CANBY CITY COUNCIL WORKSHOP MINUTES December 1, 2004

Presiding: Mayor Melody Thompson

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

Staff Present: City Administrator Mark Adcock, Finance & Court Services Director Chaunee Seifried and City Recorder Pro Tem Kim Scheafer.

Others Present: Roger Harris, Lila & Curtis Gottman, Charles Blackwell, Rhonda Hutchinson, and Bob Watson.

Mayor Thompson called the session to order at 6:05 p.m. A light dinner was served.

The Council met in a workshop session to discuss the roles and responsibilities of the City and General Canby Day Committee if the committee became a non-profit 501(c)(3) organization. The Committee wrote a list of responsibilities. The Committee wanted general support from the City and to waive some fees.

Councilor Daniels asked if fees would be charged to non-profit parade participants. Ms. Gottman said no.

Councilor Carson asked about what types of things the General Canby Day Committee gave back to the citizens. Ms. Gottman said they paid for the fireworks, trophies for different events, advertising, meals for the coronation, and decorations. Under the ordinance, all the funds went to the event.

Councilor Newton said she did not know what the city could do every year, such as police and garbage service fees being waived.

Mayor Thompson said in regard to a Council member on the Committee, they would continue having a liaison if someone on the Council was willing to serve as one.

A discussion took place regarding the costs associated with police and garbage services. Waiver of police service fees would be handled on a year to year basis depending upon the City's budget. They needed to review the garbage service agreement to see if there was a provision for this event. Complaints would be referred directly to the General Canby Day Committee. The Committee would become an independent autonomous group.

The Council wanted to see the General Canby Day Committee give back funds to the community if they had extra. The current ordinance would be rescinded and the committee would be governed by its own by-laws. The Committee would be serving as General Canby Days Inc. The goal was to keep the event free.

CANBY CITY COUNCIL REGULAR SESSION MINUTES December 1, 2004

Presiding: Mayor Melody Thompson

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

Staff Present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development & Planning Director John Williams, Finance & Court Services Director Chaunee Seifried, Library & Parks Director Beth Saul, Police Chief Ken Pagano, Transit & General Services Director Margaret Yochem, Police Lieutenant Greg Kroeplin, Project Planner Matilda Deas, WWTP Supervisor Darvin Tramel, Fleet Services Senior Mechanic Joe Witt, and City Recorder Pro Tem Kim Scheafer.

Others Present: Roger Harris, Lila & Curtis Gottman, Greg Perez, Sharon Schneider, and David Howell.

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

<u>Kiwanis Food & Toy Drive Proclamation</u> – Mayor Thompson presented Mr. Greg Perez with a proclamation proclaiming December 12 – 18, 2004 as Canby Kiwanis Food & Toy Drive. Mr. Perez thanked them and hoped they could visit the warehouse to see their operation.

<u>Certification of November 2, 2004 Mayor & City Council Election</u> – Mayor Thompson read the certification of the November 2, 2004 General Election regarding the Mayor and City Council election. The official count of votes from Clackamas County:

MAYOR -

Melody Thompson - 4,551, Write-In - 150, Over Votes - 0, Under Votes - 2,416.

CITY COUNCIL -

Walt Daniels - 3,812, Roger Keith Harris - 3,454, Randy Carson - 3,577, Teresa Blackwell - 3,725, Write-In - 222, Over Votes - 4, Under Votes 13,674.

Certification of November 2, 2004 Measure 3-139, 4.98 Acre Annexation Proclamation – Mayor Thompson read the certification of the November 2, 2004 General Election regarding Measure 3-139. The measure passed with an official count of votes from Clackamas County: Yes -3,610, No -3,076, Over Votes -2, Under Votes -429.

Certification of November 2, 2004 Measure 3-141, 4.57 Acre Annexation Proclamation – Mayor Thompson read the certification of the November 2, 2004 General Election regarding Measure 3-141. The measure failed with an official count of votes from Clackamas County: Yes -3,158, No -3,488, Over Votes -3, Under Votes -468.

Certification of November 2, 2004 Measure 3-142, 9.74 Acre Annexation Proclamation – Mayor Thompson read the certification of the November 2, 2004 General Election regarding Measure 3-142. The measure failed with an official count of votes from Clackamas County: Yes -3,121, No -3,568, Over Votes -2, Under Votes -426.

Certification of November 2, 2004 Measure 3-143, .97 Acre Annexation Proclamation – Mayor Thompson read the certification of the November 2, 2004 General Election regarding Measure 3-143. The measure passed with an official count of votes from Clackamas County: Yes -3,417, No -3,242, Over Votes -1, Under Votes -457.

Plaque for Councilor Johnson - Mayor Thompson read from a plaque that thanked Mr. Pat Johnson for serving on the City Council. Mr. Johnson was unable to attend the meeting.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Lila Gottman, resident of 10823 S Mulino Rd, said that students from Carus Elementary School had submitted the button designs for General Canby Day this year. The theme was Our Country, Our Community. Buttons would be displayed around town and the public would be able to vote on a design they liked.

MAYOR'S BUSINESS: Mayor Thompson said that she had attended the swim meet at the swim center last weekend and had seen the improvements made at the pool.

On Monday, November 29, she along with Mr. Adcock attended a City Manager/Mayor meeting regarding the results of the library levy. The cities would have a greater say in the County and there would be a coordinated effort to help with the declining funding for libraries. Administrator Adcock reviewed the items of discussion of that meeting.

Mayor Thompson said she along with Ms. Beth Saul had attended a meeting with the Riverside Neighborhood Association regarding adopting or advocating the Emerald Necklace plan. The Association asked if they could also attend the Arndt Road meeting.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Daniels said in regard to the Kiwanis food basket program, people needed basic food items. Mr. Perez said they wanted non-perishable food and non-dented canned foods.

Councilor Newton thanked the Canby Chamber of Commerce for the light parade and decorating Wait Park. The City let the Chamber use their new sound system. This event happens the first Saturday after Thanksgiving each year.

Councilor Blackwell said they had received two applications for the Planning Commission. Advertising had been on-going for some time. She thought they should set up a time for interviews after their workshop on the 11th. Councilor Carson said they could make a decision at their next meeting on what they wanted to do. Councilor Blackwell said one current Planning Commission member was asking to be reappointed and the other applicant was new. Councilor Carson said anyone interested should get their application in.

Councilor Daniels said there were two openings on the Bike & Pedestrian Committee.

CONSENT AGENDA: **Councilor Carson moved to approve Accounts Payable of \$136,261.55; Minutes of the November 15, 2004 City Council Workshop; and Minutes of the November 17, 2004 City Council Workshop, Regular Meeting, and Executive Session. Motion was seconded by Councilor Blackwell and passed 5-0.

RESOLUTIONS & ORDINANCES:

Resolution 886 – **Councilor Daniels moved to approved Resolution 886, A RESOLUTION ACCEPTING THE RESULTS OF NOVEMBER 2, 2004 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF 4.98 ACRES DESCRIBED AS TAX LOTS 2300 AND 3300 OF TAX MAP 3-1E-34 LOCATED ON THE EAST SIDE OF SOUTH WALNUT STREET, BETWEEN SOUTH WALNUT AND SOUTH MULINO ROAD, AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS. Motion was seconded by Councilor Carson and passed 5-0.

Resolution 887 – **Councilor Carson moved to approved Resolution 887, A RESOLUTION ACCEPTING THE RESULTS OF NOVEMBER 2, 2004 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF .97 ACRES DESCRIBED AS TAX LOT 1500 OF TAX MAP 3-1E-28DD LOCATED AT 1063 NE TERRITORIAL ROAD ON THE SOUTHWEST CORNER OF N. PINE STREET AND NE TERRITORIAL ROAD, AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS. Motion was seconded by Councilor Blackwell and passed 5-0.

Ordinance 1153 – Community Development and Planning Director John Williams said the last time the sewer use ordinance was updated was in 1991. Most of this was cleaning up and reorganizing the ordinance to meet state and federal rules. The ordinance had already been reviewed and approved by the Department of Environmental Quality.

Councilor Carson thanked Mr. Tramel and the WWTP Department.

Mayor Thompson said the title of the ordinance said it was regulating the discharge of wastes and storm water. Mr. Tramel said there would be a new ordinance that addressed the storm water system. Mr. Williams said the City had a storm water plan since 1994. Mr. Tramel said there was reference to storm water that related to the collection system and they prohibited hazardous waste and toxic waste to go into the storm water system. Mayor Thompson asked if any industrial/commercial users had any comments, and Mr. Tramel said they did not.

**Councilor Carson moved to approved Ordinance 1153, AN ORDINANCE REGULATING THE DISCHARGE OF WASTES TO THE CITY OF CANBY SANITARY AND STORM SEWER SYSTEMS, LIMITING SUCH DISCHARGES ONLY TO THOSE OF ACCEPTABLE TYPES, CHARACTERISTICS, OR CONCENTRATIONS; ESTABLISHING A SYSTEM OF WASTE DISCHARGE PERMITS AND USER FEES; PROVIDING FOR ENFORCEMENT; REPEALING ORDINANCE NO. 868, ENACTED SEPTEMBER 18, 1991 AND DECLARING AN EMERGENCY to come up for second reading on December 15, 2004. Motion was seconded by Councilor Blackwell and passed 5-0 on first reading.

Ordinance 1155 - **Councilor Newton moved to approve Ordinance 1155, AN ORDINANCE VACATING TEN FEET OF THE PUBLIC RIGHT-OF-WAY ON THE WEST SIDE OF NORTH OAK STREET BETWEEN TAX LOTS 00211 AND 00208 OF MAP 3-1E-33AA. Motion was seconded by Councilor Daniels and passed 5-0 by roll call vote.

Ordinance 1162 – Police Chief Ken Pagano said that the Police Department was in a vehicle replacement program of replacing two patrol cars a year. Chief Pagano thanked Fleet Services Supervisor Joe Witt for all he had done. They were replacing a 1995 Chevrolet and a state lease vehicle.

**Councilor Daniels moved to approve Ordinance 1162, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LANDMARK FORD OF TIGARD, OREGON FOR THE LEASE/PURCHASE OF TWO (2) 2005 FORD CROWN VICTORIA POLICE INTERCEPTORS WITH POLICE EQUIPMENT PACKAGES FOR THE CANBY POLICE DEPARTMENT AND DECLARING AN EMERGENCY to come up for second reading on December 15, 2004. Motion was seconded by Councilor Carson.

Councilor Daniels asked if switching from a Chevrolet to a Ford was a general trend. The Chief said that Chevrolet did not make the police package anymore.

Motion passed 5-0 on first reading.

Ordinance 1165 - **Councilor Carson moved to approve Ordinance 1165, AN ORDINANCE CONCERNING REAL PROPERTY COMPENSATION; ADOPTING PROCEDURES FOR PROCESSING DEMANDS AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.

Ordinance 1167 – Mr. Adcock said they had received a bid from a vendor they were not familiar with and would bring this ordinance back at the next meeting.

NEW BUSINESS: Appointment of City Recorder Pro Tem – Mayor Thompson said that she was appointing Mr. Adcock as City Recorder Pro Tem while Kim Scheafer was absent.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Update on Future Facility Plan – Transit & General Services Director Margaret Yochem said they had ten meetings and three of those were with the Task Force. They did a preliminary assessment and introduced preliminary budget models and were reviewing demographics. They were hoping to have a recommendation in January. Ms. Yochem said they were not doing any remodeling while this process was going on. Ms. Yochem said anyone could attend these meetings.

Ms. Yochem said in regard to transit, they had received word that they were not on the list for appropriations. Ridership was good and they would be putting in restrooms at the transit center and a new shelter had been installed at the Canby Adult Center. She asked that people use the bus shelter and not the doorway of the Adult Center.

Mr. Adcock said Attorney Kelley attended a training session on Measure 37 that day. Mr. Kelley gave an overview of what he had learned at the training session. The appraisal costs would be astounding.

Councilor Blackwell asked who paid for the appraisal. Mr. Kelley said that anyone who owned property was qualified to testify as to the value of their property. They had to agree to the underlying assumptions and the City's appraisal could be very different. If the regulation was a State enforced requirement, the City would have no authority to waive it and DLCD would more than likely sign a waiver. They were waiting to see what claims would be filed and how they were handled.

Mr. Adcock said that the City received from the League of Oregon Cities and City County Insurance Services a safety and risk management award for Fiscal Year 2003-2004.

Mayor Thompson said she got a message from the Chief regarding setting up a meeting with some law enforcement partners in regard to sharing gang information. She appreciated his initiative.

CITIZEN INPUT: Ms. Gottman said that the Canby Adult Center would be having a holiday bazaar on Saturday from 9:30 - 1:30. Next Saturday they would be having a Bingo night.

ACTION REVIEW:

- 1. Approving the consent agenda.
- 2. Approving Resolution 886.
- 3. Approving Resolution 887.
- 4. Approving Ordinance 1153 to come up for second reading on December 15, 2004.
- 5. Approving Ordinance 1155 on second reading.
- 6. Approving Ordinance 1162 to come up for second reading on December 15, 2004.
- 7. Approving Ordinance 1165 on second reading.
- 8. Appointing the City Administrator to serve as City Recorder Pro Tem in the Recorder's absence.

Councilor Carson moved to go into executive session pursuant to ORS 192.660(2)(b) Discipline of Public Officer and ORS 192.660(2)(e) Real Property. Motion was seconded by Councilor Blackwell and passed 5-0.

Mayor Thompson read the executive session format and recessed the regular session at 8:41 p.m.

Mayor Thompson reconvened the regular session and immediately adjourned at 9:31 p.m.

CANBY CITY COUNCIL EXECUTIVE SESSION MINUTES December 1, 2004

Presiding: Mayor Melody Thompson

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

Staff Present: City Administrator Mark Adcock, City Attorney John Kelley, Library & Parks Director Beth Saul, and Project Planner Matilda Deas.

Others Present: Roger Harris, Municipal Court Judge Jon Henricksen, and David Howell.

Mayor Thompson called the session to order at 8:45 p.m.

ORS 192.660(2)(e) – The Council discussed a request from Dr. Perman to purchase property. ORS 192.660(2)(b) – The Council discussed possible discipline of an employee.

Mayor Thompson adjourned the session at 9:30 p.m.

Mark C. Adcock

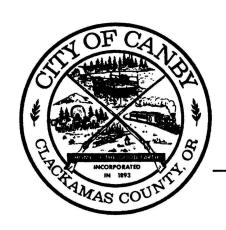
City Recorder Pro Tem

Melody Thompson

Melody Horyson

Mayor

Assisted in Preparation of Minutes – Susan Wood



General Administration Office

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 2, 2004, and

WHEREAS, the Clackamas County Elections Department offers the following abstract as an official count of votes as of November 19, 2004:

MAYOR -

Melody Thompson	4,551
Write-In	150
Over Votes	0
Under Votes	2,416

CITY COUNCIL -

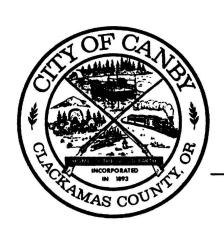
Walt Daniels	3,812
Roger Keith Harris	3,454
Randy Carson	3,577
Teresa Blackwell	3,725
Write-In	222
Over Votes	4
Under Votes	13,674

WHEREAS, the three people receiving the most votes will be selected to four year terms on the Canby City Council and the person receiving the next highest number of votes will serve a two year term;

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 Elections Division dated November 19, 2004.

Dated this 1st day of December, 2004.

Melody Thompson



General Administration Office

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 2, 2004, to consider the following measure:

MEASURE NO. 3-139

Shall 4.98 acres located North of SE Township between Walnut and South Mulino Road be annexed into Canby?

WHEREAS, the Clackamas County Elections Department offers the following as an <u>official</u> count of votes for the General Election on November 2, 2004.

YES -

3,610

NO -

3.076

Over Votes -

2,0

Under Votes -

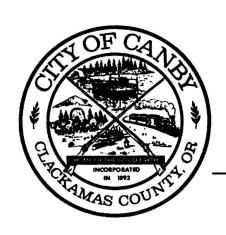
429

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 19, 2004.

Dated this 1st day of December, 2004.

Melody Thompson

Melody Thompson



General Administration Office

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 2, 2004, to consider the following measure:

MEASURE NO. 3-141

Shall 4.57 acres located East of N Redwood Street across from NE 12th Avenue be annexed into Canby?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the General Election on November 2, 2004.

YES -

3,158

NO -

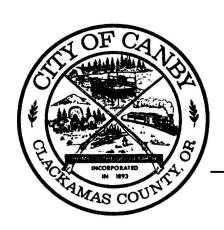
3,488

Over Votes -

Under Votes - 468

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 19, 2004.

Dated this 1st day of December, 2004.



General Administration Office

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 2, 2004, to consider the following measure:

MEASURE NO. 3-142

Shall 9.74 acres located South of SE 13th 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 General Election on November 2, 2004.

YES - 3,121 NO - 3,568 Over Votes - 2

Under Votes -

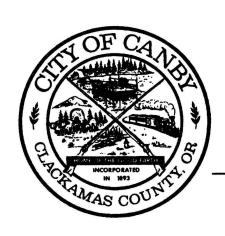
426

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 19, 2004.

Dated this 1st day of December, 2004.

Melody Thompson

Nelody Kurys



General Administration Office

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 2, 2004, to consider the following measure:

MEASURE NO. 3-143

Shall .97 acres located at 1063 NE Territorial Road be annexed into Canby?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the General Election on November 2, 2004.

YES -

3,417

NO -

3,242

Over Votes -

0,24

Under Votes -

457

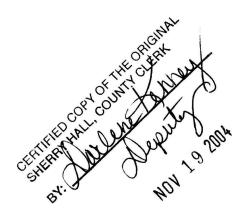
NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 19, 2004.

Dated this 1st day of December, 2004.

Melody Thompson, Mayor

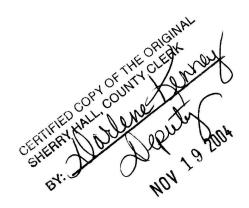
NUMBERED KEY CANVASS				CAMAS COUNTY	, OREGON	
RUN DATE:11/17/04 04:39 PM			NOVEM	IBER 2,2004		REPORT-EL52 PAGE 0082
CANBY CITY MAYOR VOTE FOR 1			VOTE	S PERCENT		VOTES PERCENT
01 = MELODY THOMPSON 02 = WRITE-IN			4,55 15		03 = OVER VOTES 04 = UNDER VOTES	0 2,416
	01	02	03	04		
0122 PRECINCT 122	1270	36	0	704		
0123 PRECINCT 123	400	8	0	208		
0124 PRECINCT 124	1180	39	0	604		
0125 PRECINCT 125	927	27	0	455		
0126 PRECINCT 126	774	40	0	445		

NOV 2004



NUMBERED KEY CANVASS RUN DATE:11/17/04 04:39 PM			CLACKA GENERA NOVEMB	L ELEC	CTION	DREGON	REPORT-EL52	PAGE 0083
CANBY CITY COUNCIL VOTE FOR 4			VOTES	PERC	CENT		VOTES	PERCENT
01 = WALT DANIELS 02 = ROGER KEITH HARRIS 03 = RANDY CARSON			3,812 3,454 3,577	23.	.35	05 = WRITE-IN 06 = OVER VOTES	222 4	1.50
04 = TERESA BLACKWELL			3,725	25.	.19	07 = UNDER VOTES	13,674	
	01	02	03	04	05	06 07		
0122 PRECINCT 122	1007	918	966 1	011	57	4 4077		
0123 PRECINCT 123	334	308		325	25	0 1158		
0124 PRECINCT 124	1002	915		966	50	0 3406		
0125 PRECINCT 125 0126 PRECINCT 126	791 678	686 627		773 650	45 45	0 2609 0 2424		

NOV 312 2004



NUMBERED KEY CANVASS RUN DATE:11/17/04 04:39 PM			GENER	KAMAS COUNTY RAL ELECTION MBER 2,2004	, OREGON	REPORT-EL52 PAGE 0160
3-139 CANBY CITY ANNEX 4.98 ACRES VOTE FOR 1			VOTE	ES PERCENT		VOTES PERCENT
01 = YES			3,61		03 = OVER VOTES	2
02 = NO			3,07	76 46.01	04 = UNDER VOTES	429
	01	02	03	04		
	• • • • • • •					
0122 PRECINCT 122	1041	847	1	121		
0123 PRECINCT 123	304	271	0	41		
0124 PRECINCT 124	931	789	0	103		
0125 PRECINCT 125	723	581	0	105		
0126 PRECINCT 126	611	588	1	59		

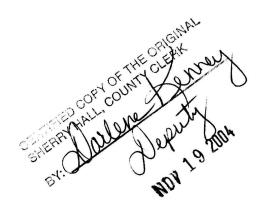
NOV 272 2004

CITY OF CANBY

WON TO JOHN

NUMBERED KEY CANVASS RUN DATE:11/17/04 04:39 PM			GENER	AMAS COUNTY AL ELECTION BER 2,2004	OREGON	REPORT-EL52 PAGE 0161
3-141 CANBY CITY ANNEX 4.57 ACRES VOTE FOR 1 01 = YES 02 = NO			3,15 3,48		03 = OVER VOTES 04 = UNDER VOTES	VOTES PERCENT 3 468
0122 PRECINCT 122 0123 PRECINCT 123 0124 PRECINCT 124 0125 PRECINCT 125	949 294 749 657	937 275 963 636	03 1 0 0 2	04 123 47 111 114	or sustantial	
0126 PRECINCT 126	509	677	0	73		

NOV 2 2 2004



NUMBERED KEY CANVASS RUN DATE:11/17/04 04:39 PM			GENER	CAMAS COUNTY, NAL ELECTION IBER 2,2004	OREGON	REPORT-EL52 PAGE 0162
3-142 CANBY CITY ANNEX 9.74 ACRES VOTE FOR 1 01 = YES 02 = NO			3,12 3,56		03 = OVER VOTES 04 = UNDER VOTES	VOTES PERCENT 2 426
	01	02	03	04		
0122 PRECINCT 122 0123 PRECINCT 123 0124 PRECINCT 124 0125 PRECINCT 125 0126 PRECINCT 126	920 270 801 622 508	975 307 919 683 684	0 0 1 0	115 39 102 104 66		

NOV 5 2 2004



NUMBERED KEY CANVASS RUN DATE:11/17/04 04:39 PM			GENER	AMAS COUNTY, AL ELECTION IBER 2,2004	OREGON	REPORT-EL52 PAGE 0163
3-143 CANBY CITY ANNEX 0.97 ACRES VOTE FOR 1 01 = YES			VOTE 3,41	.7 51.31	03 = OVER VOTES	VOTES PERCENT
02 = N0			3,24	2 48.69	04 = UNDER VOTES	457
	01	02	03	04		
0122 PRECINCT 122 0123 PRECINCT 123 0124 PRECINCT 124 0125 PRECINCT 125 0126 PRECINCT 126	1018 296 834 718 551	868 275 877 582 640	0 0 0 0	124 45 112 109 67		

NOV 22 2004

