

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
May 5, 2021**

PRESIDING: Mayor Brian Hodson

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

OTHERS PRESENT:

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney; Melissa Bisset, City Recorder/ HR Manager; Julie Blums, Finance Director; Jerry Nelzen, Interim Public Works Director; Jorge Tro, Police Chief; Heidi Muller, Transit Coordinator; Todd Wood, Transit Director.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:31 p.m.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None

CONSENT AGENDA: ****Councilor Bangs moved to adopt the minutes of the April 7, 2021 City Council Work Session and Regular Meeting and OLCC application for a Full On-Premises, Commercial license for Wayward Hospitality LLC (trade name – Siren Song) located at 136 N Grant Street. Motion was seconded by Council President Hensley and passed 6-0.**

RESOLUTION: Resolution 1347 – Mayor Hodson read the resolution into the record as it was added to the agenda the previous day. The resolution came about because the Governor recently closed businesses again due to Covid extreme risk status. He discussed the detrimental effects these shutdowns had had on the City's businesses and he thought they needed to take stronger action. He stated it was not a partisan issue, but was advocating for the business community.

Mayor Hodson read a letter from Christie Bernklau Halvor, Canby resident, who did not think the Council should pass this resolution.

Kathleen Jeskey, Canby resident, stated she did not agree with all of the statements made in the resolution. She felt the resolution should not have been put on the agenda with such short notice. She recommended not approving the resolution until there was more discussion and time for citizen input.

Felix Barba, Canby resident, thought the resolution was an appropriate way to reaffirm the City's commitment to support its local businesses. He agreed there should be more time for debate and discussion. He thought there should be stronger language of non-compliance for overreaching orders.

Mayor Hodson said they had received eight emails in support of the resolution and three who were opposed. He had added it to the agenda last minute because the shutdown just occurred and a number of other cities were creating resolutions. Also he would not be in attendance for the next Council meeting. The purpose of the resolution was to tell the Governor that the shutdowns were impacting small businesses and this strategy wasn't working. He stated it was time for a different approach.

****Council President Hensley moved to approve Resolution 1347, A RESOLUTION IN FAVOR OF BUSINESSES AND CITIZEN CIVIL LIBERTIES AND AGAINST ANY MORE SHUTDOWNS OR UNNECESSARY RESTRICTIONS. Motion was seconded by Councilor Varwig.**

Councilor Spoon asked a series of questions about how the resolution was based on the one from Baker City and statements in the draft resolution regarding the number of business bankruptcies, domestic violence, and rise in crime. She also asked which civil liberties and restrictions were being objected to and possible risks to Canby's businesses.

Mayor Hodson and Joe Lindsay, City Attorney, explained the statements were more aspirational language than purely based on hard facts.

Councilor Spoon asked what staff's recommendation was in relation to this resolution.

Scott Archer, City Administrator, said this was not a staff initiated resolution and he did not have a recommendation.

Mr. Lindsay said the resolution did not say they were not going to follow the law. It was within the Council's purview to make these statements.

Councilor Bangs asked questions about the resolution, such as how much staff time had been used and what rights and civil liberties were being discussed, especially in relation to the rights protected by the Constitution. He did not think the resolution would help the City of Canby.

Mayor Hodson clarified it was in response to impacts of the shutdowns to the business community.

Councilor Spoon did not think the resolution was appropriate and it would not help businesses. She thought it made false statements and unverified claims. Restrictions were going to be lifted in a few days and the resolution should have gone through the correct process.

Councilor Tibbals thought it was an opportunity to stand against tyrannical orders of the Governor that did not make sense. He read from the Declaration of Independence regarding rights for all citizens. He stated people had a right to make a living and not worry about the government shutting them down.

Council President Hensley said it was giving a voice to the business community and the business owners had a right to make a living. She said the spirit of the resolution was about standing up and saying enough was enough. She was in support.

Councilor Varwig said the spirit of the resolution was to support businesses and he was in favor.

Councilor Parker thought the resolution should have gone through the proper process and not involved City staff unless it was the direction of the whole Council.

****Councilor Parker moved to table the resolution. Motion was seconded by Councilor Spoon and failed 3-4 with Councilors Tibbals, Varwig, and Hensley opposed and Mayor Hodson breaking the tie.**

Mayor Hodson did not think the resolution would harm Canby businesses. He stated the spirit was to support the businesses who were being impacted and it was a push back on the closure mandates to the governor's office and to join other cities who were doing the same.

The motion to approve Resolution 1347 passed 4-3 with Councilors Parker, Spoon, and Bangs opposed and Mayor Hodson breaking the tie.

UPDATE ON CANBY AREA TRANSIT (CAT): Todd Wood, Transit Director, gave an overview of Canby Area Transit and how they had withdrawn from Tri-Met and started CAT service in 2002. In 2011, service was reduced that eliminated local fixed routes and implemented a local Dial-A-Ride for General Public. In 2018, Route 99 was changed to Route 99X and service frequency and span increased. In 2019, Saturday service was re-implemented. He explained there were only two City staff in the Transit Department. They contracted three dispatchers, twelve drivers (seven full time and five part time), one field supervisor, and one bus washer through MV Transportation for the last nine years. CAT offices were at 195 S Hazel Dell Way. They were planning to build new offices in the near future. He explained the current CAT Services including the 99X Oregon City to Woodburn, complementary para-transit service, general public Dial-A-Ride, and shopper shuttle. Ridership had taken a hit due to Covid. The fixed route was down. Ridership in 2021 year to date was 43,055 compared to ridership in 2020 at 64,647. They had not cut service but kept it running at full schedule. Para-transit was also down. Ridership in 2021 year to date was 5,473 compared to 2020 at 11,485. Operating revenue came from grants and business payroll tax of \$6 per \$1,000. He was planning to start a City circulator in October. It would run 12 hours per day, 5 days per week. It would be 30-40 minutes per trip with one bus in service at a time. Improvements to 99E were being planned in coordination with ODOT's 99E project. It would include 10 bus stop improvements with shelters from Territorial to SW Berg Parkway. He had weekly meetings with Clackamas County transit partners. The City was included in the Clackamas County Transit Master Plan and the City's grant funding was obtained through partnership with Tri-Met.

Mayor Hodson asked about the decrease in payroll tax due to Covid. Mr. Wood said even though there were shut downs, several large businesses had opened. There had not been a decrease in the tax.

Mayor Hodson said the circulator was something the community had wanted for a long time. He thought it was appropriate that they had not been charging fares.

Councilor Parker thought the bus shelters on 99E were important as well as getting people to use buses to help reduce traffic.

Councilor Spoon asked if the businesses had given input on how the circulator routes paired with their shift times and if their staff was likely to use the bus. Mr. Wood said they had contacted businesses and there were many different shifts for the different types of businesses. They were not sure how many staff members would use the bus. There would be some trial and error in putting together the schedule and the route could be adjusted over time. It was a balancing act because they did not have unlimited funds and the focus was to make sure there was service to those who needed it most.

ORDINANCES: Ordinance 1554 – Mr. Wood said they had to do an RFP process for the transit operations contract which was triggered by reaching the threshold of 25% of cost and adding more than 25% additional services. The RFP was issued in February and there were three responses. At the end of the process, First Transit received the best score to provide the service. There would be a substantial increase in cost due to adding Saturday service and increased wages. This was a three year contract with three optional one year extensions.

Mark Elias, Vice President of Operations, was excited about this opportunity to assist and support the growth. The company had a lot of local resources who lived close by. They were well positioned to support the City.

David Smith, Director of Business Development, appreciated the opportunity and was excited about the new circulator and creating access for the community.

**** Councilor Spoon moved to adopt Ordinance 1554, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH FIRST TRANSIT, INC. OF CINCINNATI, OHIO FOR PROVIDING TRANSIT OPERATIONS FOR CANBY AREA TRANSIT (CAT) to come up for second reading on May 19, 2021. Motion was seconded by Councilor Bangs and passed 6-0 on first reading.**

Ordinance 1547 – ****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. Motion was seconded by Councilor Spoon and passed 6-0 by roll call vote.**

Ordinance 1549 – Council President Hensley wanted to make sure that this contract went through an RFP process next time.

Councilor Tibbals thought all the City's contracts should go through an RFP process regardless of the dollar amount.

Councilor Spoon thought it could also be triggered by a percentage change in the contract price.

****Council President Hensley 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. Motion was seconded by Councilor Varwig and passed 6-0 by roll call vote.**

Ordinance 1550 – ****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. Motion was seconded by Councilor Spoon and passed 6-0 by roll call vote.**

Ordinance 1555 – Mr. Archer said this was a contract with Police Chief Tro to take advantage of the opportunity with PERS to retire and rehire. The contract was good through December 31, 2024. He explained the advantages to the City.

Mayor Hodson asked if Chief Tro would have to officially retire in 2024. Mr. Lindsay said yes, but he could do another work-back for six more months.

Councilor Parker said the advantage to this program was getting to know in advance when employees were going to retire and they could begin transitioning.

****Council President Hensley moved to adopt Ordinance 1555, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN EMPLOYMENT CONTRACT BETWEEN THE CITY OF CANBY AND CHIEF JORGE TRO to come up for second reading on May 19, 2021. Motion was seconded by Councilor Varwig and passed 6-0 on first reading.**

Ordinance 1552 – Mr. Lindsay said Heard Farms had been removing the wastewater sludge since 2013. When they looked for alternatives, they could not find any comparable ones. This was the only privately owned facility in the state who repurposed the sludge for fertilizer. Contracting rules did allow for this situation when there was only one option available as long as there were findings confirming they were the sole source of this service. Heard Farms also gave the City a discount for signing up for three years.

****Council President Hensley moved to adopt Ordinance 1552, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH HEARD FARMS FOR WASTEWATER SEWAGE SLUDGE REMOVAL; AND REPEALING ORDINANCE 1527 to come up for second reading on May 19, 2021. Motion was seconded by Councilor Varwig and passed 6-0 on first reading.**

Ordinance 1553 – Mr. Archer said these were agreements with the County for the City to take jurisdiction of portions of N Locust, N Maple, N Redwood, and S Redwood Streets. It would provide efficiencies of maintenance and service to citizens and allowed the roads to be brought

up to City standards. The City would receive a total of \$781,865 with the transfer to help improve the roads.

Mayor Hodson asked how much of these roads the City would have to reconstruct to City standards. Jerry Nelzen, Interim Public Works Director, would have to forward that information to the Council. He thought this was a good deal as ADA ramp improvements and \$110 per ton of asphalt were included in the agreements. Some roads would be improved by development, and some the City would have to do.

Councilor Parker said this had been a long time coming. He supported bringing these roads into the City's responsibility and getting them up to standards.

Councilor Varwig asked how long before the improvements were completed. Mr. Nelzen said staff could get the costs for the projects and a capital improvement plan together if the Council wanted to move forward with them. Some of the improvements would begin on July 1.

****Council President Hensley moved to adopt Ordinance 1553, AN ORDINANCE APPROVING TWO INTERGOVERNMENTAL AGREEMENTS (IGAs) BETWEEN CLACKAMAS COUNTY AND THE CITY OF CANBY PERMITTING AUTHORITY AND MAINTENANCE RESPONSIBILITY FOR PORTIONS OF N LOCUST STREET, N MAPLE STREET, N REDWOOD STREET, AND S REDWOOD STREET BOTH IN AND OUT OF CITY LIMITS to come up for second reading on May 19, 2021. Motion was seconded by Councilor Spoon and passed 6-0 on first reading.**

MAYOR'S BUSINESS: Mayor Hodson reported that the Metro Mayors Consortium submitted a letter to the state legislature about finding another way to fund highway projects other than tolling. The Mayor's Prayer Breakfast had been canceled. The first Budget Committee Meeting would be held on May 13, the second meeting on May 20, and third on May 27.

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Tibbals thanked everyone for coming out to the Woodchuck event.

Council President Hensley thanked Councilor Tibbals for spearheading the event.

Councilor Bangs reported on the School Board Budget Committee meeting. There was a shortage of substitute teachers at the School District. Graduation was on June 11. Prom was on Saturday.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Archer said by the end of the week, 100 flower baskets would be installed downtown and by the end of next week all of the flowers would be planted in the planters. He gave an update on replacing 20 ADA ramps in the City, the Quiet Zone and Arch project right of entry agreement with the Railroad, Industrial Park to 99E extension negotiations with property owners for the alignment, and AFSCME union contract ratification.

Councilor Spoon asked when Ivy Street was going to be done. Mr. Nelzen said construction should be done in two weeks. The striping would be done by the City.

CITIZEN INPUT: None

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Resolution No. 1347.
3. Adopted Ordinance No. 1547.
4. Adopted Ordinance No. 1549.
5. Adopted Ordinance No. 1550.
6. Passed Ordinance No. 1554 to a Second Reading on May 19, 2021.
7. Passed Ordinance No. 1555 to a Second Reading on May 19, 2021.
8. Passed Ordinance No. 1552 to a Second Reading on May 19, 2021.
9. Passed Ordinance No. 1553 to a Second Reading on May 19, 2021.

****Council President Hensley moved to go into Executive Session pursuant to ORS 192.660(2)(i) Performance Evaluation of a Public Officer. Motion was seconded by Councilor Varwig and passed 6-0.**

Mayor Hodson recessed the Regular Meeting at 10:33 p.m.

Mayor Hodson reconvened the Regular Meeting at 11:30 p.m. and immediately adjourned.



Melissa Bisset
City Recorder



Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood

