

**CANBY CITY COUNCIL
WORKSHOP
May 7, 2003**

Present: Mayor Melody Thompson, Councilors Georgia Newton, Wayne Oliver, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Library and Parks Director Beth Saul, Transit and General Services Director Margaret Yochem, Police Chief Ken Pagano, Administrative Specialist Kim Scheafer, and Walt Daniels. Councilor Johnson was absent.

Mayor Thompson called the session to order at 6:30 p.m. A light dinner was served.

The Council met in workshop session in the Canby City Hall to discuss the Policies & Operating Guidelines along with the City Council Goals & Program of Work documents.

Mayor Thompson adjourned the session at 7:20 p.m.

**CANBY CITY COUNCIL
REGULAR SESSION
May 7, 2003**

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

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Library and Parks Director Beth Saul, Finance and Court Services Director Chaunee Seifried, Transit and General Services Director Margaret Yochem, Police Chief Ken Pagano, Administrative Specialist Kim Scheafer, Joyce Peters, Irene Breshears, John Dewar, Bob Root, Susie Voss, Katelyn Williams, Lyla Shultz, Don Staehely, Lila & Curtis Gottman, Walt Daniels, Bev Doolittle, Tony Helbling, Pat Sisul, Tom Scott, Bob Zimmer, Lisa Weygandt, David Howell, and Keith Frazier.

Mayor Thompson called the regular session to order at 7:34 p.m., followed by the opening ceremonies.

Mayor Thompson recessed the session at 7:35 p.m. for an Urban Renewal Agency meeting.

Mayor Thompson reconvened the session at 7:39 p.m.

PROCLAMATIONS: Fibromyalgia Awareness Day - Mayor Thompson read and presented Lyla Shultz with a proclamation which proclaimed May 12, 2003 as Fibromyalgia Awareness Day. Ms. Shultz presented the Mayor with a cookbook and some literature on Fibromyalgia.

Poppy Month & Poppy Day - Mayor Thompson read and presented Susie Voss with a proclamation which proclaimed the month of May 2003 as poppy month and the week of May 5 through May 9 as Poppy Days in the City of Canby. Ms. Voss introduced her granddaughter, Katelyn Williams, and read a poem regarding the making of poppies.

Armed Forces Day - Mayor Thompson read and presented Bob Root with a proclamation which proclaimed May 17, 2003 as Armed Forces Day in Canby.

National Historic Preservation Week - Mayor Thompson read and presented Historical Committee liaison Teresa Blackwell with a proclamation which proclaimed May 5 through May 15, 2003 as National Historic Preservation Week.

National Association of Letter Carriers National Food Drive Day - Mayor Thompson read and presented John Dewar with a proclamation which proclaimed May 10, 2003 as National Association of Letter Carriers National Food Drive Day. Mr. Dewar said this was the eighth annual food drive in Canby. He thanked all the volunteers.

CITIZEN INPUT ON NON-AGENDA ITEMS: Don Staehely, Canby School District Business Manager, spoke regarding the tax levy that was on the ballot. Mr. Staehely handed out copies of the ballot and information regarding what it would do. The levy would be \$.90 per \$1,000. The District was cutting 2.7 million dollars out of their budget and this would raise 1 million dollars. The levy would provide a temporary band aid for two years. Mr. Staehely introduced Marty McCullough who was campaigning for this option.

Ms. McCullough spoke regarding the levy and what it would provide for the students of Canby. They hoped to buy back 14 staff members of the 28 who were laid off, partially restore PE and music in the elementary schools from two days a week to four, and more instructional assistant time. Ms. McCullough handed out brochures to the Council. She said they were trying to provide additional information than what the School Board had done, and the encouragement to approve the levy.

CONSENT AGENDA: **Councilor Carson moved to approve Minutes of the Regular Session of April 16, 2003; Minutes of the Workshops on April 14, 2003 and April 23, 2003; and Accounts Payable of \$132,211.10. Motion was seconded by Councilor Johnson and passed 5-0.

COMMUNICATIONS: Letter from Canby High School Construction Class - City Administrator Adcock said that the students were concerned and wanted the restrooms at Wait Park to be locked at dusk to try to prevent vandalism. He thought a police officer could do so.

Letter from Canby Business Revitalization - City Administrator Adcock read a letter from Canby Business Revitalization & Development requesting a workshop with the City Council. He would organize a meeting with them.

PUBLIC HEARING: ANN 03-01 Willow Creek Estates -

Mayor Thompson opened the public hearing at 8:05 p.m. and read the public hearing format.

CONFLICT OF INTEREST:

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 Newton - No contact.
Councilor Oliver - No contact.
Councilor Johnson - Driven by the site, drew no conclusions.
Mayor Thompson - No contact.
Councilor Carson - Driven by the site, drew no conclusions.
Councilor Blackwell - No contact.

STAFF REPORT: Community Development and Planning Director John Williams said if approved, this would be on the November ballot. It was a request for a 9.7 acre tax lot which would be single family residential and allow the construction of 39 homes. It was located south of 13th Avenue and Ivy. It was Priority A and the Planning Commission voted 6-0 to recommend approval. They had about two years of buildable lands, and the goal was three years, so there was a need for this property. It was a smaller piece of property and was islanded by City limits. There was adequate access to the site. Regarding sanitary sewer service, a lift station would need to be installed, but all other services were adequate. There were no adverse economic or environmental effects.

QUESTIONS: None.

PUBLIC TESTIMONY

APPLICANT: Pat Sisul of Sisul Engineering, located on 375 Portland Avenue, Gladstone, Oregon, said this site was an island of County land surrounded by the City; it was flat and currently being farmed with other properties. It was free of hazards and there were no buildings on the site. Both developers were aware there was a sanitary sewer restriction on the property, and this would be considered at the time of the subdivision application. The property would not work well as a stand alone farm. There was a well, but it was now located off the site. Water to irrigate this farm was being piped through the undeveloped Tofte Farms. If the surrounding

properties were developed, it would be difficult to get farm equipment there and a barn would have to be constructed. The Priority A designation should have precedence over its agricultural viability. The annexations on the ballot and the current rate of building were not keeping pace with each other, and because of the long time lines for annexation and subdivision approval, it would be late 2004 or early 2005 before construction would begin on this property. There were no traffic related problems associated with the site.

Tom Scott, president of Willow Creek Estates, Inc., said they were a small development company in Canby and all their employees lived in Canby and used local businesses for their construction needs. Canby needed to grow. Residential land in Canby was at a low rate right now, and there was a need for more homes in Canby. If one or two annexations did not pass, they would probably run out of land by November. They were aware of the sewer issues and could take care of it in their development. They would continue to be in contact with neighboring property owners and make sure to do the sewer properly for future sites. It was prime agricultural land at one time, but was less and less viable to farm. Mr. Tofte was currently farming it, but said it was more like a hobby now than making a living at it. The property had no water rights and if the water was to be taken away, it could not be farmed.

Councilor Johnson asked about the concern expressed by the Traffic Safety Committee about heavy bus, foot, and car traffic already in the area. Mr. Scott said the development plans showed one road going out to 13th Avenue and that was being lined up with the Ackerman parking lot. They were trying to keep the roads away from the heavy intersections. They would also develop another parcel they had next to this one and put a road going out to Ivy which would alleviate some of the traffic to 13th Avenue.

Councilor Blackwell said she was very concerned about traffic on those two particular streets. She asked that they lend their comments to the Traffic Safety Committee.

PROPOSERS: None.

OPPOSERS: None.

REBUTTAL: None.

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

DISCUSSION:

****Councilor Carson moved to approve ANN 03-01, a request to annex one 9.7 acre tax lot into the City Limits, and direct staff to return with written findings and ballot language at the next available regular meeting of the City Council. Motion was seconded by Councilor Oliver.**

Councilor Blackwell asked if the sewer was going to be switching totally or was part going to be gravity flow and another part pumped? Mr. Sisul said the northern portion could be served by gravity flow and the southern portion would flow south to a pump station nearby.

Councilor Johnson said they had heard from the School District about budget cuts, however this annexation met every criteria. He thought the citizens of Canby should think about how it would impact their neighborhoods and schools before they voted.

Councilor Carson said it met the criteria and there were not many smaller parcels coming up at this time. It had been Priority A for 20 years. They did not have enough buildable lands and that would increase the costs of housing. The new lots would bring in new SDC's. This would not be developed until 2004/2005 and by that time, the school district should have a bond for another building. Deborah Sommer, school superintendent, said she did not want the issue of number of houses and new students coming in to affect how they voted.

Councilor Johnson clarified that he meant if they were going to support annexations then they needed to support the schools. Don't vote for one and not the other.

Motion passed 5-0.

NEW BUSINESS: New Liquor License Application for Smoke 4 Less -

Administrator Adcock said Chief Pagano was recommending approval of a new liquor license application for Smoke 4 Less. Councilor Carson said they previously had an on-site application for this business which was denied, and this was a fairly small establishment. Councilor Carson asked how many other establishments there were that size and how many small smoke shops in the area sold liquor? Police Chief Pagano said he believed this was one of the only smoke shops around and there were other establishments around that sold liquor. This was for off-site sales. The last time it was denied it was a different owner and different setting. The last time there were more on-site places to drink alcohol in the area. Chief Pagano said he didn't see a problem with off-site sales.

Councilor Blackwell said the condition of the on-site application before was a condition of the lottery. Chief Pagano said there would be no on-site consumption or gambling going on.

Councilor Johnson asked for clarification about on-site vs. off-site sales. Chief Pagano said for on-site, there would be alcohol consumption there and a chance of intoxicated people in the area by the school and before there were weapons being sold at the store. The new owner has knives, but they are locked up and there would be no alcohol consumption on-site. Other stores in the area, like Safeway, sold off-site alcohol. Councilor Johnson said he would vote against this because they had weapons and alcohol in the same location and it was by the high school.

****Councilor Carson moved to recommend approval of the new liquor license application**

for Smoke 4 less to the Oregon Liquor Control Commission. Motion was seconded by Councilor Oliver.

Councilor Johnson said this was just a recommendation, and the OLCC could approve it.

Motion was denied 5-0, all Councilors opposed.

Attorney Kelley said there was a requirement to have a public hearing and allow the applicant to present evidence if they were going to deny his request.

Discussion regarding City Administrator Evaluation criteria -

Mayor Thompson said they had been working on a new city administrator performance evaluation criteria, and state law said they needed to ask for public input.

Councilor Johnson said he thought the evaluation criteria in the past was not professional, and now future councils and city administrators would have a baseline to start from.

Mayor Thompson went through the evaluation document and asked Council for comments and revisions. The Council had no revisions.

Walt Daniels, resident of 687 N Ash, said as a former councilor he had gone through this process for a number of years, and he suggested they ask for feedback from public agencies. Mayor Thompson said they had that as a guideline in the document and agreed that it would help them get a broader perspective.

Councilor Blackwell asked if Administrator Adcock would feel confident giving this to another administrator. Administrator Adcock said he would, it was something that needed to be done and covered a wide array of skill sets.

Councilor Johnson asked if they should invite outside agencies to write a letter with their input when the evaluations were being done. Administrator Adcock said that was not normally done.

Councilor Newton said she hoped this would help them set goals and take them to the next level as a City. Mayor Thompson said there were places for comments where goals could be brought up. Administrator Adcock thought they should include Comments and/or Goals in each criteria for that purpose.

****Councilor Johnson moved to approve the City Administrator Performance Evaluation Criteria with the addition of "Comments and/or Goals" in each of the criteria. Motion was seconded by Councilor Carson and passed 5-0.**

Mayor Thompson asked to summarize the evaluation in Executive Session and then the Mayor

and Administrator Adcock could discuss it.

Discussion regarding City Councilor Interviews - Administrator Adcock said three people had applied for the City Council vacancy. The interview panel would be Mayor Thompson, Councilor Carson, and Councilor Newton. Interviews would be held on May 14th and/or 15th. Mayor Thompson asked if the Council had any questions or discussion areas they wanted the interview panel to focus on. If they did, they should let them know before the interviews.

UNFINISHED BUSINESS: None.

RESOLUTIONS & ORDINANCES: None.

MANAGER'S REPORT: None.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Councilor Blackwell spoke regarding a letter from the Clackamas County Coordinating Committee regarding joining them in support of the South Metro group or writing a letter on their own.

Councilor Carson said most of the projects were for the metro downtown urban area, but if they didn't speak up they might not get extra funding that might be available. Councilor Blackwell said when they stood together they had more teeth, and different organizations would take note.

Mayor Thompson said people in Canby often commuted to their work, and at least one of these transportation projects would benefit their citizens. Councilor Blackwell said a lot of these were not directly affecting Canby, but she thought the Committee appreciated their input and support. If Canby had a project, because of their participation, she thought the Committee would help them out.

****Councilor Johnson moved to have a letter of support sent to the Clackamas County Coordinating Committee. Motion was seconded by Councilor Carson.**

Councilor Blackwell reminded everyone to vote and spoke regarding the importance of the School District levy.

Motion passed 5-0.

Councilor Carson stated that on April 29th he had gone to Salem with Administrator Adcock and Mr. Williams and met with Representative Wayne Scott. They had good discussions with him about State and City budget issues and the tourism bill.

Councilor Johnson said he was worried about the Bike & Pedestrian Committee and was unable

to attend their meetings. He apologized to the Bike & Pedestrian Committee and wondered if anyone could replace him. The Council would discuss it.

ACTION REVIEW:

1. Approving the Consent Agenda.
2. Approving ANN 03-01 and bringing back findings and ballot language to the next meeting.
3. Denying the recommendation for a liquor license for Smoke 4 Less.
4. Approving the City Administrator Evaluation criteria.
5. Setting up and conducting interviews for the City Council applicants.
6. Sending a letter of support to the Clackamas County Coordinating Committee.

Mayor Thompson said they had asked John Kelley to research some contract and salary schedules. City Attorney Kelley said that his contract did not expire until July and that they had time.

Mayor Thompson read the executive session format under ORS 192.660 1(d) labor negotiations and recessed the regular session at 9:25 p.m.

Mayor Thompson reconvened the regular Council session and immediately adjourned at 11:25 p.m.

**CANBY CITY COUNCIL
EXECUTIVE SESSION**

May 7, 2003

Present: Mayor Melody Thompson, Councilors Georgia Newton, Wayne Oliver, Patrick Johnson, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, City Attorney John Kelley, Police Chief Ken Pagano, Finance & Court Services Director Chauncey Seifried, and Mike Swanson.

Mayor Thompson called the session to order at 9:35 p.m.

ORS 192.660 1(d) - The Council discussed labor negotiations.

Mayor Thompson adjourned the session at 11:20 p.m.

Chauncey F. Seifried

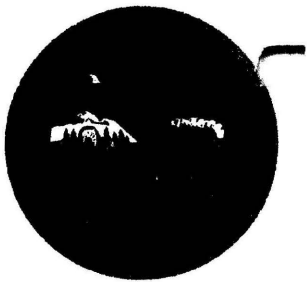
Chauncey F. Seifried
City Recorder pro tem

Melody Thompson

Melody Thompson
Mayor

Kim D. Scheafer

Prepared by Kim Scheafer
and Susan Wood Office Specialists



Office of the Mayor

Proclamation

"Fibromyalgia Awareness Day"

WHEREAS, an estimated 10 million people in the United States have been diagnosed with fibromyalgia; a disease for which there is no known cure; and

WHEREAS, fibromyalgia is a chronic illness, increasing at epidemic rates, that causes fatigue and debilitating pain in women, men and children of all ages and races; and

WHEREAS, patients with this illness often have to live with widespread pain throughout their bodies, fatigue, sleep disorders weakness and stiffness, impairment of memory and concentration and other symptoms; and

WHEREAS, it often takes an average of five years to receive the diagnosis of fibromyalgia and medical professionals frequently are inadequately trained in the diagnosis and treatment of this disease. In addition, it is necessary that we recognize the medical research demonstrating the biochemical abnormalities in people with fibromyalgia; and

WHEREAS, fibromyalgia in children and young adults presents unique challenges for the population who suffer not only from the symptoms of this illness, but also the lack of understanding and social acceptance; and

WHEREAS, employers should support employees with fibromyalgia by making adaptations to the work environment so that people with this disease can continue to function in their jobs; and

WHEREAS, the National Fibromyalgia Association and other support organizations around the country have joined together to promote fibromyalgia awareness including education, diagnosis, research and treatment to increase the public understanding of this disease so as to help guarantee a better future for those people suffering from fibromyalgia.

NOW THEREFORE, I, Melody Thompson, Mayor of the City of Canby and on behalf of the entire City Council, hereby proclaim May 12, 2003 as

FIBROMYALGIA AWARENESS DAY

and call upon the people of Canby to join their fellow citizens to support a cure and assist those individuals and families who deal with this devastating disease on a daily basis.

Given unto my hand this 7th day of May, 2003.

Melody Thompson
Mayor



Office of the Mayor

Proclamation

"Armed Forces Day in Canby "

WHEREAS, Canby men and women are serving on active duty with the Armed Forces and many are dispersed overseas, having had to leave behind their families and friends; and

WHEREAS, these servicemen and women in uniform find their strength, not in combat, but in the unfailing support of family, friends and the nation they serve; and

WHEREAS, now is the time for every American to do their part in boosting the spirits of those who have vowed to defend our Constitution and our way of life. May it never be said that we are an ungrateful nation.

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim May 17, 2003 as

ARMED FORCES DAY IN CANBY

and urge all citizens of the City of Canby to participate in "Operation Yellow Ribbon" and join in this observance.

Given unto my hand this 7th day of May, 2003.

Melody Thompson
Mayor



Office of the Mayor

Proclamation

"Poppy Month & Poppy Day in Canby"

WHEREAS, the American Legion Auxiliary adopted the poppy as its memorial flower which pays tribute to the war dead and serves as a source of aid to surviving veterans and their families; and

WHEREAS, the contributions provided by the American Legion Auxiliary are put to good use in support of the children and youth of the Canby community and toward the rehabilitation and care of veterans; and

WHEREAS, the work of the American Legion Auxiliary through the annual sale of poppies is a proper and fitting tribute to the acts of patriotism and courage made by our nation's veterans in time of national need.

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim the month of May 2003 as

Poppy Month

and I do further proclaim the week of May 5 through May 9, 2003 as

Poppy Days in the City of Canby

and urge all citizens of the City of Canby to proudly remember the sacrifices made by the members of our Armed Forces by contributing to the American Legion Auxiliary during the month of May 2003 in support of their service to our country's veterans.

Given unto my hand this 7th day of May, 2003.

Melody Thompson
Mayor



Office of the Mayor

Proclamation

"National Association of Letter Carriers National Food Drive Day"

WHEREAS, the National Association of Letter Carriers, in conjunction with the United States Postal Service, AFL-CIO, United Way and local food banks are coordinating a non-perishable food drive; and

WHEREAS, the Saint Vincent de Paul Food Bank, at Saint Patrick's Church, Seventh Day Adventist Church and Canby's local food banks are in need of food at all times; and

WHEREAS, the local food bank shelves are continually in need of replenishment due to the ongoing dramatic increase in the need for food; and

WHEREAS, local letter carriers will collect non-perishable food items placed by mailboxes on Saturday, May 10, 2003.

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim Saturday, May 10, 2003 as

2003 National Association of Letter Carriers National Food Drive Day

and urge all citizens of the City of Canby to participate in this worthwhile event by donating non-perishable food items to help feed those who are in need.

Given unto my hand this 7th day of May, 2003.

Melody Thompson
Mayor



Office of the Mayor

Proclamation

"Historic Preservation Week"

WHEREAS, historic preservation is an effective tool for the management of growth, revitalization of neighborhoods and the fostering of local pride through maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "Cities, Suburbs and Countryside" is the theme for National Historic Preservation Week 2003, cosponsored by the City of Canby Historical Review Board, Canby Historic Society and the National Trust for Historic Preservation.

NOW THEREFORE, I, Melody Thompson, Mayor of the City of Canby and on behalf of the entire City Council, hereby proclaim May 5 through May 15, 2003 as

NATIONAL HISTORIC PRESERVATION WEEK

and call upon the people of Canby to join their fellow citizens across the United States in recognizing and participating in this special observance.

Given unto my hand this 7th day of May, 2003.

Melody Thompson
Mayor