

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
March 20, 2019**

**PRESIDING:** Mayor Brian Hodson.

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

**STAFF PRESENT:** Rick Robinson, City Administrator; Joseph Lindsay, City Attorney; Jamie Stickel, Economic Development Director; and Kim Scheafer, City Recorder.

**OTHERS PRESENT:** Steve Pierson, Dan Holladay, Paul Carlson, Stefani Carlson, AdriAnne Carlson, Katherine Christiansen, Terri Coleman, Doug Coleman, Janet Bailey, Suzanne Gallagher, David English, Gail Williams, Tyler Smith, Olivia Behrendt, Kenneth Behrendt, Daniel Stearns, Larry Boatright, John Savory, Winnie Savory, Mary Ker, Margaret Starrett, Kevin Starrett, Lisa Bateman, Austin Erickson, Trenton Clark, Trevos Clark, John Jones, Sherry Smith, Gary Potter, Lisa Potter, Brooks Cutsforth, Fire Chief Jim Davis, Carol Rosen, Mark Davis, Bob Cambra, Brian Haines, and Wayne Looney.

**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.

Vietnam Veterans Day Proclamation – Mayor Hodson read a proclamation proclaiming March 29, 2019 as Vietnam Veterans Day in Canby.

Dan Holladay, Oregon City resident, said his business, Ultimate Team Spirit, had moved to 1<sup>st</sup> Avenue. He did not think there was a parking problem in downtown Canby. The Dahlia project was charging their residents for parking, but there was plenty of free parking available. He encouraged the Council to seriously consider the consequences of taking action on the downtown parking recommendations. He thought a more reasonable solution could be found.

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Tyler Smith, Canby resident, explained why he did not run for Council reelection. Some of it was the childish behavior of the Council and some was the Council spending too much time on unimportant matters. During the appointment process he was labeled as too conservative. One City Councilor had paid for a background check on him. He thought that there were too many insignificant proclamations at Council meetings.

**MAYOR'S BUSINESS:** Mayor Hodson said Metro's president had presented information on the T-2020 bond to the Clackamas County Coordinating Committee. The Clackamas County Vehicle Registration Fee would be going into effect in a few months. It was expected to bring in \$330,000 to Canby starting in 2021. At the Region 1 Area Commission on Transportation meeting, there was discussion regarding the plan for the Rose Quarter improvements. He had toured Oregon City's spray park for ideas for Canby and walked Maple Street Park to get a better idea of what it could potentially look like. The County was currently doing a survey of Canby Ferry riders. County staff was very confident that they might be able to close the gap down to \$100,000 per year. They would still need to find funding for the gap. The Council was in the process of recruiting for a new City Administrator.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Spoon said CTV5 was going to meet to review strategies. The next First Thursday would be on April 4. The Canby High School Dance Team won their 5<sup>th</sup> straight championship. The Speech and Debate Team won District and was going to State. The Charmed With Canby fundraiser would be going through April.

Councilor Varwig said the Library Board met on the 19<sup>th</sup>. New officers were elected. The State of the Library presentation would be on April 17. The Adult Winter Reading program was successful and the Library had given away three Kindle Fires. The Fire Board would meet next week. Andrew Aamodt was promoted to Captain and Captain Bob Bunnell would be retiring.

Councilor Dale said Canby Utility had asked him to discuss recent outages due to wind storms. He explained the flickering was from smart switches which were being used to avoid longer term outages.

Councilor Hensley congratulated the Mayor on his re-election as Co-Chair of the Clackamas County Coordinating Committee. A citizen had come to the Traffic Safety Commission regarding pedestrian access on N Maple Street which would be discussed further at their next meeting. There was also a crossing concern at Fir and 13<sup>th</sup> and a concern about parking on N Knott between 3<sup>rd</sup> and 4<sup>th</sup>. There was not going to be a crosswalk put in by Ace Hardware on Berg Parkway because the engineer determined it would not do what they wanted it to do. It would have to be an enforcement issue with the School District.

Councilor Parker attended the Canby Adult Center meeting. They were busting at the seams and had to curtail some of their programs. All of the slots for tax preparation had been filled at the Adult Center. The Bike and Pedestrian Committee was moving their meeting to April 2. The free community bike rides had begun. The Heritage and Landmark Commission had brought in \$16,000 in grants to create a Historic Preservation Plan. The consultants would be showing design concepts for the Fairgrounds at the Clackamas County Event Center on March 28 from 9:30 a.m. to 5:00 p.m.

**CONSENT AGENDA:** **\*\*Councilor Dale moved to adopt the minutes of the March 6, 2019 City Council Work Sessions and Regular Meeting and the reappointment of Donald Smeback to the Transit Advisory Committee for a term to end on March 31, 2022. Motion was seconded by Councilor Hensley and passed 5-0.**

**PUBLIC HEARING:** Noise Variance Application – Canby Swim Club (May 11, 2019 from 9:00 AM – 12:00 PM) – Mayor Hodson read the public hearing statement.

**Staff Report:** Kim Scheafer, City Recorder, said this was a request from the Canby Gators Swim Club for a noise variance on May 11 from 9:00 a.m. to 12:00 p.m. for the North Lake Physical Therapy Gator Grinder Triathlon. Canby Municipal Code required that notices be mailed to property owners within 200 feet of the location. The applicant provided addresses of residents within 600 feet and notices were sent out. This was an annual request and no complaints had been received from last year's event.

Mayor Hodson opened the public hearing at 7:41 p.m.

**Proponents:** Steve Pierson, local business owner, said this was a local triathlon that had been going on for twelve years.

**Opponents:** None.

Mayor Hodson closed the public hearing at 7:43 p.m.

Councilor Spoon lived nearby, and thought they did a good job at minimally disrupting the neighborhood.

**\*\*Councilor Varwig moved to grant a Noise Variance to Canby Swim Club for the North Lake Physical Therapy Gator Grinder Triathlon on May 11, 2019 from 9:00 a.m. – 12:00 p.m. Motion was seconded by Councilor Spoon and passed 5-0.**

**RESOLUTIONS & ORDINANCES:** Resolution 1310 – Jamie Stickel, Economic Development Director, said information was presented at the February 20 City Council Work Session regarding the 2013 Parking Study and the Parking Task Force’s recommendations. The recommendations were to create two hour parking in the downtown core and in the outside areas to create ten hour parking. The civic parking lot would not have a time limit and the train parking lot would be half ten hour and half three hour parking. They would also create comprehensive downtown signage, do public outreach, and random enforcement.

Daniel Stearns, downtown business owner, was opposed to these parking changes because it would be difficult for employees and for customers who needed longer than two hours for appointments. He currently saw spaces that were open on the street and did not think parking was a problem, at least not on Grant, 2<sup>nd</sup>, and 1<sup>st</sup> where there were mostly professional offices.

Bob Cambra, Canby resident, said the map showed ten hour parking around Wait Park which would limit access to the park.

Tyler Smith, business owner, had multiple attorneys and staff that worked for him, as well as clients carrying important papers with them. It would be difficult if they had to park further away. He suggested more mixed parking in the core area so there was some long and some short term parking throughout. He did not think parking availability was a problem.

Brian Haines, owner of Canby Music, said there had never been issues on 1<sup>st</sup> Avenue of not enough parking. He didn’t think there needed to be enforcement.

Paul Carlson, business owner on 1<sup>st</sup> Avenue, agreed there was currently not a major parking problem downtown, however they were planning for the future. He was on the Parking Task Force. He would have liked to see another meeting of that group. He encouraged another parking study be done. Right now there didn’t seem to be a problem, but once the Dahlia building was full and other businesses were full there could be a problem.

Mark Davis, business owner on 3<sup>rd</sup> Avenue, said employees that didn’t have a place to park on 1<sup>st</sup> or 2<sup>nd</sup> Avenues parked in front of their doors on 3<sup>rd</sup> Avenue. They had worked with them asking them to not park in those spaces. Currently their parking had a three hour limit, and he did not want it to be changed to ten hour parking. He thought this needed more discussion.

Rick Robinson, City Administrator, was encouraged as there didn’t seem to be a parking problem in downtown. He thought the testimony was compelling to table the issue.

Ms. Stickel clarified the parking on 3<sup>rd</sup> Avenue would be two hour parking, not ten hour parking.

Mayor Hodson asked if currently code enforcement was complaint driven.

Ms. Stickel said yes.

Councilor Hensley asked about the parking signs.

Ms. Stickel explained they would specify the parking time limits were from 8 a.m. to 5 p.m. Monday through Friday.

Councilor Hensley asked why the parking around Wait Park was ten hours.

Ms. Stickel said it was not directly in front of businesses and was a place employees could park and walk to their work. She was not sure if patrons of the park were taken into consideration.

Councilor Parker suggested doing what Medford did, which was create a parking district and turn it over to downtown businesses. There had not been support for this in any of the public testimony and he thought it should be tabled.

Councilor Hensley agreed that this issue needed further study.

**\*\*Councilor Hensley moved to table Resolution 1310. Motion was seconded by Councilor Spoon.**

Councilor Spoon said her preference would be for a greater mix of time zones in downtown.

Mayor Hodson added the ten hour parking around Wait Park needed to be looked at as well.

Councilor Varwig agreed there was currently not a parking issue downtown.

**Motion passed 5-0.**

Resolution 1311 – Mr. Robinson said in November of 2014 the City Council permanently took an action to establish a vertical housing tax credit as a tool to attract mixed use developments to downtown. There was one development that met the criteria for the tax credit. The discretionary action in 2014 established the program. All the Council was doing tonight was to review the document and make sure it was complete and that the steps had been taken that were required under the terms of the program to determine the project was eligible and the percentage deduction was accurate. Staff thought all of the conditions had been met. If the Council no longer supported the program, it would be a separate action at a different meeting.

Councilor Spoon clarified it was a ten year exemption.

John Savory, Canby resident, did not think the tax exemption was equitable as it shifted the cost and burden for a project to the citizens because it took funds away from fire, police, etc. Other businesses who wanted to expand would not be able to participate in this program. He thought it should be revisited.

Mr. Robinson said at every step of the development of this project the vertical housing tax credit was brought to the public's attention. This was in the Urban Renewal District and would only affect URD taxes. The other taxes would remain once the property went on the tax rolls. Due to the increased taxable value associated with this project, once the Urban Renewal District sunsetted there would be a return on investment to all of the taxing jurisdictions.

Tyler Smith, Canby resident, said a lot of people had concerns about giving the property to the Dahlia project in exchange for significant tax revenue and now they were getting a tax credit. The City

Administrator had explained that it was in the projections and if it stayed on schedule they would be paid back. With the vacancies in the Dahlia Building and the tax exemption, he wanted to make sure the Council kept a close eye on this project because they could take the property back.

Joseph Lindsay, City Attorney, said this was brought to the Council and was voted on prior to the expressions of interest being received for the project.

Councilor Spoon was open to discussing this program in the future. Councilor Hensley concurred.

**\*\*Councilor Spoon moved to adopt Resolution 1311, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY, OREGON GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER OREGON REVISED STATUTES FOR A 69 UNIT HOUSING DEVELOPMENT OWNED AND OPERATED BY CANBY DALIA LLC, AN OREGON LIMITED LIABILITY COMPANY. Motion was seconded by Councilor Parker and passed 5-0.**

Ordinance 1504 – Mr. Robinson said this was for the reconstruction of N Maple Street from NE 10<sup>th</sup> to NE 14<sup>th</sup>. This project had been in the works for 18 months. The project would be to reconstruct the road surface and add sidewalks, curbs, and gutters.

**\*\*Councilor Hensley moved to adopt Ordinance 1504, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE-ELSNER, INC. IN THE AMOUNT OF \$522,949.50 FOR N MAPLE STREET IMPROVEMENTS; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Varwig and passed 5-0 by roll call vote.**

Ordinance 1505 – Mr. Robinson said the establishment of the Park Maintenance Fee contained a component in which the City's contribution was increased by a cost of living adjustment on an annual basis. They were using the CPI Index for the Portland area for the cost of living adjustment which had been abolished and staff was recommending adoption of the CPI Index for urban communities in the Pacific Region. The annual increase needed to be incorporated in the 2019-2020 budget.

**\*\*Councilor Hensley moved to approve Ordinance 1505, AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE (CMC) CHAPTER 3.35 PARK MAINTENANCE PROGRAM SECTIONS 3.35.050 (B) AND 3.35.090 (E) ANNUAL ADJUSTMENT to come up for second reading on April 3, 2019. Motion was seconded by Councilor Dale and passed 5-0 on first reading.**

**NEW BUSINESS:** Update on Ackerman Field Feasibility Study – Mayor Hodson said the School District and City had been working on a recreation complex by Ackerman Middle School. He showed renditions that had been made of the options for the complex. A presentation had been made to the Parks and Recreation Advisory Board. The School District would see the presentation March 21. The task force liked Option A.

Councilor Parker said Option A offered the most flexibility and met Title 9 requirements for equal access.

There was discussion regarding the Option A design and safety concerns.

Mayor Hodson said the next steps were an initial field feasibility roadshow, feedback to consultants from the roadshow, Intergovernmental Agreement between the City and the School District, and draft Field Feasibility Study and cost analysis. The objective was to hold the first soccer tournament in fall of 2020.

**CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** Mr. Robinson said staff was reviewing a draft RFP for the splash pad project which should be installed by the end of September.

**CITIZEN INPUT:** AdriAnne Carlson, student, explained why she was opposed to Transgender Day in the City.

David English, Canby resident, asked if the Transgender Day was a proclamation the City was moving forward with or was only a suggestion.

Mayor Hodson said it was a request and he decided to decline the request.

Mr. English thanked the Mayor for representing the City and declining the request. This was a caring and compassionate community. As a private citizen you should do and support whoever you want. It was not a political issue the City should get involved in or endorse.

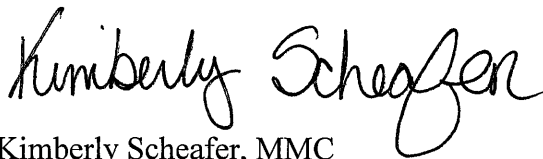
Stefani Carlson, business owner, was a former Councilor's wife. The Council must represent the people and put away their own agendas and opinions. She was in opposition to the Transgender Day proclamation. They needed to represent all people without preference.

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Resolution 1310 was tabled to a future date.
3. Adopted Resolution 1311.
4. Adopted Ordinance 1504.
5. Approved Ordinance 1505 to come up for second reading on April 3, 2019.

There was no Executive Session.

Mayor Hodson adjourned the Regular Meeting at 9:10 p.m.



Kimberly Scheafer, MMC  
City Recorder



Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood