

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
December 7, 2005**

**Presiding:** Mayor Melody Thompson.

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

**Staff Present:** Mark Adcock, City Administrator; John Kelley, City Attorney; John Williams, Community Development & Planning Director; Beth Saul, Library & Parks Director; Chaunee Seifried, Finance & Court Services Director; and Kim Scheafer, City Recorder Pro Tem.

**Others Present:** Sharon Schneider, Lee Wiegand, Sheri Ziehl, Patricia Lundburg, Kyle Lundburg, and Lila & Curtis Gottman.

**CALL TO ORDER:** Mayor Thompson called the Regular Meeting to order at 7:32 p.m., followed by the opening ceremonies.

Canby Kiwanis Food & Toy Drive Proclamation – Mayor Thompson presented Sharon Schneider and Sheri Ziehl with a proclamation proclaiming December 12 -16 as Canby Kiwanis Food & Toy Drive Week. They were short on toy donations this year.

Certification of November 8, 2005 Measure 3-194 Proclamation – Mayor Thompson read the certification of the November 8, 2005 Special Election regarding Measure 3-194. The official count of votes from Clackamas County: Yes – 1,130, No – 1,903, Over Votes – 1, and Under Votes – 4.

Certification of November 8, 2005 Measure 3-195 Proclamation – Mayor Thompson read the certification of the November 8, 2005 Special Election regarding Measure 3-195. The official count of votes from Clackamas County: Yes – 1,243, No – 1,791, Over Votes – 0, and Under Votes – 4.

**COMMUNICATIONS:** Mayor Thompson said they received a letter from Ronald and Patricia Nelson and staff needed to do research in order to respond to their questions.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Lee Weigand asked the Council to fill out cards so that they could pray for the Council.

**MAYOR'S BUSINESS:** None.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Harris said that the Canby Historical Society was having its annual membership renewal.

Councilor Daniels said that the gazebo at the Transit Center was about done.

Councilor Newton said she wanted to have a discussion under New Business regarding the industrial land study and the next steps.

Councilor Blackwell said that there would be Bingo at the Adult Center on Saturday night. The early bird games would start at 6:15 p.m.

Mayor Thompson said they would not be having a City Council meeting on December 21.

Councilor Carson said that the Historical Society would like to get a contribution from the City. He hoped they could purchase calendars to help them.

Councilor Blackwell said that Dr. Deborah Sommer was named the National School Superintendent of the Year.

**CONSENT AGENDA: \*\*Councilor Blackwell moved to approve Accounts Payable of \$199,599.99, Minutes of the November 9 City Council Workshop, Minutes of the November 16 City Council Regular Meeting and Town Hall Meeting, and an Agreement with Canby Swim Club "Exhibit "A" for Fiscal Year 2005-2006. Motion was seconded by Councilor Carson.**

Mayor Thompson asked if the swim club agreement mirrored last year's agreement.

Beth Saul, Library and Parks Director, said there were slight adjustments, like the rate per hour for the lifeguards.

**Motion passed 5-0.**

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

Ordinance 1197 – **\*\*Councilor Carson to approve Ordinance 1197, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH RECREATION RESOURCE FOR THE PURCHASE OF PLAYGROUND EQUIPMENT; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.**

**NEW BUSINESS:** Update on Industrial Park – Councilor Newton said they had a workshop regarding a study on the marketability of the industrial park. She would like to see them take steps in January that were recommended in the study and get all the partners together.

Councilor Carson said they brought up issues regarding master planning for the area and they might need to look at the Comprehensive Plan again.

Councilor Daniels said he would like to get the final report back. He thought there were some things they should get on top of.

The consensus was to have a workshop in January. Councilor Newton wanted to make sure that all of the partners would be at the meeting.

Mayor Thompson said there was a perception of uncertainty, and they needed to be more marketable.

Request by Historical Society – Councilor Carson said they had a letter from the Historical Society. They were self supporting. He was asking for a \$500 donation.

**\*\*Councilor Carson moved to approve a donation of \$500 to the Historical Society for calendars to come from the Contingency Fund. Motion was seconded by Councilor Daniels.**

Councilor Harris asked if the \$500 would have any effect on the City's budget.

Mark Adcock, City Administrator said it was not a substantial expenditure.

Councilor Daniels said he would like to see this come up in the budget discussion so that things did not have to be taken out of Contingency mid-year.

Councilor Carson said they also talked about having a fund they could draw from for grants for community functions.

**Motion passed 5-0.**

#### **CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:**

Update on Sign Ordinance – John Kelley, City Attorney, said that the Council had previously discussed the problem of political signs in the public right-of-way. The problem was that local citizens didn't always know where the right-of-way was. They had talked about whether or not to make a change in the ordinance. He had contacted several jurisdictions and none of them had anything different in regards to this issue. All of the city attorneys that he had spoken with said they did not allow them due to the potential liability issues. His recommendation was that the ordinance not be changed. They should try to educate people more on where the public right-of-ways were.

Councilor Harris suggested that they go along with Mr. Kelley's recommendation and not change the ordinance. He suggested not enforcing it during the election period.

Mr. Kelley said that was what they normally did unless they had a complaint.

Councilor Harris asked what would happen if they got a complaint and they told them they would not enforce it during the election period.

Councilor Newton said the right-of-way varied from neighborhood to neighborhood and was not consistent.

Councilor Carson suggested that people be more tolerant even if they might not agree with the message on the sign.

Mr. Kelley said rather than removing signs they could first tell the citizen where the right-of-way was and explain it.

Councilor Daniels was concerned about the signs that became a safety issue. If they waived it for election signs, they would have to waive it for all signs.

Councilor Harris said his suggestion now was to leave the ordinance as is and do not formally waive anything. They did not have the manpower to do a citywide enforcement of everything that was in the right-of-way. Signs that were in people's yards on their own property, whether it was a right-of-way or not, should be left alone unless there was a specific complaint or causing a safety hazard. Council agreed.

Mr. Adcock said staff would write a summary of the Council's decision and give it to Council.

Relocation of Transformer Box Near Entrance of New Portion of Logging Road Trail – Ms. Saul said the neighbors had a concern about a transformer box located near Territorial Road and the Logging Road Trail because of the vision clearance. Funds had been set aside for the project. It would cost around \$12,000.

Councilor Daniels asked about where they would move it, and Ms. Saul said Canby Utility would choose the location.

**\*\*Councilor Carson moved to approve use of Park Development fund money to relocate the transformer box near the entrance of the new portion of the Logging Road Trail. Motion was seconded by Councilor Blackwell and passed 5-0.**

Status Report on Legacy Park – Beth Saul, Library & Parks Director, gave a status report on Legacy Park. The playground for ages 5-12 was going in. They still felt the timeline was 12-18 months for the project. The playground would go in first with the bathroom close behind. When that was done they would finalize the trails and irrigation.

Councilor Daniels asked if they were going to use the same surface, and Ms. Saul said they were going to try the squares. They hoped that would speed up the installation.

**CITIZEN INPUT:** None.

#### **ACTION REVIEW:**

1. Approved the consent agenda.
2. Approved Ordinance 1197 on second reading.
3. Staff would schedule a workshop in January regarding the findings of the industrial land study.

4. Approved payment of \$500 to the Historical Society from the Contingency Fund for the purchase of calendars.
5. Staff would prepare a written summary on political signs in the public right-of-way.
6. Approved the use of Park Development funds for the relocation of an electric transformer near the Logging Road Trail.

**\*\*Councilor Blackwell moved to go into executive session pursuant to ORS 192.660(2)(e) real property. Motion was seconded by Councilor Daniels and passed 5-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 8:25 p.m.

Mayor Thompson reconvened the Regular Meeting at 8:52 p.m. and immediately adjourned.

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**CANBY CITY COUNCIL  
EXECUTIVE SESSION  
December 7, 2005**

**Presiding:** Mayor Melody Thompson

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

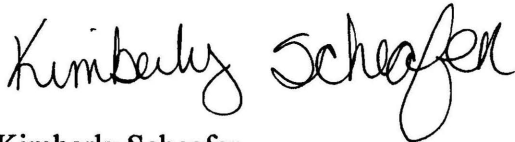
**Staff Present:** Mark Adcock, City Administrator; John Kelley, City Attorney; and John Williams, Community Development & Planning Director.

**Others Present:** None.

Mayor Thompson called the Executive Session to order at 8:30 p.m.

ORS 192.660(2)(e) Real Property – The Council discussed the purchase of right-of-way property from Industrial Seating for the Berg Parkway extension

Mayor Thompson adjourned the Executive Session at 8:52 p.m.

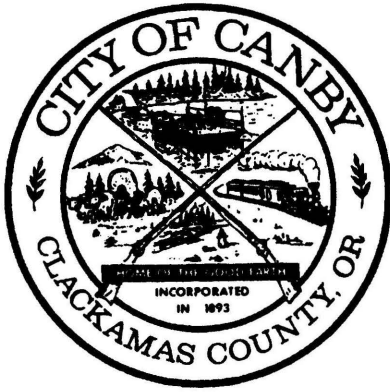


Kimberly Scheafer  
City Recorder Pro Tem



Melody Thompson  
Mayor

Assisted with Preparation of Minutes – Susan Wood



# City of Canby

General Administration Office

## ***PROCLAMATION***

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Special Election on November 8, 2005, to consider the following measure:

### **MEASURE NO. 3-195**

**SHALL 1.7 ACRES LOCATED AT 1203 NE TERRITORIAL ROAD, EAST OF  
N. PINE STREET, BE ANNEXED INTO CANBY?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on November 8, 2005.

**YES - 1,243**

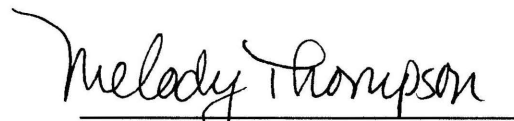
**NO - 1,791**

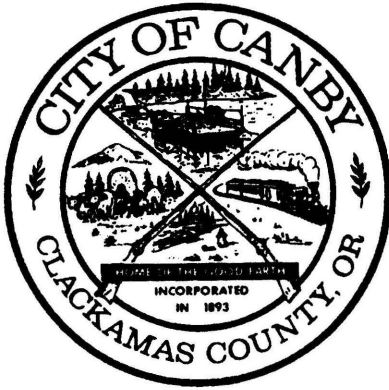
**Over Votes - 0**

**Under Votes - 4**

**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 November 16, 2005.**

Dated this 7<sup>th</sup> day of December, 2005.

  
Melody Thompson, Mayor



# City of Canby

General Administration Office

## ***PROCLAMATION***

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Special Election on November 8, 2005, to consider the following measure:

### **MEASURE NO. 3-194**

**Shall 9.74 acres located South of SE 13<sup>th</sup> Avenue and West of Tofte Farms subdivision be annexed into Canby?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on November 8, 2005.

**YES - 1,130**

**NO - 1,903**

**Over Votes - 1**

**Under Votes - 4**

**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 November 16, 2005.

Dated this 7<sup>th</sup> day of December, 2005.

  
Melody Thompson  
Mayor

NUMBERED KEY CANVASS

RUN DATE:11/16/05 11:44 AM

CLACKAMAS COUNTY, OREGON  
SPECIAL ELECTION  
NOVEMBER 8, 2005

REPORT-EL52 PAGE 0005

3-194 CITY OF CANBY ANNEXATION 9.74

VOTES PERCENT

VOTES PERCENT

Vote for One 1

01 = Yes

02 = No

1,130 37.26

1,903 62.74

03 = OVER VOTES

04 = UNDER VOTES

1

4

01	02	03	04
227	399	0	2
312	475	0	0
71	146	1	0
339	481	0	1
181	402	0	1

0007 PRECINCT 125

0122 PRECINCT 122

0123 PRECINCT 123

0124 PRECINCT 124

0126 PRECINCT 126

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK

BY:

*Joseph Ballos*  
Deputy 11-16-05



NUMBERED KEY CANVASS

RUN DATE:11/16/05 11:44 AM

CLACKAMAS COUNTY, OREGON  
SPECIAL ELECTION  
NOVEMBER 8, 2005

REPORT-EL52 PAGE 0006

3-195 CITY OF CANBY ANNEXATION 1.7

Vote for One 1

01 = Yes

02 = No

VOTES PERCENT

1,243 40.97

1,791 59.03

03 = OVER VOTES

04 = UNDER VOTES

VOTES PERCENT

0

4

01	02	03	04
278	349	0	1
350	434	0	3
74	144	0	0
332	489	0	0
209	375	0	0

0007 PRECINCT 125

0122 PRECINCT 122

0123 PRECINCT 123

0124 PRECINCT 124

0126 PRECINCT 126

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK

BY: *Joseph Ballis*  
*Deputy 11-16-05*