

**CANBY CITY COUNCIL
CITY COUNCIL WORK SESSION
October 7, 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; Amanda Zeiber, Asst. City Administrator/HR Director; Irene Green, Library Director; Bryan Brown, Planning Director; and Kim Scheafer, City Recorder.

Others Present: Lila Gottman, Kathy Hutchinson, Loren Zogby, and Dean Searle.

Mayor Hodson called the Work Session to order at 6:00 p.m. in the City Hall Conference Room.

The City Council met in a Work Session with the General Canby Days, Inc. Board of Directors to discuss this year's event.

Rick Robinson, City Administrator, had reviewed the contract between General Canby Days and the City, and thought there needed to be better communication between the groups. He thought there should be a more open discussion on what General Canby Days thought went well this year and what were the challenges and how those could be improved in the future.

Lila Gottman, General Canby Day Treasurer, said the top two issues were traffic control and vendor theft. People set up booths at the event without paying and several paying vendors had left because of it. They did not get a response from the Chief of Police for the event this year and no streets were closed for the parade. They did not get any communication back from the City for any documents they turned in. Attendance was steady, about 23,000 people and everyone had a good time.

Councilor Coleman thought the pancake breakfast and car show went well.

Mr. Robinson said the City received a complaint from Ebner's Meats regarding how they thought they had a right to continue business at their location during the event.

Ms. Gottman thought that issue would need clarification. Vendors could not compete with that situation and they would lose more vendors if it happened again. Ebner's used a bullhorn to get people to come to their store, which was prohibited for the vendors. They also put out a booth on the corner to sell their products, and did not pay the vendor fee. This was a community event where non-profit vendors raised money for their causes. About half were non-profit and half were for profit vendors, and they all paid the same fee. Vendors were not allowed to sell bottled water as it was a fundraiser for General Canby Day and selling hamburgers and hot dogs were prohibited.

There was discussion regarding the implications if they stopped charging vendors and how vendors were organized for the event.

Ms. Gottman said the General Canby Days Board of Directors were resigning.

Councilor Parker suggested holding another Work Session to discuss this new development.

The Council thanked the Board for their service.

At 6:48 p.m. Joe Lindsay, City Attorney, provided an update on legislation regarding marijuana. Built into the legislation that was passed this session was an opt-out by municipalities which required referral to the voters in a general election on an even year, which would be November 2016. The Council had to decide by Christmas Eve if they wanted to do that. If they opted out, they would not be receiving any tax revenue from recreational marijuana.

There was discussion regarding how the tax would be distributed and if there were any penalties for sending this issue to the voters.

Mr. Lindsay said the City could also make stricter restrictions for time, place, and manner for dispensaries than what was done by the State. If they were going to put this issue out to the voters, it would create a moratorium until the vote was taken. They would not receive State taxes on marijuana during that time.

There was consensus for staff to draft a resolution to put the measure on the ballot.

Dean Searle, business owner, discussed the benefits of medical marijuana, and thought that dispensaries should be allowed. He thought it should be a separate issue from recreational marijuana.

Mayor Hodson adjourned the Work Session at 7:25 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
October 7, 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; Bryan Brown, Planning Director; Kim Scheafer, City Recorder; Irene Green, Library Director; and Matilda Deas, Senior Planner.

Others Present: Bob Cornelius, Dan Murphy, Liz Belz-Templeman, Ken Pirie, Matt Hastie, Brian Vanneman, Jim Davis, Marty Moretty, Daniel Webb, Mallory Gwynn, Allen Manuel, Ethan Manuel, Shawn Hensley, Jeff Gordon, Ott Gaither, and Jim Boyle.

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

Public Power Week Proclamation – Mayor Hodson read a proclamation proclaiming October 4-10, 2105, as Public Power Week and presented the proclamation to Dan Murphy, Canby Utility General Manager, and Bob Cornelius, Canby Utility Board Chair.

Mr. Murphy said Canby Utility was giving out energy conservation kits to citizens who visited the office.

Walk & Bike to School Day Proclamation – Mayor Hodson read a proclamation proclaiming October 14, 2015, as Walk & Bike to School Day and presented the proclamation to Liz Belz-Templeman, Chair of the Bike and Pedestrian Committee.

COMMUNICATIONS: Rick Robinson, City Administrator, said that City County Insurance had awarded the City the Gold Safety Award for no lost time and an injury frequency rate of zero in Fiscal Year 2014-2015.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR'S BUSINESS: Mayor Hodson welcomed Irene Green, new Library Director. He reported on First Friday, the C4 meeting where a new emergency communication system and equipment was discussed, and Council Work Sessions where a General Canby Update and marijuana legislation update were given. He thanked the Canby High School Choir for their video in support of Umpqua Community College in Roseburg.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Coleman attended the last Planning Commission meeting where the N. Redwood Development Concept Plan was approved. The Canby Rodeo Court try outs would be held on October 24 at 9 a.m. Canby Excavating was doing a great job on the Civic Center site. He attended a ribbon cutting for 4:8 Financial.

Councilor Heidt said Canby Area Transit had issued a rider alert closing the bus stop at Safeway during construction. Route 99 was going well and Emma Travejo was the Rider of the Month. She welcomed the new Library Director and announced several upcoming programs at the Library. Regarding the School Board, the Kindergartners were adjusting to all day classes, there was a half time counselor/PE position, and State tests had come in. She attended the County Commissioner's Town Hall, Taste of Autumn, and Friends of the Library meeting. She thanked Dave Rankin for his online volunteer program. On October 17 there would be cleaning up of the Molalla River.

Councilor Dale also attended the ribbon cutting for 4:8 Financial. Canby Utility was proposing a 12.7% rate increase and would be holding a public hearing on the rates on October 27.

Councilor Hensley said Walt Daniels had resigned from the CTV5 Board. She also attended the C-4 meeting, Chili Cook Off, and Bridging Cultures Picnic. She announced the Canby Main Street Spooktacular event on October 31. The American Legion Auxiliary was holding a membership drive and the Auxiliary would be hosting a breakfast on October 25.

Councilor Parker said the Bike and Pedestrian Committee was coordinating with other jurisdictions to connect bike lanes and bike routes. The Historic Review Board was working on getting buildings on the National Register as well as gathering photographs and documents on

City Hall as they were about to move into a new City Hall. He attended First Friday, Bridging Cultures Picnic, and the Chili Cook Off. Oliver Insurance had installed new outside foliage. He announced Jamie Stickel, Main Street Manager, had been awarded the Main Street Manager of the Year for Oregon.

Councilor Rocha reported on the Chili Cook Off and Safety Fair.

CONSENT AGENDA: **Councilor Dale moved to adopt the minutes of the September 16, 2015, City Council Regular Meeting. Motion was seconded by Councilor Hensley and passed 6-0.

PUBLIC HEARING: CPA 15-02/TA 15-01 North Redwood Development Concept Plan – Mayor Hodson read the public hearing format.

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 – No conflict, plan to participate.

Mayor Hodson – No conflict, plan to participate.

Ex Parte Contact:

Councilor Rocha – Drove by the site every day, but drew no conclusions.

Councilor Parker – Like the rest of Council received an email about it that day, but drew no conclusions.

Councilor Hensley – Received the email, and drew no conclusions.

Councilor Dale – No contact.

Councilor Heidt – No contact.

Councilor Coleman – Attended the Planning Commission meeting where this was discussed, but drew no conclusions.

Mayor Hodson – Driven by the site, but drew no conclusions.

Matilda Deas, Senior Planner, presented the staff report. This project was started in November of last year. The purpose was to satisfy a Code requirement that for certain areas of the City prior to annexation there had to be a Development Concept Plan in place. This was a 66 acre area on N. Redwood, and many attempts had been made to create this plan. It was a complicated area with natural resources, steep slopes, traffic circulation issues, and several different property owners. The City received grant funds from a State program to engage consultants who had experience in creating these types of plans in complex areas. The Planning Commission recommended approval of this plan on September 28. Staff also recommended approval.

Ken Pirie, Walker Macy, discussed the project schedule, what had happened so far, study area, property ownership, concept plan criteria, environmental areas, zoning, recommended concept, park area, emergency access, housing choices, conceptual lot layout, street design, and water, sewer, and storm water lines and capacity. He thought the Concept Plan met all of the criteria by integrating with the existing City fabric, the street design was walkable and cohesive, all the

parcels were integrated, the impacts were distributed equally, and it took into account the different owners' timing of development.

Brian Vanneman, Leland Consulting, explained the funding plan for N. Redwood. Most of the infrastructure, including local roads, sanitary sewer, and water would be paid for by developers or property owners at the time of development. For the park area, the property owners would either contribute parks land or SDCs. There would be a density bonus for unbuildable land contributed to the park.

Matt Hastie, Angelo Planning, discussed implementing the N. Redwood Development Concept Plan. The goal was to provide flexibility while ensuring overall consistency with the Development Concept Plan. The zoning needed to be consistent with the Plan, and any changes to the zoning would require a Comprehensive Plan amendment. He then reviewed the essential plan elements and the flexible elements if the essential elements were met. The goal for the Development Code amendments was to allow for a transfer of density between constrained and unconstrained areas of a given property. The essential elements would become the approval criteria for future developments and the code amendments would allow density transfers and/or allow a reduction of lot sizes for the R1 zone for properties where density transfer occurred. He further explained the eligible parcels for density transfer. The transfer would help distribute costs equitably among the property owners. It would not increase density overall for the area.

There was discussion regarding the zoning, how the park area would be owned and maintained by the City, and minimum lot sizes.

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

Public Testimony

Proponents: Ethan Manuel lived in the middle of the Concept Plan area. He was in support of the Plan. He commended City staff and the consultants on a good job. The Plan provided a nice construct for development in the Canby community. The area had been constrained by not having a Concept Plan and he thought the City should help with other constrained areas in the City. The road on the east required serial development of the lots to get down to the bottom. He encouraged the City to take a leadership role and have the road built and recoup the costs as the property owners developed.

Allen Manuel, Clackamas County resident, had been working on this project since 1991 and had attended many meetings. He was in support of the project. They needed a plan in order to move forward. He was in favor of more high density residential in the area as Canby needed balanced housing in the community.

Opponents: Daniel Webb, Canby resident, said he was in favor of the plan as a whole, but he wanted to address the natural area. The concern was there was nothing in the plan to fund the park or trails or pedestrian bridge. If there was no funding, the park would not get built or maintained. If it was not done before people started annexing and building, it would sit there like Willow Creek Park was now, in great need of maintenance. It would be a hazard for the City to own and a very unattractive area. If the City could not get funding, he thought it should be left in private ownership to maintain it.

Ms. Deas said how the City would take care of all of the parks was a bigger issue that the Council would have to work on. It was not difficult to get funds to construct the park and trails, the issue was how to maintain them. For every park, staff did a master plan once it was annexed and discussed with the surrounding neighborhood. There could be a public/private agreement for maintenance. It was too early to plan it because they didn't know what developments would go in to this area. This project would go on the Capital Improvement Plan and as they got grants, the SDCs that were collected would match the grants and they could construct the park.

Mr. Webb was concerned that it would take several years to find the funding to construct the park. He thought this natural area would deteriorate fast if it was not maintained properly and improved. He thought the Council should send it back to the Planning Commission to get something in place to fund this park plan.

Ms. Deas clarified the Concept Plan was a requirement for the property owners to apply for annexation of this area; it was not driving annexation to occur.

Mayor Hodson closed the public hearing at 9:18 p.m.

Councilor Parker said each new house that was constructed would be paying taxes that went towards maintaining parks.

NEW BUSINESS: None.

RESOLUTIONS & ORDINANCES:

Resolution 1226 – Mr. Robinson said as part of a requirement to qualify for federal funding for the City's transit program, the City must have a Disadvantaged Business Enterprise Program. To make a program specific for Canby was cost prohibitive. The services Canby's transit program accessed was driven from the greater Portland Metro region, and using the State's model would be a consistent application and would allow them to meet the requirement. It would require the City to follow certain criteria when advertising for services to reach out to and provide an opportunity to disadvantages businesses to participate.

****Councilor Heidt moved to adopt Resolution 1226, A RESOLUTION ADOPTING THE OREGON DEPARTMENT OF TRANSPORTATION'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM, POLICY AND GOALS. Motion was seconded by Councilor Rocha and passed 6-0.**

Ordinance 1422 – There was discussion regarding maintenance of the natural area. It was an important water shed, and the City would need to have a larger parks maintenance discussion.

Councilor Heidt said parks were a challenge they would have to take on, but it was not a deal breaker to the Concept Plan which was well thought out.

****Councilor Hensley moved to approve 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 to come up for second reading on October 21, 2015. Motion was seconded by Councilor Parker and passed 6-0 on first reading.**

Ordinance 1423 – ****Councilor Heidt moved to adopt Ordinance 1423, AN ORDINANCE AMENDING CANBY’S COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP FROM HEAVY INDUSTRIAL (HI & M-2) TO HIGH DENSITY RESIDENTIAL (HDR & R-2) RESPECTIVELY FOR AN APPROXIMATE 7.6 ACRE PORTION OF TAX LOTS 2101 AND 4900 OF TAX MAP 31E34C AS ADJUSTED BY LLA 15-04 AT 235 S SEQUOIA PARKWAY. Motion was seconded by Councilor Coleman and passed 4-3 by roll call vote with Councilors Rocha, Hensley, and Dale opposed and Mayor Hodson voting in favor to break the tie.**

NEW BUSINESS: Findings, Conclusion & Order CPA 15-01/ZC 15-0/LLA 15-04 – Bryan Brown, Planning Director, said the Findings had the same information as the ordinance. They reflected the Council’s decision after the public hearing, and stated the application met the Comprehensive Plan and other criteria and all the conditions would be met.

****Councilor Heidt moved to adopt the Findings, Conclusions & Order CPA 15-01/ZC 15-01/LLA 15-04. Motion was seconded by Councilor Coleman and passed 6-0.**

Request from Bike & Pedestrian Committee to Increase Committee Membership from Five to Seven – Councilor Hensley was concerned about increasing the number of members and not having a quorum at meetings. She did not think it was necessary for a member to come to Council meetings to report to Council as there was a Council liaison to the committee. In perpetuity there might not be the number of people who wanted to participate as was happening on other seven member City committees.

Liz Belz-Templeman, Chair of the Bike and Pedestrian Committee, said historically having a quorum had never been a problem. People were not as likely to be vested and attend if they were not on the Committee.

Mayor Hodson suggested the Committee create a subcommittee for certain issues that people were passionate about. Ms. Belz-Templeman said typically there was not one issue, but more general view of how to advise on bike and pedestrian issues as a whole.

Councilor Heidt said for the seven member committees, all but one had vacancies. There was excitement and momentum on this committee and she thought they should support this.

Councilor Parker encouraged the Council to consider going forward with this proposal that was coming from a group of citizens who were requesting the change.

Council consensus was to have staff bring back an ordinance at their next meeting.

ADMINISTRATOR’S BUSINESS & STAFF REPORTS: Mr. Robinson announced he had been appointed to the Oregon Department of Land Conservation and Development Rules Advisory Committee for potential rule-making to address a possible adjustment to the Arndt Road extension.

CITIZEN INPUT: None.

ACTION REVIEW:

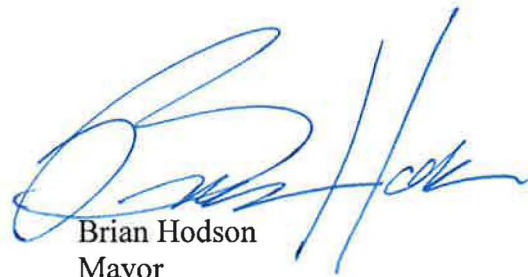
1. Approved the Consent Agenda.
2. Adopted Resolution 1226.
3. Approved Ordinance 1422 to come up for second reading on October 21, 2015.
4. Adopted the Findings, Conclusions & Order CPA 15-01/ZC 15-01/LLA 15-04.
5. Adopted Ordinance 1423.
6. Staff would bring back an ordinance changing the membership size on the Bike and Pedestrian Committee from five to seven members.

There was no Executive Session.

Mayor Hodson adjourned the meeting at 9:52 p.m.



Kimberly Scheafer, MMC
City Recorder



Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood