

**CANBY CITY COUNCIL
WORK SESSION
June 2, 2021**

PRESIDING: Mayor Brian Hodson

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

OTHERS PRESENT: Consultants Ryan Farncomb and Mike Pyzska of Parametrix, Mindy Montecucco, Chair of the Bicycle and Pedestrian Committee.

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/ Assistant City Administrator; Melissa Bisset, City Recorder/ HR Manager; Julie Blums, Finance Director, Jerry Nelzen, Interim Public Works Director; Jamie Stickel, Economic Development Director; and Calvin LeSueur, Economic Development and Tourism Coordinator.

CALL TO ORDER: Mayor Hodson called the Work Session to order at 6:03 p.m.

PRESENTATION AND DISCUSSION REGARDING THE MOLALLA FOREST ROAD DEVELOPMENT PLAN

Mindy Montecucco, Bicycle and Pedestrian Committee Chair, said the Canby Community Vision adopted in 2013 was the template for the Traverso development plan. The vision prioritized the development of multi-purpose trails and external connections to the Logging Road.

Calvin LeSueur, Economic Development and Tourism Coordinator, acknowledged the efforts and time commitment of the Bike and Ped Committee on this project. He also thanked Clackamas County for their financial support. The Molalla Forest Road remained closed to the public. He introduced the consultants.

Consultants Ryan Farncomb and Mike Pyzska of Parametrix presented on the Molalla Forest Road Development Plan. They described the study area, history of the forest road, existing conditions, public outreach, outreach results, and issues raised at the online open house. They gave an overview of the Development Plan. The plan included trail users and trail design principles, trail design concepts, access points, signage, wayfinding, river access, phasing plan for improvements, and cost estimates. They explained the trail designs for the three segments of the trail. The total estimated cost was about \$5.6 million. Local and federal permits would likely be needed. Potential Phase 1 would be 13th south to the end of the existing roadway. Potential Phase 2 would be the end of the existing roadway south to Macksburg. This would be a more complicated section due to the washout and bridge. The Development Plan did not specify whether river access should be integrated into the future trail. It would require further engagement and community discussion. Volunteers would be essential. Management would be led by the City of Canby. The maintenance estimated was 5 hours per week. Safety and comfort was essential for trail users and property owners. They recommended establishing a “good neighbor” program where there was coordination between the City and nearby property owners.

Next steps for the Development Plan included: conducting additional project refinement work on key areas, continuing to engage the public, stakeholders, and property owners, determining whether access to the Molalla River was desired, and seeking grant funding to move the design and construction forward.

Councilor Bangs asked about the potential economic development along the trail. He also asked who owned the road that branched left away from the gun club. Mr. Farncomb explained the economic development was more around the opportunities of a larger trail system bringing people into the City.

Ms. Montecucco said it also improved property values and would bring in tourism.

Mr. Farncomb said the City owned the entire corridor including the road going left away from the gun club. Mr. LeSueur said because there had been no improvements, they were not giving the public access to it at this time due to the safety risks. Ms. Montecucco said the easement holders would still have access as well as City vehicles, but the public would not have vehicle access.

Councilor Bangs suggested extending the no trespassing zone down to the Milk Creek Bridge.

Council President Hensley asked how much time they had to get public input on mitigation of property owner concerns. Mr. Farncomb said there was still a lot of time for discussion. Ms. Montecucco said it had been a topic of every conversation to make sure the concerns were met. They were working with the County to watch out for Elisha Road and people did not try to access it from that direction.

Councilor Spoon thanked them for being inclusive with the Spanish population. She asked about the timeline for Phase 1. Mr. Pyzaska said it had to do with the funding and how to mitigate the slide area. There was still a lot to do regarding design and addressing concerns. He thought it would be 2-5 years depending on funding.

There was discussion regarding how this work fit in with the Park Master Plan update. Ms. Montecucco pointed out that the 2013 Canby Visioning Plan showed this trail as a top priority and a representative from the Bike and Ped Committee was serving on the Park Master Plan advisory committee. The trail was also on the County's plans. It was in a lot of plans and hopefully would continue to be included.

Councilor Varwig wanted to discuss the funding options including grants.

Councilor Tibbals asked about feedback from the Police Department and first responders about the challenges of the project. Councilor Parker had talked to the Sheriff about this. She did not think there was any reason to let the concerns inhibit the ability to develop a public amenity. She planned to work with the City and first responders to make sure this worked. Ms. Montecucco said Chief Tro was on board with the project and working with the County. They got the same response from Canby Fire.

Councilor Bangs asked if there was an issue with this extending beyond the City's Urban Growth Boundary. Mr. Archer said there was nothing that prevented the City from owning property outside of the boundary. It became a policy decision about managing the asset.

Councilor Spoon thought this would be a heavily used trail which would help with safety. She thought it was a bigger risk leaving it undeveloped than it would be to develop it.

Councilor Parker noted this was a citizen driven project. He agreed public safety would be critical. This was a project that would take time. He thought staff should continue working on the project and to integrate it into the Park Master Plan.

Mayor Hodson agreed there was tremendous amount of potential for the trail. He thought it should be folded into the Park Master Plan which would help with the funding.

Councilor Spoon suggested the Council take a tour of the area.

The Council supported moving forward with the project.

DISCUSSION REGARDING STREET MAINTENANCE FEE

Julie Blums, Finance Director, presented on the Street Maintenance Program. She gave a background on the Street Maintenance Fee, completed projects from 2008-2021 which included 31.5 centerline miles, 2018 Pavement Condition Index rating and projections, and street life cycle. The current fee rate for detached single family residences was \$5 per month. For multi-family residences, except for senior housing, mobile home parks, and congregate care, the fee was \$3.34 per month for each dwelling unit. Detached senior housing and mobile home parks were charged \$2.09 per month for each dwelling unit. Attached senior housing and congregate care facilities were charged \$1.04 per month for each dwelling unit. For non-residential fees, they were calculated by multiplying the number of units set by category of use by the trip rate per unit for that assigned category of use and then by the monthly per trip charge of \$0.522 for the monthly fee to be billed. The minimum monthly street maintenance fee for non-residential accounts was \$5. She discussed what the fee increases would have been if there had been annual inflationary increases. In 2021, the fee would be \$6.90 per household per month which equated to a loss of \$1,363,861 due to no increase. Due to increased cost of materials and labor, the \$5 fee was now worth \$3.10 and they were only able to fund 62% of the maintenance projects. She then gave options for the fee. They could continue to charge \$5 annually, \$5 base plus construction cost index annually, \$5 base plus \$0.25 annual increase, \$6.90 base plus construction cost index annually, and \$7.75 base plus construction cost index annually. She asked the Council what they wanted to set the PCI at because that would drive how much would be needed. The industry standard recommended 84 and cities typically had it set somewhere between 80-84.

Mr. Archer asked if the Council wanted to wait every 17 years to do a full overlay, should they add a slurry seal or micro seal program that would extend the life of the roads.

Mayor Hodson asked how quickly the road deteriorated from a PCI of 75 to 85. Ms. Blums said once it reached a level of fair the drop off steepened and it was an additional 40 percent drop in quality. The lower it got the more degraded it became. The fair grouping was 50 to 69 and to stay

above that it needed to be 70 to 100. She thought the study should be done again next year so they could get updated cost estimates.

There was discussion regarding the micro-slurry vs. overlays, fee options, phasing in the increase, getting to a higher level of maintenance to save the City money, difference between construction cost index and consumer price index, aging of population and how that would affect the fee discount, slurry could double the life of the roads, and how this was a fee and did not need to go to the voters.

When this came back to Council, they would discuss what level they wanted the PCI to be at, whether to add a micro-seal piece to the maintenance program, and which funding option to use.

The meeting adjourned at 7:34 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
June 2, 2021**

PRESIDING: Mayor Brian Hodson

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

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/ Assistant City Administrator; Melissa Bisset, City Recorder/ HR Manager; Julie Blums, Finance Director; Jerry Nelzen, Interim Public Works Director; Jamie Stickel, Economic Development Director; Don Hardy, Planning Director.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:40 p.m.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:

David Tate, Canby resident, was in support of Resolution No. 1356. The Mayor and three Councilors were careless with the truth in writing and supporting Resolution No. 1347. The Council needed to communicate truthfully to the citizens of Canby.

Linda Tate, Canby resident, stated she felt betrayal by what the Council did. People trusted them and they had to be held accountable for their actions. She asked that the Council learn how to cooperate and work together.

Jason Padden, Canby resident, stated that by not increasing the Street Maintenance Fee, it was choking the City's ability to maintain its streets for the future. The reason it was a fee and not a tax was the leaders at the time were nearly positive that if it were to go to a vote it would not be approved. There was a group of people that tried to bring it to a vote, but that effort failed. He cautioned the Council not to raise the fee too quickly or citizens would want it brought to a vote and if it did not pass, the City would be left with brittle and broken streets. If they chose to put this to a vote, and it failed, the deteriorated roads would be on their shoulders.

UPDATE ON DOWNTOWN PARKING:

Jamie Stickle, Economic Development Director, said downtown businesses asked what could be done to remind people that there was a 2 hour parking limit without daily enforcement. The first option was updated signage which was being kicked off on NW 2nd Avenue between Ivy and Holly. The goal was to create cohesive and consistent signage throughout the downtown core. The signs were for no parking between 8 a.m. to 6 p.m. Monday through Saturday. There would also be an emphasis on outreach. Kari Iness, Code Enforcement Officer, had spoken to businesses, a press release had gone out, and they had highlighted where to park if people needed longer term parking. A flyer would be handed out to downtown businesses as well. If there were issues, businesses could call the non-emergency police number.

Councilor Spoon did not want it left up to the businesses to enforce downtown parking. She suggested if this did not resolve the issue that they revisit better enforcement of downtown parking.

Mayor Hodson thought there should be a check back to see how the signs were working.

Councilor Parker noted that there had been a public relations campaign about parking several years ago which addressed employees parking in front of businesses. He wanted to make sure the current complaints from businesses were addressed. He also thought the Council and Budget Committee could support having a more robust code enforcement program.

PUBLIC HEARING: Appeal (APP 21-01) from Edward Radulescu representing Petronella Donovan of Waterstone Investments, appealing the Planning Commission's denial of a memory care facility at 1300 S. Ivy Street, applications (DR 20-03/ CUP 20-02)

Mayor Hodson said there was new information being brought forward regarding this application. He asked if the Council wished to hear the new information or remand it back to the Planning Commission.

Councilor Parker did not think the Council wanted to be a court of de novo review with new information brought to them. He thought in reviewing appeals they needed to look at whether the process and rules were followed. The fastest way to resolve this issue was to remand it back to the Planning Commission to consider the new information.

****Councilor Parker moved to remand APP 21-01 back to the Planning Commission for them to consider the new information. Motion was seconded by Council President Hensley.**

There was discussion regarding support for the remand.

Motion passed 6-0.

CONSENT AGENDA:

****Council President Hensley moved to adopt the minutes of the May 5, 2021 City Council regular meeting; reappointments to the Bike and Pedestrian Committee—Clifford Ash, Michael Hemelstrand, and Bruce Parker; reappointments to the Budget Committee—**

Andrea McCracken and Bob Patterson; reappointments to the Heritage and Landmark Commission—Corina Kanen and Rachel Swanson; reappointments to the Parks and Recreation Advisory Board—David Biskar, Jim Davis, Terri Jones, and Barbara Karmel; and reappointments to the Traffic Safety Commission—DeAnna Ball-Karb and Clint Coleman all for three year terms that would expire on June 30, 2024. Motion was seconded by Councilor Varwig and passed 6-0.

RESOLUTIONS: Resolution 1349 – Scott Archer, City Administrator, said this was a follow on action to Council’s direction to move the process forward for County road transfers to the City. The Council approved an agreement with Clackamas County that set in motion the transfer of funds for road improvements. This resolution initiated the actual transfer of the roads.

****Council President Hensley moved to adopt Resolution 1349, A RESOLUTION REQUESTING CLACKAMAS COUNTY TO SURRENDER JURISDICTION OF N LOCUST STREET, N MAPLE STREET, AND S REDWOOD IN THE CANBY CITY LIMITS. Motion was seconded by Councilor Tibbals and passed 6-0.**

Resolution 1356 – Councilor Spoon stated that the intent of the resolution was that information be included when resolutions were presented to the Council. This was an effort to retain the public trust and was not intended to be binding or punitive. It was an agreement that data was provided when they stated there was verifiable data.

****Councilor Bangs moved to adopt Resolution 1356, A RESOLUTION FOR TRUTHFUL COMMUNICATIONS FROM THE COUNCIL AND THE MAYOR. Motion was seconded by Councilor Parker.**

Councilor Tibbals asked if there were issues in the past or if this was only in response to a recent Council action.

Councilor Spoon said this was the first time that a resolution made claims that were not presented with documentation. She thought this resolution would prevent that from happening again.

Councilor Hensley thought it was redundant as it was already in the Council’s policies and guidelines.

Councilor Tibbals thought the best compromise would be to reopen the resolution that was previously passed and discuss and possibly make changes to it.

Councilor Varwig said he had not had time to consider this resolution and was not in support. He agreed reopening the resolution was a good idea.

Councilor Parker said there were many Councilors that wanted to work on the previous resolution before it was passed. If it was a Council policy, it was not followed. This was a simple request that anything that was presented as fact was vetted by City Staff.

Councilor Spoon had stated that she was willing to work on the previous resolution and no one was interested. It shouldn't have happened if it was already a policy and she thought it should be addressed so it did not happen again.

Council President Hensley was in favor of reworking the resolution.

Councilor Bangs preferred to move on. Businesses were open now and restrictions had been lifted two days after the resolution was passed. He was willing to table the resolution so the Council could have more time to review the resolution.

****Council President Hensley moved to end the discussion and vote on the motion. Motion was seconded by Councilor Varwig and failed 3-4 with Councilors Varwig, Hensley, and Tibbals voting yes and Councilors Spoon, Parker, and Bangs and Mayor Hodson voting no.**

Councilor Parker was willing to rework the resolution due to information that was not documented or had not been developed. This resolution stated that going forward resolutions needed to be vetted and prepared in advance.

Councilor Tibbals stated in the spirit of working together he was willing to rework the resolution. He still stood behind his previous vote.

Council President Hensley stood behind her vote on the resolution. She believed that the facts were as true as they could be in the short amount of time staff had to get the resolution put together and the Mayor had since sent out data points. She was against this resolution because they already had these standards and values. She was willing to rework the previous resolution.

Councilor Varwig wanted to take the advice of citizens to not act too quickly. He thought they needed more time to discuss the resolution.

Mayor Hodson did not think there would be a benefit to reworking the resolution. They needed to move on and staff did not have time to continue to work on this. He thought they should take the current resolution at face value and trust the intent. Tabling this resolution would not change anything and he thought they should vote on it.

Councilor Varwig said in the spirit of trusting each other and moving forward, he would be in favor of the resolution.

Councilor Tibbals said he could support the resolution and the intent behind it.

Motion passed 6-0.

ORDINANCES:

Ordinance 1556 – ****Councilor Varwig moved to adopt Ordinance 1556, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT (CBA) BETWEEN THE CITY OF CANBY, OREGON, AND LOCAL 350-6 AFSCME COUNCIL 75 AFL-CIO. Motion was seconded by Councilor Spoon and passed 6-0 by roll call vote.**

Ordinance 1557 – ****Councilor Varwig moved to adopt Ordinance 1557, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE ONE TRANSIT VAN FOR CANBY AREA TRANSIT (CAT) FROM SCHETKY NW SALES OF PORTLAND, OREGON. Motion was seconded by Council President Hensley and passed 6-0 by roll call vote.**

DISCUSSION REGARDING NOISE ORDINANCE EXCEPTIONS

Councilor Bangs proposed an amendment to the noise ordinance to add “permission from the City to allow fireworks during football games and graduation.” There had been fireworks at graduation for years, and this would recognize what they had already been doing.

Greg Dinse, Canby High School Principal, stated the fireworks at graduation were an annual traditional for students and he hoped that it would continue to be accepted.

Councilor Spoon thought Paul Ylvisaker needed to be included in the conversation since he had come to Council many times on this issue. She was in favor of adding it to the code. She suggested the school annually inform the neighbors of the dates of the football games and graduation.

Mayor Hodson said if they decided to move forward with this change, it would come back to Council at another meeting for action and citizen input.

Council President Hensley was also in support of this change. It had been a tradition for years, but agreed the School District should publish the dates for neighbors.

Councilor Bangs explained the school was willing to post the dates on the school calendar and send notice to neighbors.

Councilor Varwig agreed there should be public input on this change.

Councilor Parker asked when the fireworks would occur. Councilor Bangs clarified that there would be fireworks next Friday. It was codifying something that had been practiced for years.

There was consensus for staff to move forward with putting this item on a future agenda for Council action and to alert Mr. Ylvisaker about the fireworks next Friday.

MAYOR’S BUSINESS: None

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Bangs stated school was ending and graduation was next Friday. Students were applying for City Committees. A new Superintendent had recently been hired.

Council President Hensley said there was a vacancy on the Traffic Safety Commission.

Councilor Spoon congratulated the class of 2021. The high school theater group held their first in person play since Covid. She announced this was PRIDE month. Canby Area Transit received a new 35 foot bus that went into commission today. They were also transitioning to the new

vendor who would start on July 1. There was a route and schedule for the new circulator which would launch on October 1. There was a vacancy on the Transit Advisory Committee. She asked that the action to cancel the City's Book Page subscription be reconsidered.

Councilor Parker asked about the splash pad opening. He wanted it to be ready to go as soon as they were able.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Archer said the splash pad would open on Friday, June 18, 2021. The ribbon cutting would be at 4 p.m. The splash pad would be open every day from 9 a.m. to 9 p.m. for the remainder of the summer.

CITIZEN INPUT: None

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Remanded the decision regarding APP 21-01 back to the Planning Commission.
3. Adopted Resolution No. 1349.
4. Adopted Resolution No. 1356.
5. Adopted Ordinance No. 1556.
6. Adopted Ordinance No. 1557.

There was no Executive Session.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood