

**CANBY CITY COUNCIL
WORKSHOP
June 16, 2004**

Present: Mayor Melody Thompson, Councilors Walt Daniels, Georgia Newton, Wayne Oliver, Patrick Johnson, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, Community Development & Planning Director John Williams, Transit & General Services Director Margaret Yochem, Library & Parks Director Beth Saul, Finance & Court Services Director Chaunee Seifried, Police Chief Ken Pagano, Ron Berg, Buzz Weygandt and Kent Larson.

[Recorder's Note: The audio recording system failed during the Council Workshop and an exact record is unavailable.]

Mayor Thompson called the session to order at 6:37 p.m. A light dinner was served.

The Council met in the City Hall Conference Room to discuss the immediate and future facility assessment study with Kent Larson from DLR Group. Mr. Larson went over the methodology to their approach, a timeline, and answered questions from Council. The assessment will be started in August 2004 and presented to Council on December 15, 2004.

Mayor Thompson adjourned the session at 7:15 p.m.

**CANBY CITY COUNCIL
REGULAR SESSION
June 16, 2004**

Mayor Melody Thompson presiding. Council members present: Walt Daniels, Georgia Newton, Wayne Oliver, Pat Johnson, Randy Carson, and Teresa Blackwell.

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Transit & General Services Director Margaret Yochem, Library & Parks Director Beth Saul, Finance & Court Services Director Chaunee Seifried, Police Chief Ken Pagano, Project Planner Matilda Deas, City Recorder Pro Tem Kim Scheafer, Office Specialist Joyce Peters, Shawn Carroll, Dirk Borges, Jim Newton, Jeff Wadsworth, Carol McCoog, Doug Sprague, Scott Sprague, Robin Adcock, David Biskar, Ceyia Kendall, Kayla Scheafer, Ron Berg, Jon Bell, Catie Fernandez, and Lila Gottman.

Mayor Thompson called the regular session to order at 7:30 p.m., followed by the opening ceremonies.

Resolution 868 - Shawn Carroll, resident of 810 NE 23rd and Canby Utility Chair, spoke on behalf of the Canby Utility Board's request to issue water system revenue bonds. The bonds would be used to finance improvements to the water system including storage, treatment, and security. Water rates were adjusted June 1 to ensure the revenue required to meet future debt

payments for maintenance and operation of the system. If approved, they would publicize the issuance of the bonds in the *Canby Herald* and 60 days later they would issue the bonds. A petition could be filed by 5% of the registered voters to have the bond put on the ballot. If there was no petition, they would bring back an ordinance that approved the bond issuance.

****Councilor Carson moved to adopt Resolution 868, A RESOLUTION OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, AUTHORIZING THE ISSUANCE OF WATER SYSTEM REVENUE BONDS FOR A TOTAL NOT TO EXCEED \$2,900,000, AND PROVIDING FOR PUBLICATION OF NOTICE. Motion was seconded by Councilor Daniels and passed 6-0.**

Mayor Thompson recessed the regular session at 7:38 p.m. for an Urban Renewal Agency Special Meeting.

Mayor Thompson reconvened the session at 7:43 p.m.

PRESENTATION: Employee of the Month – City Administrator Mark Adcock presented David Biskar an Employee of the Month certificate for May.

Department Directors Special Recognition – Mr. Adcock presented the Department Directors with a Jefferson pewter cup.

PROCLAMATIONS: Certification of May 18, 2004 Measure 3-125, 1.65 Acre Annexation – Mayor Thompson read the certification of the May 18, 2004 Primary Election regarding Measure 3-125. The measure failed with an official count of votes from Clackamas County: Yes – 1,411, No – 1,851, Over Votes – 0, Under Votes – 107.

Certification of May 18, 2004 Measure 3-126, 19.91 Acre Annexation – Mayor Thompson read the certification of the May 18, 2004 Primary Election regarding Measure 3-126. The measure failed with an official count of votes from Clackamas County: Yes – 964, No – 2,291, Over Votes – 2, Under Votes – 112.

CITIZEN INPUT ON NON-AGENDA ITEMS: Lila Gottman, resident of 10381 S Mulino Rd, spoke on behalf of the General Canby Day Committee. Ms. Gottman handed out a copy of the parade application. A new area at the east end of 4th Street near Holly would be Teen Street with radio controlled equipment, hula hoop contests, and jousting tournaments.

Councilor Newton asked to have the Employment Contract for the City Treasurer moved down on the Agenda.

CONSENT AGENDA: ****Councilor Carson moved to approve the Minutes of the Regular Meeting and Executive Session of June 2, 2004 and Accounts Payable of \$390,499.97. Motion was seconded by Councilor Johnson and passed 6-0.**

COMMUNICATIONS: None.

PUBLIC HEARINGS: 2003-2004 Supplemental Budget – Mayor Thompson opened the public hearing at 8:00 p.m. Mayor Thompson said this was for unanticipated cash received or expended from the last fiscal year, and required a public hearing.

PUBLIC INPUT: None.

Mayor Thompson closed the public hearing at 8:01 p.m.

****Councilor Daniels moved to adopt Resolution 863, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR THE 2003-2004 FISCAL YEAR. Motion was seconded by Councilor Johnson and passed 6-0.**

2004-2005 Fiscal Year Budget – Mayor Thompson opened the public hearing at 8:03 p.m.

PUBLIC INPUT: None.

Mayor Thompson closed the public hearing at 8:04 p.m.

Councilor Carson said they had spent five meetings on the budget and the budget was balanced with extra to put away in reserve funds for long term capital improvements.

****Councilor Carson moved to adopt Resolution 864, A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND CATEGORIZATION FOR THE 2004-2005 FISCAL YEAR. Motion was seconded by Councilor Blackwell and passed 6-0.**

CPA 04-01/ZC 04-02 Plantore/SR Smith –

STAFF REPORT: Community Development and Planning Director John Williams said the Planning Commission recommended 6-0 to approve this application. This was for a 2.2 acre parcel at the SR Smith site. SR Smith was located at Berg Parkway and 99E and they had been doing work on their site to create a 2.2 acre parcel zoned commercial manufacturing. The entire property was currently zoned light industrial.

Councilor Carson said there were notes from ODOT regarding the extra entrances off of 99E. Mr. Williams said that would be discussed when they came to design review.

Mayor Thompson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Daniels - No conflict, plan to participate.
Councilor Newton - No conflict, plan to participate.
Councilor Oliver - No conflict, plan to participate.
Councilor Johnson - No conflict, plan to participate.
Mayor Thompson - No conflict, plan to participate.
Councilor Carson - No conflict, plan to participate.

Councilor Blackwell - No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Daniels – No contact.

Councilor Newton – Driven by the site, drew no conclusions.

Councilor Oliver – No contact.

Councilor Johnson – Driven by the site, drew no conclusions.

Mayor Thompson – Driven by the site, drew no conclusions

Councilor Carson – Driven by the site, drew no conclusions.

Councilor Blackwell – Driven by the site, drew no conclusions.

Mayor Thompson opened the public hearing at 8:10 p.m.

PUBLIC TESTIMONY

APPLICANT: Catie Fernandez of Group MacKenzie located at 0690 SW Macadam, Portland, spoke regarding the 2.2 acre area at the corner of Berg and 99E for which the property owner wanted to change the zoning. They would remove the docks and older buildings in that area and allow for adequate setbacks. Property lines would adjust to the new zoning. ODOT had reviewed the application, and they knew they would need to do future traffic studies once development was on line. They had no specific businesses in mind for placement there, but they were beginning to market for it.

Councilor Carson asked if the metal buildings in front would be staying, and Ms. Fernandez said yes.

PROPONENTS: None.

OPPONENTS: None.

Mayor Thompson closed the public hearing at 8:14 p.m.

DISCUSSION: Mayor Thompson asked about Canby Utility's water department foreman who indicated the location and size would be confirmed prior to approval of the design review. The Bike & Ped Committee asked about maintaining adequate bike lanes, sidewalks, and bike racks, which would also be discussed in design review.

****Councilor Carson moved to approve CPA 04-01/ZC 04-02 Plantore/SR Smith and direct staff to come back with appropriate Ordinance approving the zone change. Motion was seconded by Councilor Blackwell and passed 6-0.**

NEW BUSINESS: City Treasurer Contract - Councilor Newton said she would like to have the contract in the form of a resolution and in the future anytime the Council dealt with contracts or salaries to put them in the form of a resolution. City Attorney Kelley said he didn't think they were necessary because the written contract was a formal record of the transaction. The

difference between this and the management group was that the management group did not have a contract. The resolution that approved their benefits did put it in writing. The City Administrator, City Attorney, Municipal Judge, and City Treasurer would all have individual contracts which were permanent records at City Hall. Councilor Newton said she would like to have a copy of the contract attached to the Minutes for the future.

****Councilor Newton moved to approve the Employment Contract for the City Treasurer. Motion was seconded by Councilor Blackwell and passed 6-0.**

UNFINISHED BUSINESS: None.

RESOLUTIONS & ORDINANCES:

Resolution 862 - ****Councilor Daniels moved to adopt Resolution 862, A RESOLUTION AMENDING CANBY'S SYSTEM DEVELOPMENT CHARGES TO ACCOUNT FOR INFLATION. Motion was seconded by Councilor Johnson and passed 6-0.**

Resolution 865 - ****Councilor Daniels moved to adopt Resolution 865, A RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN BUDGET LINE ITEMS TO BALANCE THE 2003-2004 BUDGET. Motion was seconded by Councilor Carson and passed 6-0.**

Resolution 867 - ****Councilor Blackwell moved to adopt Resolution 867, A RESOLUTION AMENDING THE METHODOLOGY FOR PARKS AND RECREATION SYSTEM DEVELOPMENT CHARGES. Motion was seconded by Councilor Carson and passed 6-0.**

Ordinance 1142 - ****Councilor Daniels moved to approve Ordinance 1142, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2004-2005. Motion was seconded by Councilor Carson and passed 6-0 by roll call vote.**

Ordinance 1146 - ****Councilor Carson moved to approve Ordinance 1146, 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 Johnson and passed 6-0 by roll call vote.**

Ordinance 1147 - Councilor Newton asked for Transit and General Services Director Margaret Yochem to give an update on what they were doing. Ms. Yochem said they had received three proposals for a short and long term facilities plan. It was a four month project, and the main emphasis was the Police Department, Library, and City Hall. Councilor Carson said they would have public input. Ms. Yochem said there would be 12 openings on a committee to work with them on the project. They were looking at long term of 30 years.

****Councilor Daniels moved to approve Ordinance 1147, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH DLR GROUP OF PORTLAND, OREGON FOR AN IMMEDIATE AND FUTURE**

FACILITIES NEEDS ASSESSMENT to come up for second reading on July 7, 2004. Motion was seconded by Councilor Johnson and passed 6-0 on first reading.

MANAGER'S REPORT: Police Chief Ken Pagano said two years ago they started a State accreditation program headed by Lieutenant Kroeplin, and accreditation was awarded to the Canby Police Department a few weeks ago. Chief Pagano thanked the Police Association for their involvement in the process. The new policy manual would be put on the computers they would be getting from a grant they received. Mayor Thompson read the plaque. Chief Pagano said Lieutenant Kroeplin would be attending the FBI Academy this summer.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Councilor Daniels said two staff members had gone out and done surveys on 13th Avenue and they would bring information back to the next Council meeting.

Councilor Oliver said that Don Staehely had applied for reappointment to the Traffic Safety Committee and James MacDonald had applied for the Parks and Recreation Advisory Board.

****Councilor Oliver moved to appoint Don Staehely to the Traffic Safety Committee and James MacDonald to the Parks and Recreation Advisory Board. Motion was seconded by Councilor Carson and passed 6-0.**

Councilor Oliver thanked the Planning Commission for their letter to the State regarding the 99E to Territorial Road situation. ODOT would be holding public meetings to discuss it.

Councilor Carson said Canby Rotary donated \$12,000 to the City Parks budget to put park equipment in Community Park. The Parks Department and Rotary members put down bark dust in the area and it was now ready to be used.

Mayor Thompson said she attended the opening of a series of photographs the Historical Society was showcasing in the Library. Councilor Blackwell said that George Carl was the person who put it together.

Councilor Johnson said after the workshop with the Planning Commission, he thought it would be good for the Council to have workshops with the neighborhood associations. Councilor Newton asked that they come up with specific topics to discuss. Councilor Blackwell requested a copy of the workshop tape.

ACTION REVIEW:

1. Approving the consent agenda.
2. Approving Resolution 862.
3. Approving Resolution 863.
4. Approving Resolution 864.
5. Approving CPA 04-01/ZC 04-02 Plantore/SR Smith and directing staff to come back with appropriate Ordinance approving the zone change.

6. Approving Resolution 865.
7. Approving Resolution 867.
8. Approving Resolution 868.
9. Approving Ordinance 1142 on second reading.
10. Approving Ordinance 1146 on second reading.
11. Approving Ordinance 1147 to come up for second reading on July 7, 2004.
12. Bringing back a report on the 13th Avenue bike lanes.
13. Appointing Mr. Staehely and Mr. MacDonald to city committees.
14. Scheduling workshops with neighborhood associations.

****Councilor Carson moved to go into executive session under ORS 192.660(2)(d) labor negotiations and ORS 192.660(2)(h) pending litigation. Motion was seconded by Councilor Johnson and passed 6-0.**

Mayor Thompson recessed the regular session at 8:45 p.m.

Mayor Thompson reconvened the regular session and immediately adjourned at 9:46 p.m.

**CANBY CITY COUNCIL
EXECUTIVE SESSION
June 16, 2004**


Present: Mayor Melody Thompson, Councilors Walt Daniels, Georgia Newton, Wayne Oliver, Patrick Johnson, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, City Attorney John Kelley, Mike Swanson, and Jon Bell.

Mayor Thompson called the session to order at 8:48 p.m.

ORS 192.660(2)(h) – The Council discussed a tort claim notice from Glenn Kraxberger.

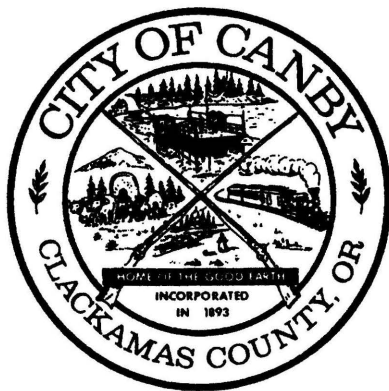
ORS 192.660(2)(d) – The Council discussed labor negotiations.

Mayor Thompson adjourned the session at 9:45 p.m.


Kimberly Scheafer
City Recorder Pro Tem


Melody Thompson
Mayor

Assisted in Preparation of Minutes - Susan Wood



City of Canby

General Administration Office

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Primary Election on May 18, 2004, to consider the following measure:

MEASURE NO. 3-125

Shall 1.65 acres located East of S. Ivy and South of SE 13th Avenue 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 18, 2004.

YES - 1,411


NO - 1,851

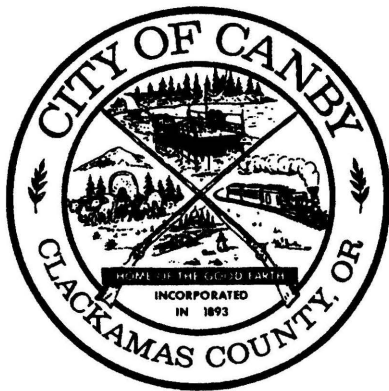
Over Votes - 0

Under Votes - 107

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 3, 2004.

Dated this 16th day of June, 2004.


Melody Thompson, Mayor



City of Canby

General Administration Office

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Primary Election on May 18, 2004, to consider the following measure:

MEASURE NO. 3-126

Shall 19.91 acres located North of NE Territorial, near N Holly 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 18, 2004.

YES - 964

NO - 2,291

Over Votes - 2

Under Votes - 112

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 3, 2004.

Dated this 16th day of June, 2004.


Melody Thompson, Mayor

3-125 CANBY CITY 1.65 ACRES ANNEXATION				3-126 CANBY CITY 19.91 ACRES ANNEXATION			
Y E S	N O	O V E R V O T E S	U N D E R V O T E S	Y E S	N O	O V E R V O T E S	U N D E R V O T E S
402	471	0	30	331	540	2	30
111	164	0	10	68	206	0	11
374	483	0	30	212	645	0	30
287	346	0	23	217	415	0	24
237	387	0	14	136	485	0	17
1411	1851	0	107	964	2291	2	112

RECEIVED

JUN 07 2004

CITY OF CANBY

CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK
BY: *Darlene Perry*
Deputy
JUN - 3 2004

CITY OF CANBY

EMPLOYMENT AGREEMENT

This Agreement is made and entered into effective July 1, 2004, by and between the CITY OF CANBY, State of Oregon, a municipal corporation, hereinafter called "Employer" and CHAUNEE F. SEIFRIED, hereinafter called "Employee", both of whom agree as follows:

WHEREAS, Employer desires to continue to employ the services of Employee as City Treasurer of the Employer; and

WHEREAS, it is the desire of the Canby City Council ("Council") to establish certain conditions of employment, establish certain benefits, and set working conditions of said Employee; and

WHEREAS, Employee desires to continue to be employed as City Treasurer for the Employer;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties:

Employer hereby agrees to continue to employ Employee as City Treasurer for the Employer. She shall continue to perform the functions and duties of the City Treasurer as specified in the City Charter.

Section 2. Term:

- A. Employee, having been employed by Employer commencing November 6, 1997, herein referred to as the "anniversary date", agrees to continue to be employed by Employer. Employment shall continue until terminated by one or both of the parties in accordance with the terms of this Agreement.
- B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Council to terminate the services of Employee at any time, subject only to the provisions set forth in Section 4, paragraphs A and B, of this Agreement.
- C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from her position with Employer, subject only to the provision set forth in Section 4, Paragraph C, of this Agreement.

Section 3. Hours of Work:

Employee shall be available for work in the City Treasurers office Monday through Friday during regular business hours. Employee will be available, when necessary, for night meetings.

Section 4. Termination and Severance Pay:

- A. In the event Employee is terminated by the Council during her term of employment or any extension thereof and during such time that Employee is willing and able to perform her duties under this Agreement, then, in that event, Employer agrees to pay Employee a lump sum cash payment equal to six months' aggregate salary within 60 days of such termination; provided, however, that in the event Employee is terminated because Employee is convicted of a felony or misdemeanor involving fraud or dishonesty or commits gross negligence in the performance of her duties, Employer shall have no obligation to pay the severance sum described herein.
- B. In the event Employer at any time during the term of this Agreement reduces the salary or other financial benefits of Employee by a greater percentage than an applicable across-the-board reduction for all management employees of Employer, or in the event Employer refuses, following ten days prior written notice, to comply with any other term, condition or provision of this Agreement benefiting Employee herein, or Employee resigns following a suggestion, whether formal or informal, by the Council that she resign, then, in that event, Employee may, at her option be deemed "terminated" as of the date of such act or event and Section 4, Paragraph A shall apply.
- C. In the event Employee voluntarily resigns her position with Employer on grounds other than those set forth in Section 4, Paragraph B during the term of this Agreement, she shall be required to give Employer thirty (30) days prior written notice of such intention. Employee will cooperate with the smooth and normal transfer to the newly appointed treasurer during such 30 day period. Except as set forth in Section 4, Paragraph B, a voluntary resignation does not entitle Employee to severance pay.

Section 5. Salary:

- A. Employer agrees to pay Employee for her services rendered pursuant to an annual base salary of \$72,360, payable in installments at the same time as other employees of the Employer are paid.
- B. Employer agrees to pay for Employee's participation in the City's 457 Retirement Plan an amount equal to five percent (5%) of Employee's annual salary.
- C. In addition, Employer agrees to increase said base salary and/or other benefits of Employee in such amounts and to such extent as the Council may determine that it is desirable to do so on the basis of an annual salary review of the said Employee made at the same time as similar consideration is given other employees generally.

Section 6. Benefits:

- A. Employer shall provide Employee with the standard benefit package as is offered other full-time management level employees ("Management Employees") including fully paid medical, dental, vision, life and disability insurance, PERS benefits and sick leave. With respect to PERS benefits, it is recognized between the parties to this Agreement, that Employee is currently a Tier Two Level member and has been since 1998. Employee's PERS status will not change by entering into this Agreement.

- B. Employee shall accrue vacation, sick leave and holidays at the rate same as other Management Employees as set forth in Resolution No 858 and any subsequent amendments there to.
- C. Employee shall be entitled to use and benefit from currently accrued sick leave and vacation days as of the date of this Agreement. In the future, Employee may accrue vacation and sick leave and shall be paid for unused sick and vacation leave upon termination in the same manner as other Management Employees.

Section 7. Dues and Professional Development:

- A. Employer agrees to budget for and pay the professional dues and subscriptions of Employee necessary for Employee's continued professional development as approved in the budget.
- B. Employer agrees to budget for and pay the reasonable travel, lodging and meal expenses of Employee for training and conferences necessary for Employee's professional development and/or the good of the Employer as approved by the City Administrator.

Section 8. Performance Evaluation:

The Council may review and evaluate the performance of Employee annually. If agreed between Employer and Employee, the City Administrator may participate at an agreed level in the performance evaluation. If it is agreed that the City Administrator is to conduct Employee's performance evaluation, the evaluation results must be reviewed and approved in writing by the City Council. Further, the Mayor shall provide Employee with a written summary of the performance evaluation findings of the Council and provide an opportunity for Employee to discuss the evaluation with the Council. The performance review shall be in accordance with specific criteria developed jointly and by mutual agreement between Employer and Employee.

Section 9. Indemnification:

Employer shall pay, protect, defend, indemnify, release, waive any claims of contribution and hold Employee harmless from and against all liabilities, obligations, claims, damages, penalties, causes of action, costs, and expenses (including without limitation, reasonable attorneys' fees and expenses), imposed upon or incurred by or asserted against Employee by reason, directly or indirectly, of Employee's performance of her duties and/or arising, directly or indirectly, as a result of Employee's employment with Employer. It is the parties understanding that Employee will not need to maintain professional liability insurance, and that if professional liability insurance is deemed necessary, Employer will be solely responsible for procuring, maintaining and paying for such insurance coverage.


Section 10. Other Terms and Conditions:

The Council, upon mutual agreement of Employee, may modify, add or delete the terms and conditions of Employee's employment, provided such modifications, additions or deletions are not inconsistent with, or in conflict with, the provisions of this Agreement, the City Charter or any other law.

Section 11. General Provisions:

- A. The text herein shall constitute the entire Agreement between the parties.
- B. This Agreement shall be binding upon and insure to the benefit of the parties, their successors, assigns, heirs, devisees, executors, trustees and beneficiaries.
- C. This Agreement shall be amended only by written agreement signed by the parties.
- D. If any provision, or portions thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.
- E. In the event of any suit or action herein, the prevailing party in such suit or action shall be entitled to reasonable attorney's fees to be fixed by the court both at trial and following any appeal, together with prevailing party costs and disbursements incurred therein.
- F. This Agreement shall be construed under the laws of the State of Oregon.
- G. The parties acknowledge and agree they each have had an opportunity to consult with their own legal counsel with respect to this Agreement and the terms and conditions contained herein shall be construed in a neutral manner and not against either party. The recitals contained in this Agreement are hereby made a part of this Agreement.
- H. This Agreement is effective July 1, 2004, and will remain in effect until terminated or modified pursuant to its terms.

IN WITNESS WHEREOF, the Employer has caused this Agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Recorder, Pro Tem, and the Employee has signed and executed this Agreement, the day and year first above written.


Melody Thompson, Mayor

ATTEST:


Kimberly Scheafer City Recorder Pro-Tem


Chaunce F. Seifried, Employee