESOLUTION APPROVING A CLACKAMAS COUNTY ORDER TO INITIATE THE FORMATION OF THE CLACKAMAS COUNTY EXTENSION SERVICE AND 4-H DISTRICT. Motion was seconded by Councilor Blackwell.**

Councilor Daniels said that by passing the Resolution they would be included in the Clackamas County Extension District should it be formed. If they formed a district, they would try to pass a levy to fund it in November 2008.

Mayor Thompson said Canby was the first City adopting a resolution to enter into this service district. The time to vote on the levy would be at the County's offering in 2008.

Motion passed 4-0.

Ordinance 1258 – ****Councilor Helbling moved to adopt Ordinance 1258, AN ORDINANCE AUTHORIZING PAYMENT OF \$135,336.72 FROM THE SANITARY SEWER SYSTEM DEVELOPMENT CHARGE FUND TO CLACKAMAS COUNTY FOR THE SE 2ND AVENUE STREET AND SEWER IMPROVEMENT PROJECT, AND DECLARING AN**

EMERGENCY. Motion was seconded by Councilor Daniels and passed 4-0 by roll call vote.

Ordinance 1259 – ****Councilor Daniels moved to adopt Ordinance 1259, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MIG, INC., ARCHITECTS, FOR PROJECT MANAGEMENT SERVICES RELATED TO LEGACY PARK DEVELOPMENT FOR THE CITY OF CANBY; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 4-0 by roll call vote.**

Ordinance 1260 – ****Councilor Helbling moved to adopt Ordinance 1260, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A LEASE/PURCHASE CONTRACT WITH STERTIL-KONI USA, INC. OF STEVENSVILLE, MARYLAND FOR THE LEASE/PURCHASE OF ONE SET OF FOUR MOBILE LIFTS FOR CITY OF CANBY FLEET SERVICES MAINTENANCE OF HEAVY EQUIPMENT; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Daniels.**

Councilor Carlson asked about the difference between lease/purchase.

Mr. Kelley said it was a lease with the option to purchase at the end of the lease term.

Motion passed 4-0 by roll call vote.

OLD BUSINESS: Findings, Conclusion & Final Order APP 07-01 - **Councilor Daniels moved to approve the Findings, Conclusion and Final Order for APP 07-01. Motion was seconded by Councilor Blackwell.

Councilor Daniels said this was dividing an eight-acre lot into five lots for industrial development on Sequoia Parkway.

Councilor Helbling said he appreciated all of the parties working together.

Motion passed 4-0.

NEW BUSINESS: Discussion Regarding December 19 Meeting - Mayor Thompson said there was only one thing scheduled for the December 19th Council meeting and she wanted to know if they wanted to cancel the meeting.

****Councilor Daniels moved to cancel the December 19 City Council meeting. Motion was seconded by Councilor Blackwell and passed 4-0.**

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

Councilor Helbling said Canby Business Development, under the funding of the Urban Renewal District with support of the Planning Commission and Council, was working on a design standard document for the downtown area. In conjunction with that they discussed business signage within the City and it was determined it would be too much scope to do that all under one project. The Urban Renewal Agency asked staff to look at the signage in a separate study. There was a task force and an architect that would be working on that.

Councilor Blackwell said the reason for doing that was to bring it into congruency so that both hit the same mark.

ACTION REVIEW:

1. Approved the consent agenda.
2. Adopted Resolution 963.
3. Adopted Resolution 964.
4. Adopted Ordinance 1258 on second reading.
5. Adopted Ordinance 1259 on second reading.
6. Adopted Ordinance 1260 on second reading.
7. Cancellation of the December 19 City Council Meeting.

****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 Carlson and passed 4-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 8:26 p.m.

Mayor Thompson reconvened the Regular Meeting at 9:35 p.m. and immediately adjourned.

**CANBY CITY COUNCIL
EXECUTIVE SESSION
November 7, 2007**

Presiding: Mayor Melody Thompson

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

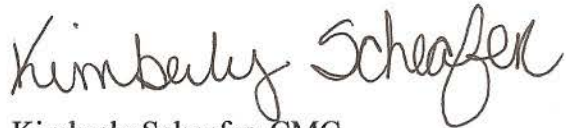
Staff Present: Mark Adcock, City Administrator and Kim Scheafer, City Recorder Pro-Tem

Others Present: Jon Henriksen, Municipal Court Judge

Mayor Thompson called the Executive Session to order at 8:30 p.m. in the City Hall Conference Room.

ORS 192.660(2)(i) Performance Evaluation of Public Officer – The Council discussed the performance evaluation of the Municipal Court Judge.

Mayor Thompson adjourned the Executive Session as 9:35 p.m.



Kimberly Scheafer, CMC
City Recorder Pro Tem



Melody Thompson
Mayor

Assisted with preparation of minutes – Susan Wood.