

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
March 16, 2022**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Traci Hensley, David Bajorin, Christopher Bangs, Sarah Spoon, Greg Parker.

ABSENT: Shawn Varwig

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Maya Benham, Deputy City Recorder; Ryan Potter, Senior Planner; Jerry Nelzen, Public Works Director; Don Hardy, Planning Director; and Jamie Stickel, Economic Development Director

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

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Barry Johnson, Chair of the Parks and Recreation Board, discussed the current park projects that were underway while waiting for the Parks Master Plan to be completed, and how all were approved by the Council. Now there were some Councilors who wanted to bypass the Board and ignore the completion of the Parks Master Plan in order to fast track personal agendas.

Lisa Potter, member of the Parks and Recreation Board, was concerned about the way some Councilors had conducted themselves regarding the Parks Master Plan. They did not want to wait until the plan was completed and ignored the recommendations of the Board. They were supposed to listen to citizens and prioritize the projects based on the updated master plan. The Council should respect the process and act in the best interest of Canby.

Jason Padden, Canby resident, agreed prioritizing alleys as part of the URA discussion was something that should be done. However, he did not think the Street Maintenance Fund should be used. They would interview a Budget Committee applicant on March 23 and there would be two Planning Commission applicant interviews on March 30.

Kevin Starrett, Canby resident, discussed Councilors violating ethics rules to push their agendas. He also discussed Council's behavior at the last Council meeting.

PROCLAMATION: Vietnam Veterans Day – Mayor Hodson read the proclamation declaring March 29, 2022 as Vietnam Veterans Day.

Pat Schauer, Canby VFW, spoke about his experience serving in Vietnam and how he was treated when he returned home.

Irene Breshears, Canby VFW Auxiliary, said this was the tenth anniversary of the Vietnam Memorial in Canby.

PUBLIC HEARING: Appeal of Planning Commission decision on Conditional Use and Design Review applications for Old Mac Steel Processing Facility on Sequoia Pkwy and 13th Ave – Don Hardy, Planning Director, said new information had been received on this application. It was Council’s decision whether or not to remand it back to the Planning Commission.

Councilor Bangs declared an ex parte contact. He had met the CEO of the steel company and was close friends with her close friends.

****Council President Hensley moved to remand the application back to the Planning Commission. Motion was seconded by Councilor Spoon and passed 5-0.**

CONSENT AGENDA:

****Council President Hensley moved to approve the minutes of the January 19, 2022 City Council Regular Meeting. Motion seconded by Councilor Bangs and passed 5-0.**

ORDINANCE & RESOLUTION:

Ordinance 1569 –

****Councilor Spoon moved to approve Ordinance 1569, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH OR EXPEND BUDGETED FUNDS TO CANBY UTILITY FOR THE UNDERGROUNDING OF POWER ON S IVY STREET. Motion was seconded by Councilor Bangs and passed 5-0 by roll call vote.**

Resolution 1363 – Scott Archer, City Administrator, said the City would relinquish 437 square feet to ODOT for property related to the quiet zone project.

****Councilor President Hensley moved to adopt Resolution 1363, A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE DOCUMENTS TO RELINQUISH REAL PROPERTY TO THE OREGON DEPARTMENT OF TRANSPORTATION. Motion was seconded by Councilor Spoon and passed 5-0.**

OLD BUSINESS: Update on Dog Park –

Mr. Archer gave a presentation on the dog park at the Territorial Road site.

Background: The City acquired the Three Sisters Ranch Property in 2008 using sewer funds in the amount of \$750,000. It was located adjacent to the Willamette Wayside property, but not included in the 2004 Wayside Master Plan. In 2013, City staff and other parties collaborated to develop a draft design for a fenced dog park next to Territorial Road. The original 30% design included on active dog area, shy dog area, and parking.

Land Use: The revised site called for .92 acres of developed park amenities within City limits; 3.99 acres of park located outside the City limits and Urban Growth Boundary. County zoning allowed for “recreational uses, government owned” as a permitted use. The corner site was not

within the Willamette Greenway boundary, 100 year flood plain, or within 100 feet of Willow Creek. No land use approvals or permits were acquired in 2013.

Other considerations: Proportionally pay back the sewer fund from the original purchase of \$750,000. The facility would share an access driveway with Public Works and Canby Fire. To mitigate there could be a one way in and one way out, which would help to avoid stacking at Territorial. There could also be a four way stop at the Territorial and Redwood intersection. Possible permanent bathrooms could be installed to serve Eco Park, the Logging Road Trail, and the dog park. It would require additional funding (ARPA + parks funding).

Funding: At the current 30% design, the cost estimate was \$770,000 to complete the project. Options for funding included: applying the revenue from the former Canby Public Library sale, borrowing funds from Wastewater Treatment Plant, utilizing General Fund money, and applying funding identified from the Civic Center generator project.

Next Steps:

Council direction – proceed with the revised design as presented or explore additional options and identify preferred funding sources.

Formal land use process with two jurisdictions – City of Canby and Clackamas County.

Complete 100% design based on land use process feedback.

Begin formal bid process for construction.

Final Council approval.

Questions:

Councilor Spoon asked about the amenities in the design. Jerry Nelzen, Public Works Director, explained them.

Councilor Bangs asked when the Parks Master Plan would be completed. Mr. Archer thought it would be April or May for a Council presentation of the first draft. A final plan for adoption would be after that date.

Councilor Bangs asked about the cost of the pre-application process. Ryan Potter, Senior Planner, said the County's would be \$850 and the City's would be \$700.

Councilor Parker was fine with using the library sale funds. The project should be brought within the City limits and he thought it made sense to put the money into the permanent bathrooms.

Councilor Spoon thought they could use the funds from the sale of the old library building and they should proceed with the pre-application processes. She was also in favor of permanent bathrooms. She asked about the timing. Mr. Potter said the pre-application with the County was 2-6 weeks out.

Mayor Hodson said there was concern about noise at this location being close to the Fire Station. He thought they should look at the Honda pits site. He thought the funds for the old library should go back into downtown and he would prefer not to use the ARPA funds.

Councilor Spoon thought the Honda pits site would be loud due to the trains.

Councilor Bangs asked if there were unallocated funds that could be used. Mr. Archer thought there were, from the General Fund.

Councilor Bangs asked if there was an issue with growing trees on the property. Mr. Nelzen said trees would grow fine there.

Mayor Hodson asked about the timeline for paying back the sewer fund. Joe Lindsay, City Attorney, said they had used sewer fund money because originally the property was going to be used to expand the Wastewater Treatment Plant. Whatever percentage of the property that was used for the dog park would have to pay back that fund, which could be a shift of Park SDCs.

Councilor Bangs asked about issues with expanding the Wastewater Treatment Plant in proximity to the dog park. Mr. Nelzen explained the future plans for the area. It would be natural swales for stormwater retention.

Councilor Spoon asked the City Administrator about his recommendation for funding. Mr. Archer thought they should use park funding, such as SDCs, Parks Fee, and Parks budget.

Council President Hensley would have liked additional options for the location as the Parks and Recreation Board had recommended. She was willing to discuss the funding options. She also wanted to see a sound study on the Territorial and Honda pits sites.

Councilor Bajorin thought there needed to be more discussion on the funding options. They had already looked at other locations in the past. He thought public restrooms would be necessary. There would be noise at whatever location.

There was consensus to move forward with the pre-application processes.

MAYOR'S BUSINESS: Mayor Hodson said the mask mandate had been lifted. He thanked the Council for the hard work that went into the goal setting meeting last Wednesday. There had been a request for police presence at Council meetings. The Council preferred to have this placed on a future agenda.

Mayor Hodson said the Parks and Recreation Board was working on the Parks Master Plan, Maple Street Park tennis courts, Locust Street Park picnic shelter, and park signage. C4 discussed homeless shelters.

COUNCIL COMMENTS & LIAISON REPORTS:

Councilor Bajorin reported on the Canby Utility Board meeting where they discussed electric vehicle charging stations and the Water Master Plan bid process.

Councilor Spoon said the Pickleball courts should be ready by June 2022. The Street Maintenance Fee would be addressed in the next couple of months.

Councilor Parker said on Tuesday, April 12, there would be an Open House for the neighbors of the Traverso property. He was concerned about the time it had taken to get the Parks Master Plan

completed and moving forward with budgeting for the dog park. There would be a tree planting at Willow Creek on March 26 at 10:00 am.

Councilor Bangs said the Library Board approved a non-collection material policy that would be given to Mr. Archer and Mr. Lindsay for review. The quorum was listed as three members and should be updated to reflect the current number of members.

CITIZEN INPUT: Jason Padden, Canby resident, reminded the Mayor of the upcoming committee interviews.

Barbara Karmel, Canby resident, discussed the history of dog park planning and how she was glad it was moving forward. However, they needed to make sure the Parks and Recreation Board was involved.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Archer said the bi-monthly reports were included in the Council packet. The library hours would be increasing to an additional six hours per week beginning April 4. The arch and quiet zone project was almost complete. Additional lighting was going in and a time capsule was being put together.

Mr. Lindsay asked if Council was in support of staff having conversations with the soccer organization. He also asked if documents regarding the dog park could be sent to the Parks and Recreation Board. There was consensus for staff to move forward with both.

Mayor Hodson wanted to make sure the time capsule was sealed properly to be water proof.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Approved Ordinance No. 1569.
3. Approved Resolution No. 1363.

****Council President Hensley moved to go into Executive Session pursuant to ORS 192.660(2)(h) Pending Litigation. Motion was seconded by Councilor Spoon and passed 5-0.**

Mayor Hodson read the Executive Session announcement.

Mayor Hodson recessed the Regular Meeting at 9:33 p.m. Mayor Hodson reconvened the Regular Meeting at 10:32 p.m. and immediately adjourned.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood