

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
August 16, 2017**

**PRESIDING:** Mayor Brian Hodson.

**COUNCIL PRESENT:** Tyler Smith, Greg Parker, Traci Hensley, Tim Dale, Tracie Heidt, and Sarah Spoon.

**STAFF PRESENT:** Rick Robinson, City Administrator; Joseph Lindsay, City Attorney; Matilda Deas, Senior Planner; and Kim Scheafer, City Recorder.

**OTHERS PRESENT:** Mallory Gwynn, Betty Crawford, Tony Crawford, Greg Perez, Florence Ball, Walt Daniels, Jean Metzger, Ryan Oliver, Kathryn Wynne, Bob Backstrom, Vicki Pounds, Judy Zettergren, Karyn Fenton, Bill Fenton, Chief Jim Davis, Chris Waffle, Allen Goldbeck, John McKeon, Shannon Hale, Andrew Hale, Alma Vadez, John Savory, Winnie Savory, Fritse Hakkinen, Bethany Davis, Gary Townsend, Barry Johnson, Darryl Wrisley, Andrew Hale, Sara Hepler, Garth Hepler, DeAnna Ball-Karb, Pam Pulioff, Jackie Coleman, Sharlene Blaschke, Naella Tesco, Robin Bergin, Charlie Bergin, Emily Baxter, Tami Davies, Cindy Riley, Yolanda Sanchez, Carol Kramer, and Katrina Bicknell.

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

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Betty Crawford, Canby Kiwanis, said the Kiddie Kaper Parade was held yesterday. It led children from Knight Elementary to the Clackamas County Fairgrounds to open the fair. She thanked the Police Department, Fire Department, City staff, and Clackamas County Event Center. Over 1,200 people participated.

**MAYOR'S BUSINESS:** Mayor Hodson said the Urban Renewal Agency had a work session regarding the Façade Improvement Program. He attended the C4 Retreat where the bylaws, transportation bill, economic development, and housing were discussed. The groundbreaking for the Dahlia project was on Monday. The Clackamas County Fair and Rodeo had started. Junk Refunk was this Saturday. Canby's Big Night Out was on August 25 at 6:00 p.m. Canby's Big Weekend was on August 26-27. Movies in the park would be on August 19 and 26.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Smith said the Planning Commission Meeting was canceled last week, French Prairie Forum was canceled, and the Fire District Board had not met since the last Council meeting.

Councilor Dale attended the Dahlia groundbreaking and Clackamas County Fair. Canby Utility had a bid opening for their new facility. Five bids were received.

Councilor Heidt said the solar eclipse was on August 21. The library would be having an eclipse program outside on that day. They would also have 50 pairs of eclipse glasses for children. She reported on library activities. They had reached the goal of 12,000 borrowers. The Summer Reading Program concluded last Friday. She attended a Fourth of July debrief meeting.

Councilor Spoon said the movie on August 19 would be Moana and on August 26 would be Lego Batman. She attended the Bridging Cultures meeting.

**CONSENT AGENDA: \*\*Councilor Dale moved to adopt the minutes of the August 2, 2017 City Regular Meeting. Motion was seconded by Councilor Hensley and passed 6-0.**

**PUBLIC HEARING: Park Maintenance Fee –**

Mayor Hodson read the public hearing format.

Matilda Deas, Senior Planner, presented the staff report. For the past several years the General Fund for park maintenance had decreased due to the sluggish economy and the commitments to Urban Renewal. The decrease in funds had resulted in deferred maintenance for existing parks and no new parks had been developed because they could not be maintained. She clarified there were SDC funds to develop the parks, but those funds could not be used to maintain them. The Parks and Recreation Advisory Board had worked with staff to identify strategies to address short term and long term funding for parks. They researched what other jurisdictions did, implemented two park surveys, analyzed the survey data, and looked at many options. The Board recommended a \$5 monthly Park Maintenance Fee as a short term solution and creating a park district as a long term solution. They also recommended that the portion of parks maintenance funding in the General Fund be preserved. Parks were valuable and played a role in a community's quality of life. She shared the benefits of parks in the community. The fee would increase incrementally with the cost of living through the CPI as other City fees did. With the Parks Maintenance Fee they would be able to fund 3-4 additional FTEs and would provide materials for maintenance. Currently there were 2,869 hours of deferred maintenance.

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

Public Testimony:

Greg Perez, Canby resident, said he was in support of the fee. Fees were common in the United States and he gave examples of fees in other cities. With the fee the deferred maintenance on existing parks would be addressed. It would only cost more later to bring the parks up to standard if they did not implement the fee now. This decision would affect the community, tourism, and the mental health and welfare of families. He passed out a flyer with pictures of other parks that were dilapidated.

Mallory Gwynn, Chamber Director, said the Chamber was unprepared to support or not support what was presented as he had just learned about the fee recently. He asked that the Council give them two more weeks to get the word out in the business community before they made a decision.

Jean Metzger, Canby resident, said she was in favor of the parks. She didn't think the fee was overly ambitious. She would love to see Maple Street Park developed into a pickle ball park. She was concerned about how the fee would affect lower income and senior citizens. She would love to see more parks in Canby.

Rick Robinson, City Administrator, said there was a provision for a 50 % fee reduction for low income, seniors, and disabled.

Kathryn Wynne, Canby resident, wanted the Council to vote on the fee without sending it to the voters. She used the City parks all the time and saw how the parks were part of their community. The

community loved the parks and they needed to be maintained. She asked that the Council put the community first and vote for the park maintenance fee.

Walt Daniels, Canby resident, said he had 25 years experience on the Council. He discussed how it had been a long time since there was a new park in the City and how a lot of the existing parks needed to be improved. Developers were giving land to the City for parks, but he was concerned that one day that would be challenged because the City was not developing that land. People were asking for a dog park and he listed the areas that had land donated but there were no parks. A Canby Recreational Plan had been created in 2000, but the City did not have the personnel to maintain the ideas in the plan. One of the needs they had right now was athletic fields. They could not continue to defer maintenance. He gave statistics on the use of parks in the City.

Bill Fenton, Canby resident, thought this fee was needed for the City's parks. There were over 2,000 hours of needed maintenance that was not being done because there wasn't the money or the manpower. He did not think the matter should be sent to the voters, but that the Council should make the decision on what was best for the community. He was willing to pay the fee to make sure citizens could continue to enjoy the City's parks.

Karyn Fenton, Canby resident, was in favor of the fee. As a nurse she thought parkland needed to be as plentiful as possible. Type 2 diabetes had become a chronic and widespread disease in juveniles due to obesity. However if not too advanced, it could be reversed by diet and exercise. When children had parks nearby, they could put down their electronic devices and run and play. They needed parks for exercise and health. Nature that could be found in a park could comfort those who were depressed.

Judy Zettergren, Canby resident, had moved to Canby in 2014. Parks were key for families regardless of income. They got people outdoors and moving and were a way to meet new people. They were important civic commons for people in small towns and helped maintain the friendly feel. Canby was positioned for growth in the coming decades, and having a jewel of a park system that was well maintained and had multi-sports complexes over time would be important.

Vicki Pounds, Canby resident, had lived in town for over 35 years and had been part of Canby Kids for over 25 years. Canby Kids had not met to decide on a position for the fee. Canby Kids provided outdoor programs. The indoor sports used school facilities and the outdoor sports used the fields. They did not pay money to use the fields, and in turn they maintained the fields. The park fee would have very little impact on Canby Kids.

Florence Ball, Canby resident, had lived in Canby for 40 years. She asked why SDCs could not be used for park maintenance.

Mayor Hodson explained SDCs came from new development and were to be used to expand services for those areas. By state statute the SDC funds could not be used for maintenance. Councilor Parker explained how the legislature solved one problem for developing parks by forming SDCs, but created another problem for maintaining those parks. When the economy downturned, the Council had to make the decision about staff layoffs, and parks staff were chosen and had never been replaced. The Council made a policy decision that they were not going to use the SDC funds to build anymore parks until they were able to maintain what they already had.

Allen Goldbeck, Canby resident, was the HOA president of Auburn Farms. He thought the amount the City had in SDCs was a lot of money that the City was not currently using to bring people into the City. It was important to maintain the parks and create new ones.

Bob Backstrom, Canby resident, had lived in Canby for nearly 40 years. He was not against parks, but thought the fee should be referred to the voters. The City was faced with many expenses, not just a parks deficit. He was on the City Budget Committee and knew they were hurting. Many streets were in poor condition, the water tasted moldy every year, there was only one traffic officer, there were infrastructure issues, and staffing shortages. The \$288,000 that would be collected by this fee could allow the Police Department to add three more traffic officers, enough to be in neighborhoods every day. There was a struggle between priorities and he thought they should poll the citizens for where the money should be spent. More discussion and research was needed before spending tax payer money. He did not think the surveys concluded that the majority of citizens were in favor of the fee. This was not just about parks, it was about balancing the resources of their limited budget and it was about public trust. He hoped the Council would not make a decision tonight, but that they would either table it or refer it to the voters.

John McKeon, Canby resident, appreciated the Council and all the effort they put in. Parks were very important to him. He adopted a park as an Eagle Scout project. There were very creative ways to take care of parks. When they had a lot of money they felt the need to do something with it. The problem was the more they did the greater they dug themselves into a hole. They needed well maintained parks as a priority over developing new parks. He did not think this should be decided tonight. This decision would affect everyone in the community and they should have the ability to let their voice be heard before a decision was made.

Andrew Hale, Canby resident, spent a lot of time in the parks and thought they were important. It was the City Council's responsibility to take care of them. It was a decision for the Council to make.

Shannon Hale, Canby resident, had three children and utilized the parks constantly. Her kids would love a splash park, she would love a dog park, and her oldest child would like an expanded skate park. It was irresponsible to put these parks in place if they did not have the funding to maintain the ones they had. She was in favor of the fee and thought it was the Council's responsibility to make this decision.

Ryan Oliver was a resident and business owner and had been on the Parks and Recreation Advisory Board since the late 1990s. Baseball and softball had to pay to use the high school facilities. They were dependent on the schools for sports fields. No new fields had been constructed since Maple Street Park in the late 70s, early 80s. The sports paid to keep the fields nice and they could only do as much as the schools would allow. It would be better to have a City-owned sports program. If the fee was approved, it would not mean that they would start spending a lot of money. It would get the existing parks back to where they should be and any construction of new parks would go back to the Board and Council and would be planned out to make sure they could be maintained as well. If the fee was not approved, it would put the City at a standstill and they would start to go backwards. The Board had worked hard to come up with solutions. He thought the Council should make the decision and do the right thing. The City used to give Canby Kids a grant which helped their operations, but after the economy downturn that was cut. Now these costs were acquired through participation fees. Canby was named the fourth safest city in Oregon and he thought the money did not need to go to the police at this time.

Alma Valdez, Canby resident, fully supported the fee. She loved the City and parks. She did not think they needed more police officers if children had a safe place to play at the park to keep them out of trouble. They needed healthy and active kids.

John Savory, Canby resident, said the community loved the parks. He thought the fee should go to the voters. They had rejected the fees six times already which showed a lack of trust towards the City. He had no objection to paying for parks. This was not really a fee, but a compulsory contribution to the City coffers and was a tax. It should be called a tax and not a fee.

Bethany Davis, Canby resident, was in support of the fee. Several cities around Canby had dog parks and she would like one in Canby. The community had wanted a dog park for many years. Canby was the Garden Spot and they needed to maintain their parks. She thought the opposition to the fee was because some people did not understand how the funding worked and that the City could not use SDCs for parks. She often went to other cities to use their dog parks and spent money in other communities instead of Canby. If they did not establish a fee now, the situation would only get worse.

Fritse Hakkinen, Canby resident, had lived in Canby for 15 years. She lived next to Echo Park, but drove to Wilsonville to the dog park and spent money in Wilsonville. She would much rather spend it in Canby. She thought the Council should make this decision and not refer it to the voters.

Sara Hepler, Canby resident, was in support of the fee. She grew up in Canby and had used the parks as a child and was now taking her kids to the parks. She wanted to be able to take her grandkids to the same parks. She hoped the Council voted in favor of maintaining the parks so she could continue the legacy.

Fire Chief Jim Davis thanked the Parks and Recreation Advisory Board and staff for their work. He asked if part of the plan was creating a park district.

Mr. Robinson said when the Council approved the recommendation of the Parks and Recreation Advisory Board, they approved both the fee and the creation of a district.

Chief Davis said if a parks district was formed, it would be another taxing district. It could cause compression and the Fire District could lose money. They already had a tight budget and it was a concern. The Fire Board would meet next week and he could present information on the fee to them at that meeting. The Fire District would be charged the fee, and he hoped they could be excluded. As a citizen, he coached sports in the City. He knew how much work it was to maintain the fields and parks, and was in favor of the fee. He also thought they should work on creating a community center as a high priority and in partnership with the School District.

Gary Townsend, Canby resident, had moved to Canby two years ago and before that had lived in Newberg for 25 years. He had enjoyed the Chehalem Park and Recreation District programs in Newberg. It increased the livability of the City. He lived near Maple Street Park and the tennis courts there were in bad condition. He was an assistant coach at the high school for boy's tennis and was a pickle ball player. He had looked into creating pickle ball courts in Canby, but he was unsuccessful because they could not be maintained. He enjoyed walking by the river and thought they could improve that area. It was a slam dunk that they needed maintenance. Voters didn't understand all of the facts and what the Council had heard. He encouraged the Council to pass the fee tonight. He thought they should establish a park district in the future.

Barry Johnson, Canby resident, was on the Parks and Recreation Advisory Board. He was in support of the fee. He came to Canby for the small town feel and had been involved in sports with his children for many years. He joined the Board because there was a lack of programs for his grandchildren. They needed better and more parks to keep kids active. He had to leave the City to go to a splash park. They

were missing the opportunity to support local businesses. They also needed to develop a community center to get kids involved and active.

Betty Crawford, Canby resident, said she and her husband moved to Canby in 1980. Four generations of her family lived here and used the parks. Children played and used their imaginations and families spent time together in parks. The parks were their living room and needed to be ready for company. Parks brought people to the City. Each Councilor was voted into their position by voters who trusted them to do the right thing. They needed to listen to people's input and to make the decision.

Darryl Wrisley, Canby resident, moved to Canby from Tualatin. He would support this as a maintenance fee. He thought Canby's parks were fantastic and used them almost every day. He did not think they should build new parks if they could not be maintained. The fee would go up every year through the CPI. He agreed it was a tax, not a fee. He went to the dog park in Wilsonville often, however he made sure to spend his money in Canby. He was concerned that building new parks would create a need for more money to maintain them. If the City was given an open checkbook, things could get out of hand. He did not think there were any disadvantages to putting it to a vote.

Mayor Hodson closed the public hearing at 9:44 p.m.

Councilor Hensley asked if the fee applied to churches and non-profits.

Mr. Robinson said yes, it would apply to everyone.

Councilor Spoon asked how many surveys were sent out. Ms. Deas explained the numbers.

**Ordinance 1466 – **\*\*Councilor Parker moved to approve Ordinance 1466, AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE (CMC) BY ADDING A NEW CHAPTER 3.35, "PARK MAINTENANCE PROGRAM", AND REQUIRING PAYMENT OF A PARK MAINTENANCE FEE to come up for second reading on September 6, 2017. Motion was seconded by Councilor Heidt.****

Councilor Smith said he spent most of his free time coaching kids and was in the schools almost every day. He loved the parks. Recreation and athletic sports was important to health. This was a game-changing decision and they needed to come up with the right solution. Unfortunately this topic had failed with the voters many times. The survey showed a majority of the public thought the City's parks were currently maintained in good condition. People wanted better, bigger, and more parks and that would cost more than \$5 per month. He was concerned that the fee would stop the momentum for public/private partnerships to create parks that people would come to the City for. They needed to have a plan that they could show the public so the public knew exactly what the fee was going to rather than an undefined fee. They had increased the parks budget by 17% and this would more than double the existing maintenance budget. There already was a Canby Area Parks and Recreation District that was struggling and had not done anything for years. There were problems that needed to be solved, but they did not just involve a maintenance fee. There was the pool issue and school use problems. They needed something organized and functional and he did not think the fee was the solution.

Mayor Hodson clarified it was Canby Area Parks and Recreation District funding that had failed with the voters.

Councilor Spoon thanked the Parks and Recreation Advisory Board for their work. She was an advocate for parks, and had used them as a child and her children had used them. This decision was about being fiscally responsible for public assets. They had parks and were not taking care of them. They were getting to the threshold of thousands of hours of deferred maintenance and asset repair. The City had been entrusted to be appropriate shepherds of the City's assets. She did not think collecting the fee while they worked on a long term solution would be a problem. She agreed that they did need a long term solution and to have new parks developed, but in the meantime, she was concerned about being fiscally responsible and taking care of City assets. If this was referred to the voters, the problem would not go away. The longer it took to take care of this issue, the more maintenance would need to be done and it would cost more. While some parks looked like they were being maintained, there were other parks that were not as well used that were not and they still needed to be maintained. Well maintained parks were good for businesses, property values, attracting new businesses to the community, and families. She was in support of the fee.

Councilor Heidt thought passing this now would make the parks go from mediocre to good. It would not happen immediately. She thought the money from the fee would be managed wisely, just like the Street Maintenance Fee had been over the last ten years. She liked how they could take care of existing parks, and start working on new ones. They had fewer parks per 1,000 citizens than other cities of their size. Livability was one of the Council's values and one of the Council's goals was to identify funding and strategic alliances for acquisition and improvement of park lands. The visioning process in 2012 identified parks in the plan and this fee was one way to implement that. She thought the surveys were statistically significant and were representative of the community. She did not like to impose fees, especially for low income, but she thought this was the best decision for the good of the community. This was a short term solution and it would not go on forever.

Mayor Hodson asked if the fee could have a sunset. Mr. Robinson said there could be a sunset. They could set a date where it would expire unless there was further direction from Council. He suggested adding a new section in the ordinance titled Expiration. The language would read, "Unless extended by a majority vote of the City Council, the fee shall expire on December 31, 2022."

Councilor Parker amended his motion to include the language for a sunset as proposed by staff.

Councilor Heidt was in favor of the amendment as well.

Councilor Dale was in support of the fee. He thought \$5 was a good number and considered this a short term solution. He liked the assessment and collection method, ordinance language, and low income reduction. He thought it was more like a tax and should be referred to the voters. That process would take some time, but he thought the voters would pass it.

There was discussion regarding the timeline for putting the measure on the May ballot. Joseph Lindsay, City Attorney, stated since it was legally a fee, it would be an advisory vote on a fee. There was discussion about the lower voter turn-out in May than in November.

Councilor Smith did not think something bad would happen with the parks if they waited for a vote.

Mayor Hodson said for the past three years the City had only maintained the most used parks. He did not like fees, and he understood that citizens' funds were tight. The Council had the responsibility to take care of the City's assets. They had increased the parks budget, but they were still falling behind. There

were safety issues when the parks were not maintained. He was in favor of creating a park district and community center. This was a band aid to a much larger goal. They had to start somewhere.

Councilor Hensley wanted all of the park amenities that had been discussed. She wished they could use SDCs for maintenance. She thought it should be referred to the voters as she did not want to take money from citizens without permission. She had promised to always refer taxes to the voters and in her opinion this was a tax.

**Motion passed 4-3 on first reading with Councilors Smith, Hensley, and Dale opposed and Mayor Hodson voting yes to break the tie.**

#### **RESOLUTIONS & ORDINANCES:**

Ordinance 1464 – Mr. Robinson said this ordinance added an exemption for taxi companies and vehicle for hire transportation services.

**\*\*Councilor Heidt moved to approve Ordinance 1464, AN ORDINANCE AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 5.04.190 REGARDING BUSINESS LICENSE EXEMPTIONS to come up for second reading on September 6, 2017. Motion was seconded by Councilor Spoon and passed 6-0 on first reading.**

Ordinance 1465 – Mr. Robinson said the City's noise ordinance would affect the Street Dance event which would happen from 6 p.m. to 11 p.m. The ordinance would amend the Code section to allow noise variance exceptions for sounds created from City sanctioned events in the downtown commercial zone.

**\*\*Councilor Hensley moved to approve Ordinance 1465, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 9.48.050(A) REGARDING NOISE VARIANCE EXCEPTIONS to come up for second reading on September 6, 2017. Motion was seconded by Councilor Parker and passed 6-0 on first reading.**

**NEW BUSINESS:** Request from Canby Area Parks and Recreation District for Non Opposition Letter to Reduce District Size – Mayor Hodson said Canby Area Parks and Recreation District wanted to reduce the district size to Canby's city boundaries.

Mr. Robinson said they would like a letter stating the Council was not opposed to the change. He recommended drafting a letter stating the Council was not comfortable with putting forward a recommendation for any aspect relating to CAPRD as it might be in conflict with the actions the Council was contemplating for parks.

Councilor Smith thought the letter should be stronger stating they opposed reducing the size of CAPRD because the City had plans to create their own park district in the future. Councilors Hensley, Parker, and Dale agreed.

Andrew Hale, CAPRD Board member, was not speaking on the Board's behalf. He agreed there were other plans moving forward and CAPRD might play a part in the future. He thought the letter should be written the way Mr. Robinson suggested.

Councilor Heidt thought the more neutral language should be used and that they should give the new CAPRD board more time.

Councilor Spoon did not mind the neutral language but did not think they needed to support a change in CAPRD's boundaries.

Mayor Hodson would work with Mr. Robinson on the language of the letter.

**ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** None.

**CITIZEN INPUT:** None.

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Approved Ordinance 1464 to come up for second reading on September 6, 2017.
3. Approved Ordinance 1465 to come up for second reading on September 6, 2017.
4. Approved Ordinance 1466 to come up for second reading on September 6, 2017.

There was no Executive Session.

Mayor Hodson adjourned the Regular Meeting at 10:48 p.m.

Kimberly Scheafer, MMC  
City Recorder

Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood