

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
August 7, 2019**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Tim Dale, Shawn Varwig, Sarah Spoon, Greg Parker, Trygve Berge and Traci Hensley

STAFF PRESENT: Rick Robinson, City Administrator; Joseph Lindsay, City Attorney; Amanda Zeiber, Assistant City Administrator; Sandra Freund, Senior Planner; Bryan Brown, Planning Director; Jamie Stickel, Economic Development Director; Joshua Davis, Confidential Administrative Assistant; Rodney Grafe, Judge

OTHERS PRESENT: Carol Rosen, Jim Davis, Matt English, Amira Stanley, Kristi Smith

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:03p.m. in the Council Chambers followed by the opening ceremonies.

Swearing in of Councilor Berge – Judge Rodney Grafe administered the Oath of Office to Trygve Berge.

COMMUNICATIONS: None

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:

Kristi Smith, Canby resident, announced a Diversity Night Out event on August 24.

Amira Stanley, Canby resident, discussed the transgender 4th of July Parade which was well received.

MAYOR'S BUSINESS: Mayor Hodson reported on the Region 1 Area Commission on Transportation where members took a tour of Canby. He also discussed the Oregon Mayors Association Conference where he talked with ODOT and Business Oregon about the Walnut to 99E road connection. He also met with the State of Oregon Parks and Recreation to talk about Molalla River State Park. Last night the Planning Commission and Council had a joint meeting regarding the Housing Needs Assessment. The new City Administrator would begin work on October 7. The next Bridging Cultures event would be on August 17, the last Slice of Summer Concert would be on August 18, and Canby's Big Night Out would be on August 23 and Canby's Big Weekend would be on August 24-25.

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Hensley attended the C4 meeting where the Metro Housing Bond was discussed.

Councilor Spoon announced it was Fair Week next week and the Kiwanis Parade and Family Day would be on Tuesday. There was an opening on the Transit Advisory Committee.

CONSENT AGENDA: **Councilor Dale moved to adopt the minutes of the June 26, 2019 City Council Regular Meeting, the July 10, 2019 City Council Special Meeting, the July 11, 2019 City Council Special Meeting, and the July 17, 2019 City Council Special meeting; and to appoint Tom

Rushton to the Traffic Safety Commission for a term to end on June 30, 2021. Motion was seconded by Councilor Hensley and passed 6-0.

PUBLIC HEARINGS: ANN 18-06/ROW 18-06 – Mayor Hodson opened the public hearing and read the public hearing format.

CONFLICT OF INTEREST:

Councilor Berge – No conflict, plan to participate.
Councilor Parker – No conflict, plan to participate.
Councilor Hensley – No conflict, plan to participate.
Councilor Dale – No conflict, plan to participate.
Councilor Varwig – No conflict, plan to participate.
Councilor Spoon – No conflict, plan to participate.
Mayor Hodson – No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Berge – No contact.
Councilor Parker – No contact.
Councilor Hensley – No contact. Drove by the site several times per week.
Councilor Dale – No contact.
Councilor Varwig – No contact.
Councilor Spoon – No contact. Drove by the site regularly.
Mayor Hodson – No contact.

STAFF REPORT: Sandra Freund, Senior Planner, presented the staff report. This was a request from the City to annex SE Township Road into the City’s jurisdiction. The total area for annexation was 2.32 acres. It did not include any developable property. The portion of the right-of-way to be annexed was between Molalla Forest Road and Mulino Road and included one railroad crossing. This annexation would bring in the remaining portions of right-of-way from properties that had been annexed previously. She discussed the applicable criteria. The Planning Commission and staff recommended approval of the annexation.

There was no public testimony.

Mayor Hodson closed the public hearing.

CPA/TA 19-01, Land Development & Planning Ord. Title 16 Text Amendment – Mayor Hodson opened the public hearing and read the public hearing format.

STAFF REPORT: Bryan Brown, Planning Director, said the request was a Comprehensive Plan Amendment to change the Areas of Special Concern section. This would eliminate the reference to Area of Special Concern K which involved a single property at the corner of SE 13th Avenue and S Ivy Street. The change would also represent the zoning the property had which was low density residential. There had been two proposals for the property and they would be allowed under the low density zone. There would also be a Text Amendment to Chapter 16 of the Municipal Code. These would be minor changes to address known issues that had come up in the implementation of the Code for several years. They included new requirements from the State as well. He described the public input that had been received

at the Planning Commission hearings, both from Regina Taylor and the Fair Housing Council. He explained how this one change to Area of Special Concern K would not have an impact on the overall housing supply of the community. The four topics in the July 8 Planning Commission memorandum addressed many of the issues Ms. Taylor raised. These had to do with common wall townhouse dwellings, review process for partitions, and not allowing an exception to the 15 foot buffer for multi-family development next to single family development that would rezone to multi-family in the future. Councilor Dale had asked questions about the classification of nursing homes and residential care facilities. After looking at state statutes, staff found if there were six or more people it was a residential care facility and if there were five or fewer it was a home. He asked for approval to come back to the second reading of the ordinance with language that would add that residential care home would be an outright permitted use in the R-1 zone and residential care facility would be a Conditional Use. The City also required a copy of the application to the State to verify they obtained the proper State licensing.

Joe Lindsay, City Attorney, crafted language for the motion to include the change to the language about residential care homes and residential care facilities.

Councilor Spoon asked about the State regulations for Accessory Dwelling Units. The change was being made to conform with State law. Mr. Brown said the change to the Code was that previously detached ADUs were allowed by Conditional Use only. That was prohibited now as they had to be outright permitted. They could not be larger than 800 square feet and had to match the appearance of the primary structure. There had been 3-4 ADUs built in the last two years.

Councilor Varwig asked about partitions and the \$250 appeal fee. Mr. Brown said the fee was changed on July 1, 2019 because the State had changed the amount of an appeal fee for an administrative staff level decision to be \$250. It used to be \$1,600. The Planning Commission had recommended that there be no fee. Staff thought the \$250 was a reasonable fee to charge.

Councilor Varwig said as long as the public had the opportunity to give their opinions on the partitions to staff prior to the decision, he was comfortable with it.

Councilor Parker asked for clarification on the Comprehensive Plan Amendment. Mr. Brown said the Comprehensive Plan would be amended to say this was an appropriate area to keep low density residential instead of encouraging redevelopment to commercial residential.

Mr. Lindsay stated it would not change the underlying zoning. The only reason it was an area of special concern was to allow an applicant to ask for a different zoning than R-1 which could still be done.

Councilor Spoon asked about the change to the fence height and if they were going to remove existing fences. Mr. Brown said they typically did not go back and eliminate all of the existing fences. They would allow the existing ones to stay in place.

There was no public testimony.

Mayor Hodson closed the public hearing.

Mr. Brown said the second reading of the ordinance would be brought back to Council on September 4.

RESOLUTIONS & ORDINANCES:

Resolution 1324 – Rick Robinson, City Administrator, said this would be a 50 year no cost lease for the site of a north side Emergency Response Station. The site was to the south of the Public Works Yard. It would not encroach on the possible dog park property. The property was one acre and had enough space for future expansion.

****Councilor Hensley moved to adopt Resolution 1324, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A GROUND LEASE BETWEEN THE CITY OF CANBY AND CANBY FIRE DISTRICT. Motion was seconded by Councilor Varwig and passed 6-0.**

Councilor Spoon asked when the station would be completed. Jim Davis, Fire Chief, said right now the priority was the remodel of the main Fire Station. For the Emergency Response Station, they planned to put in a modular home with a two bay garage. The work would start in February/March.

Ordinance 1514 –

****Councilor Dale moved to approve Ordinance 1514, AMENDING CANBY'S COMPREHENSIVE PLAN AND TITLE 16 OF THE CANBY MUNICIPAL CODE SUBJECT TO THE FINDINGS AND FINAL ORDER OF THE PLANNING COMMISSION UTILIZING THE REVISED TEXT AMENDMENT LANGUAGE PROVIDED BY STAFF WHICH WAS ATTACHED TO THE JULY 8 SUPPLEMENTAL MEMORANDUM TO THE PLANNING COMMISSION AND WITH THE FURTHER AMENDMENTS OF STATE DEFINITIONS FOR RESIDENTIAL CARE FACILITIES ALONG WITH AN OUTRIGHT OR CONDITIONAL USE IN THE R-1 ZONING to come up for second reading on September 4, 2019. Motion was seconded by Councilor Spoon and passed 6-0 on first reading.**

Ordinance 1515 – Mr. Robinson explained a primary clarifier separated the liquids and solids at the Wastewater Treatment Plant. There was a need for a second clarifier due to the increase in population. The estimated project cost was \$1,365,000 and the cost for the contract was \$130,000.

****Councilor Spoon moved to approve Ordinance 1515, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC. CONSULTING ENGINEERS FOR DESIGN AND CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE 2019 WASTEWATER TREATMENT PLANT PRIMARY CLARIFIER IMPROVEMENTS to come up for second reading on August 21, 2019. Motion was seconded by Councilor Varwig and passed 6-0 on first reading.**

Ordinance 1516 –

****Councilor Hensley moved to approve Ordinance 1516, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON ALL REMAINING PORTIONS OF SE TOWNSHIP ROAD PUBLIC RIGHT-OF-WAY (ROW), ROUGHLY 2.4 ACRES, LOCATED BETWEEN THE WESTERN BOUNDARY OF THE MOLALLA FOREST ROAD AND THE WESTERN BOUNDARY OF MULINO ROAD, INCLUDING THE PORTION OF ROW THAT CROSSES UNION PACIFIC RAILROAD CROSSING DOT 760205P, MP 748.30 to come up for second reading on August 21, 2019. Motion was seconded by Councilor Spoon and passed 6-0 on first reading.**

Ordinance 1517 – Mr. Robinson said in the 2019-20 budget included the funding for a new street sweeper. The current sweeper was from 1996. The cost of the sweeper was \$281,751 and with a \$2,500 trade in of the current sweeper, the price was \$279,251.

****Councilor Varwig moved to approve Ordinance 1517, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH OWEN EQUIPMENT FOR THE PURCHASE OF ONE 2019 ELGIN CROSSWIND 1 STREET SWEEPER FOR THE CANBY PUBLIC WORKS DEPARTMENT to come up for second reading on August 21, 2019. Motion was seconded by Councilor Hensley and passed 6-0 on first reading.**

Ordinance 1518 – Mr. Robinson said they were declaring an emergency in order to have the Splash Pad open by Memorial Day of 2020. This was also budgeted in the 2019-20 budget. He discussed the bids that were received and how the contractor that was chosen had implemented Canby as the Garden Spot elements. He was asking for \$475,000 for the project and explained the splash pad and covered seating area locations and future projects for the tennis court and parking.

There was discussion regarding the design of the splash pad and how there would be public input on the design.

****Councilor Spoon moved to approve Ordinance 1518, ESTABLISHING A BUDGET OF \$475,000 FOR THE CONSTRUCTION OF A SPLASH PAD AND RELATED IMPROVEMENTS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH 2KG CONTRACTORS, INC. FOR DESIGN AND CONSTRUCTION OF A SPLASH PAD AND RELATED IMPROVEMENTS, AND AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE CHANGE ORDERS WITHIN THE ESTABLISHED BUDGET, AND TO SIGN THOSE OTHER DOCUMENTS REQUIRED FOR THE COMPLETION OF THE PROJECT, AND DECLARING AN EMERGENCY to come up for second reading on August 21, 2019. Motion was seconded by Councilor Varwig and passed 6-0 on first reading.**

Ordinance 1519 – Mr. Robinson said the emergency declaration was to complete the installation of the new all-weather surface at Legacy Park in the right time of year. Two proposals had been received, and Landscape Structures was chosen.

There was discussion regarding a warranty on the product. Mr. Lindsay would look into it before the second reading of the ordinance.

****Councilor Dale moved to approve Ordinance 1519, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LANDSCAPE STRUCTURES, INC. IN THE AMOUNT OF \$81,905.00, AND DECLARING AN EMERGENCY SUBJECT TO THE WARRANTY BEING SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY to come up for second reading on August 21, 2019. Motion was seconded by Councilor Berge and passed 6-0 on first reading.**

NEW BUSINESS: None

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None

CITIZEN INPUT: None

ACTION REVIEW:

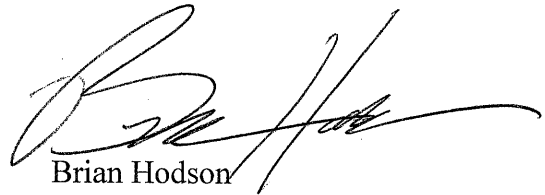
1. Approved the Consent Agenda.
2. Adopted Resolution 1324.
3. Approved Ordinance 1514 with further amendments to come up for second reading on September 4, 2019.
4. Approved Ordinance 1515 to come up for second reading on August 21, 2019.
5. Approved Ordinance 1516 to come up for second reading on August 21, 2019.
6. Approved Ordinance 1517 to come up for second reading on August 21, 2019.
7. Approved Ordinance 1518 to come up for second reading on August 21, 2019.
8. Approved Ordinance 1519, subject to warranty satisfaction to the City Administrator and City Attorney to come up for second reading on August 21, 2019.

There was no Executive Session.

Mayor Hodson adjourned the Regular Meeting at 8:55pm.



Rick Robinson
City Recorder Pro-Tem



Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood