

**CANBY CITY COUNCIL  
CITY COUNCIL WORK SESSION  
August 15, 2018**

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; and Kim Scheafer, City Recorder.

Others Present: None.

Mayor Hodson called the Work Session to order at 6:00 p.m. in the Willow Creek Conference Room.

The Council met in a Work Session to discuss the recommendations from the Parks and Recreation Advisory Board regarding their top two projects.

Mayor Hodson said there were assumptions that the City would be working on stable funding for parks and updating the Parks Master Plan. He asked if the Council wanted staff to look into these assumptions and table the recommendations on the two park projects. The consensus was yes.

The other piece was figuring out how to tie it to the Urban Renewal District so that when the District ended, then the funding would pass through to parks. He thought they were too far away from having that conversation.

Councilor Parker asked if the scope of the Parks Master Plan update could include a review and recommendations for potential funding options. He wanted to avoid putting additional resource drains on staff.

Councilor Hensley arrived at 6:15 p.m.

Rick Robinson, City Administrator, said he thought it was a good opportunity to take a holistic approach in developing a master plan. He thought they should throw away what they had and start from scratch.

Councilor Smith wanted to make sure they got community feedback on the funding options.

Councilor Parker was looking at doing something more like the visioning plan where they asked more about values of the community.

Councilor Heidt arrived at 6:25 p.m.

Councilor Spoon agreed that they needed both conversations. They needed to find out if they were to build parks, what did the community want for parks and what was the community was willing to pay for them.

There was discussion regarding whether or not to start over with a new Parks Master Plan and the sequencing of the process. There was further discussion regarding how the experts could bring recommendations forward for what was possible to be done in parks as well as the funding options.

Councilor Smith was in favor of doing a robust Master Plan and to think big as opposed to just updating the current plan.

Councilor Heidt was concerned that it would be a stall tactic and they would undermine all of the smaller things they could do in the meantime.

There was discussion regarding the Council wanting to do what the public wanted and starting over with the vision and the master plan before moving forward with any recommendations.

Councilor Heidt was unclear why they had asked the Board to make recommendations that the Council was not going to follow.

Councilor Spoon said they had taken the Board's recommendations in the past, but the Council had different concerns and information than the Board and were not obligated to follow all of their recommendations.

Councilor Heidt asked if the survey the Board took was statistically accurate.

Mr. Robinson did not think so as there was a built in bias in it. He did not place a lot of weight on the outcome of the survey.

Councilor Heidt clarified the master plan would do what the survey didn't by reaching a broader range of people and focus groups to capture the intent and values of the community. She wanted to know how many years it would take for a master plan process and if it would be an obstacle to getting something done now. She would like to get something done in the short term.

Mayor Hodson clarified the Park Maintenance Fee was going to address the deferred maintenance on the City's current parks. Before they could add another park or expand a park, the deferred maintenance had to be done.

Mr. Robinson thought the master plan process would take 9-12 months.

Councilor Hensley discussed livability of the City and how all of the neighborhood associations could be activated again through this process.

Mayor Hodson summarized that they wanted to move ahead with a master plan that encompassed addressing long term funding. In terms of the recommendations for the two parks, they were still recommendations and the Council would see how that filtered out during the master planning process. The next step would be to hold a work session to discuss what they wanted out of a master planning process.

Mayor Hodson adjourned the Work Session at 6:56 p.m.

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**CANBY CITY COUNCIL**  
**REGULAR MEETING MINUTES**  
**August 15, 2018**

**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; Jamie Stickel, Economic Development Director; Jennifer Cline, Public Works Director; and Kim Scheafer, City Recorder.

**OTHERS PRESENT:** Jerry Herrmann, Carol Rosen, Brandon Smith, Myron Peto, Kenneth Cox, and Paul Ylvisaker.

**CALL TO ORDER:** Mayor Hodson called the Regular Meeting to order at 7:04 p.m. in the Council Chambers followed by opening ceremonies.

Canby Main Street Annual Report – Jamie Stickel, Economic Development Director, gave a PowerPoint presentation detailing the Main Street program and events. She explained Main Street’s mission, four point approach, events, marketing materials, tourism outreach, business and property owner outreach, new downtown businesses, community partnerships, National Main Street Conference, Heritage and Landmark Commission’s work, Certified Local Government Grant, downtown programs, library sculpture, and projects looking forward.

There was discussion regarding what the Certified Local Government Grant would be used for.

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Jerry Herrmann, Clackamas County resident, spoke about the Harmony on the Water historic reenactment programs on the Willamette Queen Sternwheeler. They wanted to see the showboat come to this area and announced Mayor Hodson was going to participate in the program.

Brandon Smith, Willamette Valley Victory Riders, said they were a local chapter of the Victory Motorcycle Club. He spoke about the Poker Run fundraiser that provided Go Bags for children during stressful transitions. They had eight bags they wanted to donate to the Canby Police Department.

**MAYOR’S BUSINESS:** Mayor Hodson said the Council had a work session regarding the Parks and Recreation Advisory Board recommendations. One of their recommendations was master planning and finding funding sources for developing parks. The City would be moving forward with parks master planning and holding another work session to discuss it further. The other recommendations would be folded into the master planning project. He reported on the Clackamas County Coordinating Committee meeting where the vehicle registration fee and letter of support for Measure 102 to allow municipal bonds for affordable housing were discussed. He attended the Junk Refunk, the Dahlia building grand opening, and Clackamas County Fair. The last Slice of Summer concert would be held on August 19, Canby’s Big Weekend was on August 24-26, and the last Movie in the Park would be on August 25.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Parker attended the Garlic Festival in North Plains and he noticed posters up for their Parks Master Plan. He also talked with the Mayor of North Plains regarding growth in the two communities and annexations.

Councilor Hensley attended the Dahlia building grand opening, Clackamas County Fair, Franklin Graham Decision America event, Book Nook ribbon cutting, and Chamber luncheon. The Traffic Safety Commission was continuing to discuss the impact of new developments on 13<sup>th</sup> Avenue. They had a new Commissioner and another coming on soon. The Suicide Prevention Task Force had bilingual signs and pocket cards to distribute around town. She had met with the school to discuss suicide prevention programming.

Councilor Dale said Canby Utility had moved into their new headquarters. They would be having an Open House tentatively in October. They had a utility bill payment drive-up drop off. They finished their new facility under budget. He also attended the Dahlia building grand opening. He discussed how Oregon was the second-most popular state for relocation in the country. He also attended the Clackamas County Fair and Rodeo.

Councilor Heidt said the Library's Summer Reading Program had ended. They would be hosting a Repair Fair on August 25. Larry Vargas was being appointed to the Heritage and Landmark Commission and was a good community leader.

Councilor Spoon said Bridging Cultures would be hosting a picnic in the park this Saturday. She discussed the STEAM Camp for incoming 5<sup>th</sup> graders. CTV5 was very involved in the community. The movie Cocoa would be playing in the park on August 25. She attended the Dahlia building grand opening. The flower baskets in downtown looked beautiful.

**CONSENT AGENDA: \*\*Councilor Dale moved to adopt the minutes of the August 1, 2018 City Council Regular Meeting; a Liquor License Application for La Divina Providencia Tienda Mexicana; appointment of Jennifer Giller to the Heritage and Landmark Commission for a term to expire on June 30, 2020; appointment of Larry Vargas to the Heritage and Landmark Commission for a term to expire on June 30, 2019; and appointment of Doug Rykken to the Bike and Pedestrian Committee for a term to expire on June 30, 2019. Motion was seconded by Councilor Hensley and passed 6-0.**

**RESOLUTIONS & ORDINANCES:** Ordinance 1489 – Rick Robinson, City Administrator, said after the last meeting there were two changes made to the ordinance wording. There was language added to Exception #4 and a new #14 was added as an Exception.

Councilor Spoon asked why they were granting exceptions for the football games and no other events.

Councilor Smith clarified it was a broader exemption at first, but Councilor Heidt had some objections and Councilor Hensley had suggested cutting it down to football games as a compromise as that was a tradition in the community.

Mayor Hodson said the School District was going to look into fireworks that were less concussive as well.

Councilor Spoon asked how people would find out about events with fireworks so they would be prepared if they had a particular issue associated with the noise.

Mr. Robinson said Canby Fire did the Fourth of July fireworks and the City did not currently use fireworks, but it would go through the proper notice procedure if it did.

Councilor Heidt asked if this ordinance superseded the permissible noise level. Could neighbors still file a complaint if they exceeded a decibel level.

Mr. Robinson said the ordinance amended the City's code to allow the School District to use fireworks at home football games. Citizens could file a complaint and the exceptions could be revisited if the School District was taking unreasonable advantage of the exemption.

Paul Ylvisaker, Canby resident, reviewed the video of the last Council meeting and thought the Council had decided that the benefits of the many outweighed the needs of the few and tradition was more important than someone's medical needs. Expedience was necessary because time was running out for the School District to apply for a variance to continue the fireworks at the football games. He gave examples where laws and holidays had been changed because the needs of the few were greater than the needs of the many. The new amendment to this ordinance did not address his concerns or his request for relief due to a medical condition.

**\*\*Councilor Hensley moved to adopt Ordinance 1489, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 9.48.050(A) REGARDING NOISE VARIANCE EXCEPTIONS; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Smith.**

Councilor Spoon lived a few streets down from the high school and it was extremely loud. She hoped the School District would make some adjustments to the type of fireworks that were used. She could also hear announcers at sporting events and the gun going off for races. This ordinance did not address the total noise issue, however she agreed the football games were the loudest events. She was not convinced that the explosions from the football games were necessary for people to attend the games or support Canby High School football. She did not want to change City policy because the high school failed to plan to get a variance.

Mr. Robinson said this program happened every year in the same location by a public agency. Because of that, it was eligible for consideration as an ongoing change to the ordinance.

Councilor Spoon thought the football games could happen with or without the fireworks and she did not associate the importance of the event to the noise. A variance for an optional sound was not unreasonable.

Councilor Smith said there was a misunderstanding about the measurement of the decibels. The decibels had to be measured over a period of time and had to average out to be over a certain number of decibels. They were not dealing with the noise from the announcer and he did not think that would violate the code.

Councilor Heidt said a neighbor had complained about the noise at the high school, and the City measured the decibel level and found it was in violation of the noise ordinance. It had just recently been brought to their attention that the School District was not in compliance.

Mr. Robinson said the City did take readings, but found that the reader was not properly calibrated and they could not use that information. He thought a variance or an exception to the code should be required for the fireworks as it was highly likely the fireworks exceeded the decibel level.

Joseph Lindsay, City Attorney, said the current ordinance already had an exemption for the announcing.

Council Spoon said the track meet gun could be heard from inside her house and she suggested the School District request a variance for that. She would be voting in favor of the motion because the School District said they would try to reduce the concussive sound of the fireworks. If the sound did not change, she would bring it up to Council.

Councilor Heidt voted against the first reading of the ordinance for many of the same reasons as mentioned by Councilor Spoon. There were times to overturn a tradition and she did not think the explosions were critical to the enjoyment of the games. If there were people out there suffering unnecessarily she could not vote in favor of it.

**Motion passed 5-1 by roll call vote with Councilor Heidt opposed.**

Ordinance 1491 – Mr. Robinson said the section of N Maple Street between 10<sup>th</sup> and 14<sup>th</sup> was set for reconstruction and the engineering services contract would be an amount not to exceed \$103,200.

**\*\*Councilor Hensley moved to adopt Ordinance 1491, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC. CONSULTING ENGINEERS FOR ENGINEERING SERVICES FOR NORTH MAPLE STREET RECONSTRUCTION; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Heidt and passed 6-0 by roll call vote.**

Ordinance 1492 – Jennifer Cline, Public Works Director, said the grant was a small portion of the quiet zone project. It would help fund the improvement to the turning radius at the S Elm Street intersection. A PGE power pole would have to be relocated and an easement or right-of-way needed to be acquired for the project. Additional funds had been allocated for the full project to install signage and center median curbs up to the railroad tracks to improve safety so the City could apply for the quiet zone variance.

Mr. Robinson said the center medians would be constructed on Ivy, Grant, and Elm to provide only right in, right out intersections. The City had the funding necessary to complete the improvements. The emergency clause was due to getting the project underway as soon as possible.

**\*\*Councilor Hensley moved to approve Ordinance 1492, AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE AN IMMEDIATE OPPORTUNITY FUND AGREEMENT WITH THE STATE OF OREGON DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF THE INTERSECTION OF NORTH ELM STREET AND OR-99E IN AN AMOUNT NOT TO EXCEED \$137,951.00; AND DECLARING AN EMERGENCY to come up for second reading on September 5, 2018. Motion was seconded by Councilor Heidt.**

Mr. Robinson said the improvements at Elm Street had initially been part of ODOT's larger 99E improvement project and the City had convinced ODOT that they could manage the project which allowed the project to be fast-tracked by two years earlier than what ODOT could have done.

There was discussion regarding the process for moving the PGE power pole and the design of the median and how it would prevent people from making left turns and lining up on the railroad tracks.

**Motion passed 6-0.**

**NEW BUSINESS:** Findings, Conclusions, & Final Order APP 18-02 – Mr. Lindsay said the language that everyone had agreed to use for the denial of the appeal was in the Findings, including the information Mr. Steinke wanted for his property and the new map.

Councilor Dale asked about Exhibits 1 and 2. He was concerned about limiting Mr. Steinke's options when 15<sup>th</sup> Avenue was put in.

Mr. Robinson read the specific language changes. The Development Concept Plan defined where the road would intersect with the Steinke property. There were several alternatives for what happened when

that roadway entered the Steinke property and Mr. Steinke wanted to make sure none of those proposals would be set in stone and he would have the opportunity from the point that the street stub touched his property to define how the street would flow through his property. He did not want to be bound by a previous map.

**\*\*Councilor Hensley moved to adopt the Findings, Conclusions, & Final Order for APP 18-02. Motion was seconded by Councilor Heidt and passed 5-0-1 with Councilor Spoon abstaining.**

**ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** Mr. Robinson had spoken with a representative from Union Pacific regarding the old ties and rails that needed to be removed. He had spoken with DirectLink regarding free Wi-Fi in some of the City's parks. There was a potential grant to help with the funding. If it looked like this project would work, it would be included in the 2019-20 Budget.

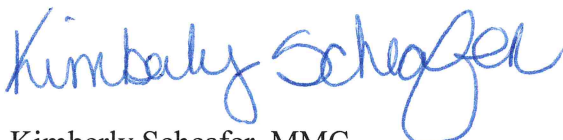
**CITIZEN INPUT:** None.

**ACTION REVIEW:**

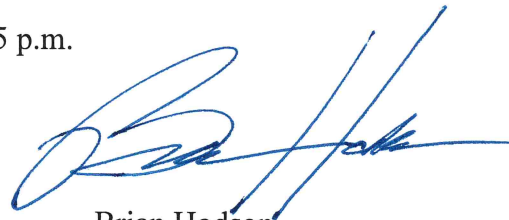
1. Approved the Consent Agenda.
2. Adopted Ordinances 1489 and 1491.
3. Approved Ordinance 1492 to come up for second reading on September 5, 2018.
4. Adopted the Findings, Conclusions, & Final Order for APP 18-02.

There was no Executive Session.

Mayor Hodson adjourned the Regular Meeting at 8:55 p.m.



Kimberly Scheafer, MMC  
City Recorder



Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood