

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
January 2, 2019**

PRESIDING: Mayor Brian Hodson.

COUNCIL PRESENT: Sarah Spoon, Traci Hensley, Tim Dale, Shawn Varwig, and Tracie Heidt. Councilor Greg Parker was absent.

STAFF PRESENT: Rick Robinson, City Administrator; Joseph Lindsay, City Attorney; Bryan Brown, Planning Director; Rod Grafe, Municipal Court Judge; Joshua Davis, Administration Assistant; and Kim Scheafer, City Recorder.

OTHERS PRESENT: Tyler Smith, Roger Skoe, Fire Chief Jim Davis, Tony Crawford, Regina & Bob Taylor, Bryan Swelland, Eris Peto, Sophie Peto, Monika Peto, Myron Peto, Carol Voeller, Sherry Heidt-Gamble, Rick Gamble, Art Heidt, Meg Hodson, Eric Pfeiffer-Robinson, David Lee, Cindy Swelland, and Connie Wolf.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:00 p.m. in the Council Chambers followed by the opening ceremonies.

Presentation to Councilor Smith – Mayor Hodson presented Councilor Tyler Smith with a plaque in appreciation of his time served on the City Council.

SWEARING IN CEREMONY: Rod Grafe, Municipal Court Judge, swore in Tracie Heidt and Shawn Varwig as City Councilors and Brian Hodson as Mayor.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Regina Taylor, Canby resident, asked that the City's website be updated. Specifically she would like a link to the 2015 version of the Comprehensive Plan instead of the 2007 version. The maps were confusing as the prospective, not the active, Comprehensive Plan Map was on the top and the official one was on the bottom. There were also some dead links that needed to be fixed.

MAYOR'S BUSINESS: Mayor Hodson said the County would be holding presentations on January 8 and 15 regarding the Canby Ferry alternatives feasibility study. Clackamas County Vehicle Registration Fee public meetings concluded in December. The County Commission hearings on the fee were yet to be scheduled. At the next Council meeting, the Parks and Recreation Advisory Board would be bringing forward recommendations regarding the installation of a splash pad and Ackerman field feasibility study.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Heidt reported on the School Board meeting in December. Dave Purdy, teacher from Baker Prairie Middle School, was awarded the Care Award. Lee School was recognized for their caring and compassion.

Councilor Hensley thanked the Council and community for allowing her to miss the last meeting as her father had passed away. The Suicide Prevention Task Force was working with the School District on curriculum.

Councilor Dale was reporting on the Heritage and Landmark Commission for Councilor Parker. They were anticipating a public hearing on potential alterations to the old City Hall building. They also voted to send a letter to the County Commission opposing the closure of the Canby Ferry. Canby Utility was working on their Water Master Plan. Their Share the Warmth program was going on and donations were tax deductible. If people wished to apply, they should contact Canby Utility or the Canby Adult Center. The Canby Utility Board would have an opening effective March 1.

Councilor Varwig said he looked forward to having a report at the next meeting. He thanked everyone who voted for him.

Councilor Spoon stated that CTV5 was working on a five year visioning. She was out of town for her other liaison meetings. She thanked the community for a great holiday season.

CONSENT AGENDA: **Councilor Dale moved to adopt the minutes of the December 5, 2018 City Council Regular Meeting; appointment of Jeff Mills to the Planning Commission for a term to end on December 31, 2021; appointment of Jennifer Trundy to the Planning Commission for a term to end on December 31, 2021; appointment of Ryan Adams to the Planning Commission for a term to end on December 31, 2020; and a new a new liquor license application for Odd Moe's Pizza. Motion was seconded by Councilor Hensley and passed 5-0.

PUBLIC HEARING: ANN 18-03/ZC 18-03 (ICON Construction) – Mayor Hodson read the annexation public hearing format.

Conflict of Interest

Councilor Heidt – No conflict, plan to participate.

Councilor Hensley – No conflict, plan to participate.

Councilor Dale – No conflict, plan to participate.

Councilor Varwig – Participated in the Planning Commission meeting so he would be recusing himself from this public hearing.

Councilor Spoon – No conflict, plan to participate.

Mayor Hodson – No conflict, plan to participate.

Ex Parte Contact

Councilor Heidt – No contact.

Councilor Hensley – No contact, familiar with the site.

Councilor Dale – No contact, familiar with the site.

Councilor Spoon – Had someone come up to her at Gwynn's Coffeehouse and wanted to talk about the application, but she did not discuss it.

Mayor Hodson – No contact.

Staff Report: Bryan Brown, Planning Director, said this was a request to annex 5.03 acres south of N Redwood Street and to rezone the property from Clackamas County RRFF-5 to City R-1.5 Medium Density Residential. The property was part of the North Redwood Concept Plan and had the potential for 30 residential lots if it was developed. The applicant planned to sell the property to a developer. Any development had to conform to the Concept Plan. If annexed, this property would not be dedicating any park land as other properties in the Concept Plan area had taken care of that requirement. The adjacent right-of-way for N Redwood Street would also be annexed. If developed in the future, there would be a street extension from N Redwood to connect with other streets in the Concept Plan area. Staff thought it would be difficult for this property to develop on its own and was more likely to combine with the

property to the north or south to make a logical subdivision. He gave review criteria highlights. The Transportation Planning Rule showed that the proposed zone change was taken into account in the City's Transportation System Plan and any intersection improvements or street widening was listed in the TSP. All necessary infrastructure was available or could be made available. The applicant did not provide an analysis of the need for additional property, however other recent annexation applications had provided extensive analysis. All of the analysis was showing that the City was close to having a three year supply, however these were assumptions and they did not know how soon the lots would be platted and available or how long it would take to build on the lots. The Planning Commission had recommended approval of the application.

Joe Lindsay, City Attorney, explained the three year land supply was a helpful guide. If an application came in and the City did not have a three supply they could make a compelling argument for their annexation. If the City did have the three year supply or more, it was not fatal to an application but it was more ambiguous. It was up to the Council how they wanted to interpret the three year supply.

Mr. Brown clarified they had more R-1.5 annexations recently and there was more R-1.5 in the future for development right now than there was R-1. Allowed uses in R-1.5 were duplexes and attached single family housing.

Mayor Hodson opened the public hearing at 7:51 p.m.

Applicant: Lisa Swelland, applicant, said they were just looking at annexing the property not developing it right now. The Planning Commission had recommended approval and she requested the Council approve the application.

Proponents: None.

Opponents: None.

Rebuttal: None.

Mayor Hodson closed the public hearing at 7:53 p.m.

Councilor Hensley thought this was a straightforward application.

Mayor Hodson thought the application fit with the Concept Plan

Councilor Heidt said it was a lot easier when the Concept Plan was already in place.

****Councilor Hensley moved to approve the Swelland Annexation/Zone Change File ANN 18-04/ZC 18-05 pursuant to the recommendation forwarded by the Planning Commission. Motion was seconded by Councilor Heidt and passed 4-0-1 with Councilor Varwig recused.**

RESOLUTIONS & ORDINANCES: Ordinance 1497 – **Councilor Hensley moved to adopt Ordinance 1497, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 10.04 CITY TRAFFIC CODE. Motion was seconded by Councilor Spoon and passed 5-0 by roll call vote.

Ordinance 1499 – Rick Robinson, City Administrator, said the City’s share of the cost for the radios was \$192,000 and with a grant the City received, the net cost was \$55,788.

****Councilor Spoon moved to adopt Ordinance 1499, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH THE CLACKAMAS 800 RADIO GROUP FOR THE PURCHASE OF NEW REPLACEMENT MOTOROLA RADIOS FOR THE CANBY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Heidt and passed 5-0 by roll call vote.**

Ordinance 1500 – ****Councilor Spoon moved to approve Ordinance 1500, AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 5.03 ACRES INCLUDING 4.84 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 400 OF PORTION OF SE ¼, SEC. 34, T.3S., R.1E., W.M. (TAX MAP 31E34B); AND APPROX. 0.18 ACRES OF ADJACENT NORTH REDWOOD STREET RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST FIVE ACRE (RRFF-5) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS to come up for second reading on January 16, 2019. Motion was seconded by Councilor Hensley and passed 4-0-1 with Councilor Varwig recused.**

NEW BUSINESS: Discussion and Selection of Council President and Committee Liaison Assignments – Mayor Hodson said after every election they selected a Council President.

****Councilor Hensley moved to appoint Councilor Dale as Council President. Motion was seconded by Councilor Spoon and passed 5-0.**

Mayor Hodson reviewed the Council Liaison assignments.

The following committee liaisons were chosen:

Bike and Pedestrian Committee	Councilor Parker
Board of Willamette Falls Heritage Coalition	Councilor Spoon
Bridging Cultures	Councilor Heidt and Councilor Spoon
Canby Adult Center	Councilor Parker
Canby Fire District	Councilor Varwig
Canby Public Library Board	Councilor Varwig
Canby School District	Councilor Heidt
Canby Utility Board	Councilor Dale
City Budget Committee	Councilor Dale
Clack Co. Coordinating Committee	Mayor Hodson with Councilor Hensley as alternate.
Clackamas County Fair Board	Councilor Parker
CTV5	Councilor Spoon
Heritage and Landmark Commission	Councilor Parker
NE Canby Neighborhood Association	Councilor Heidt
Parks and Recreation Advisory Board	Mayor Hodson
Planning Commission	Councilor Heidt
Riverside Neighborhood Association	Councilor Hensley
SE Canby Neighborhood Association	Councilor Varwig

SW Canby Neighborhood Association
Traffic Safety Commission
Transit Advisory Committee

Councilor Spoon
Councilor Hensley
Councilor Spoon

CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS: Mr. Robinson said they were moving ahead with the planning and designing for the signal at Sequoia Parkway and Hazel Dell Way. They had already had initial conversation with ODOT on the project. His goal was to have the project out to bid this summer and constructed before the next Christmas season. Identification of a preferred alternate route for a second access road between Highway 99E and the Industrial Park was still being worked on. He hoped to have the Downtown Arch out to bid this summer. There had been initial discussions with the School District and the Parks and Recreation Advisory Board regarding identifying outdoor recreational opportunities in the City. The S Ivy Street Pump Station was being worked on. The pump station was a critical infrastructure improvement for the development of both sides of S Ivy between 13th and the Molalla River. The engineering contract would be brought to Council at the next meeting. Staff was also working on the IGA with the County regarding the S Ivy Street improvements between Highway 99E and 11th Avenue. That would also come to Council at the next meeting. They were also working on a separate IGA with the County regarding control and access of S Ivy right-of-way between 13th and the Molalla River for the pump station. There had been several meetings on the quiet zone and he had been in contact with Union Pacific to pay for a meeting with Union Pacific and the City to make sure the proposed changes were consistent with the need of the three intersections. Both the northeast and northwest corners of Elm would need to be reconstructed for the project.

Mayor Hodson asked if Union Pacific was throwing up roadblocks to this project.

Mr. Robinson said no. They discovered that if they did not pay Union Pacific for their time to visit the site, the likelihood that they would come to a meeting was diminished. They were trying to move the process forward and he did not think it would be more than \$25,000 for the site visit. He did not think it was a roadblock, but a way for Union Pacific to cover their costs.

Mayor Hodson appreciated staff’s work on the 2nd Avenue street tree issue.

Mr. Robinson explained the repairs that would be done to the planters and confirmed there would still be three ADA accessible parking spots.

Councilor Spoon asked when the S Ivy Street improvements between Highway 99E and 11th would occur.

Mr. Robinson thought it would be in 2021. He then explained the work that was yet to be done on the project and IGA and how the jurisdiction of S Ivy from 99E to the City limits would be given to the City. A later IGA would grant jurisdiction of S Ivy from the City limits to the Urban Growth Boundary.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Ordinance 1497.
3. Adopted Ordinance 1499.
4. Approved Ordinance 1500 to come up for second reading on January 16, 2019.

There was no Executive Session.

Mayor Hodson adjourned the Regular Meeting at 8:30 p.m.

Kimberly Scheafer, MMC
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood