

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
September 21, 2016**

**Presiding:** Mayor Brian Hodson.

**Council Present:** Todd Rocha, Greg Parker, Traci Hensley, Tim Dale, Tracie Heidt and Clint Coleman.

**Staff Present:** Rick Robinson, City Administrator; Joseph Lindsay, City Attorney; Renate Mengelberg, Economic Development Director; Renate Mengelberg, Economic Development Director; Bret Smith, Chief of Police; Maria Campos, Police Officer; Jorge Tro, Police Lieutenant; Tim Green, Police Detective Sergeant, Chris Mead, Detective, Chris Scharmoto, Police Officer; Nate Wallbaum, Police Officer; and Kim Scheafer, City Recorder.

**Others Present:** Bob Cornelius, Todd Gary, Fire Division Chief, Andy Kahut, Ray Kahut, Tyler Thomas, Robert Backstrom, Sarah Spoon, Wyatt Brawner, Jordan Haag, Damian Peters, Austin Holmes, Susan Chavez, Nancy Sebastian, and Robert Cambra.

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

First Responder Appreciation Day Proclamation – Mayor Hodson read a proclamation proclaiming September 27, 2016, as First Responder Appreciation Day and presented proclamations to Jim Davis, Fire Chief, and Bret Smith, Chief of Police.

Distraction Free Driving Awareness Day Proclamation – Mayor Hodson read a proclamation proclaiming September 20, 2016, as Distraction Free Driving Awareness Day and presented it to Chief Smith.

Swearing In of New Police Officer – Chief Smith introduced new police officer, Maria Campos and spoke about her background. Joe Lindsay, City Attorney, administered the oath of office.

Presentation by Canby Disposal on Spring Cleanup Program – Steve Donovan, Donovan Enterprises, Inc. introduced Ray and Andy Kahut. Mr. Donovan did a PowerPoint presentation regarding the Spring Clean Program. This was a one day per year curbside event for large, bulky items. He gave a history of the program which had been in effect for 20 years. The cost of the program had been increasing over the years and it was getting to be unsustainable. He discussed the types of things that were problematic, such as tires and hazardous waste as well as increasing labor costs. He then explained the pros and cons of the current program. He showed photographs from the 2016 Cleanup. Some of the alternatives were to leave things status quo with restrictions on hazardous waste and prohibited waste, to change it to a drop off event, or to change it to a hybrid event where there was a one day per year community-wide drop off event with a personalized one time per year curbside clean up collection for each residential customer. He listed the cost estimates for these three alternatives. His recommendation was the hybrid option. It would bring the annual program cost back in line with expectations, afforded customers the opportunity to participate in the drop off program in the spring, and gave each customer the opportunity to dispose of bulky items “on demand” curbside.

There was discussion regarding the problems and letting Canby Disposal decide which option to pursue.

Mr. Robinson suggested having a location to bring hazardous waste on the drop off day.

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Tyler Thomas, Canby resident, had lived on N Maple Court for a year. He was speaking on behalf of himself and a few neighbors regarding the violation of the noise ordinance. There was a house in their neighborhood where a band played regularly a couple of times a week from 6-10 p.m. He had an application on his phone that measured decibels, and when the band was playing with the door open it was 100 decibels and with the door closed it was 80 decibels. He met with the band players, and nothing had changed. The Police Department said there was nothing they could do as the noise ordinance did not specifically address band instruments. He also discussed this with the Code Enforcement Officer and she said the way the noise ordinance was written it made it unenforceable and the City did not have a decibel reader. He was told to bring the issue to Council to see what could be done. He had talked to the City of Newberg's Police Chief and was told their patrol cars had decibel readers. He requested the City look at the current ordinance for any changes that could be made that could be enforced and that the City purchase decibel readers for the City's patrol cars. Something needed to be done soon.

Mayor Hodson said Mr. Lindsay would look into the issue.

**MAYOR'S BUSINESS:** Mayor Hodson said the first Council Meeting in the new building would be on October 19. Cemetery marker training would be taking place at Baker Prairie Cemetery on October 4 at 1:00 p.m. Volunteers were needed. He attended the Canby's Big Night Out debrief meeting and took a tour of the new library. The soft opening for the library would be on October 8 and the grand opening would be on October 15. He thanked the Fire Chief for the September 11 memorial event. C4 would meet the first Thursday in October to discuss housing. The Region 1 Area Commission on Transportation met to discuss their bylaws. He thanked the Canby Art Association for the Art in the Park event last weekend.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Rocha said the Parks and Recreation Board worked on wording for a survey on how parks should be funded.

Councilor Parker said the Historic Review Board received a grant to do the marker cleaning at Baker Prairie Cemetery. He announced the downtown Halloween event on October 31.

Councilor Hensley commended everyone who volunteered for Canby's Big Night Out. She attended the September 11 ceremony at the Fire Department, Legislative Day at Happy Valley City Hall, and announced the American Legion would be serving breaking on Sunday.

Councilor Dale attended the September 11 ceremony. Canby Utility signed an agreement with Forest Grove and McMinnville for training. Initial design plans were being drawn for Canby Utility's new headquarters. There was a rebate program for water filters. He also attended a Garden of the Arts event.

Councilor Heidt read the stats from the Summer Reading Program at the Library. There would be three self-check desks at the new library, and she gave stats on the circulation of the library's collection. The Canby Adult Center held their annual meeting last week. A Taste of Autumn event would happen on October 1, which was a fundraiser for the School District. The Teacher of the Month award for September went to Cindy Gonzales. Student numbers were on target for what the District anticipated. There was a controversy with the school bus company, and the company had assured the School Board

that they would get students to school on time. The Canby Reads Initiative would launch on October 1. She also attended the Garden of the Arts event, Canby Cares event, September 11 ceremony, Legislative Day, Kiwanis lunch, and Oregon Food Bank discussion.

Councilor Coleman said the next Planning Commission meeting would be held on September 26. He attended the September 11 ceremony and Traffic Safety Commission meeting on September 12. He shared some traffic safety tips.

**CONSENT AGENDA: \*\*Councilor Dale moved to adopt the minutes of the September 7, 2016 City Council Regular Meeting and appointment of Robert Cambra to the Traffic Safety Commission for a term to end on June 30, 2017. Motion was seconded by Councilor Hensley and passed 6-0.**

**RESOLUTIONS & ORDINANCES: Ordinance 1446 –\*\*Councilor Heidt moved to adopt Ordinance 1446, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH JARRETT WALKER & ASSOCIATES, LLC OF PORTLAND, OREGON FOR PROVIDING PROFESSIONAL SERVICES TO FACILITATE COMMUNITY ENGAGEMENT AND DEVELOP A TRANSIT MASTER PLAN FOR CANBY AREA TRANSIT; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Coleman and passed 6-0 by roll call vote.**

Ordinance 1448 – **\*\*Councilor Coleman moved to adopt Ordinance 1448, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CANBY EXCAVATING, INC. IN THE AMOUNT OF \$482,400.00 FOR NW TERRITORIAL ROAD STREET AND SANITARY SEWER IMPROVEMENTS; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Hensley and passed 6-0 by roll call vote.**

**NEW BUSINESS: Discussion Regarding City Councilor Vacancy Appointment** – Mayor Hodson said Councilor Rocha was resigning from the Council and the Council needed to decide how to fill his vacancy. The City Charter said vacancies would be filled by a majority vote of the Council and the appointee’s term would begin immediately and continue to the beginning of the year following the next general election. This appointment would finish out Councilor Rocha’s term of two more years. He discussed the process of previous Council appointments. One option for Council was to follow what had previously been done, opening up immediately for applicants, setting a two week deadline date, and scheduling interviews based on a date set by Council. Another option was to wait until after the election in case one or more of the incumbents did not win and wanted to apply. Another option was filling the vacancy with the fourth vote earner of those running. He then read a letter from Robert Bitter who recommended postponing the decision until after the November election.

Councilor Coleman liked the first option.

Councilor Hensley did not think they should do the third option as it went against the normal operating procedure and she wanted to be consistent with what had been done historically.

Councilor Heidt thought they should wait until January to make the appointment.

Councilor Parker thought they should wait until after the election.

Mayor Hodson wanted to move forward as they had in the past.

Councilor Dale thought the process should follow what had been done in the past and fill the position as soon as possible.

There was discussion regarding whether or not to start the process after the election. There was further discussion regarding the date for advertising and interviews.

Councilor Parker said the Council had the responsibility to fill vacancies and citizens were obligated to vote on open seats. He thought they should get the process going.

Councilor Heidt did not think two weeks was long enough to advertise. It should be at least a month.

Mayor Hodson said Councilor Rocha's resignation had already been advertised and the Mayor had been contacted by people interested in the position already. In the past the advertising ran in the paper for two weeks and it was put on Facebook, posted at several locations in the City, and on the City's website.

Councilor Parker did not think a longer advertising time would increase participation.

**\*\*Councilor Dale moved to direct the City Recorder to advertise to fill the remaining term for an upcoming vacant Council seat with a closing date for applications on October 14, 2016, at 5 p.m. The term would expire on December 31, 2018. Motion was seconded by Councilor Hensley and passed 4-1-1 with Councilor Heidt opposed and Councilor Rocha abstaining. Interviews would take place on October 26, 2016.**

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

**CITIZEN INPUT:** None.

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Adopted Ordinances 1446 and 1448.
3. Staff would advertise for the vacant Council Vacancy with an application deadline date of October 14, 2016 at 5 p.m. and interviews on October 26, 2016.

There was no Executive Session.

Mayor Hodson adjourned the meeting at 9:35 p.m.

Kimberly Scheafer, MMC  
City Recorder

Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood