

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
August 19, 2020**

Due to COVID-19 Pandemic, the Mayor and City Councilors attended the meeting virtually. The public was asked to view the meeting live on CTV Channel 5 or on YouTube. Seating was available in the Council Chambers in compliance with the Governor's Executive Order regarding social distancing.

PRESIDING: Mayor Brian Hodson.

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

STAFF PRESENT: Joseph Lindsay, City Attorney; Jamie Stickel, Economic Development Director; and Melissa Bisset, City Recorder; Erik Forsell, Associate Planner; Ryan Potter, Senior Planner; Todd Wood, Transit Director.

OTHERS PRESENT: Fire Chief Jim Davis, Canby Fire District Board Chair Shawn Carroll; Matt English, Canby Fire Division Chief.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:13 p.m.

PRESENTATION: Canby Fire – Local Option Renewal Levy

Fire Chief Davis shared that the Fire District was moving forward with a vote of the people for a renewal of the Fire District Levy. Canby Fire protects the City of Canby, City of Barlow and approximately 54 square miles of surrounding suburban and rural areas. They have a Class 2 insurance rating in the City of Canby. They currently have 16 line personnel and 30 volunteers. They are governed by an elected Fire Board. Canby Fire provides emergency medical response, ambulance transportation, fire suppression, community risk reduction, emergency preparation and management and hazardous materials response. They worked closely with the City during COVID. The Fire District Board had approved a strategic plan. There was a mission statement and a matrix to move forward with goals and objectives. Canby Fire responds to car accidents and are all trained in heavy extradiation. Over the past year they have been responding to COVID patients. They also respond to structure fires and wildland interface. Call volume had gone up over the years. The levy was a five year levy last voted on in 2015. In 2019 there were 3,000 calls. 38 percent of the time there were two EMS calls occurring at the same time. They were very busy. They had maintained staffing for the most part over the last several years. With the levy, they were not asking for more personnel, they were asking to maintain the current level of staff which included 16 line staff and 3 chiefs.

Chief Davis explained that 65 percent of the cost was personnel costs, 17 percent was materials and supplies, 3 percent was capital outlay and 12 percent was contingency.

The question for the November level renewal was “Shall Canby Fire District maintain emergency response services by levying 45 cents per \$1,000 assessed value for five years beginning 2021? Chief Dale explained that it was a renewal not an increase. If the levy did not pass, there would be an option for a spring vote, and if that were to fail, then the Fire District would have to reduce by six personnel, they would not be able to staff the second medic unit. It would increase ambulance response times as there would be a wait for responders to arrive from Molalla, Newberg, Oak Lodge, Oregon City or the Wilsonville area. The current rate was about \$112/ year for the average property assessed at \$250,000. The levy supplemented Canby Fire District’s permanent tax rate of \$1.54 per \$1,000 of assessed value. The combined rate of \$1.99 (\$1.54 + 45 cents) delivered fire and medical response at a total rate lower than the average rate in Clackamas County for fire/ EMS which was about \$2.29 per \$1,000 of assessed value. Fire Chief Davis noted that the funds from the levy would be used to ensure a continued level of service by Canby Fire Emergency Medical Response teams. He added that they would be staffing the Northside Station with two EMS personnel. They were also planning on putting interns at the station.

Canby Fire District Board President Shawn Carroll thanked the City Council and asked for their support on the levy.

Mayor Hodson was grateful for the response time from Canby Fire. He was excited about the Northside Station and supported the passing of the Levy.

MAYOR’S BUSINESS:

CITY ADMINISTRATOR SELECTION

Mayor Hodson shared that City Council completed the interview process for the City Administrator position. There had been interview panels with the Council, City Staff and Community members and there was a meet and greet with feedback. Mayor Hodson asked for consensus of the Council to pursue their most favored candidate and work toward negotiation and conditional offer of employment contingent upon successful background check. The employment contract would then be brought forward to the City Council for action. There was a general consensus of the Council to move forward with the most favored candidate. Mayor Hodson explained that discussion occurred during an executive session. Names would not be provided yet as the candidate needed to be notified and a background check would need to be conducted. Mayor Hodson thanked everyone for their roles in the interview process.

STRATEGIC INVESTMENT ZONE – COMMUNITY SERVICE FEE

Mayor Hodson shared the City Council had just meet to discuss the Community Fee distribution related to Columbia Distributing and the Strategic Investment Zone (SIZ). He explained that years ago, the City set up a SIZ as part of a marketing tool in the industrial park to drive businesses of a certain size and value into the community. He explained the details of the SIZ noting that there is a community fee that goes to taxing districts. Over the last couple of months the taxing entities have been meeting to determine how the community fee would be distributed. The final taxing districts involved were the Canby Fire District, Clackamas County and the City

of Canby. The other taxing districts pulled out and the remaining amount would be distributed to the remaining taxing districts. Earlier in the evening the Council had a work session was able whether or not they wanted to move forward with the disbursement amount that was proposed. He explained that if they did not agree on how the fee was going to be broken out then the decision goes to Business Oregon. Council had pondered how they could create a more equitable amount between the City of Canby and Canby Fire. The deadline for a decision was the following day as the Board of County Commissioners were meeting.

****Councilor Spoon moved to amend the agreement to reflect the newly proposed community fee evenly split as proposed during the work session of roughly 38 percent to the City of Canby and Canby Fire District. Seconded by Councilor Parker and passed on a roll call vote of 5-0. Councilor Berge abstained.**

Council President Dale noted that there was an unexpected bonus of the amount that the port and the education districts were not taking. He suggested that they look at it as a donation.

Fire Chief Davis appreciated the even split and thought it was reasonable.

COMMUNICATION: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: It was publically noticed that Council would be attending the meeting virtually and written comments and input on agenda items were accepted until 5:00 p.m. on Wednesday, August 19. No comments were received and no one requested to speak.

COUNCILOR COMMENTS & LIAISON REPORTS:

Council President Dale reported the water department of Canby Utility was not whole so they are looking at a water rate increase. Sales of water were down. They were heisting because they would not know about the effects of COVID yet as more people were home so sales could be up.

Councilor Varwig shared the Library Director of the last five years, Irene Green, had retired. He thanked Ms. Green for her service. A new Library Director had signed a conditional offer of employment. It was someone with local knowledge. The Friends of the Library had sponsored a community book club. There were free books available if anyone wanted to participate. He thanked Linda Warwick from the Library for the idea. Every other Friday there was an outdoor book sale. There was a new story walk up at the Library.

Councilor Spoon shared that the Transit Advisory Committee was meeting the following day. She expressed her appreciation for the way the community had come together and that there were community members filling a tree at Wait Park with free masks. She appreciated the energy downtown. She shared that Bridging Cultures had also been collecting masks to distribute to underserved populations.

Councilor Hensley shared that some of the members of the Traffic Safety Commission, along with Jerry Nelzen and Spencer Polack from public works, and a County representative went to

NE 15th and Redwood to look at the narrow roadway and the many cars that park along it. They brainstormed mitigation ideas.

Councilor Parker shared there had been supply chain issues with the screen for the drive in movie theatre and so the opening was postponed for a week.

Councilor Berge announced that he was resigning from the position of Councilor. He shared he had no intentions of resigning. He had intended on running for reelection. He had been enjoying his time on the Council. He shared he had the opportunity to purchase a 10 acre farm a mile outside the City limits of Canby and they just closed on the property. It was a spur of the moment thing and they closed on their home in 18 days. He wished everyone the best.

Mayor Hodson stated Councilor Berge would be missed on the Council. He appreciated everything he had given on the Council.

Council President Dale commented on Councilor Berge's expertise noting it had been invaluable. He appreciated the friendship he had with Councilor Berge.

Councilor Hensley appreciated Councilor Berge's expertise and friendship.

Councilor Varwig stated it had been an honor getting to know Councilor Berge.

Councilor Berge apologized to the Council as his original intention was to fill the term of the appointment.

CONSENT AGENDA: **Council President Dale moved to adopt the Minutes of the August 5, 2020 City Council Work Session and Regular Meeting. Seconded by Councilor Hensley and passed 5-0.

PUBLIC HEARING: Redwood Landing II Annexation, City File #ANN/ZC 20-01 (*A linear strip of land approximately 10,878 square feet in size*) Mayor Hodson opened the public hearing and read the public hearing format.

No public testimony had been received and no one from the public was present to testify.

CONFLICT OF INTEREST:

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 Parker – No contact.
Councilor Hensley – Had been by the site.
Councilor Dale – No contact.
Councilor Varwig – No contact.
Councilor Spoon – No contact.
Mayor Hodson – No contact.

STAFF REPORT: Erik Forsell, Associate Planner, presented the staff report. He explained that the item was a public hearing to consider the annexation and zone change from RRRF-5 to R-1.5. The File number was ANN/ZC 20-01. The property was a linear driveway 16.5 feet wide that serviced the tax lot 31E34B00100. The address was 1260 N. Redwood Street and was currently zoned Clackamas County RRRF-5 and the request was to rezone to City R-1.5 Medium Density Residential. It was consistent the Development Concept Area and Comprehensive Plan. The portion that the applicant was requesting to be annexed would be added by a property line adjustment. He reviewed the applicable criteria used to evaluate the application. Staff evaluated the provisions and reviewed during a notice Planning Commission meeting. He displayed the legal description prepared by the applicant's surveyor. It was attached as an exhibit to the Ordinance. He explained that the annexation was part of a subdivision that had gone before the Planning Commission. The subdivision (SUB 20-02) was contingent on approval of the annexation and zone change before the Council. If the annexation did not receive approval by the City Council then the subdivision would die as proposed. There were four components for the applicant to finalized Redwood Landing 2. The annexation on its own would not be developable land. Mr. Forsell provided a map of the Redwood Landing 2 subdivision showing the driveway. It was consistent with the long range planning efforts of the City and the Comprehensive Plan. The annexation was part of the North Redwood Development Concept Map and thus met the Code criteria.

Based on the application submitted and the facts, findings, and conclusions of the staff report, the Planning Commission unanimously recommended that the City Council approve ANN/ ZC 20-01; attach the recommended conditions of approval and upon annexation, the subject properties be rezoned to R-1., consistent with the Canby Comprehensive Plan.

Mr. Lindsay clarified that all of the evidence submitted in the packet and presentation was part of the record in the case of an appeal.

Mr. Forsell noted the special recommended conditions from the Planning Commission that were included in the City Council Packet.

PUBLIC TESTIMONY: Mayor Hodson opened the hearing at 8:17 p.m.

The applicant, Rick Givens stated the application for annexation would bring a strip of land into the City that would be a mess if not taken care of. There would be an easement with the subdivision so they would have access and it cleaned things up. It would help fulfill the Redwood Subdivision Concept Plan. He did not have any concerns with the conditions of approval.

There was no further Public Testimony.

The Mayor closed the public hearing at 8:19 p.m.

ORDINANCES

Ordinance No. 1535: An Ordinance, proclaiming annexation into the City of Canby, Oregon 10,878 Square Feet of real property described as a portion of Tax Lot 100 of NW ¼, Sec. 34, T.3s., R.1e., W.M. (Tax Map 31e34b); and approx. 350 Square Feet of adjacent North Redwood Street Right-Of-Way; and amending the existing County Zoning from Rural Residential Farm Forest Five acre (RRFF-5) to City Medium Density Residential (R-1.5) for the entire area; and setting the boundaries of the property to be included within the Canby City Limits. *(First Reading)*

****Council President Dale moved to adopt Ordinance 1535, AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 10,878 SQUARE FEET OF REAL PROPERTY DESCRIBED AS A PORTION OF TAX LOT 100 OF NW ¼, SEC. 34, T.3S., R.1E., W.M. (TAX MAP 31E34B); AND APPROX. 350 SQUARE FEET OF ADJACENT NORTH REDWOOD STREET RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST FIVE ACRE (RRFF-5) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS. Motion was seconded by Councilor Varwig and passed 5-0 on first reading.**

Ordinance No. 1533: An Ordinance authorizing the Mayor and Interim City Administrator to execute a contract with D & I Excavating, Inc. in the amount of \$856,364.00 for Construction of the South Ivy Street Sanitary Sewer Replacement. *(First Reading)*

Mr. Lindsay shared there was a sealed bid and the lowest responsive bidder was D & I Excavating. It was for a 60 year old collection system along South Ivy Street. Included in the work was Replacement of the existing 10" concrete sanitary sewer in the same trench with approximately 2,000 lineal feet of 12" and 1,600 lineal feet of 10" PVC sanitary sewer main lines, reconnect 33 service laterals to the new mainlines, remove and replace 17 manholes, 5 drywells, asphalt trench paving, curb, sidewalks and driveways and existing landscaping restoration.

It was noted that it was a sanitary sewer and SDC funded project.

Mayor Hodson noted that there was a wide spread in the bid amounts.

Councilor Parker asked about how much and when the County might be working on Ivy. He hoped to keep the disruption down on the road as much as possible.

Mayor Hodson encouraged City Staff to reach out to the County to see if there could be any collaboration.

Councilor Parker asked about possibly having a work session about some of the road projects so they could provide information to residents.

****Councilor Spoon moved to adopt Ordinance 1533, AN ORDINANCE AUTHORIZING THE MAYOR AND INTERIM CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH D & I EXCAVATING, INC. IN THE AMOUNT OF \$856,364.00 FOR CONSTRUCTION OF THE SOUTH IVY STREET SANITARY SEWER REPLACEMENT. Motion was seconded by Councilor Varwig and passed 5-0 on first reading.**

Ordinance No. 1534: An Ordinance authorizing the Interim City Administrator to execute a contract with Landscape Structures Inc, to purchase playground equipment for Locust Street Park. *(First Reading)*

Mr. Lindsay stated that the current playground equipment was installed in 1995 and was at the end of its useful life. The new equipment was in the budget for \$150,000 and the actual cost would be \$130,361.47 for a savings of just under \$20,000. There would be equipment to serve the 2-5 and 5-12 age groups.

Councilor Spoon asked if the playground equipment was wheelchair accessible. It appeared that it was not; however, staff would look into accessibility options.

Councilor Varwig asked about using some of the savings to enhance accessibility.

Councilor Parker thought that if there was not any wheelchair accessible equipment and they put some in they could meet the threshold for expanding capacity if the park. He appreciated Parks Lead, Jeff Snyder for involving the Parks and Recreation Committee. He asked that in the future when a citizen committee is involved in the process that it is mentioned in the staff report.

Discussion ensued regarding public contracting law and the City's related ordinance.

****Council President Dale moved to adopt Ordinance 1534, AN ORDINANCE AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LANDSCAPE STRUCTURES INC, TO PURCHASE PLAYGROUND EQUIPMENT FOR LOCUST STREET PARK. Motion was seconded by Council President Dale and passed 5-0 on first reading.**

Ordinance No. 1536: An Ordinance authorizing the Mayor and Interim City Administrator to purchase four (4) vehicles for Canby Area Transit from Creative Bus Sales of Canby, Oregon. *(First Reading)*

Canby Area Transit Director Todd Wood shared that he had gone through the bid process with the State. Bus factories had been shut down due to COVID and were now opened up so he needed to get the new buses ordered in order to meet the grant deadlines. Creative Bus Sales was the winning bidder. He explained that there were two separate pools of money for the buses.

One was from the 5310 which was the Elderly and Disabled fund. That money was being used to replace two buses that had met the Federal Transit Administration and Oregon Department of Transportation guidelines for replacement. They wanted to keep the buses on a steady schedule so they were kept in good repair. The other two buses were being funded through the Statewide Transportation Improvement Fund. Their purpose was to hopefully add a City circulator which had been the desire of the Transit Advisory Committee

The buses would be identical, were versatile, had low floors and were ADA accessible.

Mayor Hodson noted the busses had been budgeted for them knowing there were grants. Former Transit Director Julie Wehling was recognized for her work on acquiring the grants. He shared the City would be spending \$30,000 to acquire the four buses.

****Councilor Varwig moved to adopt Ordinance 1536, AN ORDINANCE AUTHORIZING THE MAYOR AND INTERIM CITY ADMINISTRATOR TO PURCHASE FOUR (4) VEHICLES FOR CANBY AREA TRANSIT FROM CREATIVE BUS SALES OF CANBY, OREGON. Motion was seconded by Councilor Spoon and passed 5-0 on first reading.**

Ordinance No. 1537: An Ordinance authorizing the Mayor and Interim City Administrator to purchase one vehicle for Canby Area Transit from Gillig LLC of California. *(First Reading)*

Mr. Wood explained that the bus would be partially funded by the Federal 5339 grant that had a higher ratio match from the City. The bus would be larger and heavy duty.

****Councilor Varwig moved to adopt Ordinance 1537, AN ORDINANCE AUTHORIZING THE MAYOR AND INTERIM CITY ADMINISTRATOR TO PURCHASE ONE VEHICLE FOR CANBY AREA TRANSIT FROM GILLIG LLC OF CALIFORNIA. Motion was seconded by Councilor Spoon and passed 5-0 on first reading.**

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Amended the IGA between Clackamas County, Canby Fire and the City of Canby to reflect and even split on the distribution of the Community Service Fee.
3. Passed Ordinance No. 1535 to a second reading for September 2nd.
4. Passed Ordinance No. 1533 to a second reading for September 2nd.
5. Passed Ordinance No. 1534 to a second reading for September 2nd.
6. Passed Ordinance No. 1536 to a second reading for September 2nd.
7. Passed Ordinance No. 1537 to a second reading for September 2nd.

The meeting adjourned at 8:59 p.m.

Melissa Bisset, CMC
City Recorder

Brian Hodson