

**CANBY CITY COUNCIL
WORK SESSION MINUTES
January 17, 2007**

Presiding: Mayor Melody Thompson

Council Present: 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; Greg Kroeplin, Chief of Police; Chaunce Seifried, Finance & Court Services Director; and Kim Scheafer, City Recorder Pro-Tem.

Others Present: Jim Newton, Canby Utility Board Chairman, and Dirk Borges, Canby Utility General Manager.

Mayor Thompson called the work session to order at 6:34 p.m. A light dinner was served.

The Council met to discuss the process for amending the City Charter and possible amendments.

Jim Newton, Canby Utility Board Chairman, said they were recommending three items to be changed in the Charter. Those changes consisted of removing term limits for Canby Utility Board members, change the name from Canby Electric to Canby Utility, and return the jurisdiction of the Water Department back to Canby Utility.

Dirk Borges, Canby Utility General Manager, spoke about the history of the Water Department and about the conflicts with term limits.

Councilor Helbling asked for information regarding the cost in working through confusion with the bond counsel. He asked to have someone define what the bonding limit of the City was and how it was affected by bonding improvement to the water system.

Mr. Borges said the most valuable change would be term limits, as that was a management problem for them.

John Kelly, City Attorney, said he would meet with Harvey Rogers who was on the bond counsel and see if this was a good move for the City.

Mark Adcock, City Administrator, reviewed the proposed changes to the Charter.

A discussion took place regarding Chapter XI Section 4. The consensus of the Council was to keep the amount at \$50,000 as proposed in the previous meeting.

Mr. Kelley said he thought the Council should get input from the citizens either by way of a task force or survey.

Council consensus was to wait to hear from staff about Canby Utility, look over proposed changes to the Charter again, and then hold a public hearing to get citizen input.

Mayor Thompson adjourned the work session at 7:27 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
January 17, 2007**

Presiding: Mayor Melody Thompson

Council Present: 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; Greg Kroeplin, Chief of Police; Melissa York, Office Specialist; and Kim Scheafer, City Recorder Pro-Tem.

Others Present: John Merina, Bev Doolittle, Steve St. Amand, Catherine Comer, Cynthia Thompson, Bob & Sheila Tice, and Doug Roberts.

CALL TO ORDER: Mayor Thompson called the Regular Meeting to order at 7:54 p.m. followed by the opening ceremonies. An Urban Renewal Agency Special Meeting had been held prior to the City Council Meeting.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Catherine Comer, Canby Business Development Executive Director, invited the Council to participate in the design standards project to revitalize the commercial core. They would be hiring consultants who would help them put their ideas into images. The goal was to make one vision for what Canby should look like. They would be having four workshops with the goal of creating a design code that could be adopted as an overlay zone. They also wanted to have a joint work session with the Canby Business Development Board, City Council, Urban Renewal Agency, and Planning Commission with the consultants to discuss their goals.

MAYOR'S BUSINESS: Mayor Thompson welcomed Walt Daniels as the new Council President. She asked to have the audit report moved up on the agenda. The Clackamas Cities Association dinner would be on January 25 at the Spaghetti Factory.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Daniels said the transportation consultant had been working hard and things were in good hands.

Councilor Helbling said two applicants had been interviewed for the Planning Commission. There might be another person who was applying. An appointment would be put on the February 7 agenda. Canby Business Development had a new president, Tom Scott.

CONSENT AGENDA: **Councilor Daniels moved to approve the Accounts Payable of \$395,095.93; minutes of the January 3, 2007 City Council Regular Meeting; and minutes of the January 3, 2007 Special Meeting. Motion was seconded by Councilor Carson and passed 5-0.

Report on City Audit – John Merina of Merina & Company, LLP said the audit report had been done for both the City and Canby Urban Renewal Agency. Both audits resulted in a clean opinion. The audit report had been submitted to the Secretary of State as required. In addition, the report was submitted to the GFOA to see if it could be awarded the Certificate of Excellence in Financial Reporting. He had every expectation that the City would receive an award again this year. No unusual account balances, transactions, or adjustments were noted. They were made aware of a situation with Canby Area Transit and everything was accounted for. A review of the internal controls for cash receipts and disbursements was being completed.

RESOLUTIONS & ORDINANCES:

Ordinance 1228 – ****Councilor Carson moved to approve Ordinance 1228, AN ORDINANCE RATIFYING A CONTRACT WITH KINTECHNOLOGY, INC OF CANBY, OREGON FOR THE PROVISION OF EMERGENCY SUPPORT TO THE CITY FOR ITS COMPUTER TECHNICAL SERVICES; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Helbling and passed 5-0 by roll call vote.**

Ordinance 1229 – Mr. Adcock said the previous contract was for services through January, but they needed to continue to use the consultant until they were fully staffed.

Councilor Carson asked if there was a date for the contract to end.

Mr. Adcock said they were hoping to hire a new manager soon and were looking at three to four months.

****Councilor Daniels moved to approve Ordinance 1229, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CYNTHIA THOMPSON OF BCB CONSULTING FOR PROFESSIONAL SERVICES FOR INTERIM MANAGEMENT OF CANBY AREA TRANSIT SERVICE; AND DECLARING AN EMERGENCY to come up for second reading on February 7, 2007. Motion was seconded by Councilor Helbling and passed 5-0.**

NEW BUSINESS: Memorandum of Agreement with Canby Cinema LLC – Mr. Adcock said that the Council had heard the staff presentation when they had met as the Urban Renewal Agency prior to the Council Meeting.

****Councilor Blackwell moved to adopt the Memorandum of Agreement with Canby Cinema LLC and the City of Canby. Motion was seconded by Councilor Carson and passed 5-0.**

Request for Water Service by Canby Chapel Church of the Nazarene – Councilor Carson asked if there was anything that would preclude them from remonstrating annexing the property. He did not want to provide services if they decided not to annex.

Mr. Williams said the church property was already tax exempt so it was viewed differently from residential development.

****Councilor Carson moved to approve the extension of water service to the Canby Chapel Church of the Nazarene at 2323 SE Territorial Road and approve a letter from the Mayor requesting the County's concurrence on this extension. Motion was seconded by Councilor Blackwell.**

Councilor Daniels said the water in that area had a high content of iron, and there was concern that the work on Territorial and 99E where they relocated the road would contaminate the water with oil. They did not usually extend water past the city limits unless there was a health issue.

Councilor Carson said the last time they turned an application down it was for a parcel that was farther away from the water lines and they were not sure where the roads were going to go. He did not think they would have to relocate anything at a later date and thought this was a good move.

Motion passed 5-0.

Memorandum of Understanding II with Canby Livability Coalition – John Kelley, City Attorney, said the Canby Livability Coalition presented the Council with a check for \$35,000 a few months ago to help purchase the lot on the corner of Maple and Holly for greenspace and an art park. They wanted to have another memorandum to describe how it would be developed. He had been meeting with Beth Saul, Bob Tice, and Tim Stewart regarding this Memorandum and he had reviewed the terms of the memorandum. If phases I and II were not completed on schedule, the Council would determine if the project was viable or not. If Canby Livability did not wish to continue to develop it, the Council could cancel the project, complete the project, or sell the property. If the property would be sold, the \$35,000 paid to the City would be returned to the Canby Livability Coalition without interest.

Councilor Helbling asked if the Parks and Recreation Advisory Board had the authority to approve their development plan.

Mr. Kelley said they would have the authority.

Councilor Helbling asked for Section 4 to be changed to read that the City would not withhold approval unnecessarily.

Councilor Carson asked who would be responsible for removing the items from the park if in five years they would resell the lot. He asked to have the last sentence taken out of the agreement. It was a donation from Canby Livability to the City.

Councilor Daniels did not like the last sentence as the money was raised for a park. He could see it going to a park fund, but not back to the coalition.

Councilor Oliver asked if the coalition dissolved, where would the money go. He would like to see the loan paid off if the City sold the lot.

Councilor Blackwell said in the event this would happen the loans should be paid off. Any funds left should fall back under the City.

Bob Tice, President of Canby Livability Coalition, said the loans were secured with personal promissory notes.

Mayor Thompson said she did not see any fundamental problem. They had taken on the commitment to see the neighborhood get the kind of park they wanted. All the City was out is time as they still had the asset. Thirty-five thousand dollars had been paid for the option to develop it. She did not see anything wrong with if it failed to giving them back the money. If there were improvements on the property, then they might need to be removed depending upon what things looked liked at that time.

Mr. Tice said they felt an obligation to the contributors to direct the money if it fell through. They wanted to make sure the money would go to what the donators had intended.

Councilor Blackwell asked if the wording should be changed to say the money left over after repaying the loans would go to the parks fund.

Mr. Kelley said before he could advise the Council as to whether it was a good idea or not, he would need to see the terms on the promissory note and loan agreement.

****Councilor Helbling moved to table the matter so staff could investigate the scenario and feasibility of entering into the agreement. Motion was seconded by Councilor Blackwell.**

Councilor Daniels said he did not know that they had borrowed over half of the amount. He thought it should go back to the park fund if it folded up.

Motion passed 3-2 with Councilors Daniels and Carson opposed.

The Council agreed that the Parks and Recreation Advisory Board would be the authority in the development of this project.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Status Report on Police Facility Planning – Greg Kroeplin, Chief of Police, said that he thought the next step was to hire a project manager. The project manager would help them hire an architect to draw a conceptual plan.

Councilor Daniels asked if the six acres purchased would be adequate.

Chief Kroeplin said he thought it would be adequate. He did not think it was too much property and would see the community into the future.

Mayor Thompson asked about the project manager's duties.

Mr. Adcock said they would be given a scope of work and they would retain them through the construction and bond management.

Doug Roberts, Consultant of KJM, said a consultant could provide cost analysis from the conceptual design.

Councilor Carson asked what the timeline would be for the conceptual drawings.

Mr. Roberts said conceptual information could be made in probably three months, but the more time they had to study the needs the better.

Mr. Adcock said he thought it best to do this preliminary work before the deadline. They wanted to do it right and when it was time to start the campaign, they would have information to give citizens. Also, they had the budget to do it. The next step would be to interview some project management firms.

Chief Kroeplin said he had attended a meeting in November regarding Crime Stoppers. He thought it was something they should be involved in. It would not cost anything to participate. He also discussed the current gang situation; gang related crimes had gone down due to the good work of the Gang Enforcement Officer and the sharing of information.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the consent agenda.
2. Approved Ordinance 1228 on second reading.
3. Approved Ordinance 1229 to come up for second reading on February 7, 2007.
4. Approved Memorandum of Agreement with Canby Cinema LLC.
5. Approved Request for water service by Canby Chapel Church of the Nazarene.
6. Staff would bring back to Council information regarding the Canby Livability Coalition loans.

****Councilor Daniels moved to go into executive session pursuant to ORS 192.660(2)(h) Pending Litigation. Motion was seconded by Councilor Carson and passed 5-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 9:26 p.m.

Mayor Thompson reconvened the Regular Meeting at 9:50 p.m. and immediately adjourned.

**CANBY CITY COUNCIL
EXECUTIVE SESSION
January 17, 2007**

Presiding: Mayor Melody Thompson

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

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

Others Present:

Mayor Thompson called the Executive Session to order at 9:35 p.m. in the City Hall Conference Room.

ORS 192.660(2)(h) Pending Litigation – The Council discussed possible litigation regarding the Transit Master Plan.

Mayor Thompson adjourned the Executive Session at 9:50 p.m.



Kimberly Scheafer
City Recorder Pro Tem



Melody Thompson
Mayor

Assisted with Preparation of Minutes – Susan Wood