

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
March 18, 2015**

Presiding: Mayor Brian Hodson.

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

Staff Present: Amanda Zeiber, Asst. City Administrator/HR Director; Joseph Lindsay, City Attorney; and Kim Scheafer, City Recorder.

Others Present: Bob Cornelius, Chip Greendale, Dave Sargent, Jim Davis, and Beverly Headrick.

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: Dave Sargent, Canby resident, said he had a brain injury and was not able to drive. He needed the Council to tell Tri-Met that it was ok for them to bring him to Canby as Canby Area Transit did not operate nights and on the weekends when he needed to go to work.

Mayor Hodson said staff would contact Mr. Sargent regarding this issue.

MAYOR'S BUSINESS: Mayor Hodson did not attend the C4 meeting. Canby's Transit Director was selected as the rural transit representative to the Area Commission on Transportation. He attended the County's Growth Summit, met with Clackamas County Commissioner Savas, and attended two Library/Civic Building meetings.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Rocha had been on vacation and had nothing to report.

Mayor Hodson asked about the status of Library fundraising.

Councilor Heidt said the Library Foundation had postponed their meeting this month.

Amanda Zeiber, Asst. City Administrator/HR Director, said the Library Director had spoken with a potential fundraising consultant and staff would be meeting with him next week.

Councilor Parker attended the Library/Civic Building community meeting. He was disappointed in the turnout. He hoped when the building was constructed that it would further bind the trust between constituents and the Council.

Councilor Hensley attended both Library/Civic Building meetings. She was also disappointed in the turnout. She hoped that with the coverage in the paper the April meetings would have a better turnout. She attended the community leader round table meeting with Senator Kurt Schrader. There was a big focus on education at the meeting as well as discussions regarding infrastructure.

The Traffic Safety Commission talked about the Postlewait Neighborhood Association request that a no parking zone on the west side of Redwood between 11th and 12th be extended about half a block. Mike Hemelstrand from the Bike and Pedestrian Committee attended the meeting and noted problem areas for cyclists.

Councilor Dale said Canby Utility was continuing the interview process for General Manager. At the next Canby Utility Board meeting they would be discussing a possible water rate increase.

Councilor Heidt also attended the meeting with Senator Schrader. She attended the Library Board meeting. They did not get a StoryCorps Grant, but the City was the runner up and staff would receive training on capturing local history. The architects and library staff toured area libraries and would also be going through the information that was collected two years ago. The General Contractor position for the Library/Civic Building project had been advertised. Library staff was also working on the budget for next fiscal year. The Canby Adult Center had their Share-A-Meal fundraiser. The Spring Bazaar would be held on April 25 and they got a grant from the Rotary Club for their computer lab. Trip Goodall was hired as the School District Superintendent. The Canby Community Preschool Auction would be held on April 11. Today was International Transit Driver Appreciation Day.

Councilor Coleman said ODOT had been busy working on the signals on 99E. Public Works had installed a new digital crosswalk for Knight Elementary School. The sidewalk project by the high school on 4th Street was expected to be completed at the end of April. The Planning Director had come up with an interview process for Planning Commission candidates. An applicant had been interviewed and would soon be appointed. He attended one of the Library/Civic Building meetings and the Canby Rodeo Coronation for the 2015 Court. He commended the Police Department on their pursuit of the farm equipment thieves.

CONSENT AGENDA: **Councilor Dale moved to adopt the minutes of the March 4, 2015, City Council Regular Meeting and a New Outlet Liquor License Application for FOB Tap Room, LLC. Motion was seconded by Councilor Hensley and passed 6-0.

PUBLIC HEARING: Noise Variance Application - Canby Swim Club (May 9, 2015 7:30 AM – 1:00 PM) -

Mayor Hodson opened the public hearing at 8:05 p.m. and read the public hearing format.

Kim Scheafer, City Recorder, presented the staff report. A request had been received from the Canby Gators Swim Club for a noise variance on May 9 from 7:30 a.m. to 1:00 p.m. This was the 11th year of the event. The variance was being requested for the North Lake Physical Therapy Gator Grinder Triathlon. Last year a complaint was received by a patrol officer regarding the noise level. After the event the Code Enforcement Officer worked with the applicant and encouraged them to apply for a noise variance to ensure compliance and notification to surrounding property owners. The applicant requested the DJ turn down the bass on their equipment and the applicant had to provide addresses of residents within 200 feet to send notices. The applicant had provided addresses of residents within 600 feet. A letter had been received asking the Council not to approve the request.

Public Testimony:

Applicant: Chip Greendale, Race Director for the triathlon, said this was a fundraiser for the Canby Swim Club. About 280 racers came into town and brought a lot of money to Canby. Music had been at the race since the fourth year and they never had a complaint before. The music was 15 feet from the transition area and people had to be able to talk so it was not that loud. It was a good event for the community and swim club and was a popular event.

Mayor Hodson asked if the DJ started at 7:30 a.m.

Mr. Greendale said yes they did and by 12:30 p.m. the event was usually over.

Councilor Hensley asked what precautions were in place to correct the complaints made last year.

Mr. Greendale said the woman that contacted him last year said it sounded like drums and he asked the DJ to turn down the bass for this year. There were several police officers that participated in the race last year and none of them thought the music was too loud.

Proponents: None.

Opponents: Beverly Headrick, Canby resident, said last year she went to her kitchen to make coffee and all she could hear was thumping from a very loud speaker system. Her windows were closed and when she went outside she could hear music coming from the Swim Center clear enough that she could name the song and she lived two blocks away. She thought it was unreasonably loud and called the police. She was upset that an event at the Swim Center was allowed to make unlimited noise on a Saturday morning. She requested that the noise variance be denied as the music was played well above the level necessary to have fun at 7:30 in the morning.

Mayor Hodson closed the public hearing at 8:13 p.m.

Joseph Lindsay, City Attorney, clarified the variance was for the volume rather than the time frame.

Councilor Parker said this was a great event and he was in favor of bringing new money into the community. He thought the message was loud and clear that there was a concern about the sound and they wanted to be good neighbors. He would like to be able to track any other complaints that came through regarding this event.

Councilor Coleman agreed this was a wonderful event and thought the use of good judgment in the song choices for the early hours would go a long way.

Mayor Hodson thought they should see how this year went and give them the benefit of the doubt that they would make some adjustments for this year.

Councilor Parker asked for Ms. Headrick to give the Council feedback after the event whether it got better or not.

****Councilor Dale moved to grant a Noise Variance to Canby Gators Swim Club for their Gator Grinder Triathlon on May 9, 2015 from 7:30 a.m. – 1:00 p.m. Motion was seconded by Councilor Heidt passed 6-0.**

RESOLUTIONS & ORDINANCES:

Ordinance 1413 – Mr. Lindsay said the sewer ordinance currently in place needed some housekeeping changes and he highlighted the changes. This was an EPA model ordinance and DEQ had looked at the ordinance and approved it. The ordinance still left open opportunities for local control and allowed the City to work with local businesses. Staff recommended approval of the ordinance. He discussed the upcoming changes to DEQ regulations and how this did not have a fiscal impact on the City.

****Councilor Hensley moved to approve Ordinance 1413, Amending CMC 13.16 and Repealing and Replacing Ordinance 1292, Regulating the Discharge of Wastes to the City of Canby Sanitary and Storm Sewer Systems, Limiting Such Discharges Only to Those of Acceptable Types, Characteristics, or Concentrations, Establishing a System of Waste Discharge Permits and User Fees; Providing for Enforcement; and Declaring an Emergency to come up for second reading on April 1, 2015. Motion was seconded by Councilor Coleman and passed 6-0 on first reading.**

NEW BUSINESS: None.

ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Ms. Zeiber said the traffic signals at Grant and Elm would be operational this Friday. The light at Ivy had to be re-engineered and would be a couple months out. She announced upcoming overnight railroad crossing closures. The RFP was out for the General Contractor for the Library/Civic Building. They would be closing on the final piece of property for the project this Friday. The public input meetings with the architects regarding the Library/Civic Building project would be on April 8 in the Police Department Community Room, April 9 at Hope Village, and April 14 in the Police Department Community Room. The meetings would be from 7-9 p.m.

CITIZEN INPUT: Jim Davis, Fire Chief, said there had been a lot of activity in the City the last few weeks. A successful AED resuscitation had been done at the Adult Center. The winds peaked at Sunday from 60-65 mph and there were several trees and power lines that were down. A natural gas leak had occurred on Redwood and about 30 townhouses were evacuated.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Granted a noise variance to the Canby Swim Club for May 9.
3. Approved Ordinance 1413 to come up for second reading on April 1, 2015.

There was no Executive Session.

Mayor Hodson adjourned the Regular Meeting at 8:36 p.m.



Kimberly Scheafer, MMC
City Recorder



Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood