

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
December 5, 2012**

Presiding: Mayor Randy Carson

Council Present: Rich Ares, Traci Hensley, Brian Hodson, Walt Daniels, Greg Parker, and Tim Dale.

Staff Present: Greg Ellis, City Administrator; Joseph Lindsay; City Attorney; Sue Ryan, Deputy City Recorder; Bryan Brown, Planning Director; Darvin Tramel, Environmental Services Manager; and Matilda Deas, Senior Planner.

Others Present: Ken Rider, Bob Cornelius, Bob Hill, Sonya Kazen, and Bev Doolittle.

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

Community Food & Toy Drive Sponsored by Canby Kiwanis Proclamation – Mayor Carson presented Bob Hill, Canby Kiwanis Secretary, with a proclamation proclaiming December 9-15, 2012, as Canby Community Food & Toy Drive Week sponsored by Canby Kiwanis.

Mr. Hill said the toy and food drive would celebrate its 75th anniversary next year which served over 400 families and children in the community. He thanked the many people who donated and volunteered.

Councilor Ares said Rotary chose to partner with Kiwanis because of their excellent work.

Mayor & Council Election Proclamation – Mayor Carson read the certification of the November 6, 2012 General Election regarding the Mayor and City Council election. The official count of votes from Clackamas County was:

MAYOR

Brian D. Hodson – 3,545, Randy Carson – 2,826, Write-In – 40, Over Votes – 7, Under Votes – 789.

CITY COUNCIL

Tim Dale – 3,969, Traci Hensley – 3,935, Ken Rider – 3,403, Write-In – 308, Over Votes – 1, Under Votes – 10,003.

Measure 3-408 Proclamation – Mayor Carson read the certification of the November 6, 2012 General Election regarding Measure 3-408. The official count of votes from Clackamas County was: Yes – 5,418, No – 1,396, Over Votes – 1, and Under Votes – 392.

Findings, Conclusion & Final Order TA 12-01/ZC 12-02 – Bryan Brown, Planning Director, said the Findings for this land use decision had been prepared by the applicant's attorney. Staff had reviewed them, and they were acceptable. The findings looked at the Code requirements and how those were met to make sure the Council's decision was not overturned were it to be appealed to LUBA.

****Councilor Ares moved to adopt the Findings, Conclusion & Final Order TA 12-01/ZC 12-02/DR 12-03. Motion was seconded by Councilor Parker.**

Councilor Dale questioned adopting a document not prepared by the City. He wasn't comfortable with it and would vote no.

Mr. Brown said it was being adopted by the method under the City Code which stated findings shall be prepared by the prevailing attorney on a land use action. The minutes of the meeting stood as a separate record documenting the discussion that took place during the hearing.

Councilor Parker would vote yes as it was the method in the Code, but he wanted it noted that this document was prepared by outside counsel and a true record was prepared by the deputy City Recorder in the minutes, should this be appealed.

Councilor Ares said if it was the City's practice, then it was not out of the ordinary. If they wanted to change it, they would have to go through the process to change the ordinance.

Councilor Hodson thought the findings matched with the dialogue from that evening. He suggested when outside counsel prepared these things that a thorough review be done by staff.

Councilor Ares said he had read every word of the findings and it matched what was discussed.

The motion passed 6-0.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Sonya Kazen, Senior Planner with ODOT, was retiring in one month and wanted to acknowledge Matilda Deas, Senior Planner, for her work on projects and her contributions.

Bev Doolittle, Executive Director of the Canby Chamber of Commerce, gave the Chamber's annual ornament to the City. She announced the "Light the Night" event at the Clackamas County Event Center December 13-17. There was a VIP evening on December 12 that the Council was invited to.

MAYOR'S BUSINESS: Mayor Carson announced First Friday and the tree lighting ceremony at Wait Park on December 7.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Ares said the Adult Center brought it to the City's attention that the building needed evaluation and care. The Adult Center was also in need of volunteers especially for Meals on Wheels drivers.

Councilor Hensley attended the First Avenue reopening and Small Business Saturday, Visioning meetings, and Library Christmas Party. The Library's Volunteer of the Year was Tracie Heidt and the Employee of the Year was Lori Fitzgerald.

Councilor Hodson said the Planning Commission would be discussing text amendments at their next meeting. There was one remaining open position on the Planning Commission. He spoke to Cub Scout Pack 503 about volunteer opportunities in the City.

Councilor Daniels said the Historical Society members' Christmas Party would be held on December 18. On Friday there would be CAT shuttles to the tree lighting ceremony at Wait Park. The Depot Museum would be closed in January and February for maintenance. The historic calendars were on sale. The Depot would be open during the Light the Night festival. He also promoted the City's email newsletter.

Councilor Parker said the Bike and Pedestrian Committee met and discussed some of the best routes to connect the City to the larger bike touring areas as well as the issue of having access on or off the Logging Road Bridge. He said questions came up about how to develop bicycle tourism and possibly camp at the Event Center. He encouraged citizens to attend the tree lighting at Wait Park. He stopped in at the Swim Center and saw a brand new boiler was being installed.

Councilor Dale attended the 1st Avenue reopening. Canby Utility Board did not meet but he went to the CUB Christmas party.

CONSENT AGENDA: **Councilor Daniels moved to adopt minutes of the November 7, 2012 City Council Regular Meeting; Minutes of the November 21, 2012 City Council Regular Meeting; appointments of Shawn Hensley and John Savory to the Planning Commission for terms to end on December 31, 2015; and a Change of Ownership Liquor License Application for 76 Food Mart of Canby. Motion was seconded by Councilor Hodson and passed 6-0.

PUBLIC HEARING: CPA 12-02/TA 12-03 OR 99E Corridor & Gateway Design Plan –

Mayor Carson opened the public hearing at 8:15 p.m.

STAFF REPORT: Matilda Deas, Senior Planner, presented the staff report. The Planning Commission held a public hearing on November 13 where the plan was approved with recommendations. She summarized the history, intent, funding, public input, and major design elements of the plan. She then discussed the changes recommended by the Planning Commission.

Councilor Ares asked about the pedestrian crossing at Locust Street. He said Knott and Juniper had far more pedestrian activity than Locust. The safety area was better suited to Knott Street.

Ms. Deas said Locust was a suggestion. The public input was to have something between Ivy and Pine.

Councilor Hodson asked about the status of the boom arms for the traffic lights.

Ms. Deas said ODOT worked with the property owners regarding the easements needed for moving the boom arms. She said the work would be happening soon.

Councilor Hodson asked if there had been discussion on cleaning up the powerline issue and undergrounding lines.

Mayor Carson said the big lines were PGE lines and couldn't be moved.

Councilor Parker thanked Ms. Doolittle for her input on the plan.

PUBLIC COMMENT: Ms. Kazen discussed how the projects for 99E/Gateway might be funded in the future. She explained the ODOT and federal funding programs which had been greatly reduced. She encouraged the City to apply in the next cycle for ODOT's Enhancement Program. It was important to show they had a plan, political support, and a match.

Mayor Carson closed the public hearing at 8:53 p.m.

Ordinance 1368 – ****Councilor Ares moved to approve Ordinance 1368, AN ORDINANCE ADOPTING THE CANBY OR99E CORRIDOR AND GATEWAY PLAN, AMENDING CANBY'S COMPREHENSIVE PLAN TEXT, TRANSPORTATION SYSTEM PLAN, AND TITLE 16 OF THE CANBY MUNICIPAL CODE to come up for second reading on January 2, 2013. Motion was seconded by Councilor Parker and passed 6-0 on first reading.**

RESOLUTIONS & ORDINANCES: Resolution 1146 – **Councilor Daniels moved to adopt Resolution 1146, A RESOLUTION ACCEPTING THE RESULTS OF NOVEMBER 6, 2012 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF 0.79 ACRES DESCRIBED AS TAX LOTS 1100 and 1101 OF TAX MAP 4S-1E-4D LOCATED ADJACENT TO AND WEST OF THE 1600 BLOCK OF S. IVY STREET AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS. Motion was seconded by Councilor Hensley and passed 6-0.

Resolution 1147 – ****Councilor Hodson moved to adopt Resolution 1147, A RESOLUTION ADOPTING AN INTERAGENCY AGREEMENT BETWEEN THE CITY OF CANBY AND THE CANBY SWIM CLUB, INC. Motion was seconded by Councilor Hensley and passed 6-0.**

Ordinance 1365 – ****Councilor Ares moved to adopt Ordinance 1365, AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.41 OF THE CANBY MUNICIPAL CODE CONCERNING THE SUBAREA BOUNDARY OF THE CANBY DOWNTOWN OVERLAY ZONE. Motion was seconded by Councilor Dale.**

Councilor Daniels read a statement where he believed the Council was not given information on the Planning Commission's denial of the business overlay, but on design review, which was not for Council decision (Exhibit A). He did not think the Council had a basis for overruling the Planning Commission's decision. He said they had to decide where downtown began and thought this was not a pedestrian area, but auto oriented. He urged the Council to vote no on the Ordinance and remand the issue back to the Planning Commission.

The motion passed 4-2 by roll call vote with Councilors Daniels and Parker opposed.

Councilor Hodson stated appreciation for Councilor Daniels' point of view.

Ordinance 1367 – Darwin Tramel, Environmental Services Manager, said the last master plan was done in 1994 and there had been an increase in the regulations for stormwater. Four proposals were received for the project. They had to consider a firm with experience in Underground Injection Control devices. He was comfortable with Kennedy/Jenks ability.

There was a discussion on the new regulations and the burden of those on the City's resources and how stormwater issues could be addressed.

Mr. Tramel said the project would take six months to complete. Staff would be doing a lot of the work to save money.

****Councilor Dale moved to approve Ordinance 1367, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH KENNEDY/JENKS CONSULTANTS IN THE AMOUNT OF \$104,000.00 FOR ENGINEERING AND CONSULTING SERVICES TO COMPLETE THE 2013 CITY OF CANBY STORMWATER MASTER PLAN; AND DECLARING AN EMERGENCY to come up for second reading on January 2, 2013. Motion was seconded by Councilor Hodson and passed 6-0 on first reading.**

NEW BUSINESS: Cancellation of December 19, 2012 Meeting – **Councilor Daniels moved to cancel the December 19, 2012 City Council Meeting. Motion was seconded by Councilor Hodson and passed 6-0.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Greg Ellis, City Administrator, said the Planning Department had received a grant recently that was the work of Ms. Deas. He handed out a net proceeds sheet on the bonds being sold for various projects. He explained the proceeds and expenses.

There was discussion regarding the cost savings and insurance rate.

CITIZEN INPUT: Bob Cornelius, resident of Canby, thanked all of the City officials and staff who made Canby the wonderful City it was and wished everyone Merry Christmas and Happy New Year.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Resolution 1146.
3. Adopted Resolution 1147.
4. Adopted Ordinance 1365.
5. Approved Ordinance 1367 to come up for second reading on January 2, 2013.
6. Approved Ordinance 1368 to come up for second reading on January 2, 2013.
7. Cancelled December 19, 2012 City Council Meeting.

There was no Executive Session.

Mayor Carson adjourned the Regular Meeting at 9:30 p.m.



Sue Ryan, CMC
Deputy City Recorder



Randy Carson
Mayor

Assisted with Preparation of Minutes - Susan Wood