

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
May 15, 2019**

**PRESIDING:** Mayor Brian Hodson.

**COUNCIL PRESENT:** Tracie Heidt, Greg Parker, Traci Hensley, Tim Dale, Shawn Varwig, and Sarah Spoon.

**STAFF PRESENT:** Joseph Lindsay, City Attorney; Julie Blums, Finance Director; Jamie Stickel, Economic Development Director; Julie Wehling, Transit Director; and Kim Scheafer, City Recorder.

**OTHERS PRESENT:** Fire Chief Jim Davis, Aaron Bell, Andrew & Julie Simpson, Eric Pfeiffer-Robinson, Pat Imholt, Michael Terryah, and David Thorndike.

**CALL TO ORDER:** Mayor Hodson called the Regular Meeting to order at 7:00 p.m. in the Council Chambers followed by the opening ceremonies.

**COMMUNICATIONS:** None.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Eric Pfeiffer-Robinson, Canby resident, said he wanted to ask the Council about the goals and values of the City and what it meant to maintain the small town feel. He noticed a dead tree by Arneson Gardens. He thought it looked like there was too much root damage done to the tree from construction. The tree should be removed because it was hazardous.

Mayor Hodson said small town feel to him meant the sense of community and maintaining that connection.

**MAYOR'S BUSINESS:** Mayor Hodson said the initial IGA meeting between the City and School District would be occurring tomorrow. The Clackamas County Vehicle Registration Fee was still moving forward. The funds would be used to address safety concerns, to look at County roads inside city limits, and congestion issues. C4's annual retreat would be in June where the Vehicle Registration Fee Strategic Investment Fund would be discussed as well as the County-wide Housing Needs Assessment and Housing Funds Strategy. He explained how the vehicle registration fees would be distributed with 60% going to the County, 40% to the cities, and 10% of the County's share would go to the Strategic Investment Fund for larger projects. The Parks and Recreation Advisory Board meeting would be next Tuesday. The City Budget Committee met last Thursday and would meet again tomorrow.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Heidt said she toured N Maple Street where the new sidewalks were being put in and discussed how the neighbors had dedicated private property for the project.

Councilor Parker invited everyone to the Wine and Food Festival on May 31, June 1 and 2. This was one of the Clackamas County Event Center's fundraisers. He spent part of the afternoon with the Canby Beautification Group who was planting flowers and weeding along 99E across from Fred Meyer.

Councilor Dale attended the retirement of Captain Bunnell from the Fire Department. Bonneville Power Administration was forecasting a rate increase of less than five percent. Public hearings would be in October and the new rate would be in effect in November. Canby Utility was contracting for electrical linemen, as there was a shortage. They were currently doing locates and installations. The annual Water Quality Report would be going out in the water bill.

Councilor Varwig said the library would be closed on Sundays in the new fiscal year. They would be meeting with the County regarding the district map boundaries.

Chief Jim Davis said Chief Todd Gary's retirement would be on June 11. Two new fire fighters had been hired. They were working on acquiring the property for the north side EMS station. After the EMS station was built, the main station would be remodeled. McKenzie and Associates had been hired for the remodel of the main station. The budget would be going to the Board at next month's meeting. The Mulino Road fire was a challenge to put out. He was proud of the fire fighters for their work. The Board meetings were on the 4<sup>th</sup> Wednesday of each month.

Councilor Spoon said Bridging Cultures first Saturday at the park would be on May 25. First Thursday in June would be called Canby Healthy. Regarding the small town feel, she had recently been having coffee with a pastor in town and she had said the thing she loved most about Canby was the lack of anonymity. She was raised here and couldn't go anywhere without seeing someone she knew. She loved that all of her neighbors wanted to help each other.

**CONSENT AGENDA: \*\*Councilor Dale moved to adopt the minutes of the May 1, 2019 City Council Regular Meeting and the reappointment of Lawrence Vargas to the Heritage and Landmark Commission for a term to expire on June 30, 2022. Motion was seconded by Councilor Hensley and passed 6-0.**

**PUBLIC HEARINGS:** Update to Master Fee Schedule – Mayor Hodson read the public hearing script.

Julie Blums, Finance Director, presented the staff report. The City's new Senior Planner did a comprehensive review of the fees and compared them to other cities. She reviewed the proposed changes to the Master Fee Schedule. For Court, the Court Appointed Attorney Fee would be increased and the Distracted Driving Class Deferred Sentence Fee could no longer be deferred on people's driving records. For Library, there were additional fees for new services such as checking out laptops and the Library of Things. For Swim Center, the public rentals rate would be increased. For Parks, Wait Park rentals and the parks maintenance fee would be increased. For Cemetery, the cost of burial plots and niches would be increased. For SDCs, there would be an annual construction cost index increase of 2.4%. For Public Works, equipment rates would be increased as well as the new design exception fee. For Planning, fees for annexations, appeals, building permit site plan review, Comprehensive Plan amendments, legislative text amendments, planned unit developments, public improvement engineering plan review, and construction excise tax would be increasing.

Mayor Hodson asked what led to all the changes in the Planning Department.

Ms. Blums said that when new people came in they had different perspectives about recovering the costs. The fees that were currently being taken in were only covering around 50% of the cost of doing the work for Planning.

There was discussion regarding the regulations for sidewalk cafés and zoning letters.

Councilor Parker asked why they were indexing the fee for parks, but not for street maintenance.

Ms. Blums said the parks fee was built into the ordinance and it was not in the street maintenance fee ordinance and it was not automatically indexed. They were waiting to see how much the City would get from the County to see if that would be enough before raising the fee.

Councilor Parker would like to have the discussion about whether or not to index it.

Ms. Blums thought it could be a discussion at Budget Committee meetings to decide what fees should automatically have an index increase every year and which ones to look at individually.

Mayor Hodson opened the public hearing at 7:44 p.m.

Proponents: Mr. Pfeiffer-Robinson said he was a proponent of the fees. He supported Ms. Blum's ideas.

Opponents: None.

Mayor Hodson closed the public hearing at 7:46 p.m.

Perlo Construction Noise Variance (2425 SE First Avenue) – Mayor Hodson reviewed the public hearing procedures.

Kim Scheafer, City Recorder, provided the staff report. Perlo Construction had requested a noise variance for concrete pouring on SE First Avenue from June 24, 2019 through December 6, 2019 from 3:00 a.m. to 7:00 a.m. No pours would occur prior to 7:00 a.m. on the weekends. She reviewed the four items the Council needed to consider in granting a variance.

Applicant: Dustin Vigue, Perlo Construction Site Superintendent, said going until December was the worst case scenario. They planned to be done by mid-November. They would be pouring 22,000 yards of concrete for this project. They had gone to all the properties that were within 200 feet and handed out business cards to them so they could contact him.

Councilor Spoon asked how long it would prolong the project if they did not have the noise variance.

Mr. Vigue explained it was not so much the duration as it was the hours to take advantage of the light. He thought starting early would also help with not blocking morning traffic with all of the cement trucks.

Councilor Heidt asked if the trucks would start arriving at 3 a.m.

Mr. Vigue said starting at 3 a.m. would allow them to be prepped and ready for when the cement trucks came at 4 a.m. They should be done pouring by 7 or 8 a.m. There would be some back up beeping noises at that time. He thought they would be able to be done every day by 4 to 5 p.m. if they were able to start early.

Councilor Varwig asked what kinds of noises and lights he expected and how it would affect the neighbors.

Mr. Vigue said the backup beepers would be more like white noise. He would do everything he could to not disrupt the neighbors. They would have light towers, but would make sure they were facing the project and the back of the lights would be to the residents.

Councilor Heidt clarified the majority of the noise would be the beeping and trucks churning.

Mr. Vigue shared that they would have a construction entrance on Walnut by Canby Excavation which would be away from residents.

Councilor Parker asked about the route for the concrete trucks.

Mr. Vigue said they would be coming down 99E, turning onto Sequoia and then onto Walnut.

Mayor Hodson opened the public hearing at 8:02 p.m.

Proponents: None.

Opponents: Aaron Bell, Canby resident, lived on SE 1<sup>st</sup>. It was news to the neighbors that trucks would not be coming down SE 1<sup>st</sup> Avenue. With the clarification of the route, their concern had been resolved.

Joe Lindsay, City Attorney, said 1<sup>st</sup> Avenue was going to be enhanced for the purpose of becoming a route for some of the trucks after the project had been built.

Councilor Varwig asked if they could educate their staff on taking the same route as the cement trucks.

Andrew Simpson, Canby resident, said there was already a heavy amount of truck traffic early in the morning on SE 1<sup>st</sup> and not pertaining to Perlo's project.

Councilor Dale suggested adding a condition regarding the truck route. He was also concerned about Walnut being able to handle the weight from the cement trucks.

Mr. Lindsay said any damage to the road would be remedied by the developer.

Mayor Hodson asked about the parking lot for staff.

Mr. Vigue said there would be a designated gravel area for parking.

Mayor Hodson asked that they make sure that the trade workers take the same route as the trucks.

Mr. Vigue said the workers had to go to a safety orientation and he could give them a map of the route to take. They would be redoing part of Walnut Street as a part of this project.

Councilor Varwig asked if the variance could be rescinded.

Mr. Lindsay said yes, it could.

Mayor Hodson closed the public hearing at 8:17 p.m.

**\*\*Councilor Spoon moved to grant a Noise Variance to Perlo Construction from June 24, 2019 through December 6, 2019 from 3:00 a.m. – 7:00 a.m. with the condition that all cement and construction trucks use the agreed upon ingress and egress via Hazel Dell Way and Walnut and not using SE 1<sup>st</sup> Avenue. Motion was seconded by Councilor Varwig and passed 6-0.**

**RESOLUTIONS & ORDINANCES: Resolution 1312 – \*\*Councilor Hensley moved to adopt Resolution 1312, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY, OREGON, SETTING FEES FOR SERVICES AND REPEALING RESOLUTION 1284 AND ALL PREVIOUS RESOLUTIONS ADOPTING A MASTER FEE SCHEDULE. Motion was seconded by Councilor Heidt and passed 6-0.**

Resolution 1314 – Ms. Blums said this was a budget appropriation transfer which did not increase expenditures, but was a transfer of authority to spend from one department to other departments. An online timekeeping system was implemented this year. Previously managers had to estimate how long their staff worked in certain areas. With the online system, they were able to see the actual allocation of time staff was working. There were a few departments that were off quite a bit, Administration, Finance, and Planning. She explained the reasons for this difference.

**\*\*Councilor Hensley moved to adopt Resolution 1314, A RESOLUTION ADOPTING BUDGET APPROPRIATION TRANSFERS FOR THE 2018-2019 FISCAL YEAR. Motion was seconded by Councilor Heidt and passed 6-0.**

Resolution 1321 – Mr. Lindsay said this was an agreement for the improvement of SE 1<sup>st</sup> Avenue that stated the City would pay up to half of the \$500,000 cap. The City would be responsible for up to \$250,000 and the developer would match the City and pay anything over the \$500,000.

Mayor Hodson said this was a joint venture project with the City and Canby East Associates, LLC.

Councilor Heidt asked about the timing of the project.

Mr. Lindsay thought it would be a year from now after the building was finished.

**\*\*Councilor Varwig moved to adopt Resolution 1321, A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CANBY AND CANBY EAST ASSOCIATES, LLC FOR THE IMPROVEMENT OF SE 1<sup>ST</sup> AVENUE BETWEEN HAZEL DELL WAY AND S. WALNUT STREET, AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE DEVELOPMENT AGREEMENT AND OTHER DOCUMENTS AS MAY BE REQUIRED TO COMPLETE THE TERMS OF THE AGREEMENT. Motion was seconded by Councilor Hensley and passed 6-0.**

Ordinance 1506 – **\*\*Councilor Heidt moved to adopt Ordinance 1506, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH KINTECHNOLOGY, INC. TO CONTINUE TO PROVIDE COMPUTER TECHNICAL SERVICES FOR THE CITY, NOT TO EXCEED \$100,000.00; AND REPEALING ORDINANCE 1487. Motion was seconded by Councilor Spoon and passed 5-0-1 by roll call vote with Councilor Varwig abstaining.**

Ordinance 1507 – Julie Wehling, Transit Director said ridership was up 14% in the first 12 months of the new service on 99E. This amendment would allow new Saturday service which would begin on

September 7. It had been almost 10 years since Saturday service was suspended. A public meeting was scheduled for August 1 to discuss options for the schedule. A text message list for notifications had been set up for English and Spanish speakers. Approximately 10 hours of service would be implemented on the 99E route and 20 hours of service on the Dial-a-Ride for Saturday. The new service would allow riders to access the TriMet service. Both Cherriots and Woodburn would also be implementing Saturday service. This ordinance added \$55,000 in the current budget and added \$144,000 in next year's budget. She introduced David Thorndike who was the new General Manager for MV.

Mayor Hodson thanked Ms. Wehling for her work.

Councilor Heidt thought the text messaging was a good addition.

**\*\*Councilor Hensley moved to approve Ordinance 1507, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO ITS CONTRACT WITH MV TRANSPORTATION, INC OF DALLAS, TEXAS FOR PROVIDING TRANSIT OPERATIONS FOR CANBY AREA TRANSIT (CAT); AND DECLARING AN EMERGENCY to come up for second reading on June 5, 2019. Motion was seconded by Councilor Heidt and passed 6-0 on first reading.**

Ordinance 1508 – **\*\*Councilor Heidt moved to adopt Ordinance 1508, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE- ELSNER, INC. IN THE AMOUNT OF \$1,042,657.50 FOR CONSTRUCTION OF THE 2019 STREET MAINTENANCE PROGRAM; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Varwig and passed 6-0 by roll call vote.**

Ordinance 1509 – **\*\*Councilor Hensley moved to adopt Ordinance 1509, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MASTER CLEEN, INC. FOR JANITORIAL SERVICES FOR VARIOUS CITY FACILITIES, NOT TO EXCEED \$57,987.00; AND REPEALING ORDINANCE 1484. Motion was seconded by Councilor Parker and passed 6-0 by roll call vote.**

Ordinance 1510 – **\*\*Councilor Spoon moved to adopt Ordinance 1510, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CANBY EXCAVATING, INC. FOR THE WASTEWATER TREATMENT FACILITY EFFLUENT PIPELINE REPLACEMENT PROJECT; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Hensley and passed 6-0 by roll call vote.**

Ordinance 1512 – Mr. Lindsay said the HVAC system in the pool was no longer working. It was a specialized one and it needed to be special ordered. The emergency clause would allow staff to order it and have it installed by August.

There was discussion regarding how the current system had been in place since 1990.

**\*\*Councilor Hensley moved to approve Ordinance 1512, AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH HMS COMMERCIAL SERVICE, INC. FOR HVAC IMPROVEMENTS FOR THE CANBY SWIM CENTER; AND DECLARING AN EMERGENCY to come up for second reading on June 5, 2019. Motion was seconded by Councilor Varwig and passed 6-0 on first reading.**

**NEW BUSINESS:** None.

**CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** Mr. Lindsay said the Court of Appeals affirmed the LUBA decision on the 7 Acres development without an opinion. The City's decision was done correctly.

**CITIZEN INPUT:** None.

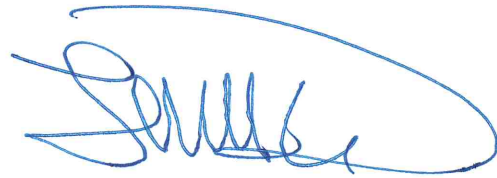
**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Approved the Noise Variance for Perlo Construction with a condition on the route for construction and cement trucks.
3. Adopted Resolution 1312.
4. Adopted Resolution 1314.
5. Adopted Resolution 1321.
6. Adopted Ordinance 1506.
7. Approved Ordinance 1507 to come up for second reading on June 5, 2019.
8. Adopted Ordinance 1508.
9. Adopted Ordinance 1509.
10. Adopted Ordinance 1510.
11. Approved Ordinance 1512 to come up for second reading on June 5, 2019.

Mayor Hodson adjourned the Regular Meeting at 8:52 p.m.



Kimberly Scheafer, MMC  
City Recorder



Tim Dale  
Council President



Assisted with Preparation of Minutes - Susan Wood