

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
August 3, 2011**

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; John Kelley, City Attorney; Bryan Brown, Planning Director; Sue Ryan, Deputy City Recorder; Eric Laitinen, Aquatic Program Manager; and Kim Scheafer, City Recorder.

Others Present: Mike & Irene Breshears, Beth Saul, Bob Cornelius, Barry Lucas, Keith Galitz, Jeanne Eyman, Karen Hill, Ron Berg, Brandon Ellis, Ray Hughey, Craig Gingerich, Robert Price, Patricia Hershberger, Bob Jacobs, George Douglas, and Bob Johnson.

CALL TO ORDER: Mayor Carson called the Regular Meeting to order at 5:30 p.m. in the City Hall Conference Room.

****Councilor Daniels moved to go into Executive Session pursuant to ORS 192.660(2)(h) Pending Litigation, ORS 192.660(2)(i) Performance Evaluation of Public Officer and ORS 192.660(3) Labor Negotiations. Motion was seconded by Councilor Hensley and passed 6-0**

OPENING CEREMONIES: Mayor Carson reconvened the Regular Meeting at 7:30 p.m. in the City Council Chambers followed by the opening ceremonies.

Vietnam Memorial Committee Appreciation Month Proclamation – Mayor Carson read a proclamation proclaiming the month of August as Vietnam Era Veterans Memorial Committee Appreciation Month.

Mike Breshears thanked the Council, citizens, and businesses for their support for the memorial. He announced the statue would be mounted tomorrow, the sculptor would hold an open house on Friday and the official dedication was Saturday.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Jeanne Eyman, OCTS Treasurer and producer, discussed letters given to the Council from Steve Floyd, OCTS Vice President, and one from herself regarding the OCTS telecommunication franchise. She expressed concern that some of the local programming would not be continued should the franchise go to Wave. The OCTS Board wants the Public Education Government fees to stay at their current rate. She asked OCTS be given time to upgrade their studio and cameras.

Keith Galitz, Canby Telcom President expressed concern with the way the franchise negotiation had gone with Canby Telcom and said the City had put an obligation in the Wave franchise. He said that Wave and Canby Telcom were in discussions about OCTS and possibly continuing financial support for OCTS. He said this situation had been handled unprofessionally by the City.

Karen Hill, OCTS producer of Canby PD show, was concerned that if Council signed the agreement with Wave that the City's community television system and programs would no longer exist.

COUNCILOR COMMENTS & LIAISON REPORTS: Mayor Carson attended National Night Out and the Canby Industrial and Community Development meeting.

Councilor Ares discussed the presentation to the Urban Renewal Agency regarding the Industrial Park and downtown development. He reported on the Three-on-Three Basketball Tournament. He said the playground equipment installation at Northwoods Park was delayed until fall.

Councilor Hensley met with the Library Director about the Library Board.

Councilor Hodson congratulated the Canby Pub and Grill on their grand reopening. He announced two ribbon-cutting ceremonies for new businesses in town.

Councilor Daniels said the Transit Advisory Committee meeting is August 10. The Historical Society was making plans for the fall flea market. The Depot would be closed August 16-22.

Councilor Parker said there would be many people in town for Clackamas County Fair. He encouraged everyone to welcome everyone this weekend for the Vietnam Memorial dedication. He attended the Canby Livability Coalition board meeting. He appreciated the visitors the Three-on-Three tournament brought to town.

Councilor Dale had also attended the Canby Industrial and Community Development meeting. He encouraged everyone to attend the Clackamas County Fair. Canby Utility would be increasing their rates due to BPA raising their wholesale rates.

CONSENT AGENDA: **Councilor Daniels moved to adopt the minutes of the July 20, 2011 City Council Work Session and Regular Meeting. Motion was seconded by Councilor Hodson and passed 6-0.

PUBLIC HEARING: ANN 11-01/ZC 11-01 Hope Village Annexation –

STAFF REPORT: Bryan Brown, Planning Director, said the application was to annex and rezone four acres of land on the south edge of the Hope Village campus. The Planning Commission recommended approval. If approved, this would be placed on the November ballot for a vote of the citizens. Zoning would change from Exclusive Farm Use (EFU) to R-2 zoning, High Density Residential. He explained the approval criteria and the recommended conditions of approval. The Council waived the requirement for a Development Concept Plan for this area. There was a processing error due to the Comprehensive Plan Map not being updated properly in 2003. The error ended up in the applicant's favor and did not affect the traffic impact study. The property analysis showed a need for R-2 land.

Mayor Carson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Ares – No conflict, plan to participate.
Councilor Hensley – No conflict, plan to participate.
Councilor Hodson – No conflict, plan to participate.
Councilor Daniels – No conflict, plan to participate.
Councilor Parker – No conflict, plan to participate.
Councilor Dale – No conflict, plan to participate.
Mayor Carson – No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Ares – attended a Neighborhood Association meeting regarding Urban Renewal on the site, but drew no conclusions.
Councilor Hensley – attended a Neighborhood Association meeting regarding Urban Renewal on the site, but drew no conclusions.
Councilor Hodson – attended the Planning Commission meeting where this application was discussed, but drew no conclusions.
Councilor Daniels – No contact.
Councilor Parker – attended a 99E Corridor meeting on the site, but drew no conclusions.
Councilor Dale – attended a Neighborhood Association meeting regarding Urban Renewal and a dance recital on the site, but drew no conclusions.
Mayor Carson – attended a Neighborhood Association meeting regarding Urban Renewal on the site, but drew no conclusions.

Mayor Carson opened the public hearing at 8:34 p.m.

PUBLIC TESTIMONY

APPLICANT: Craig Gingerich, Hope Village Executive Director, spoke about the history of Hope Village. The campus included 126 garden homes, 100 affordable housing apartments, 80 rooms of assisted living, and 50 rooms of acute care. The campus currently serves over 400 clients and employs over 100 employees. This was a good improvement for the City as they had a limited impact on traffic, did not increase the burden on the schools, and had a positive impact on the crime rate. He requested support of the application.

Patricia Hershberger, Chair of the Hope Village Board, said they were committed to providing good housing and living arrangements for the elderly. Hope Village was currently not able to provide the entire continuum of options on the acreage it had. They need additional land to expand services. Hope Village was a good neighbor and the Board asked that the Council favorably consider the annexation application.

Robert Price, Planning Consultant, addressed the annexation and zone change criteria and analysis done by staff. The Planning Commission voted unanimously for approval. He asked for Council approval to send the application to the November ballot. He explained the Comprehensive Plan Map error that was in their favor. He thanked the Planning staff for their help with the application.

There was discussion regarding the units proposed for the development.

PROPOSERS: None.

OPPOSERS: None.

REBUTTAL: None.

Mayor Carson closed the public hearing at 8:48 p.m.

DISCUSSION: Councilor Ares thought this development was an asset to the community and would have a low impact on City services. There is a need for more affordable housing.

Councilor Daniels said Hope Village allowed people who wanted to remain in Canby, but wanted to downsize.

Councilor Hodson said there were 168 people on the wait list for Hope Village. He clarified the sewer, stormwater, and street needs, that would be dealt with at the time of development.

****Councilor Daniels moved to approve ANN 11-01 for submission to the electorate for a vote pursuant to the conditions presented in the June 30th staff report and the findings from tonight's public hearing and upon annexation, the zoning of the subject property be designated as High Density Residential (R-2). Motion was seconded by Councilor Ares and passed 6-0.**

RESOLUTIONS & ORDINANCES: Resolution 1111 – This resolution was removed from the agenda and would be discussed at a City Council Work Session on August 10.

Resolution 1113 – ****Councilor Ares moved to adopt Resolution 1113, A RESOLUTION APPROVING ANNEXATION OF 4 ACRES OF LAND WHICH SHALL BE ZONED R-2 HIGH DENSITY RESIDENTIAL, PENDING ANNEXATION APPROVAL BY THE CANBY ELECTORATE. Motion was seconded by Councilor Daniels and passed 6-0.**

Ordinance 1347 – This ordinance was postponed to the September 7, 2011 City Council Meeting.

Ordinance 1348 – Councilor Hodson asked about the new EPA and DEQ standards for sewer.

Greg Ellis, City Administrator, said in November 2010 DEQ enacted an Internal Management Directive for sanitary sewer overflows. The City developed a program to identify and reduce inflow and infiltration and the camera would find those points in the system.

****Councilor Daniels moved to adopt Ordinance 1348, AN ORDINANCE AUTHORIZING THE MAYOR OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH ENVIROSIGHT, LLC OF RANDOLPH, NEW JERSEY FOR THE PURCHASE OF SEWER CAMERA EQUIPMENT WITH OWEN EQUIPMENT OF PORTLAND OREGON ACTING AS THE LOCAL SALES REPRESENTATIVE FOR THE EQUIPMENT; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Hensley and passed 6-0 by roll call vote.**

Ordinance 1349 – This ordinance was postponed to the September 7, 2011 City Council Meeting.

Kim Scheafer, City Recorder, introduced Sue Ryan as the new Deputy City Recorder.

NEW BUSINESS: ANN 11-01/AC 11-01 Findings, Conclusions & Order – ****Councilor Ares moved to adopt ANN 11-01/AC 11-01 Findings, Conclusions & Order. Motion was seconded by Councilor Hodson and passed 6-0.**

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Ellis was working with Nora Clark, Canby Historical Society, on grant funding for Baker Prairie Cemetery improvements. Pioneer Pump was moving ahead with their expansion and expected to be in their building by mid-January. The City would be having a booth at the Clackamas County Fair on August 16.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Resolution 1113 and the Findings, Conclusions & Order.
3. Adopted Ordinance 1348.

There was no Executive Session.

Mayor Carson adjourned the Regular Meeting at 9:15p.m.



Kimberly Scheafer, CMC
City Recorder



Walt Daniels
Council President

Assisted with Preparation of Minutes - Susan Wood