

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
June 1, 2005**

**Presiding:** Mayor Melody Thompson

**Council Present:** Roger Harris, Walt Daniels, Georgia Newton, Wayne Oliver, Teresa Blackwell and Randy Carson.

**Staff Present:** City Administrator Mark Adcock, City Attorney John Kelley, Community Development & Planning Director John Williams, Finance & Court Services Director Chaunee Seifried, Police Chief Ken Pagano, and City Recorder Pro Tem Kim Scheafer.

**Others Present:** Ken Schuh, Steve St. Amand, Lila & Curtis Gottman, Bev Doolittle, and Ted Kunze.

**CALL TO ORDER:** Mayor Thompson called the regular meeting to order at 7:30 p.m., followed by the opening ceremonies.

Canby Swim Center/Canby Swim Club Partnership Recap Presentation – Mr. Ken Schuh, President and Meet Director of the Canby Swim Club, said that the Canby Swim Center and Canby Gator Swim Club had a long and mutually beneficial history. A major milestone in the effort of partnering came with the negotiation with SR Smith to have them donate over \$20,000 of new pool deck equipment. The swim club was a primary partner in the renewal of the operating levy for the swim center and eventual replacement with a new facility

The Swim Club had brought in Anita Nall, an Olympic Gold Medal swimmer, in December 2004. In April of this year the Gators hosted the Clackamas Community Federal Credit Union Oregon Master Swimming Championships. There were nearly 200 swimmers throughout Oregon that came to Canby to participate in that event. Olympic swimmer Tom Jager attended and spoke to the master swimmers. In May they held their first annual Canby Telephone Association Gator Grander Triathlon and had 160 athletes participate. In doing these events, they were trying to bring notoriety, publicity, and people in to town to add value to the City and community.

Mayor Thompson thanked the swim club for their work. She asked if they were willing to help with the upcoming renewal of the levy, and Mr. Schuh said they were committed to helping. Mayor Thompson also asked if he had any ideas for the operations of a new facility and revenue generating. Mr. Schuh said he went to Colorado Springs to attend a conference by USA Swimming and it was all about that topic and in building a program. There were models that allowed a pool to bring in more revenue than they were able to produce at that time with the facility they had. He would be sharing the information with the Parks & Recreation Advisory Board.

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Lila Gottman, resident of 10381 S Mulino Road, passed out the General Canby Day parade applications, route, and rules. They were willing to reserve cars, but would like for the Council to secure their own drivers. The king and queen were Jerry and Juddel Rothi. Murray Taylor would be the grand marshal. Two bands had officially submitted an application. They had the promise of another band that had 120 pieces in it.

Bev Doolittle, Executive Director of the Canby Area Chamber of Commerce, said that two years ago they got together with several community members and developed the Canby Community Visitor's Destination Action Plan. Clackamas County Tourism Development Council put aside \$30,000 for every community to do projects out of their action plan. In order to get the money, they had to update the plan and identify projects. Ms. Doolittle invited the Council to attend a meeting to look at their plan. They were also going to put together an application for grant money, and people in the community could apply to receive some of the money for different projects. They would review their plan every year.

Ms. Doolittle announced that Cycle Oregon would be coming to Wait Park on September 14. They would spend the night at Champoege Park on September 14th and 15<sup>th</sup>. They were asking for an organization to help prepare the park to get ready. They would pay the organization \$500. The Friends of the Library had been chosen. She was asking for volunteers, because they had \$100,000 to go back to the communities that participated. She wanted to have as much activity and entertainment as possible on that day to showcase the City.

She announced many upcoming events. There would be a Nursery Guide coming out soon.

Councilor Newton thanked Ms. Doolittle for her leadership.

**MAYOR'S BUSINESS:** Mayor Thompson said that on Friday, June 3, there would be a Willamette River United Revitalizing River Communities Forum. Congresswoman Darlene Hooley would be hosting. The mayor from Oregon City had asked for Canby's support for a coalition of river cities. Councilor Carson said he would attend.

There would be a Clackamas Green Tour on June 17.

She had received a letter from a student who was a peace advocate and they were holding their peace prize presentations that night.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Mayor Thompson said Councilor Oliver would be arriving late to the Council meeting.

Councilor Blackwell asked if there was anyone on the Council that was interested in taking over the liaison position for the Canby Adult Center Board meetings. Councilor Carson said he could take over as liaison. Councilor Daniels said he could be back up if Councilor Carson was unable to make it.

Councilor Carson said he had attended the Clackamas Cities Association Dinner and they had discussed what Congresswoman Darlene Hooley had been doing for the area. The Canby Rotary Club Nothing But Net 3 on 3 Basketball Tournament would be held on July 30.

**CONSENT AGENDA: \*\*Councilor Blackwell moved to approve Accounts Payable of \$153,340.33; Minutes of the May 18, 2005 City Council Regular Meeting; Appointment of Liz Belz-Templeman to the Bicycle and Pedestrian Committee for a term to expire on June 30, 2008; Reappointment of Robi Kurth to the Bicycle & Pedestrian Committee for a term to expire on June 30, 2008; Reappointment of Sandra Field to the Budget Committee for a term to expire on June 30, 2008; and Reappointment of Mark Triebwasser to the Park & Recreation Advisory Board for a term to expire on June 30, 2008. Motion was seconded by Councilor Carson and passed 5-0.**

**PUBLIC HEARING: Public Contracting Rules** – City Attorney John Kelley said that two years ago the State legislature reformed the public contracting rules. They delayed the implementation to give everyone a chance to train on how to operate them. They had the option of creating their own rules, and they put them together in Exhibit A with exemptions in Exhibit B. The rules that were being adopted that night would be the permanent rules.

Mayor Thompson opened the public hearing at 8:30 p.m.

PUBLIC INPUT: None.

Mayor Thompson closed the public hearing at 8:30 p.m.

**Resolution 897 – \*\*Councilor Daniels moved to adopt Resolution 897, A RESOLUTION BY THE CANBY CITY COUNCIL, ACTING IN ITS CAPACITY AS LOCAL CONTRACT REVIEW BOARD, ADOPTING PURCHASING RULES AND RELATED EXEMPTIONS TO SUPERSEDE THE TEMPORARY RULES ESTABLISHED BY ORDINANCE NO. 1170. Motion was seconded by Councilor Harris and passed 5-0.**

City Attorney Kelley said that the Finance Operations Manager Laura Dornbusch had done a lot of the work on this.

#### **RESOLUTIONS & ORDINANCES:**

**Resolution 898** – Police Chief Ken Pagano said that this resolution adopted the National Incident Management System as the foundation for incident command, coordination, and support activities. The City would be able to receive federal preparedness grants or reimbursements for costs expended during an emergency. Councilor Harris complimented both police and fire chiefs for their cooperation in preparing in advance for these things.

**\*\*Councilor Blackwell moved to adopt Resolution 898, A RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) FOR USE BY CITY OF CANBY PERSONNEL. Motion was seconded by Councilor Harris and passed 5-0.**

Resolution 899 – City Attorney Kelley said that this was a 2.3 acre piece of property located on the west side of N Locust, north of Territorial. The Simnits developed a subdivision in that area and as part of that process parkland needed to be dedicated. An appraisal had been done of the property. The City had three years with which to use the option to purchase this property. It would cost \$414,200. They could pay \$50,000 down. There was a residence on the property that would be destroyed and a well that could be used.

Councilor Newton asked what would happen if at the end of three years they did not have the money. Attorney Kelley said they would lose the property. They had already set aside the money.

Councilor Harris said they could always buy the property and sell it back at a higher rate. Attorney Kelley said the Simnits would have the right to buy it back first, but if they opted not to do that, they could put it on the market.

Mayor Thompson wondered why they would wait three years when they could purchase the park for less now. Attorney Kelley said they would not sell the property now because of taxes.

**\*\*Councilor Harris moved to adopt Resolution 899, A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN OPTION AGREEMENT AND AGREEMENT OF PURCHASE AND SALE ON BEHALF OF THE CITY OF CANBY WITH JANICE R. SIMNITT, JEROME A. SIMNITT, JR., AND ROBERTA A. SIMNITT FOR THE PURCHASE OF APPROXIMATELY 2.3 ACRES FOR USE AS A PUBLIC PARK; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A SPECIAL WARRANTY DEED ON BEHALF OF THE CITY FOR THE SUBJECT PROPERTY; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A WATER LINE AGREEMENT AND RELEASE ON BEHALF OF THE CITY AND TO TAKE ALL OTHER ACTIONS NECESSARY TO FACILITATE THE EXECUTION OF THIS TRANSACTION. Motion was seconded by Councilor Daniels and passed 5-0.**

Ordinance 1176 - **\*\*Councilor Harris moved to approve Ordinance 1176, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CANBY SAND & GRAVEL/SOUTH COUNTY ASPHALT FOR SUPPLYING ASPHALTIC CONCRETE MATERIALS; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Carson and passed 5-0 by roll call vote.**

Ordinance 1177 - **\*\*Councilor Harris moved to approve Ordinance 1177, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CANBY SAND & GRAVEL/SOUTH COUNTY ASPHALT FOR SUPPLYING CRUSHED ROCK MATERIALS; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.**

Ordinance 1178 - **\*\*Councilor Harris moved to approve Ordinance 1178, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH PACIFIC ROCK PRODUCTS, LLC dba RINKER MATERIALS FOR SUPPLYING**

**READY-MIXED CONCRETE MATERIALS; AND DECLARING AN EMERGENCY.**  
**Motion was seconded by Councilor Daniels and passed 5-0 by roll call vote.**

**Ordinance 1179 - \*\*Councilor Harris moved to approve Ordinance 1179, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH KERR CONTRACTORS, INC. FOR CONSTRUCTION OF NE TERRITORIAL ROAD SANITARY SEWER EXTENSION; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.**

**NEW BUSINESS:** None.

**CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** Continued Discussion Regarding Proposed Street Maintenance Fee – City Administrator Adcock said that the Council wanted a report as to the next steps to take.

Mayor Thompson said that the report was very helpful because it broke down the key areas.

Councilor Carson said that they needed to let the people know that they were concerned about the roads. Without doing a maintenance fee they would not be able to put a dent in what they had to repair. The funding mechanism they used was the gas tax, and that had been going down. They needed to come up with a plan with public input so that they could fix the most commonly used roads.

Councilor Newton thought each point needed to be explored and to start a technical advisory group. She asked Mr. Williams what the makeup of that group would be. Mr. Williams explained what he thought. Councilor Newton wanted to make sure those who would be paying the fee would be involved and part of the solution. She liked what had been outlined.

Mayor Thompson said Councilor Oliver had said that all of the issues that come to council where there was controversy and concern about impact, the talk always returned to the condition of the roads. It was obvious there was a need and had to be faced. He did not favor a gas tax. He thought that was too complicated to get accurate data. He favors a mid-to-high range in the fee because they could demonstrate improvement. His focus was on doing it more quickly than on the timeline.

Councilor Carson asked if they wanted to see every road in town done or just those that were more used. Mayor Thompson said they had to decide what level of improvement would make sense and the advisory group could help with that.

Councilor Daniels said he would like the advisory committee to come back with the level of funding.

Councilor Harris said this had been a problem for a long time. Whether or not he could feel comfortable presenting a plan and saying this is what they were going to do without it coming down to a referendum and voters saying yea or nay, he struggled with philosophically. He

wondered about the possibility of having alternatives of different amounts and put it before a vote of the people with several options rather than a yes or no vote.

Mayor Thompson said they did not go to the voters to ask if they wanted a fee for other capital improvements, but they assessed the situation and set the fees. She thought it was important that they did the due diligence to press the case, but also took up the charge and not pass it on to the future. She thought there was some community support for this.

Councilor Harris said another concern was in the situations with citizens promoting bond issues, there would not be a friends of the streets organization.

Councilor Blackwell said that a major concern was that they specifically wanted to know what the money was going to be used for. She thought they should put a plan together first.

Councilor Daniels said the public had elected them to handle the problems in the City. He thought if this was instituted it was important to know that it was a repair fund, not for constructing new streets. He thought the fee should be enough that it made some progress.

Councilor Harris agreed with Councilor Oliver's comments on fast tracking this to get some resolution in a fairly quick manner. Mayor Thompson clarified that their intent was to fast track the technical piece to get to the public process.

Councilor Blackwell thought they should start the data gathering, get the advisory committee together, and commence with the process. Mr. Williams estimated \$20,000 to get the work done.

Mr. Williams asked if the gas tax should be on the table? Council consensus was yes.

Councilor Newton said she would like to be a liaison to the committee.

Update on Berg Parkway – Mr. Williams said they were asking the State to fund the project with the money they were going to get for Arndt Road. They were looking at technical issues and checking the archives how the funding source was put together. They would recommend approval or denial to the Oregon Transportation Commission which would meet in July. They were asking for over two million dollars to get the project done.

Mayor Thompson suggested that when they get to that point where it was more certainty, they should hold an open house and show the master plan.

Councilor Harris asked if trucks would be using the road. Mr. Williams said there would be no restrictions, but he thought it would be used more for residential.

Councilor Oliver arrived at 9:35 p.m.

Update on Future Facilities Study – Mayor Thompson said that she thought moving the Police Department would be the next step. Was there anything they could be doing to be ready? City Administrator Adcock said that the optimal funding mechanism would be Urban Renewal. It

was listed in the plan. He thought a cash flow analysis should be done similar to what was done on the Arndt Road Project and see what the realistic timeline would be. He was leaning more toward a faster timeframe if something could be done through private/public partnership with downtown redevelopment.

Councilor Carson said he thought they needed to get this on the fast track sooner than 20 years.

Mr. Williams said he personally believed they could start the ball rolling on the redevelopment of the City Hall block and working on a location for the police department as they would be getting Urban Renewal money in a few years. Prioritization of urban renewal funds needed to be done. Councilor Newton said that maybe the Urban Renewal Advisory Committee needed to see the facilities plan.

**CITIZEN INPUT:** None.

**ACTION REVIEW:**

1. Approving the consent agenda.
2. Approving Resolution 897.
3. Approving Resolution 898.
4. Approving Resolution 899.
5. Approving Ordinance 1176 on second reading.
6. Approving Ordinance 1177 on second reading.
7. Approving Ordinance 1178 on second reading.
8. Approving Ordinance 1179 on second reading.
9. Putting together an outline for an open house discussion on Berg Parkway.

**\*\*Councilor Blackwell moved to go into Executive Session pursuant to ORS 192.660(2)(i) performance evaluation of a public officer. Motion was seconded by Councilor Carson and passed 6-0.**

Mayor Thompson recessed the regular session at 9:55 p.m.

Mayor Thompson reconvened the regular session and immediately adjourned at 10:13 p.m.

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**CANBY CITY COUNCIL  
EXECUTIVE SESSION  
June 1, 2005**

**Presiding:** Mayor Melody Thompson

**Council Present:** Roger Harris, Walt Daniels, Georgia Newton, Wayne Oliver, Teresa Blackwell and Randy Carson.

**Staff Present:** None.

**Others Present:** Steve St. Amand.

Mayor Thompson called the session to order at 10:05 p.m.

ORS 192.660(2)(i) – The Council discussed the performance evaluation of the City Attorney.

Mayor Thompson adjourned the Executive Session at 10:12 p.m.



Kimberly Scheafer  
City Recorder Pro Tem



Melody Thompson  
Mayor

Assisted in Preparation of Minutes – Valerie Kraxberger & Susan Wood