

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
June 21, 2006**

Presiding: Mayor Melody Thompson

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

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Beth Saul, Library & Parks Director; Chaunee Seifried, Finance & Court Services Director; Greg Kroeplin, Chief of Police; Margaret Yochem, Transit & General Services Director; Darvin Tramel, WWTP Supervisor; and Melissa York, Office Specialist.

Others Present: Robin Adcock, Catherine Comer, Erin Burckhard, Steve St.Amand, Ernie Laitinen, and Kevin Batridge.

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

Employee of the Month Presentation – Mark Adcock, City Administrator, presented Darvin Tramel, WWTP Supervisor, with the Employee of the Month certificate for May.

Certification of May 16, 2006 Measure 3-202 Proclamation – Mayor Thompson read the certification of the May 16, 2006 Primary Election regarding Measure 3-202. The official count of votes from Clackamas County: Yes – 1,148, No – 1,827, Over Votes – 0, and Under Votes – 101.

Certification of May 16, 2006 Measure 3-203 Proclamation – Mayor Thompson read the certification of the May 16, 2006 Primary Election regarding Measure 3-203. The official count of votes from Clackamas County: Yes – 1,367, No – 1,621, Over Votes – 0, and Under Votes – 88.

Certification of May 16, 2006 Measure 3-204 Proclamation – Mayor Thompson read the certification of the May 16, 2006 Primary Election regarding Measure 3-204. The official count of votes from Clackamas County: Yes – 1,312, No – 1,681, Over Votes – 0, and Under Votes – 83.

COMMUNICATIONS: Mr. Adcock gave an overview of a Legislative Alert regarding the Federal Telecommunications Legislation Measure 2686 sponsored by Senators Gordon Smith and Ron Wyden. Council gave consensus to write a letter of concern.

John Kelley, City Attorney, stated that an oral argument for Krishchenko vs. City of Canby was scheduled for June 29, 2006.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Robin Adcock presented the Council with Relay for Life t-shirts and confirmed relay dates and times.

MAYOR'S BUSINESS: None.

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Daniels stated that the Historical Society was hosting a Pancake Breakfast Benefit on July 4 at Knight School from 7-11:30 a.m. A Canby Livability workday would be on Sunday, June 25 from 1-4 p.m. Various city streets, parking lots in downtown, and all "Welcome to Canby" entrances would be cleaned up. Volunteers were encouraged to participate.

CONSENT AGENDA: **Councilor Oliver moved to approve Accounts Payable of \$414,833.45; Minutes of the June 7, 2006 City Council Meeting and Executive Session; reappointment of Marilyn Wood to the Traffic Safety Commission for a term to expire on June 30, 2009; appointment of Kevin Batridge to the Bike & Pedestrian Committee for a term to expire on June 30, 2009; appointment of Elaina Canutt to the Budget Committee for a term to expire on June 30, 2007; Reappointment of Rita Rush to the Budget Committee for a term to expire on June 30, 2009, reappointment of Ken Schuh to the Parks & Recreation Advisory Board for a term to expire on June 30, 2009; and a new liquor license application for Canby Kitchen. Motion was seconded by Councilor Carson and passed 5-0.

PUBLIC HEARING: 2005-2006 Supplemental Budget Report –

Mayor Thompson opened the public hearing at 7:50 p.m.

PUBLIC TESTIMONY: None.

Mayor Thompson closed the public hearing at 7:51 p.m.

Resolution 924 – ****Councilor Harris moved to adopt Resolution 924, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR THE 2005-2006 FISCAL YEAR. Motion was seconded by Councilor Carson and passed 5-0.**

2006-2007 Fiscal Year Budget –

Mayor Thompson opened the public hearing at 7:53 p.m.

PUBLIC TESTIMONY: None.

Mayor Thompson closed the public hearing at 7:54 p.m.

Resolution 923 – ****Councilor Carson moved to adopt Resolution 923, A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND CATEGORIZATION FOR THE 2006-2007 FISCAL YEAR. Motion was seconded by Councilor Daniels and passed 5-0.**

Resolution 922 – ****Councilor Daniels moved to adopt Resolution 922, A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES. Motion was seconded by Councilor Harris and passed 5-0.**

Ordinance 1209 – ****Councilor Harris moved to approve Ordinance 1209, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2006-2007 to come up for second reading on July 5, 2006. Motion was seconded by Councilor Carson and passed 5-0 on first reading.**

RESOLUTIONS & ORDINANCES:

Ordinance 1210 – ****Councilor Carson moved to approve Ordinance 1210, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH OREGON HOUSING AND ASSOCIATED SERVICES, INC., dba WHEELS COMMUNITY TRANSPORTATION OF SALEM, OREGON FOR PROVIDING TRANSIT OPERATIONS FOR THE CANBY TRANSIT SYSTEM; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Harris and passed 5-0 by roll call vote.**

Ordinance 1211 – ****Councilor Harris moved to approve Ordinance 1211, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH WESTERN BUS SALES, INC. OF BORING, OREGON FOR THE PURCHASE OF ONE (1) USED 2002 BLUE BIRD XCEL FOR CANBY AREA TRANSIT; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Carson and passed 4-0 by roll call vote with Councilor Helbling abstaining.**

Ordinance 1213 – ****Councilor Carson moved to approve Ordinance 1213, AN ORDINANCE AMENDING THE CANBY COMPREHENSIVE PLAN BY AMENDING THE PUBLIC FACILITIES AND SERVICES SECTION AND ADOPTING A NEW PUBLIC FACILITIES PLAN AND CAPITAL IMPROVEMENTS PLAN. Motion was seconded by Councilor Harris and passed 5-0 by roll call vote.**

Ordinance 1212 – Margaret Yochem, Transit & General Services Director, said they needed larger buses as they had to send back-up buses because they could not pick up all of the riders. This money came through transportation grants and payroll tax. This was a six year lease, and the buses had a 12 year life span. This would be an ongoing replacement as they grew.

****Councilor Harris moved to approve Ordinance 1212, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH WESTERN BUS SALES, INC. OF BORING, OREGON FOR THE LEASE/PURCHASE OF THREE (3) 2006 FREIGHTLINER CHAMPION BLUEBIRDS FOR CANBY AREA TRANSIT; AND DECLARING AN EMERGENCY to come up for second reading on July 5, 2006. Motion was seconded by Councilor Daniels and passed 5-0 on first reading.**

Ordinance 1214 – Mr. Kelley said that this authorized the purchase of property for a future facility for \$996,174.00 for 6.1 acres in the industrial park. The money would come from capital reserves.

****Councilor Carson moved to approve Ordinance 1214, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE PURCHASE OF REAL PROPERTY FOR A FUTURE MUNICIPAL POLICE/COURT BUILDING; AND DECLARING AN EMERGENCY to come up for second reading on July 5, 2006. Motion was seconded by Councilor Harris and passed 5-0 on first reading.**

Council discussed the next steps to be taken.

NEW BUSINESS: None.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Discussion on EID Collections and Disbursement of Interest – Mr. Adcock said that at the last Council meeting, they discussed what happened to the interest paid to the City for delinquent EID payments.

Councilor Helbling said he was also the president of Canby Business Development and was abstaining due to a conflict of interest.

Catherine Comer, Canby Development Executive Director, said the amount past due was \$12,000.00 and they negotiated a payment plan with the owner. They were concerned that the money would go only towards the interest and not in the EID fund.

Chaunee Seifried, Finance & Court Services Director, said they decided to pay CBD before collecting the interest, but wanted to know in the future if this should be the policy. Mayor Thompson said the question was who got the interest.

Ms. Comer said it was their staff that did the collection for the interest.

There was Council consensus that CBD would also receive the interest money and if the City had to file a lien against a property, the money for that process would be negotiated with CBD.

****Councilor Carson moved to amend the EID contract. Motion was seconded by Councilor Harris and passed 4-0 with Councilor Helbling abstaining.**

Discussion on Trust for \$25,000.00 – Mr. Adcock said they received a \$25,000.00 trust for the municipal cemetery. They were asking to spend \$4,220.00 for security fencing and the balance go in reserves.

The Council discussed making a more public tribute for the donation to the cemetery. Staff would bring back ideas.

Discussion on State of Oregon ODOT Territorial & 99E Project – Mr. Adcock said that ODOT would be having an Open House Thursday, July 6, from 5-7 p.m. at the New Life Foursquare church to present the project to the public.

Discussion on Enterprise Zones – Mr. Adcock asked Council on behalf of John Williams if they could merge the Enterprise Zones work session with another work session rather than have a separate meeting. Council approved this request.

Parking on NW 3rd and Baker to Cedar Street – This item was taken off the agenda.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the consent agenda.
2. Approved Resolution 922.
3. Approved Resolution 923.
4. Approved Resolution 924.
5. Approved Ordinance 1209, to come up for second reading on July 5, 2006.
6. Approved Ordinance 1210 on second reading.
7. Approved Ordinance 1211 on second reading.
8. Approved Ordinance 1212 to come up for second reading on July 5, 2006.
9. Approved Ordinance 1213 on second reading.
10. Approved Ordinance 1214 to come up for second reading on July 5, 2006.
11. Chaunee Seifried, Catherine Comer, and John Kelly would amend the contract between the City and EID.
12. Staff would bring back recommendations on a tribute for the cemetery donation.

Mayor Thompson recessed the Regular Meeting at 8:42 p.m.

Mayor Thompson reconvened the Regular Meeting at 8:50 p.m.

****Councilor Helbling moved to go into executive session pursuant to ORS 192.660(2)(d) Labor Negotiations; ORS 192.660(2)(i) Performance Evaluation of Public Officer; and ORS 192.660(3) Labor Negotiations. Motion was seconded by Councilor Daniels and passed 5-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 8:53 p.m.

Mayor Thompson reconvened the Regular Meeting at 11:15 p.m. and immediately adjourned.

**CANBY CITY COUNCIL
EXECUTIVE SESSION**

June 21, 2006

Presiding: Mayor Melody Thompson

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

Staff Present: Mark Adcock, City Administrator; Greg Kroeplin, Chief of Police; Margaret Yochem, Transit & General Services Director; and Chaunee Seifried, Finance & Court Services Director.

Others Present: Mike Swanson and Steve St. Amand

Mayor Thompson called the Executive Session to order at 9:00 p.m. in the City Hall Conference Room.

Greg Kroeplin and Margaret Yochem, representatives for the management level staff, requested an Executive Session to discuss labor negotiations. Council agreed to hold negotiations in Executive Session.

ORS 192.660(2)(d) Labor Negotiations – The Council discussed police union labor negotiations.
ORS 192.660(3) Labor Negotiations – The Council discussed labor negotiations regarding management level staff.

ORS 192.660(2)(i) Performance Evaluation of Public Officer – The Council discussed the performance evaluation of the City Administrator.

Mayor Thompson adjourned the Executive Session at 11:15 p.m.

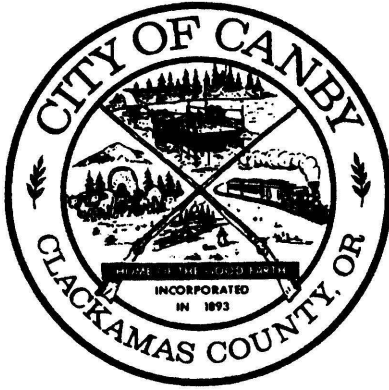


Kimberly Scheafer
City Recorder Pro Tem



Melody Thompson
Mayor

Assisted with Preparation of Minutes – Melissa York and Susan Wood



City of Canby

General Administration Office

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Primary Election on May 16, 2006 to consider the following measure:

MEASURE NO. 3-202

Shall 4.85 acres located South of NE Territorial, West of N Pine, North of NE 16th be annexed into Canby?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Primary Election on May 16, 2006.

YES – 1,148


NO - 1,827

Over Votes - 0

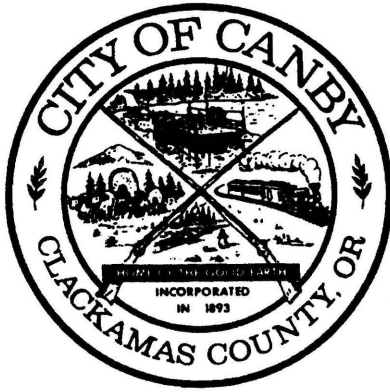
Under Votes - 101

NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated June 1, 2006.

Dated this 21st day of June, 2006.


Melody Thompson
Mayor

| | | | | | VOTES | PERCENT | | | | | | VOTES | PERCENT |
|--|--|--|-------|--|-------|---------|------------------|--|----|-----|--|-------|---------|
| 03-202 City of Canby, Annexation of 4.85 Acres | | | | | | | | | | | | | |
| Vote For 1 | | | | | | | | | | | | | |
| 01 = Yes | | | 1,148 | | 38.59 | | 03 = OVER VOTES | | | 0 | | | |
| 02 = No | | | 1,827 | | 61.41 | | 04 = UNDER VOTES | | | 101 | | | |
| ----- | | | | | | | | | | | | | |
| 01 | | | 02 | | 03 | | 04 | | | | | | |
| ----- | | | | | | | | | | | | | |
| 0122 Precinct 122 | | | 314 | | 442 | | 0 | | 23 | | | | |
| 0123 Precinct 123 | | | 82 | | 148 | | 0 | | 9 | | | | |
| 0124 Precinct 124 | | | 319 | | 520 | | 0 | | 28 | | | | |
| 0125 Precinct 125 | | | 251 | | 357 | | 0 | | 27 | | | | |
| 0126 Precinct 126 | | | 182 | | 360 | | 0 | | 14 | | | | |



City of Canby

General Administration Office

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Primary Election on May 16, 2006 to consider the following measure:

MEASURE NO. 3-203

Shall 4.5 acres located at 1732 N Pine Street, South of NE Territorial Road, be annexed into Canby?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Primary Election on May 16, 2006.

YES – 1,367

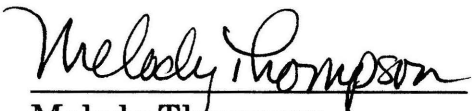
NO – 1,621

Over Votes - 0

Under Votes - 88

NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated June 1, 2006.

Dated this 21st day of June, 2006.


Melody Thompson
Mayor

NUMBERED KEY CANVASS

CLACKAMAS COUNTY, OREGON

MAY 16, 2006

PRIMARY ELECTION

RUN DATE:05/31/06 02:17 PM

REPORT-EL52

PAGE 0137

03-203 City of Canby, Annexation of 4.5 Acres

Vote For 1

01 = Yes

02 = No

VOTES PERCENT

VOTES PERCENT

1,367 45.75

03 = OVER VOTES

0

1,621 54.25

04 = UNDER VOTES

88

01 02 03 04

0122 Precinct 122

370 390 0 19

0123 Precinct 123

105 126 0 8

0124 Precinct 124

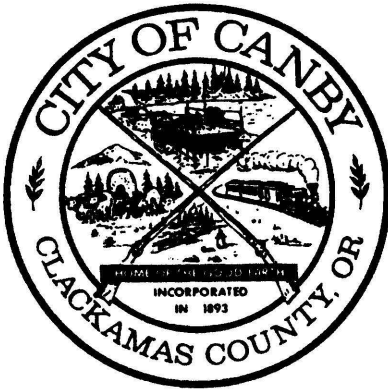
399 442 0 26

0125 Precinct 125

283 328 0 24

0126 Precinct 126

210 335 0 11



City of Canby

General Administration Office

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Primary Election on May 16, 2006 to consider the following measure:

MEASURE NO. 3-204

Shall 1.95 acres located at 1401 S Fir Street be annexed into Canby?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Primary Election on May 16, 2006.

YES - 1,312

NO - 1,681

Over Votes - 0

Under Votes - 83

NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated June 1, 2006.

Dated this 21st day of June, 2006.


Melody Thompson
Mayor

NUMBERED KEY CANVASS

CLACKAMAS COUNTY, OREGON

MAY 16, 2006

PRIMARY ELECTION

RUN DATE:05/31/06 02:17 PM

REPORT-EL52

PAGE 0138

03-204 City of Canby, Annexation of 1.95 Acres

Vote For 1

01 = Yes

02 = No

VOTES PERCENT

VOTES PERCENT

1,312 43.84

03 = OVER VOTES

0

1,681 56.16

04 = UNDER VOTES

83

| | 01 | 02 | 03 | 04 |
|-------------------|-----|-----|----|----|
| 0122 Precinct 122 | 358 | 406 | 0 | 15 |
| 0123 Precinct 123 | 95 | 135 | 0 | 9 |
| 0124 Precinct 124 | 388 | 453 | 0 | 26 |
| 0125 Precinct 125 | 248 | 365 | 0 | 22 |
| 0126 Precinct 126 | 223 | 322 | 0 | 11 |