

**CANBY CITY COUNCIL
CITY COUNCIL WORK SESSION
October 21, 2015**

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; Haley Fish, Finance Director; Irene Green, Library Director; and Kim Scheafer, City Recorder.

Others Present: None.

Mayor Hodson called the Work Session to order at 6:30 p.m. in the City Hall Conference Room.

Haley Fish, Finance Director, gave an update on the first quarter financial status. She said the fourth quarter financial report was included as a staff report with the October 7 Council packet. She then reviewed the first quarter report of the 2015-2016 Fiscal Year. The City had received the tax levy certification letter from the County and was projected to come within \$5,000 of what was budgeted in the General Fund, -\$1,000 in the swim levy, and \$95,000 over in Urban Renewal. This showed there had been more than 3% growth, which was what Urban Renewal was spurring. The General Fund, Sewer Combined Fund, and SDC Fund were trending high due to more development, but she did not know if would continue to trend high by the end of the fiscal year. The Building Fund was \$0 because they were awaiting the County's payment. Cemetery revenue was trending high, General Fund was trending high, and Perpetual Care was trending low due to sale of mausoleum plots. The Transit fund looked low because grant and payroll tax funding had not been received yet and materials and services appeared high due to the MV service contract. She had taken out the "period actuals" column as the information was not useful and in the over/under number the encumbrances were taken out. Based on requests, she would be including the status of reserves in the quarterly reports.

There was discussion regarding projecting employee retirements and the policy of not paying out retirements solely from the General Fund.

Ms. Fish then discussed financial initiatives. The draft Investment Policy was submitted to the State of Oregon Short Term Fund Board for review. They would send a letter of recommendation to the Council and management. Any changes would be taken to the Municipal Audit and Financial Oversight Committee and the Committee would recommend the policy to the Council. There was a backlog of delinquent returns for the Canby Area Transit Payroll Tax. A Personal Services Agreement had been signed with a firm to help with a standardized approach to target those and clear the backlog and work on not letting it happen again. Staff had implemented electronic disbursement of employee pay stubs. They were working on implementing an online court payment option for citations and accounting software upgrade and implementation of employee time entry. They would also be updating the sewer and storm water utility and SDC rates.

Rick Robinson, City Administrator, said the Capital Improvement Plan also needed to be updated. He would be scheduling a Council Retreat soon to discuss the issue and listed the items that would

be discussed at the Retreat. He said discussions for the First Avenue improvements between Elm and Douglas were moving forward. The project was in the budget.

There was discussion regarding uses for the unanticipated \$95,000 revenue in Urban Renewal.

Mayor Hodson adjourned the Work Session at 7:20 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
October 21, 2015**

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; Kim Scheafer, City Recorder; and Irene Green, Library Director.

Others Present: Bob Cornelius, Dean Searle, Mike Harmon, Paul Hauer, Mack Woods, John Savory, Louie Nace, and Pat Smith.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:30 p.m. in the Council Chambers followed by opening ceremonies.

COMMUNICATIONS: Rick Robinson, City Administrator, said the City had received a letter from WAVE Broadband stating that they were converting to digital service and customers would receive more information soon.

Kim Scheafer, City Recorder, said the All Committee Work Session would be held on October 28 at 6:00 p.m. at the Police Department Community Room.

MAYOR'S BUSINESS: Mayor Hodson said the banners along Highway 99E were showing their wear and needed to be replaced. The lighted entry signs needed to come on sooner as it was getting dark earlier.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Rocha said the new Library Director attended her first Library Board meeting and it went well. December 12 would be the Christmas Tour of Homes fundraiser. Canby Area Parks and Recreation District (CAPRD) attended the Parks and Recreation Advisory Board meeting and talked about possibly changing their boundaries. A representative from the Bike and Pedestrian Committee also came to the meeting to request a bike repair station be put in the new Art Park on the corner of Territorial and Holly.

Mr. Robinson said currently the CAPRD boundaries followed the Canby High School district boundaries and needed to focus on the areas that would most likely access park services. They talked about changing the boundary to follow the rural reserve boundaries. There was also

discussion about expanding service to include youth and swim center activities. To be successful he thought there needed to be a local option tax and partnership between CAPRD and the City.

Councilor Parker said the Bike and Pedestrian Committee would be meeting next Tuesday. The Historic Review Board met with the Canby Historic Society. They would be partnering to develop traveling displays for various locations in the City. The Main Street Manager would be holding a meeting regarding General Canby Day tomorrow.

Mr. Robinson said staff was working to plan, prepare, and execute the best General Canby Day possible.

Councilor Hensley attended the Main Street Design Committee where façade improvement applications were discussed. The Arts and Culture Advisory Council would be integrated with the Canby Arts Association. She reminded everyone about the Halloween events downtown. The CTV5 Board met and discussed ideas for obtaining additional funding.

Councilor Dale said Canby Utility was proposing a 12.7% rate increase. They would be having a rate hearing on October 27 at 7 p.m. Comments could also be delivered or mailed prior to the hearing. Canby was listed as one of the best cities in the United States for affordable gigabit internet.

Paul Hauer, Canby Telcom President, said only one company in North America was chosen to host the annual Gimme Fiber Day and this year Canby Telcom won that award and would be holding the event on November 4 from 4-6:30 p.m.

Councilor Heidt said it was Spanish Heritage Month at the Library and announced several events at the Library. This month's CARE award went to Jaimie Netter, School to Work Coordinator, and there was a presentation regarding Manufacturing Day at the School Board meeting. They also ratified teacher contracts on October 1 and discussed transition of at risk students from Ackerman to the High School. She visited the Lions Club, participated in the Molalla River Clean-Up Day, and announced citizens could use CTV5's studio. There would be a cross country race next Thursday.

Councilor Coleman said the try outs for the Clackamas County Rodeo Court would be held on Saturday. One of the Clackamas County Rodeo Court princesses had been named Queen of the Sisters Rodeo.

Mayor Hodson asked for citizens to not rake their leaves into the streets.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

CONSENT AGENDA: **Councilor Dale moved to adopt the minutes of the October 7, 2015, City Council Work Session and Regular Meeting and appointment of Jacqueline Jones to the Traffic Safety Commission for a term to expire on June 30, 2017. Motion was seconded by Councilor Hensley and passed 6-0.

RESOLUTIONS & ORDINANCES:

Ordinance 1422 – ****Councilor Heidt moved to adopt Ordinance 1422, AN ORDINANCE ADOPTING THE N REDWOOD DEVELOPMENT CONCEPT PLAN, AND AMENDING CANBY’S COMPREHENSIVE PLAN AND TITLE 16 OF THE CANBY MUNICIPAL CODE. Motion was seconded by Councilor Rocha and passed 6-0 by roll call vote.**

Ordinance 1424 – Mr. Robinson said this item was in the budget and staff recommended approval.

There was discussion regarding the City’s vehicle replacement schedule.

****Councilor Hensley moved to approve Ordinance 1424, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH POWER CHRYSLER JEEP DODGE OF NEWPORT, OREGON; AUTO ADDITIONS OF SALEM, OREGON; DATEC INCORPORATED OF SEATTLE, WASHINGTON; MOTOROLA SOLUTIONS OF AMERICA; MPH INDUSTRIES OF OWENSBORO, KENTUCKY; HOT ROD DREAMWORKS OF CANBY, OREGON AND FORD MOTOR CREDIT CORPORATION FOR THE LEASE/PURCHASE OF TWO (2) 2016 DODGE CHARGERS WITH POLICE EQUIPMENT PACKAGES FOR THE CANBY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY to come up for second reading on November 4, 2015. Motion was seconded by Councilor Coleman and passed 6-0 on first reading.**

Ordinance 1425 – Mr. Robinson said the Franchise Agreement with Canby Telephone Association had expired on June 7, 2015. It was virtually the same agreement that had expired and would be retroactive to June 7. Staff recommended approval.

****Councilor Dale moved to approve Ordinance 1425, AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO CANBY TELEPHONE ASSOCIATION TO PROVIDE TELECOMMUNICATION SERVICES WITHIN THE CITY OF CANBY, ESTABLISHING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY to come up for second reading on November 4, 2015. Motion was seconded by Councilor Hensley and passed 6-0.**

Ordinance 1426 – Ms. Scheafer said there was a request by the Bike and Pedestrian Committee to change the membership from five to seven members and this ordinance changed the Code to allow that.

****Councilor Parker moved to approve Ordinance 1426, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 2.64.020 REGARDING THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE FOR THE CITY OF CANBY to come up for second reading on November 4, 2015. Motion was seconded by Councilor Heidt and passed 6-0.**

Ordinance 1427 – Joseph Lindsay, City Attorney, said HB 3400 which passed in June allowed cities or counties to opt out by ordinance of having marijuana businesses or sites, but if the percentages of the Measure 91 vote weren’t over 55% or more against, it would have to go to a vote. If the ordinance was passed, it would be referred to the November 2016 ballot. Between now and the election it would create a moratorium where there would not be any new marijuana

facilities. There would also not be any State shared revenues from taxes collected from the sale of marijuana. He explained how much tax the State would collect and the City's share of that amount.

Dean Searle, owner of 2 the 9's, had been against medical marijuana until he educated himself on it and found there were people who were suffering. It was a medical format and no different than taking a pain pill. He thought medical and recreational marijuana should be handled separately. The community was in need of medical marijuana.

Mike Harmon, Canby resident, opposed siting marijuana shops in Canby. He did not think it was right for Canby and there were risks to people using marijuana. There were addiction possibilities, second hand smoke issues, and the product could be ordered online and delivered to people's homes. They did not need a site in Canby.

Mack Woods, Canby resident, said he had never smelled or smoked marijuana. Canby did not need to do anything stupid. He did not want the City to have the same problems that other cities that had marijuana facilities did. He was also concerned about drug addiction and the crime that came with it.

John Savory, Canby resident, said he was against marijuana but was for the Council to refer it to the voters. He knew many people whose lives had been ruined by smoking marijuana and moving on to other drugs. He did not want marijuana facilities to be brought into the City.

****Councilor Hensley moved to approve Ordinance 1427, AN ORDINANCE OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, DECLARING A BAN ON MARIJUANA BUSINESSES AND OTHER SITES; REFERRING ORDINANCE; AND DECLARING AN EMERGENCY to come up for second reading on November 4, 2015. Motion was seconded by Councilor Coleman.**

Councilor Heidt thought it was important to send this to the voters. She asked if medical marijuana should be considered separately.

Mr. Robinson said it was still a federal crime which was inconsistent with the City's business license practice. He suggested doing a holistic approach and banning all facilities.

Councilor Hensley said the initial marijuana measure narrowly passed, and thought this should be sent to the voters.

Councilor Coleman said the Police Department was stretched thin and marijuana would pose new challenges in identifying impairment. There were marijuana facilities nearby in other cities and he thought they needed to consider the overall health and desirability of the community.

Mr. Lindsay said this would not eliminate marijuana from the City, but referred to the voters whether or not businesses could sell the product.

Motion passed 6-0 on first reading.

Ordinance 1428 – Mr. Lindsay said there would be an initial 25% tax on recreational marijuana, and then it would be reduced to 17% tax once the OLCC got its rules in place. HB 3400 also

allowed a City to do a local 3% tax to the General Fund. This would be a back-up plan if the City ever wanted to allow marijuana dispensaries, the Federal government changed their position, or if the ballot measure banning marijuana failed. The 3% tax would also be referred to the voters.

There was discussion regarding the ballot measure language.

****Councilor Hensley moved to approve Ordinance 1428, AN ORDINANCE OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER; REFERRING ORDINANCE to come up for second reading on November 4, 2015. Motion was seconded by Councilor Heidt and passed 6-0.**

NEW BUSINESS: Findings, Conclusion & Order CPA 15-02/TA 15-01 – Mr. Robinson said this was the findings, conclusions, and final order for the N Redwood Concept Plan which Council approved at their last meeting.

****Councilor Dale moved to adopt the Findings, Conclusions & Order CPA 15-02/TA 15-01. Motion was seconded by Councilor Hensley and passed 6-0.**

ADMINISTRATOR’S BUSINESS & STAFF REPORTS: Mr. Robinson attended the French Prairie meeting regarding tourism. He met with Clackamas County Public Works regarding an ongoing issue on the corner of SW 13th and Sequoia. There was now a stop sign on the Logging Road Trail. They were closing in on a guaranteed maximum price on the Library/Civic Building, which he expected to be under seven million dollars. He gave an update on the construction of the Library/Civic Building project.

Mayor Hodson suggested in addition to the stop sign on the Logging Road, there should be a caution sign for pedestrian and bicyclists.

Councilor Parker would bring the additional signage issue forward to the Bike and Pedestrian Committee.

Councilor Rocha said the effort the City had done with the Library/Civic Building was a much bigger deal than they were making. He hoped other cities took Canby’s lead.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Ordinance 1422.
3. Approved Ordinance 1424, 1425, 1426, 1427, and 1428 to come up for second reading on November 4, 2015.
4. Adopted the Findings, Conclusion & Order CPA 15-02/TA 15-01

There was no Executive Session.

Mayor Hodson adjourned the meeting at 9:06 p.m.



Kimberly Scheafer, MMC
City Recorder



Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood