

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
January 18, 2017**

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; Curt McLeod, City Engineer; Bryan Brown, Planning Director; and Kim Scheafer, City Recorder.

OTHERS PRESENT: Colleen DeShazer, John Savory, Lee & Kim Wiegand, Pamela White, Irene Konev, Fire Chief Jim Davis, Sara Hepler, Dezmoree Johnson, Ken Riley, Kevin & Jeshua Hayes, Phyllis Stuart, Karyn Fenton, Carol Kramer, and Buzz & Patsy Weygant.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:30 p.m. in the Council Chambers.

Statement for a Safe Community – Mayor Hodson read the following Statement for a Safe Community: *“This past July the Canby City Council made a very strong statement condemning the use of statements, symbols, actions or activities that would convey messages of hatred, or in any way seek to deprive any person of their fundamental rights. The Council went on to expressly support and endorse a culture of appreciation for the inherent value for all persons within the community regardless of race, sex, age, national origin, religion, sexual orientation, or other characteristic.*

We feel it is very important to reaffirm our commitment and our responsibility to be vigilant in defense of the rights of all people, proactive in our attempts to be a welcoming and community for all people looking for a better life, and steadfast and vigorous in condemning all forms of unconstitutional infringement.

These are powerful words. Without action they become and then are meaningless unless each of us strives in all we do to set the example for our families, friends, and neighbors. By us not picking and choosing who is included, is our true test, and will ultimately define how we will grow and prosper as a community.

We feel it is very valuable to reaffirm the City’s statements of inclusion, and invite the entire community to likewise do their part. We must remember that it will be the combined actions of our entire community, and not simply the statement of the Mayor and City Council, that will be our guiding force.

We believe in our city and the ability to come together and be successful. Let each of us be the example by modeling behaviors that promote a safe environment for all of our residents and be the example for other cities to emulate.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Lee and Kim Wiegand, Canby residents, handed out prayer cards for the Council to fill out with prayer requests. They appreciated what the Council did and would pray for the Council every Tuesday night.

John Savory, Canby resident, thanked the Council for crafting a safe community statement. It was a statement reaffirming that Canby was an open and friendly place to live. Some of the impetus for requesting the statement was fear surrounding the new President. His observation was that the side that was out of power always projected the worst traits and characteristics on their opponents. He reminded those who requested the statement that there already existed a statement far more powerful than anything the Council could craft, the United States Constitution. It applied to all legal citizens regardless of ethnicity, religion, or gender. The Council swore to uphold the laws in the Constitution and in four years they would be voting again on a new administration. He thought the Council did a good job with the statement.

Pamela White, Canby resident, said despite the fact they had a wonderful Constitution, there were still a lot of fearful people. She thanked the Council for the statement.

MAYOR'S BUSINESS: Mayor Hodson thanked Canby Rental as one of their employees hooked up a snow plow and plowed the snow in the downtown area. The Urban Renewal Agency met prior to the Council meeting and Mallory Gwynn, Chamber Executive Director, spoke about a meeting that had been held regarding the business climate in Canby and ways to help the business community. The Clackamas County Coordinating Committee would be chaired by Clackamas County Commissioner Jim Bernard and they would be redoing some of their bylaws. He attended the Parks and Recreation Advisory Board meeting on Tuesday where a future dog park, Logging Road Master Plan, and Willow Creek restoration project were discussed. He encouraged people to take the park survey which could be found on the City's website.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Smith said the Planning Commission met Monday. They approved a zone change from R1 to R2 and approved a Conditional Use and variance for Puddin' River Chocolates. He discussed a fundraiser for Asher Davies who had a rare form of leg cancer.

Councilor Parker said the Independence Day Committee was looking for more volunteers. The Historic Review Board met on January 9 where they reviewed historic homes to be put on the national register and discussed putting together a register of businesses that had been in the community for 50 or more years. The next Bike and Pedestrian Advisory Committee meeting would be held on January 24. One of the Bike and Ped Committee's top priorities was a connection from Molalla to Canby by the Logging Road Trail.

Councilor Hensley said the meetings of the committees she was liaison to had been cancelled due to the weather.

Councilor Dale said Gary Potter had been appointed Chair of the Canby Utility Board again. Canby Utility had a program called Share the Warmth which was a donations program to help those in need to pay their power bills. To date they had helped 283 families. They also had a filter rebate program in which people who purchased a water filter could get credit of up to \$25 to be applied to their water bill. Canby Utility was working on the design of their new building. They donated green power to Canby parks and transit mall.

Councilor Heidt said Lori Fitzgerald retired from the Canby Public Library. They were in the process of filling her position as well as hiring on call staff. The Library was analyzing some programming data to see which programs didn't have the best attendance. One of their goals was to do more outreach to

underserved communities. There had been a problem with service animals in the library and they were working with the City Attorney on what could be done. The Friends of the Library Annual Meeting would be held on February 9. A warming shelter was not offered in Canby, but there was one in Oregon City through the Father's Heart ministry and there was a shelter in Molalla. She attended the Concilio meeting, the advisory committee to Bridging Cultures.

Councilor Spoon said it was her intention to attend a meeting of every City committee. She attended the CTV5 Board meeting where they discussed ways to increase engagement with the community.

CONSENT AGENDA: **Councilor Dale moved to adopt the minutes of the January 4, 2017, City Council Regular Meeting and Special Meeting. Motion was seconded by Councilor Heidt and passed 6-0.

PUBLIC HEARING: SE 13th Avenue Sanitary Sewer Collection System Sequoia Parkway to Mulino Road Advance Finance District – Mayor Hodson read the public hearing format.

Curt McLeod, City Engineer, presented the staff report. The process of forming an Advanced Finance District was started in November where the Council granted the City Administrator authority to make the application. That entailed doing an engineer's report, and the second stage was presenting the report and recommendation for Council to form the district. The next step would be to build the improvements and come back to Council with the final cost allocations. He gave some history on when the City had done an Advance Finance District in the past. The purpose of the district was to invest costs that would normally be the responsibility of the private property owner and to coordinate multiple property owners to achieve a result. The City would build a sanitary sewer line on SE 13th Avenue from Sequoia east until it turned and went under the railroad. This would be an eight inch gravity sewer line. Future development would depend on this pipeline being in place as well as a pump station that would serve the rest of the industrial park and residential development on SE 13th. They estimated the total cost to be \$175,000 and it would be allocated to everyone that abutted the pipeline. The pump station was SDC eligible and the portion that was not eligible would be allocated to the benefitting property owners as well. The intention was to collect bids and come back to the Council in February. Construction would begin in May or June. Another resolution would be brought back to the Council after the project was completed with the actual costs.

Rick Robinson, City Administrator, said two pieces of correspondence had been received. The first was from Lisa Weygandt who thought an appropriate interest rate to be assigned to this was 1.69%. He had gone back and forth with the City Engineer on this. The City had the authority to charge up to a maximum of 9%, but staff's recommendation was a total rate of 3.5%. The second letter was from Kathleen Myron who expressed concern regarding the location of the pump station on the property. It was an actively farmed site with no protected species of vegetation. When you established a pump station, you did it at the lowest point possible so it could be gravity fed and that was what was being done here. It was not on a FEMA flood map area. He would meet with Ms. Myron and discuss her concerns regarding the property.

Councilor Heidt asked about the Willow Creek improvement.

Mr. McLeod said the existing pump station at Willow Creek was going to be rebuilt this year in order to serve a larger area.

Councilor Dale asked how many property owners would be affected.

Mr. McLeod said there were four. He explained why the Construction Cost Index was being used instead of the Consumer Price Index for the cost of inflation that was reflected in the interest rate. It was a common index used for construction financing and would more accurately reflect what the inflation impact would be for that construction.

Mayor Hodson asked if there had been a jump in the cost of development over the past year.

Mr. McLeod said yes, there was a lot of demand for housing and prices were higher. A lot of tradesmen were lost in the economic downturn and now it was hard to find people to do what needed to be done.

Councilor Parker discussed the property owned by the Gun Club and if it would be residential in the future. Mr. McLeod expected it would be and confirmed the eight inch pipe and pump station would provide enough capacity for future development.

Mayor Hodson opened the public hearing at 8:37 p.m.

Proponents: None.

Opponents: None.

Mayor Hodson closed the public hearing at 8:38 p.m.

RESOLUTIONS & ORDINANCES: Resolution 1257 – ****Councilor Heidt moved to adopt Resolution 1257, A RESOLUTION DESIGNATING THE SE 13TH AVENUE SANITARY SEWER IMPROVEMENT PROJECT AS AN ADVANCE FINANCED PUBLIC IMPROVEMENT, AND PROVIDING FOR ADVANCE FINANCED REIMBURSEMENT FROM BENEFITTED PROPERTY OWNERS. Motion was seconded by Councilor Smith and passed 6-0.**

Ordinance 1456 – ****Councilor Smith moved to adopt Ordinance 1456, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH ANGELTRAX MOBILE VIDEO SURVEILLANCE OF NEWTON, ALABAMA FOR THE PURCHASE AND INSTALLATION OF SURVEILLANCE CAMERA EQUIPMENT AND A CELLUAR DATA SERVICE PLAN FOR THE CANBY AREA TRANSIT (CAT) FLEET OF BUSES. Motion was seconded by Councilor Hensley and passed 6-0 by roll call vote.**

NEW BUSINESS: Request from Mobilitie, LLC for Small Cell Attachment(s) to Existing Infrastructure in Canby's Public Right-of-Way – Colleen DeShazer said her telecommunications company, Mobilitie, was the nation's largest public utility and infrastructure developer. They were in the middle of a major national infrastructure deployment in order to meet demands. She recently took over this jurisdiction and after talking with staff learned about the no new pole policy and that infrastructure was to go underground. She was proposing an alternative to undergrounding, which was to install small cell attachments to existing infrastructure in the right-of-way. She showed examples of what it would look like. She needed approval from Council to use the right-of-way before discussing this with Canby Utility. The City's Code did not directly deal with this issue, but she would work with staff to address any concerns and meet the City's needs. She wanted to know what kind of appetite the Council had for allowing this type of infrastructure deployment in the right-of-way.

Joe Lindsay, City Attorney, stated the Code said any new facilities and utilities were to go underground if they were in the public right-of-way, however they did allow cell towers. Did they see this more as a cell tower or cable and pole and would they allow putting antennas on top of existing poles.

Councilor Smith thought this should be looked at holistically with more information about the technology, telecommunication franchise agreements, and existing service providers.

Mr. Robinson said staff would meet with Ms. DeShazer to better understand the technology and look at existing models from other jurisdictions. The information would be brought back to Council in a Work Session.

CITIZEN INPUT: None.

ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Robinson said Canby was recognized as the second safest mid-sized city in the state of Oregon behind Sherwood and the 13th safest city overall throughout the state.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Resolutions 1257.
3. Adopted Ordinance 1456.
4. Staff would research information on small cell attachments to existing infrastructure in Canby's public right-of-way and bring the information back to Council in a Work Session.

There was no Executive Session.

Mayor Hodson adjourned the Regular Meeting at 9:07 p.m.

Kimberly Scheafer, MMC
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood