

**CANBY CITY COUNCIL
WORK SESSION
April 20, 2022**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Traci Hensley, Christopher Bangs, Shawn Varwig, Sarah Spoon, and Greg Parker.

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Maya Benham, Deputy City Recorder; Jerry Nelzen, Public Works Director.

CALL TO ORDER: Mayor Hodson called the Work Session to order at 6:04 p.m. in the Council Chambers.

DISCUSSION REGARDING STREET FEE: Scott Archer, City Administrator, and Jerry Nelzen, Public Works Director, gave a presentation on the Street Maintenance Fee Program. They gave a background on the fee, projects from 2008-2022, rates including residential and non-residential, and level of service (PCI). Last year, the City-wide average score was 75. The industry recommendation was 84. This meant the City was in the good zone for PCI.

Councilor Spoon wanted to know the last time the PCI score was done. Mr. Nelzen stated it was done in October of 2018. He would have to review what the previous score was.

Councilor Parker was interested in looking at the non-residential formula to see whether it captured the wear and tear on the roads and everyone was paying their appropriate share.

Councilor Bangs asked if sidewalks were covered separately or were included in this fee. Mr. Nelzen said they required separate funding.

Mr. Archer and Mr. Nelzen continued the presentation by discussing the centerline miles paved annually, fee with annual inflationary increases, estimated revenue foregone based on the construction cost index, and PCI ratings and projections.

Councilor Spoon asked what other cities' PCIs were on average. Mr. Nelzen said most cities relied on their Councils to determine the PCI. It was generally around 80, but he could bring back that information.

Mr. Archer gave these options to consider:

1. Continue the \$5 per year Street Maintenance Fee (no changes, PCI continues to decrease over time).
2. Adjust the Street Maintenance Fee annually based on the CPI (does not bring the City back to 75 PCI).
3. One-time adjustment to the Street Maintenance Fee of \$2.50 per month (for a total of \$7.50 per month) for a PCI of 75.
4. One-time adjustment to the Street Maintenance Fee of \$2.50 per month, and adjust the fee annually based on the CPI (attains and maintains the PCI of 75).

5. Determine the PCI rating goal and refer the Street Maintenance Fee funding option to the voters.
6. Other Council recommended options not noted.

Mayor Hodson suggested using reserves to catch up on street maintenance.

Councilor Varwig wanted to know how the surrounding cities were handling their street maintenance fees. Mr. Archer would check with other cities and at what level they employed a street maintenance fee.

Councilor Parker stated Wilsonville's budget dropped because well maintained roads were cheaper to maintain. Reserves might need to be used for ADA ramps. His preference was to go with Option 4.

Councilor Bangs wanted to go with Option 4 with some adjustments. He asked about the \$2.50 increase per month. He preferred to only adjust the PCI for senior citizens to have the least amount of increase on them. He did not think using reserves would solve the problem.

Councilor Spoon preferred to do a PCI adjustment on the marginalized communities. She was also for Option 4, but wanted to revisit the commercial rating and their trips per day.

Councilor Bangs did not think all businesses should be treated the same, as they used the streets differently.

Councilor Parker agreed with the idea to hold harmless those that were low income and to look at how to charge businesses differently.

Councilor Bangs was concerned about waiting to make any adjustments and the City falling further behind. Mr. Archer said they could do a one-time adjustment until a permanent solution was decided.

There was discussion regarding the options for the one-time adjustment.

Council President Hensley thought they should pick the level of service they wanted and take it to a vote, Option 5.

Mayor Hodson asked for a staff recommendation.

Mr. Archer recommended Option 4 to maintain the current level of service moving forward. Looking at the commercial rate could influence Option 4 and the residential rate. Mr. Nelzen agreed that his preference was Option 4 as well.

Mayor Hodson adjourned the Work Session at 7:12 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
April 20, 2022**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Traci Hensley, Christopher Bangs, Shawn Varwig, Sarah Spoon, and Greg Parker.

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; and Maya Benham, Deputy City Recorder.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:32 p.m. in the Council Chambers followed by opening ceremonies.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Jamie Stickel, Economic Development Director, announced the ribbon cutting event for Tin and Paisley on May 5.

PUBLIC HEARING: Noise Variance request from the Oregon Department of Transportation (ODOT) –

Mayor Hodson opened the public hearing.

The noise variance request was expected to be 12 workdays between October 25, 2022 and April 25, 2023. The addresses of variance: OR 99 E and 4th Pine Street (estimated 3 days), OR 99 E and S Ivy Street (estimated 3 days), OR 99 E and S Grant Street (estimated 3 days), and OR 99 E and SW Berg Parkway (estimated 3 days).

Robert Schiavone, ODOT, said this project originally bid in December and only one contractor bid on the project, which was 30% over the engineer's estimate. The bid was rejected and would go out for rebid, which was the reason for the change in timeframe for the project. They would rebid in July and construction would start in the 2022-23 season. He did not know what would happen if the bids came in high again, especially if there was only one bid.

There was no public testimony.

Mayor Hodson closed the public hearing.

****Council President Hensley moved to approve the noise variance request from ODOT. Motion seconded by Councilor Varwig and passed 5-0.**

CONSENT AGENDA:

****Council President Hensley moved to approve the minutes of the February 16, 2022 City Council Regular Meeting and the amendment to the City Attorney/Assistant City Administrator Employment Contract. Motion seconded by Councilor Varwig and passed 5-0.**

ORDINANCE: Ordinance 1570 –

Brianna Addotta, Associate Planner, presented on the food cart pod text amendments. She gave a project overview and discussed local business outreach, definitions added to the code, draft code sections, purpose of the regulations, applicability, zoning where the pods would be allowed, administration, site and amenity standards, individual cart design standards, parking, utilities, licensing, signage, and standards for M-1 and M-2 zoning districts.

Councilor Spoon suggested two amendments, one to the definition of food cart pods that they would consist of 3 or more carts not one or more carts, and the other that a food cart did not have to have food be made to order.

There was discussion regarding the fee, pod sizes, and full cost recovery.

****Councilor Varwig moved to adopt Ordinance 1570, AN ORDINANCE AMENDING CANBY'S TITLE 16 OF THE CANBY MUNICIPAL CODE ADDING NEWLY CREATED CODE CHAPTER 16.45 FOR FOOD CART PODS AND MODIFYING EXISTING CHAPTERS IN THE TITLE TO BE CONSISTENT WITH CHAPTER 16.45 with the proposed amendments to come up for second reading on May 4, 2022. Motion seconded by Council President Hensley and passed 5-0 on first reading.**

NEW BUSINESS: Discussion Regarding Sergeant at Arms Presence at Council Meetings –

Joe Lindsay, City Attorney/Assistant City Administrator, gave options to the Council for a Sergeant at Arms presence at meetings including asking an officer to attend the entire meeting, asking the officer to come at a specified portion of the meeting such as during public comment, having an officer close by that could be called at a moment's notice, or having the court bailiff serve as the officer.

Councilor Spoon didn't object to having a bailiff instead of a regular officer to save on costs. She objected to saying exactly when security would be there for safety issues.

Councilor Varwig thought an officer on duty could attend the meetings.

Councilor Bangs suggested public comment only at the beginning of meetings and remove the second citizen input from the Council agenda.

Council President Hensley agreed to eliminate the second citizen input.

Councilor Parker agreed there should be public comment only at the beginning. He did not think an officer was required at every meeting. He suggested staff give a confidential response on how to proceed.

Mayor Hodson thought there should be an officer on standby that could be called when needed.

Councilor Spoon also supported removing the last citizen input on the agenda.

Council President Hensley said they should still allow people to speak on items on the agenda.

Mr. Lindsay agreed to provide a confidential response to the Council on options.

MAYOR'S BUSINESS:

Mayor Hodson said the Clackamas County Coordinating Committee discussed housing in the County. The Parks and Recreation Advisory Board discussed trail signage and the Parks Master Plan which would come to Council on the second meeting in May. That would probably be the only item on the May 18 meeting. He proposed an earlier start time to review the document. He envisioned the Council sitting on the main floor with the Board.

Councilor Spoon suggested only a Work Session that evening and cancelling the regular session to allow enough time to discuss it.

Mayor Hodson said the Board also discussed the Community Park pond and eliminating the algae growth this spring, bathroom development, and tree removal which would be finished by the first week of May. The pickle ball court ribbon cutting would be in June. He announced the Canby Prayer Breakfast on May 5 at Cutsforths at 7:00 a.m.

COUNCIL COMMENTS & LIAISON REPORTS:

Councilor Spoon said Bridging Cultures would begin their summer gatherings on May 21. The Bike Rodeo would also be on May 21. She had attended the neighborhood meeting on the Traverso property and a Diversity, Equity, and Inclusion seminar.

Council President Hensley stated the Traffic Safety Commission was working on a parking situation on 2nd and 3rd. She asked about the business license status. Mr. Lindsay said they had been operating without a license, but Code Enforcement had taken care of it.

Council President Hensley said the Commission would send a request letter to ODOT regarding signage on 99E. She attended the neighborhood meeting on the Traverso property and French Prairie Forum where tourism was discussed.

Councilor Varwig reported on the Planning Commission Work Session where there was training for new members. He discussed CTV5 equipment upgrades.

Councilor Bangs said Mr. Lindsay attended the Library Board meeting in his absence. Mr. Lindsay said the Board discussed the ordinance that removed the Library Director from being the Secretary of the Board. The Board felt like it was brought in without their input. He explained why it was changed to be consistent with the rest of the City's boards. However, the Board explained that the state library system had a statute which required it. The Board was continuing to look at other OARs and would make a recommendation to the Council for moving forward. Councilor Bangs said there were two applicants for the current Board vacancy.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Archer announced the celebration for the Arch would occur in early June. Staff was working to tie it into the First Thursday event. There would be a meeting involved with the quiet zone on May 19. He reminded Council about the Special Called Council Meeting on April 27 to interview for the Council vacancy. Seven applications had been received.

There was discussion regarding the interview process.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Approved Ordinance 1570.
3. Approved the Noise Variance.

There was no Executive Session.

Mayor Hodson adjourned the meeting at 9:28 p.m.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood