

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
April 21, 2021**

PRESIDING: Mayor Hodson

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

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney; Jerry Nelzen, Interim Public Works Director; Julie Blums, Finance Director; Melissa Bisset, City Recorder/ HR Manager; Valerie Kraxberger, Office Specialist – Tech Services.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:44 p.m.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None

CONSENT AGENDA: **Council President Hensley moved to adopt the minutes of the March 17, 2021 City Council Work Session and Regular Meeting, OLCC application for an off premises license for Denny's restaurant located at 1369 SE 1st Avenue, and OLCC application for distillery sales from Columbia Distributing located at 2525 SE 1st Avenue. Motion was seconded by Councilor Varwig and passed 6-0.

ORDINANCES & RESOLUTIONS:

Ordinance 1546 – **Councilor Varwig moved to adopt Ordinance 1546, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE CHANGE ORDER NUMBER 4 TO THE 2020 WWTP PRIMARY CLARIFIER IMPROVEMENTS CONTRACT WITH R.L. REIMERS COMPANY FOR COMPLETION OF SITE RESTORATION TASKS; AND DECLARING AN EMERGENCY. Motion was seconded by Council President Hensley and passed 6-0 by roll call vote.

Ordinance 1548 – **Council President Hensley moved to adopt Ordinance 1548, AN ORDINANCE AUTHORIZING THE CANBY CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH GREENPLAY, LLC TO PREPARE A PARKS AND RECREATION MASTER PLAN AND PARKS SYSTEM DEVELOPMENT CHARGE METHODOLOGY UPDATE. Motion was seconded by Councilor Varwig.

Councilor Spoon asked when the community input process would occur for the project.

Scott Archer, City Administrator, said it would be in the next 2-3 months. Mayor Hodson said there would be four community meetings.

Motion passed 6-0 by roll call vote.

Ordinance 1547 – Mr. Archer explained this was the approval of the annual street maintenance program. The projects included NW 2nd between Grant and Holly, SW 13th between 99E and S Ivy, and S Redwood between SW 13th and Township.

****Councilor Varwig moved to adopt Ordinance 1547, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE-ELSNER, INC. IN THE AMOUNT OF \$1,055,260.00 FOR CONSTRUCTION OF THE 2021 STREET MAINTENANCE PROGRAM to come up for second reading on May 5, 2021. Motion was seconded by Councilor Spoon and passed 6-0 on first reading.**

Ordinance 1549 – Julie Blums, Finance Director, said this ordinance would renew the contract with Kintechnology, Inc. for IT services. The City had a contract with this company since 2006. They were getting close to the dollar amount where they would have to go out for an RFP and next year they would go through the RFP process. She had no complaints about the job this company had been doing for the City.

Councilor Spoon was concerned that the cost went up almost 17%. She asked when they last did an RFP process.

Ms. Blums said when they first came on in 2006, the dollar amount was under the amount needed to do an RFP. They had stayed under that dollar amount all along. The City received two dedicated staff and additional assistance when needed for that price. They had been using their services more recently for police equipment and the cost was more reflective of the usage.

Mr. Archer said it was an hourly rate contract and if they did not use the services, they would not be charged. It was a not to exceed amount.

****Councilor Bangs moved to adopt Ordinance 1549, 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 \$132,000.00; AND REPEALING ORDINANCE 1529 to come up for second reading on May 5, 2021. Motion was seconded by Council President Hensley.**

Council President Hensley said regardless of next year's number, she would like staff to go through an RFP process.

Councilor Varwig said he no longer had a business partnership with this company and did not need to abstain from the vote.

Mayor Hodson asked how much they paid Kintech this year. Ms. Blums said this year they had maxed out their hours every month.

Council President Hensley asked if there was a price per hour increase. Ms. Blums said yes, but it was more the number of hours that had increased.

Councilor Tibbals suggested a policy be put in place that even if it was under a dollar amount, every so many years there should be an RFP process for services.

Councilor Bangs supported that idea. He thought they should approve this contract for this year and at the second reading receive a staff report on the hourly rate increase.

Motion passed 6-0 on first reading.

Ordinance 1550 – Ms. Blums said the contract with the current auditors had expired and an RFP process had been done. They only received one bid from the current firm. She was happy with the work they had done for the City and was comfortable with continuing a new contract with them.

Councilor Parker thought municipal audits were a waste of time. He had never known of a municipal audit that came up with something irregular when two nearby cities had major financial fraud issues.

Ms. Blums said they were required by law to do an audit.

****Council President Hensley moved to adopt Ordinance 1550, AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A CONTRACT WITH GROVE, MUELLER & SWANK, P.C. FOR AUDIT SERVICES; to come up for second reading on May 5, 2021. Motion was seconded by Councilor Varwig.**

Councilor Bangs asked about the RFP process. Ms. Blums said she had reached out to firms letting them know it was coming and she was surprised the City did not get more bids.

Mayor Hodson noted that the City used the previous firm for a long time before switching to this firm. Ms. Blums said this firm was typically the least expensive when compared to other firms.

Motion passed 5-1 on first reading with Councilor Parker opposed.

Resolution 1346 – Mr. Archer said the proposed addendum to the City Attorney contract would include the title of Assistant City Administrator while retaining Mr. Lindsay's primary role as City Attorney. This was currently a vacant position that needed to be filled and Mr. Lindsay could be Acting City Administrator when Mr. Archer was on vacation. He recommended approval.

Mr. Lindsay was excited to add this to his contract. It would allow Mr. Archer to direct some of his work and he would be able to be Acting City Administrator in Mr. Archer's absence. It was allowed in the Charter and would provide checks and balances. It could be ended with no effect with 30 days written notice.

Mayor Hodson was concerned about the division of Mr. Lindsay's role as City Attorney and Assistant City Administrator. However, it was Mr. Archer's purview to create a better, more efficient model of staffing and this would add administrative and supervisory experience for Mr. Lindsay which was a personal goal of his. It would also provide additional staff support.

Councilor Spoon noted they had added staff to help with the prosecution tasks to take things off Mr. Lindsay's plate so he could better serve as City Attorney. This would be expanding his responsibilities outside the scope of City Attorney. She was also concerned that he would report to Council as the City Attorney and report to Mr. Archer as Assistant City Administrator. How would the Council be able to evaluate his performance?

Mr. Lindsay said he was the Council's City Attorney first. He had maintained a lot of the duties when he was Interim City Administrator and this would solidify that and allow it to continue. This change would also allow Mr. Archer to help direct and supervise his work. He thought the Council could still evaluate his performance as City Attorney.

Councilor Bangs asked if they intended to fill the Assistant City Administrator position. Mr. Archer would continue to evaluate the City's staffing needs. This contract could be ended if a full time assistant was needed at some point.

Councilor Bangs said this option was less expensive than hiring another full time employee.

Council President Hensley thought a report from the City Administrator on Mr. Lindsay's performance in the assistant role would suffice for the Council's evaluation.

****Councilor Bangs moved to approve Resolution 1346, A RESOLUTION AUTHORIZING AN ADDENDUM TO THE EXISTING CITY ATTORNEY EMPLOYMENT CONTRACT. Motion was seconded by Council President Hensley and passed 6-0.**

FOLLOW UP DISCUSSION REGARDING STREET CIP AND IVY STREET UNDERGROUNDING:

Ms. Blums said Council had directed staff to see whether or not the Ivy Street power line undergrounding could be included in the five year funding forecast. After looking at the forecast, she thought they would have the money for the Capital Improvement Plan projects and the undergrounding project. The options for funding the undergrounding project were: an interfund loan from the sewer fund, taking it out of the street ending fund balance, and using money from the American Rescue Plan.

Mr. Archer noted that the Walnut Street extension project was fully funded and the use of the street fund balance would be in addition to that project being funded.

Councilor Bangs was in support of using the street fund balance.

Councilor Spoon asked if Canby Utility could share more of the cost of the project.

Mr. Archer said if the Council directed staff to move forward, they would negotiate an agreement with Canby Utility and there would be further discussion about their contribution. Currently they had committed to providing \$300,000.

Mayor Hodson asked what the total cost for the project would be.

Ms. Blums said it would be \$1.3 million.

Council President Hensley was not in support of an interfund loan. She was also not in favor of agreeing to do the project before they knew how they would fund it. She asked how far the undergrounding would go.

Ms. Blums said it would go from 99E to approximately where Canby Sign and Graphics was.

Council President Hensley thought it was a lot of money for not very many linear feet.

Councilor Tibbals thought they needed to decide how they would pay for the project. He suggested only moving forward if they could get a certain amount from Canby Utility.

Mr. Archer said staff had responded to Council's request to bring back funding options. They were asking for direction on how to pay for the project.

Councilor Varwig thought this project was important. He was also in favor of using the street fund for the project with the caveat that if the American Rescue Plan dollars could be used, they would use that funding instead.

Council President Hensley did not think the project was worth the money based on the scope of work and she was not confident about the funding. She would be voting no.

Councilor Bangs would like to look into undergrounding the lines on the whole stretch of Ivy out to 13th.

Ms. Blums said the issue was the lines went across private property and they would have to purchase the right-of-way and dig through people's backyards to bury lines.

Jerry Nelzen, Interim Public Works Director, explained how the connections to the private houses and businesses were the issue and getting permission to go through their yards and what would happen if someone did not give permission. The County's project ended at 11th and continuing undergrounding to 13th would be extremely costly. They needed to know the Council's decision so the County would know how much right-of-way would be needed.

Councilor Tibbals was not in favor of all the unknowns in the project and he thought they should ask Canby Utility to pitch in more funds before moving forward.

Mayor Hodson agreed they should continue the discussions with Canby Utility. The City did have the funds for the project.

Councilor Tibbals thought they should ask for \$600,000 from Canby Utility. He asked how much that might delay the process.

Mr. Archer said the County needed a decision soon and it was an unknown how long it would take to explore that direction with Canby Utility.

There was discussion regarding using the American Rescue Plan money if it was available for this project instead of using the street fund. Mr. Archer noted if the funding became available, the Council could decide to use that funding at a later time.

Council President Hensley was concerned about the cost of the project going up since it was not going to be done for a couple more years. Mr. Archer said the estimate was based on the timeline the project would be done not in today's dollars.

Councilor Varwig noted they would have the funding for the project, regardless of which fund they would use.

****Councilor Bangs moved to direct staff to move forward with the undergrounding project using the street fund reserve balance and to continue negotiations with Canby Utility to increase their contribution. Motion was seconded by Councilor Parker and passed 4-2 by roll call vote with Councilors Hensley and Tibbals opposed.**

MAYOR'S BUSINESS: Mayor Hodson said the City wrote a letter of support for potential funding through the infrastructure bill for improvements to the Locks at Oregon City and West Linn. Budget Committee meetings would be held on May 13, May 20, and if needed May 27. He thanked all of the volunteers who helped clean up Eco Park. At the last Parks and Recreation Advisory Board meeting they received an update on Maple Street Park projects and discussed the Park Maintenance Fee.

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Tibbals announced the Canby Woodchuck event this Saturday cutting firewood around town from trees that fell in the ice storm and giving it to people in need.

Mr. Archer said the City was asking citizens to clean up their properties from the storm by May 1. There would be one more drop off day for debris this Saturday.

Councilor Varwig said the Planning Commission denied a development proposal on 13th and Ivy. CTV5 said if the Council wanted to hold hybrid meetings they would need a month to get the systems working in the Council Chambers. He discussed how Canby Fire was responding to recent wildfires and how recreational fires were highly discouraged at this time. The main Fire Station improvements had been completed, the new ladder truck was in service, and new equipment had been ordered. Construction on the north side Fire Station would begin in June. They had determined the staffing for the new station and there would be a new member on the Fire Board. The Fire Chief thanked City staff for their support.

Councilor Bangs provided a report on the Canby School Board and Superintendent search. Schools were now going to four days per week.

Council President Hensley said the Traffic Safety Commission was still working on issues with Enterprise Car, 10th and Birch, and Redwood and Territorial.

Councilor Spoon asked if the Traffic Safety Commission had recently looked at a traffic stop at Fir and 13th. Council President Hensley said that had not been talked about lately, but she could bring it back to the next meeting.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Archer explained that City Staff had been working with CTV 5 to have hybrid meetings as soon as possible.

CITIZEN INPUT: None

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Ordinance No. 1546.
3. Adopted Ordinance No. 1548.
4. Passed Ordinance No. 1547 to a Second Reading on May 5, 2021.
5. Passed Ordinance No. 1549 to a Second Reading on May 5, 2021.
6. Passed Ordinance No. 1550 to a Second Reading on May 5, 2021.
7. Approved Resolution No. 1346.

There was no Executive Session.

The meeting was adjourned at 9:53 p.m.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood

**CANBY CITY COUNCIL
WORK SESSION MINUTES
April 21, 2021**

PRESIDING: Mayor Hodson

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

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/ Assistant City Administrator; Melissa Bisset, City Recorder/ HR Manager.

CALL TO ORDER: Mayor Hodson called the Work Session to order at 10:02 p.m.

CITY ADMINISTRATOR SIX MONTH REVIEW PROCESS DISCUSSION:

Mayor Hodson explained the Council was going to hold their Council Retreat to determine the Council Goals and use those goals to measure Mr. Archer's activities. Due to Covid, they had not been able to have their Council Retreat yet. This conversation was about the review process for a six month check in and what they wanted Mr. Archer to work on for the next six months, not Mr. Archer's actual performance evaluation.

There was discussion about the process and using the stop, start, and continue method instead of the previous evaluation form. They also discussed looking at the contract and evaluating how Mr. Archer was performing daily operations and duties.

Mayor Hodson would work with staff to send out Mr. Archer's contract and previous evaluation forms to the Council and at the next meeting discuss specific and measurable goals in an Executive Session.

The meeting was adjourned at 10:19 pm.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood