

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
February 17, 2010**

Presiding: Mayor Melody Thompson.

Council Present: Richard Ares, John Henri, Jason Padden, Walt Daniels, Robert Bitter, and Brian Hodson.

Staff Present: John Kellèy, City Attorney; Amanda Klock, Human Resources Director/Interim City Administrator; Bryan Brown, Planning Director; Melissa Hardy, Associate Planner; Jeff Crowther, Public Works Supervisor; Catherine Comer, Economic Development Manager; and Kim Scheafer, City Recorder.

Others Present: Bob Cornelius, Irene Breshears, John Lance, Pat Sisul, Norm Beck, and Kenny Frentress.

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

Iwo Jima Remembrance Day Proclamation – Mayor Thompson presented John Lance with a proclamation proclaiming February 20, 2010 as Iwo Jima Remembrance Day.

Irene Breshears presented the Council with an invitation to the rededication of the flagpole at the Canby Adult Center on February 20 to celebrate the 65th anniversary of the end of World War II.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR'S BUSINESS: Mayor Thompson said there was an Urban Renewal Agency meeting prior to the Council meeting to consider revisions to the Facade Improvement Program.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Ares said the Parks and Recreation Advisory Board discussed the noise and parking issues during Wait Park events. The consensus was for City staff to work with event organizers and see if it solved the issues. They would re-survey the neighborhood in October.

Councilor Padden attended the Library Board meeting and the time of the meetings was changing to 6:15 p.m. An advisor came to discuss the roles and responsibilities of the Library Board.

Councilor Daniels said the Historical Society would be open again in March. They had a display regarding the 100th anniversary of scouting. He attended a Future Business Leaders of America meeting in which they gave him an honorary member certificate for Mayor Thompson.

Councilor Bitter attended the Canby Utility Board meeting where they recognized Scott Taylor for his time on the Utility Board and announced a water rate study would be occurring. He also attended an Economic Development Conference put on by the League of Oregon Cities.

CONSENT AGENDA: **Councilor Daniels moved to approve the minutes of the January 27, 2010 City Council Work Session; minutes of the February 3, 2010 City Council Work Session and Regular Meeting; and a Change of Ownership Liquor License Application for Canby Grand Central Station. Motion was seconded by Councilor Henri and passed 6-0.

RESOLUTIONS & ORDINANCES: Ordinance 1326 – Councilor Hodson had some questions about the project regarding the delays, the process, and how the money was being spent.

Jeff Crowther, Public Works Supervisor, said it was a Canby project, but due to the stimulus money involved, ODOT was overseeing the project. He discussed the timeline and how there were separate bids for different portions of the project which helped reduce costs.

A discussion took place regarding the project process.

****Councilor Daniels moved to adopt Ordinance 1326, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO OBLIGATE FUNDS FOR THE RECONSTRUCTION OF KNIGHTS BRIDGE ROAD IN THE AMOUNT OF \$585,502.00; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Ares and passed 6-0 by roll call vote.**

NEW BUSINESS: Annexation (ANN 09-01 Beck) 4.77 Acres – Melissa Hardy, Associate Planner, said the annexation was for 4.77 acres of land located inside the UGB. It was located south of NE Territorial and north of N Plum Court and included 1732 N Pine Street. The property was surrounded by land already inside the City limits to the north, east, and west; the land directly south was in the County. It was currently developed with a single-family dwelling and four accessory structures. If approved, the annexation would be placed on the November 2010 ballot. The application included a proposed development agreement for 4.62 acres consistent with Code requirement. The reason the agreement was for 4.62 acres and annexation request for 4.77 acres was that City staff asked the applicant to include an additional 6,598 square feet of land under the abutting Pine Street right-of-way in the application so the entire width of N Pine Street could be brought into the City. She discussed the highlights of the development agreement.

The Planning Commission found the applicant's zoning request was consistent with the City's Comprehensive Plan land use designations and requested the easterly 4.62 acres be zoned low density residential and the westerly 20 feet of land under N Pine Street be zoned medium density residential. There was one written comment in support of the application and the applicant held a neighborhood meeting. The Planning Commission found the annexation request, zoning request, and proposed development agreement met all of the approval criteria. They recommended one condition of approval, that the applicant record the development agreement within seven calendar days from the date Council approved it and that failure to record the agreement would result in the annexation not being placed on the ballot. She explained the public notification for the hearing.

There was discussion regarding the frustration of having pockets of County land within the City and that the dedication of land for parks would be left for the City to decide whether to have a land dedication or SDC fees in lieu of the dedication.

****Councilor Ares moved based upon findings of approval in Attachment 1 to the Council staff report, the City Council approve the Development Agreement in Exhibit B of Attachment 3 to the Council staff report, and direct that the Agreement be executed and recorded by the annexation applicant within seven calendar days from today. That City Council approve annexation ANN 09-01 as detailed in Exhibit C of Attachment 3 to the Council staff report, and direct the City Recorder to return to Council with a Resolution authorizing City staff to forward the question of annexation to the Canby voters in the November 2010 general election.**

This annexation approval includes a Condition that the annexation applicant (Beck) shall have seven calendar days from today to execute and record the Council approved Development Agreement, and failure to record the Development Agreement within this time period will result in removal of the annexation application from the ballot for consideration by the electors.

The zoning of the property upon annexation shall be designated as follows: The westerly 20-foot-wide half of the N. Pine Street right-of-way (approximately 6,598 sq. feet) shall be zoned Medium Density Residential, and the remainder of the annexed property (approximately 4.62 acres) shall be zoned Low Density Residential. Motion was seconded by Councilor Padden and passed 6-0.

Resolution 1052 – **Councilor Padden moved to adopt Resolution 1052, A RESOLUTION APPROVING ANNEXATION OF 4.77 ACRES OF LAND, OF WHICH 4.62 ACRES SHALL BE ZONED R-1 (LOW DENSITY RESIDENTIAL), AND 0.15 ACRE SHALL BE ZONED R-1.5 (MEDIUM DENSITY RESIDENTIAL), PENDING ANNEXATION APPROVAL BY THE CANBY ELECTORATE; AND APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF CANBY AND NORMAN E. BECK AND JENNY L. BECK, PROPERTY OWNERS, FOR 4.62 ACRES OF LAND. Motion was seconded by Councilor Hodson and passed 6-0.

Discussion Regarding Historic Review Board – Bryan Brown, Planning Director, said there had not been an active Historic Review Board for over seven years. There had been a significant effort to create the ordinance and get the designation in hand so they could potentially secure grants and promote preservation of their cultural history. However, no issues had come up in the past seven years that needed the Board to be active and there was not a strong advocacy for adding additional properties to the Landmarks List. They might be able to have the Historical Society serve this role.

There was discussion about the past reasons for this ordinance and if the Council wanted to continue with the program or ask the Historical Society to serve in this capacity. There was concern about the rules being onerous to property owners.

Councilor Ares suggested staff get information from the State Historic Preservation Office (SHPO) regarding the benefits and requirements of their program.

Mr. Brown said it was a matter of whether the Council wanted to be educated or go out and solicit input from the community to see if there was interest.

Council consensus was to run an article in the *Canby Herald* about the inactivity of the Board and the potential of its elimination unless there was interest. They also wanted to know the City's obligation to this program.

Request for Assistance to Examine Klamath Tribe Restoration Act – Amanda Klock, Human Resources Director/Interim City Administrator, said the City had been contacted by the French Prairie Forum to find out the Council's interest in writing a letter asking for research to be done on the Restoration Act and how it could impact the City.

Councilor Ares thought the City should stay on top of this issue and the possible negative economic development impacts if a casino was built.

Mayor Thompson said she had a conversation that day with a representative from the Maletis Brothers. She did not have enough information to evaluate the impacts.

Mr. Brown said the letter would not take a stance for or against the development.

Councilor Henri said the real issue was that the tribe would purchase the land and put it into tribal trust.

Mayor Thompson said she did not know the intention of the Act and she did not know if the information in the sample letter was true. The Bureau of Indian Affairs would make the final decision on the interpretation of the Act. If the Council had an interest in preventing the Klamath Tribe's acquisition of this land, this letter would be in their best interest.

Council discussed the concerns regarding the urban and rural reserves process, impacts to the Industrial Park, and enhanced traffic. Did they want to support the letter to stay involved in the process.

Councilor Ares said he thought they needed to stay on top of it and they needed to be advocating for things that would benefit and not damage Canby. Staff was staying involved, and sending the letter did not give them an advantage or disadvantage to staying in the loop.

Catherine Comer, Economic Development Manager, said she attended the French Prairie Forum meetings and the concern for Canby was that the development did not follow the land use requirements. A sample letter written by other communities who were closer to the issue had strong concerns.

Council consensus was to have staff write a letter outlining Canby's specific concerns.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Decorum in Council Meetings – Mr. Kelley said there was a recent case involving the City of Santa Cruz and the issue of the power of the Council to eject someone from a public meeting. The Supreme Court said it was allowed if someone was disruptive, but they needed to have a policy in place. He gave them a copy of the Santa Cruz rules of conduct which were court approved.

Councilor Ares said another issue that needed to be addressed was the fact that there was no penalty if the press reported on Executive Sessions. He wanted to have a policy that defined who

the press were. Mr. Kelley could bring back a sample policy from the League of Oregon Cities regarding social media.

There was discussion about how the decorum policy would be enforced.

Council consensus was to have staff draft a policy regarding decorum in Council meetings for the Council to adopt.

CITIZEN INPUT: None.


ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Ordinance 1326.
3. Approved Annexation 09-01 and directed staff to return with a resolution authorizing staff to forward the question to the Canby voters.
4. Adopted Resolution 1052.
5. Staff would run an ad in the newspaper asking if there was citizen interest to continue with the Historic Review Board.
6. Staff would draft a new letter regarding the Klamath Tribe Restoration Act.
7. Staff would bring back a policy regarding decorum in Council meetings along with a sample policy regarding social media.

There was no Executive Session.

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


Kimberly Scheafer, CMC
City Recorder


Melody Thompson
Mayor

Assisted with Preparation of Minutes - Susan Wood