

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
December 7, 2022**

PRESIDING: Brian Hodson

COUNCIL PRESENT: Traci Hensley, Greg Parker, Art Marine, Sarah Spoon, and Christopher Bangs.

COUNCIL ABSENT: Shawn Varwig

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Melissa, HR Director/City Recorder; Jorge Tro, Police Chief; Jamie Stickel, Economic Development Director; Don Hardy, Planning Director; Jerry Nelzen, Public Works Director; and Brianna Addotta, Associate Planner.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:04 p.m. in the Council Chambers followed by opening ceremonies.

NEW STAFF INTRODUCTION: Scott Archer, City Administrator, introduced Parks Maintenance Worker Parker Smeltzer.

SWEARING-IN CEREMONY:

Jorge Tro, Police Chief, introduced Police Records Specialist Amy Strausser and Officers Justin House and Chris Davis.

Rodney Grafe, Municipal Court Judge, swore in Officers House and Davis.

CANBY FIRE DISTRICT LIFESAVING RECOGNITION: Matt Dale, Division Chief, recognized first responders who participated in the resuscitation of a cardiac arrest in Canby.

The Council thanked them for their service.

SHOP LOCAL PRESENTATION: Jamie Stickel, Economic Development Director, discussed the Shop Local Canby promotion. She shared the flyers, Shop Local punch card, and map of participating businesses.

There was discussion regarding support for the program, how the program worked, and expansion in the future.

ELECTION PROCLAMATION: Mayor Hodson read a proclamation certifying the results from Clackamas County Elections for the November 8, 2022 election which were as follows:

MAYOR

Brian D. Hodson – 5,242, Undervotes – 3,312, Overvotes – 0, and Write-In – 327

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Brad Clark – 1,097, James X. Davis – 4,581, Craig Lewelling – 2,106, Herman Maldonado – 2,907, Art Marine – 2,528, Greg Parker – 2,819, Shawn Varwig – 3,274, Undervotes – 7,199, Overvotes – 8, and Write-in – 0

The three candidates who received the highest number of votes would serve four-year terms.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None

CONSENT AGENDA: **Council President Hensley moved to approve the minutes of the March 9, 2022 Special Called Goal Setting City Council Meeting. Motion was seconded by Councilor Spoon and passed 5-0.

PUBLIC HEARINGS: Noise Variance Request from NW Natural located at S Elm Street and 99E. The variance is for December 8-31, 2022, from 9:00pm – 5:00am – Mayor Hodson opened the public hearing and read the hearing statement.

Jay Davis attended via zoom to represent NW Natural and Kyle Sutton attended in-person and represented Loy Clark Construction. The request for the noise variance was to do night work across 99E. They were working with the City and Fire Department to take care of any remaining issues and hoped that they would not need the variance. It would be Plan B if they had to dig across 99E instead of drill across.

There were no public comments.

Mayor Hodson closed the public hearing.

****Councilor Spoon moved to approve the noise variance request for NW Natural. Motion was seconded by Council President Hensley and passed 5-0.**

Annexation and Zone Change Application located at 1885 N. Redwood Street – Mayor Hodson opened the public hearing and read the hearing statement.

CONFLICT OF INTEREST:

Councilor Spoon – No conflict, plan to participate.

Councilor Parker – No conflict, plan to participate.

Councilor Hensley – No conflict, plan to participate.

Councilor Bangs – No conflict, plan to participate.

Councilor Marine – No conflict, plan to participate.

Mayor Hodson – No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Spoon – Driven by the site, drew no conclusions.

Councilor Parker – Driven by the site, drew no conclusions.

Councilor Hensley – Driven by the site, drew no conclusions.

Councilor Bangs – Driven by the site, drew no conclusions.

Councilor Marine – Driven by the site, drew no conclusions.

Mayor Hodson – None, drew no conclusions.

STAFF REPORT: Brianna Addotta, Associate Planner, presented the staff report. This was a request for annexation and zone change of a 1.061 acre parcel on N Redwood Street. She discussed the approval criteria, subject property, Comprehensive Plan land use designation and zoning district, land use and development history of the area, Transportation Planning Rule compliance, Transportation Impact Analysis, conceptual site plan, and comments received. The Planning Commission recommended approval subject to the proposed conditions.

There was discussion regarding the conditions, access to Redwood, and transportation analysis.

APPLICANT: Tom Scott, applicant, thought the application met all the criteria. This was an annexation of just over an acre of land near the Logging Road Trail and to rezone the property to R-2 which conformed with the Comprehensive Plan. It was one of the few parcels yet to be developed in the area. Public utilities and services would be available. The Traffic Impact Analysis showed that the infrastructure could handle this development along with the current developments that were happening on Territorial. The project would help meet the need for multi-family housing in the City.

PROPOSERS: None.

OPPOSERS: None.

REBUTTAL: None.

Mayor Hodson closed the public hearing.

DISCUSSION: None.

****Councilor Spoon moved to approve Ordinance 1592, AN ORDINANCE PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 1.06 ACRES OF REAL PROPERTY DESCRIBED AS LAND SITUATED SOUTHWEST 1/4 OF SECTION 27, T.3S., R.1E., W.M. (TAX MAP 31E27CB); AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST 5 ACRES (RRFF5) TO CITY HIGH DENSITY RESIDENTIAL (R-2) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS to come up for second reading on December 21, 2022. Motion was seconded by Councilor Marine and passed 5-0 on first reading.**

ORDINANCES & RESOLUTION:

Ordinance 1589 – Chief Tro explained the financial savings if this ordinance went into effect before the first of the year. He asked that the ordinance be amended to declare an emergency.

Joe Lindsay, City Attorney, explained to amend the ordinance, they would have to pass the first reading again.

****Council President Hensley moved to approve Ordinance 1589, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH AXON ENTERPRISES IN THE AMOUNT OF \$207,632.40 FOR THE**

PURCHASE OF IN CAR VIDEO CAMERAS AND DECLARING AN EMERGENCY to come up for second reading on December 21, 2022. Motion was seconded by Councilor Spoon and passed 5-0 on first reading.

Ordinance 1590 – ****Councilor Spoon moved to adopt Ordinance 1590, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH 3J CONSULTING FOR FISCAL YEAR 2022-2023 WORK ON THE CANBY COMPREHENSIVE PLAN AND TRANSPORTATION SYSTEM PLAN IN THE AMOUNT OF \$157,121.00. Motion was seconded by Councilor Bangs and passed 5-0 by roll-call vote.**

Ordinance 1591 – Mr. Archer acknowledged the excellent work at the Wastewater Treatment Plant. He explained the improvements to be done and how this was in the Capital Improvement Plan and already in the budget.

Jon Patrick, Treatment Plant Operator, discussed the wiring changes to the generators for emergency power supply. These were general improvements, not capacity improvements.

****Councilor Spoon moved to approve Ordinance 1591, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LEE CONTRACTORS, LLC IN THE AMOUNT OF \$773,000.00 FOR THE 2022 WASTEWATER TREATMENT FACILITY IMPROVEMENT PROJECT to come up for second reading on December 21, 2022. Motion was seconded by Councilor Marine and passed 5-0 on first reading.**

Resolution 1378 – Mr. Archer said this was the next step to implement the updated Parks Master Plan. The CIP was a fluid document that would be revised over time.

There was discussion regarding Community Park improvements, which was a separate project.

Jerry Nelzen, Public Works Director, clarified there was no updated master plan for Maple Street Park, but the Parks and Recreation Advisory Board had suggested the improvements that were in the CIP.

There was discussion regarding use of SDCs for the projects and future input on the projects.

****Councilor Marine moved to approve Resolution 1378, A RESOLUTION TO ADOPT THE PROPOSED CITY OF CANBY PARKS CAPITAL IMPROVEMENT PLAN. Motion was seconded by Councilor Bangs and passed 5-0.**

OLD BUSINESS:

There was discussion regarding the Council vacancy appointment process and the December 21, 2022 City Council meeting.

Mayor Hodson reviewed the processes that had been done for other vacancies.

Mr. Lindsay explained how the Charter left a lot of discretion to Council in how the process could be done.

Councilor Spoon thought she could amend her resignation to ensure the vacancy existed prior to the person being sworn in. She wanted to follow the Charter to have six members on Council.

There was consensus to swear in the new Councilor with the others in January and to hold the interviews on December 21 as previously discussed and start the meeting at 6 p.m.

MAYOR'S BUSINESS: Mayor Hodson thanked staff for the Light the Night event. He reminded everyone to think local for holiday shopping. He thanked the businesses participating in the snowman competition. The Kiwanis Toy and Food Drive was underway. C4 met last week for a holiday gathering. The Region 1 Area Commission on Transportation reviewed the State Transportation Improvement Fund 2023-2025 Project List. They also gave an update on the Highway 217 construction and Abernethy Bridge/205 construction.

COUNCIL COMMENTS & LIAISON REPORTS: Councilor Spoon encouraged everyone to follow Ken and Melinda Buckles on Facebook regarding their veteran project.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Archer also thanked the staff involved with Light the Night. There was an updated Council Goals document at the dais for Council.

CITIZEN INPUT: Scott Sasse, Canby resident, suggested taking the next candidate who received the most votes in the election to fill the Council vacancy. He thought the people's voice should be heard.

Councilor Spoon noted the appointment process and election process were treated differently in the Charter.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Passed Ordinances 1589, 1591, and 1592 to second readings on December 21, 2022.
3. Adopted Ordinance 1590.
4. Passed Resolution 1378.

Mayor Hodson adjourned the meeting at 9:43 p.m.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood