

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
October 19, 2016**

**PRESIDING:** Mayor Brian Hodson.

**COUNCIL PRESENT:** Todd Rocha, Greg Parker, Traci Hensley, Tim Dale, Tracie Heidt and Clint Coleman.

**STAFF PRESENT:** Rick Robinson, City Administrator; Joseph Lindsay, City Attorney; Bryan Brown, Planning Director; and Kim Scheafer, City Recorder.

**OTHERS PRESENT:** Bob Cornelius, Pat Sisul, Robert Bitter, Susan Chavez, John Savory, Shawn Varwig, Sarah Spoon, Irene Konev, John Serlet, Pamela White, Jim Burrows, Carol Kramer, Dick Templeman, Greg Perez, Fire Chief Jim Davis, Betty Crawford, Chris Waffle, Sue & Steve Francis, Missi Taylor, Rina Bicknell, Scott Flays, and Cindy Riley.

**CALL TO ORDER:** Mayor Hodson called the Regular Meeting to order at 7:30 p.m. in the Council Chambers of the new Library/Civic Building located at 222 NE 2<sup>nd</sup> Avenue, followed by opening ceremonies.

Red Ribbon Week Proclamation – Mayor Hodson read a proclamation proclaiming October 23-31, 2016, as Red Ribbon Week in Canby and presented it to Lance Corporal Andrew Frances and Lance Corporal Philip Taylor. Lance Corporal Frances read a story about how Red Ribbon Week began and how the red ribbon symbolized youth education and drug prevention activities.

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Pamela White, Canby citizen, wanted to thank the Council for their hard work and sacrifices on behalf of the community. She wanted to address the Council on their choice to appoint the upcoming vacancy for Councilor Rocha at a meeting scheduled for next Wednesday. She was concerned about the Council's interpretation of the City Charter in filling the vacancy. She thought a successor chosen on October 26, 2016, would serve until January 2017. The Council was expecting the successor to serve out the rest of the Councilor Rocha's term to January 2019. She suggested not making the appointment until after the election in November. At that time they would know who would be elected to Council and the skills they would bring and could choose someone who would balance the board with diversity and skill sets to meet the needs of the increasingly diverse and growing community. They could also choose the fourth person on the ballot who did not get enough votes as they already put in the time, interest, and hard work to run for Council.

Dick Templeman, Canby citizen, wanted the Council to fill the vacancy with the candidate who received the fourth highest vote in the November 8 election. The Council stated they wanted to give citizens a greater voice in decision making. A candidate who filed several months ago and was vigorously campaigning should be appointed to fill the vacancy. By ignoring the votes for the fourth candidate, the Council was saying their votes should take precedence over the rest of the voters. He hoped they would appoint candidate #4.

Susan Chavez, Canby citizen, thanked everyone for attending this meeting. The Canby City Council was supposed to be non-partisan, making decisions based on what was best for Canby. She thought what was best for Canby was a non-partisan appointment. This candidate would be inclusive and would help

bring the entire community together.

Jim Burrows, Canby citizen, stated his preference was for the top four vote getters to get the seats. If the Council was going to pick, they needed to give the highest priority to a non-partisan candidate.

Carol Kramer, Canby citizen, said the appointment process had been characterized as being business as usual, but this was not a usual situation. They were close to an election and the timing felt wrong. Three members of the Council who were to make the decision would have a personal political gain by being able to ask questions of the opposition that they might be running against without the ability for reciprocity. There was no reason to rush and she did not want the process to be clouded with doubt and conflict of interest overtones. She asked the Council to delay the decision until after the election.

Greg Perez, Canby citizen, wanted to talk to the Council about the numbers of people that came to events in Canby each year. The Chamber Director had determined that over 600,000 people came each year. The City was losing over a million dollars in lodging and food from people going outside the area. Canby needed another hotel to keep people in Canby and to include all the businesses. When people stayed in Canby they also added to the hotel tax dollars coming in. He asked Council to work on making this happen.

Mayor Hodson said an email had been received from Bill Fenton and distributed to the Council regarding the appointment process. Mr. Fenton was in favor of the Council making the decision after the election.

A discussion took place regarding what the Charter stated and the timing of the appointment.

Joe Lindsay, City Attorney, suggested if the Council wanted to change direction on the appointment, they should make a motion to that effect at the next Council meeting on October 26. This meeting was being noticed for Council applicant interviews and selection.

Mayor Hodson said that Councilor Rocha would not be voting on October 26.

Councilor Parker asked about the questions being asked in the interviews, especially regarding the concern of conflict of interest. Mayor Hodson said the questions were sent to the candidates ahead of time and were online, and it was his job as moderator to prevent anyone from going off-topic and grandstanding, soapboxing, or campaigning from the dais.

Councilor Heidt wanted to make sure it was not a conflict of interest for incumbents to make the decision about people who were running against them in the election. Mr. Lindsay said the people applying had the advantage of getting two shots to be on the Council and the people who applied had chosen to put themselves in that position. They also had the advantage of having their platform heard on television.

Councilor Rocha apologized to his colleagues as he didn't know the problem the timing of his resignation would create.

Mayor Hodson said Mr. Perez's hotel comments were spot on. He had also had conversations with the Chamber Director on this issue and it was something he wanted to see come about.

Pamela White asked if it was possible at the next Council meeting to postpone the appointment process.



Mr. Lindsay said it was possible to have a motion to postpone the process and it be approved.

Rick Robinson, City Administrator, said he thought the hotel was a wonderful idea.

Mr. Perez said there were a couple of investors in town that had a Best Western hotel in southern Oregon. He suggested the City sit down with these investors and find out how they went about getting a bigger company to build the hotel.

Councilor Parker said the last time the City did a hotel study, it was done poorly and the conclusion was a hotel would not work in the City. A few years later Clackamas County did a study that included Canby and it stated Canby was not big enough to have a hotel, but the source for that was the flawed study from earlier. He thanked Mr. Perez for his work on this issue.

**MAYOR'S BUSINESS:** Mayor Hodson thanked the citizens of Canby for approving a wonderful building. This was the fifth Council Chambers in Canby's 123 year history. He had forgotten to thank the library staff on Saturday for all their hard work in packing up and moving the library. He attended the Parks and Recreation Advisory Board meeting, Canby Garden Club meeting, and the Metro Mayor Consortium meeting. He asked for the City Attorney to look into right-of-way and franchise fee legislation at the State. He met with the Chamber Director to discuss business development, a hotel in Canby, tourism, and restarting CAT bus service on Saturdays. There was a discussion panel at the C4 meeting on housing. He would be bringing updated C4 bylaws to the Council.

With Councilor Rocha's resignation, Councilor Heidt would attend the Library Board meetings, Councilor Coleman would attend the Canby Fire District meetings, and Mayor Hodson would attend the Parks and Recreation Advisory Board meetings for the rest of the year.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Rocha discussed the parks and recreation survey that would be coming out soon.

Councilor Parker said the next Bike and Pedestrian Committee would be held on October 25. He thanked the Historic Review Board for cleaning of the headstones and filling out the paperwork to add the old City Hall to the National Historic Register. He announced the Halloween event happening downtown on October 31.

Councilor Hensley attended the C4 housing panel meeting and she encouraged everyone to attend the Halloween festivities downtown. She would be attending the CTV5 meeting tomorrow. The American Legion Auxiliary breakfast would be held on Sunday. A long-time resident and volunteer, Leonard Walker, had passed away.

Councilor Dale said Canby Telcom had merged with Mt. Angel Telephone and their name was changing to DirectLink. The grand opening of the library was very fun. He visited with a family who was in a community room and the mother said with this kind of arrangement she could go back to school and the kids could read while she did her homework.

Councilor Heidt discussed the new collection areas at the library. The Library District Advisory Committee had been discussing spending of the funds for various cities in the district. The Library Board toured the new building at their last meeting and discussed the community room application process. The Library Foundation was holding a film festival that night. The Friends of the Library were raffling off some items. The Adult Center held their annual retreat. Canby Area Transit was beginning

work on a Transit Master Plan. She also attended the C4 meeting, Parks and Recreation Advisory Board meeting, and Lions Club meeting. She thanked staff for their work on the new building.

Councilor Coleman said Tyler Hall would be appointed to the Planning Commission. They would also be interviewing another applicant for the Planning Commission. The next Traffic Safety Commission meeting would be held on November 7. He attended a wonderful concert at the Performing Arts Center.

**CONSENT AGENDA: \*\*Councilor Dale moved to adopt the minutes of the October 5, 2016 City Council Regular Meeting and appointment of Tyler Hall to the Planning Commission for a term to expire on December 31, 2018. Motion was seconded by Councilor Henley and passed 6-0.**

**PUBLIC HEARING:** Mayor Hodson opened the public hearing and read the public hearing format which would be used for all three public hearings.

Mayor Hodson asked if anyone had a conflict of interest with any of the three annexations.

**CONFLICT OF INTEREST:**

Councilor Rocha – No conflict, plan to participate.

Councilor Parker – No conflict, plan to participate.

Councilor Hensley – No conflict, plan to participate.

Councilor Dale – No conflict, plan to participate.

Councilor Heidt – No conflict, plan to participate.

Councilor Coleman – Attended the Planning Commission meetings where these items were discussed.  
No conflict, plan to participate.

Mr. Lindsay said it was not a conflict but could be considered ex parte contact.

Mayor Hodson – No conflict, plan to participate.

Mayor Hodson asked if anyone had ex parte contact regarding any of the three annexations.

**EX PARTE CONTACT:**

Councilor Rocha – No contact.

Councilor Parker – No contact.

Councilor Hensley – No contact.

Councilor Dale – No contact.

Councilor Heidt – No contact.

Councilor Coleman – Yes, attended the Planning Commission meetings.

Mayor Hodson – Dropped his children off at daycare near the site several years ago.

**STAFF REPORT:** Bryan Brown, Planning Director, said this annexation application was considered a Type 4 process and required a public hearing by the Planning Commission and City Council. The Planning Commission reviewed the application at their September 26 meeting and unanimously recommended approval. This was an annexation of 1.8 acres including half of the right-of-way on Territorial Road, zone change to R-1.5, and development agreement proposed for the site. The development agreement assured that the utilities would be provided by the developer, Oak Street would be improved, right-of-way for Territorial Road would be dedicated, and 18<sup>th</sup> Avenue would be extended

from N Oak eastward that would eventually connect to N Pine and serve the property to the east that had yet to be annexed. This parcel was small and completely surrounded by the City. He thought whenever there was an opportunity to annex an island, it should be done. All the criteria in the Code had been met and there was a need for more buildable land, especially R-1.5. The applicant planned to build detached single family homes which would be on smaller lots due to the zoning. This hearing was not to approve a subdivision layout, but to approve the development agreement. Staff recommended approval.

Councilor Dale said this would bring in an island and the City would get street improvements and needed land for R-1.5 inventory. He asked if the applicant was bound to the development agreement. He thought it was an opportunity for more affordable housing in the City.

Mr. Brown confirmed the applicant was bound by what was in the agreement. There was some leeway in working out the technical details of where things would be placed on the site. The zoning would remain the same if for some reason this development did not occur.

Councilor Heidt thought this was the type of inventory the City wanted and it would help create future street connections.

Mr. Lindsay clarified that the Council had received the same packet of information that Mr. Brown had.

Mr. Brown confirmed that they had and it was part of the record.

Mayor Hodson opened the public hearing at 8:57 p.m.

#### PUBLIC TESTIMONY

APPLICANT: Pat Sisul of Sisul Engineering was representing the applicant, Mr. Meredith, who was out of town and unable to attend the meeting. The site was 1.65 acres with one existing home that would remain on the property. The detached garage would be taken down. The zoning would be medium density residential, R-1.5, which allowed for 5,000 to 6,500 square foot lots. The zone allowed for duplexes and triplexes, but it was the intent of Mr. Meredith to build eight new single family homes. They did an updated available land supply study which was in the packet. As of July 25, 2016, there were 61 lots remaining in the R-1 zone, zero lots remaining in the R-1.5 zone, and 26 lots remaining in the R-2 zone. The rate at which building permits were pulled in the City was an average of 45 building permits pulled per year. In 2015, 85 building permits were pulled. With the remaining buildable lot supply, there was about 1.95 years of supply available which was well below the acceptable three year supply. By the end of 2016, the land supply would range from .75 years to 1.8 years. With no R-1.5 land, it limited the choices available to home owners. There was a historical shortage of lots in this zone. He thought it was appropriate to annex this land.

PROPOSERS: None.

OPPOSERS: None.

REBUTTAL: None.

Mayor Hodson closed the public hearing at 9:03 p.m.

**\*\*Councilor Dale moved to approve annexation/zone change file ANN/ZC 16-04 pursuant to the provided recommendation by the Planning Commission. Motion was seconded by Councilor Heidt and passed 6-0.**

**RESOLUTIONS & ORDINANCES:** Ordinance 1449 - **\*\*Councilor Dale moved to approve Ordinance 1449, AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 1.65 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOT 1800, OF SECTION 28, T3S, R1E, WM (ASSESSOR TAX MAP 3-1E-28DD) AND 0.15 ACRES OF NE TERRITORIAL ROAD RIGHT-OF-WAY AND AMENDING THE ZONING FROM COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF5) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMIT; AND APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF CANBY AND JOHN MEREDITH, PROPERTY OWNER, FOR 1.65 ACRES OF LAND, TO COME UP FOR SECOND READING ON NOVEMBER 2, 2016. Motion was seconded by Councilor Hensley and passed 6-0 on first reading.**

**UNFINISHED BUSINESS:** ANN/ZC 16-04 Findings, Conclusions and Final Order - **\*\*Councilor Dale moved to adopt the Findings, Conclusions and Final order for ANN/ZC 16-04. Motion was seconded by Councilor Hensley and passed 6-0.**

**NEW BUSINESS:** None.

**ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** Mr. Robinson said the paving of the alley outside the new civic building had been delayed due to rain. One of the outcomes of moving the Police Department, Library, City Hall, and Finance and Development Services was surplus furniture and he had received a request from the Canby Center to use some of that furniture. He would bring back a resolution allowing the furniture to be made available to non-profits in the community and to sell whatever furniture was left. He then reported on the C4 affordable housing subcommittee meeting.

**CITIZEN INPUT:** None.

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Approved Annexation/Zone Change File ANN/ZC 16-04 pursuant to the provided recommendation by the Planning Commission.
3. Approved Ordinance 1449 to come up for second reading on November 2, 2016.
4. Adopted ANN/ZC 16-04 Findings, Conclusions and Final Order.

There was no Executive Session.

Mayor Hodson adjourned the meeting at 9:14 p.m.



Kimberly Scheafer, MMC  
City Recorder



Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood