

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
March 4, 2020**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Trygve Berge, Tim Dale, Traci Hensley, Greg Parker Councilor Spoon and Shawn Varwig.

STAFF PRESENT: Amanda Zeiber, Interim City Administrator; Joseph Lindsay, City Attorney; Melissa Bisset, City Recorder, Jamie Stickel; Economic Development Director

OTHERS PRESENT: Kevin Starrett, Greg Perez, Paul Ylvisaker, Brenda Ylvisker, Carol Palmer, Jeanine Kersey, Jennifer Giller, Kelly Harms, Steve Pierson, Mindy Montecucco, Vernon Hulikt, Sarah Rodriguez, Bri Condon, Dah Goodman Greiner, Diana Cerasin, Kristi Smith, Jordan Tibbals, Amira Stanley, and Cathy Rae Smith.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:05 p.m. in the Council Chambers followed by the opening ceremonies.

Oregon Trail Pitchpipers – A member of the Pitchpipers stated there would be a show on March 14 at 3:00 pm at the Fine Arts Center and the theme was songs of America. Their organization had been around for 50 plus years and everyone was invited to come to the show.

150th Celebration – Jamie Stickel, Economic Development Director, invited everyone to the 150th Celebration of the City of Canby.

Carol Palmer, Canby resident, gave a history of the beginning of the City in 1870. She encouraged everyone to participate in the next six months and introduced a special guest, a Philander Lee descendant, Jeanine Kersey.

Mayor Hodson presented a sesquicentennial t-shirt and commemorative plate to Jeanine Kersey.

Ms. Kersey thanked the City for authorizing the burial of Bertha Lee in the Pioneer Cemetery with her family. She thanked Ms. Palmer for the clean ups at the cemetery and giving the Lee oak tree pioneer status. She discussed some of the history of the City from her own memories and gave a history of the Lee family. She was proud to be a sixth generation Oregonian.

Ms. Stickel reviewed the various events planned and encouraged all summer events to share in the spirit and use the logo.

COMMUNICATIONS: Amanda Zeiber, Interim City Administrator, stated Clackamas County had been authorized to give the City some money to take over some of the County roads in the City limits. She asked if the Council wanted staff to move forward. The County had authorized funds for a two year period and the amount was based on putting in a 2 inch overlay on the roads and ADA improvements. Any other improvements would be up to the City to do.

Mayor Hodson noted that it was a long term project that they had been trying to accomplish for some time.

Ms. Zeiber said it was up to \$700,000 per year for two years.

There was a general interest from Council to hear more.

Ms. Zeiber gave an update on the Quiet Zone and Arch. The bid packages would go out at the end of the month.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:

Greg Perez, Canby resident, stated that he would like to see everyone work together to further the projects that were on the table. There were issues in the Industrial Park that they needed to come together and move forward as a team. He would like to see everyone work together.

Cathy Rae Smith, Canby resident, was the president of Canby Area Beautification. In conjunction with the City they were putting on an Arbor Day event on April 24. There would be a ceremonial tree planting in honor of Canby's 150th year.

Sarah Rodriguez, Canby resident, discussed the International Transgender Day of Visibility and inclusion. At its core inclusion was a community issue, livability issue, health issue, and life or death issue. Loneliness and need for community were strong biological needs. They had asked for inclusion of trans siblings as valuable members of the community and the queer youth in Canby were asking who cared for them. As a whole the Council had neglected to acknowledge some of the most vulnerable citizens and how they might suffer from this exclusion. They had contributed to their marginalization. Councilor Spoon and Councilor Parker had expressed support and Councilor Hensley had offered to meet over coffee to see how they were able to reach queer youth and help prevent suicide. Inclusion began when these things started to occur in the City.

Amira Stanley, Canby resident, thought the proclamation had been denied due to personal beliefs. It was a dangerous message to prohibit folks' rights in the name of God. It was up to the Mayor to decide on the proclamations, but her struggle had been with the passive, misleading, and avoiding behavior of the Mayor. She had asked Canby youth if they wanted them to continue fighting for this proclamation and they had said yes. Clackamas United Church of Christ welcomed all and loved all people. She asked the Mayor to consider the proclamation.

Jordan Tibbals, Canby resident, stated that the Council and Mayor had his family support in supporting all groups of citizens and not creating a deeper divide by highlighting one group above any other. He found it disheartening to hear doubts about the authenticity of fellow citizen Christian beliefs because they did not recognize Transgender Day. As Christians they were called to love their neighbors as themselves, and not to judge others. They were not to make anyone feel unworthy of love for not holding the same values. However not allowing a specific day of recognition was not denying love to anyone. If the objective of the proclamation was for unity and equality, he thought it would do the opposite in tribalism and division. They should be highlighting what brought them together and not what separated them. People should be

appreciated and valued for who they were, and sexuality and gender were a small part of who God made people to be. He thought if there must be a proclamation that it be for a Canby Unity Day for all citizens.

Mindy Montecucco, Bike and Pedestrian Committee Chair, would like to expand the Committee from seven to nine members. They recently had an opening and there was an overwhelming response and they had a lot of work to do. People were willing to serve and were very talented and it was very difficult to pass them by when they were ready and able to give a hand. They needed help with Safe Routes to Schools, Logging Road Trail with the Traverso donation, volunteers for trail clearing, and many others. It would require a change in the Ordinance.

Mayor Hodson said it would be a new business item for Council to discuss at a future meeting.

MAYOR'S BUSINESS: Mayor Hodson thanked everyone for coming to the meetings. He stated that the transgender proclamation was not a religious decision. He was not going to start singling out or putting one group over another. He was not discouraging the recognition of the day. He was sorry that there were citizens who did not feel safe in the community. He met with the Police Chief and the School District regarding these safety issues, and no reports of harassment or violence against transgender community members had been filed. The Police Department went through sensitivity training every year and the Department was there to keep everyone safe. If someone wasn't safe, he asked them to let him know so it could be addressed. He appreciated the time and the respectful dialogue they had.

Mayor Hodson said the Clackamas County Coordinating Committee meeting was tomorrow. Regarding the Corona virus, he thanked Fire Chief Davis, School District Superintendent, and Ms. Zeiber for their efforts. Canby Fire had put into place their emergency process. City agencies were also taking serious measures.

Mindy Montecucco, Canby resident, thought the proclamation was important to the community in teaching them how to open their arms and love one another. There were people who were suffering in the community including children and she did not want to lose them.

Kristi Smith, Canby resident, said regarding the lack of numbers that had been reported in to law enforcement, in places where people did not feel validated or visible, they would not call law enforcement. They did not think they would be listened to or heard. The numbers might be accurate, but that was because they did not feel safe to call law enforcement. She thought a proclamation could show folks that they were valid in the community, would be heard and respected, and the community would be there for them.

Diana Cerasin, Canby resident, was an ordained minister. It had been brought up multiple times about crimes that were not being tracked by the Police Department. People of a minority did fear law enforcement. The numbers were correct on paper but not in person. Every time they heard the word no or the silence, it was telling everyone they did not care. People were going to be afraid if they didn't have the support of their government and representation. They were not getting responses to emails from the Mayor and Council. Waiting two weeks and then being brushed under the rug was unacceptable.

Dah Goodman Griener, Canby resident, said the incidents were underreported because people did not come to the police. That happened because the investigation afterwards became as traumatic as the event that occurred. There was a problem and people were suffering and conversations could take place and people who needed help could get the help they needed. People needed to hear that they cared. They could respect people they disagreed with and the Council and Mayor had been invited to meetings and did not come. There needed to be a time where the Council would meet and talk with them.

Councilor Hensley said she had set up a meeting on Friday and she invited Dah Goodman Griener to join Sarah Rodriguez at the meeting.

Bri Condon, Executive Director of a women's domestic violence shelter, supported Paul Ylvisaker as his neighbor. She watched what happened to him when he came back from a Council meeting. She was concerned with the poor leadership decisions and uninformed perspectives. There was a decent amount of data to back up why things like targeted assaults were not documented. There was an advocacy group in Canby that was making itself available to educate them, however it was not their responsibility but the responsibility of leadership. They had the opportunity to lead the community.

Amira Stanley, Canby resident, stated that she was frustrated that the Mayor pulled up those facts when he had people he could talk to about what was going on. Leaders had to deal with difficult things and had to be real even if it hurt people's feelings.

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Berge said the Caruso Produce application would be discussed at the next Planning Commission meeting.

Councilor Parker joined the Friends of Canby Park group who were working to remove ivy off of trees. There would be another ivy removal day on March 7 at 1 pm for one hour. There were 25 people and 200 trees were worked on.

Council President Dale said they still had to do one more interview for the Canby Utility Board appointment which would be done at the next meeting. He thanked Chief Davis for inviting him to the Fire District Awards Banquet. The Fire Department had some awards for Canby personnel.

Councilor Varwig stated that the retired City Administrator won the Chief's Award at the Fire District Awards Banquet.

Councilor Spoon said there were still openings on the Transit Advisory Committee. They were appointing two Committee members tonight and there were two more vacancies. She announced First Thursday would be tomorrow.

CONSENT AGENDA: **Councilor Dale moved to adopt the minutes of the February 19, 2020 City Council Work Session and Regular Meeting; appointment to the Bike and Pedestrian Committee; reappointments to the Transit Advisory Committee; and a new limited on-premises OLCC liquor license application for Coffee Doodle Doo. Motion was seconded by Councilor Hensley and passed 6-0.

PUBLIC HEARING: Noise Variance Application – North Lake Physical Therapy Gator Grinder Triathlon (May 9, 2020 from 8:00 am - 12:00 pm) – Mayor Hodson read the public hearing format.

Conflict of Interest

Councilor Berge – No conflict, plan to participate.

Councilor Parker – No conflict, plan to participate.

Councilor Hensley – No conflict, plan to participate.

Councilor Dale – No conflict, plan to participate.

Councilor Varwig – His daughter was part of the Canby Gators Swim Club but would not be participating in this event. He planned to participate.

Councilor Spoon – She was within the noticed boundary of the noise variance. She planned to participate.

Mayor Hodson – No conflict, plan to participate.

Ex Parte Contact

Councilor Berge – No contact.

Councilor Parker – No contact.

Councilor Hensley – No contact.

Councilor Dale – No contact, but lived within close proximity to the site and had also received notice of the variance.

Councilor Varwig – No contact, but was at the swim center several times per day and week.

Councilor Spoon – No contact, but was on the site often.

Mayor Hodson – No contact, but drove by the site several times per day.

Staff Report: Melissa Bisset, City Recorder, said the City received a request from Canby Gators Swim Club for a noise variance for May 9 from 8 a.m. to 12 p.m. The variance was being requested for the North Lake Physical Therapy Gator Grinder Triathlon. Noise variances had previously been approved for the last several years for this event and no complaints had been received from last year's event. Everyone within 600 feet had been sent a notice and it had been posted in the *Canby Herald* and around town.

Mayor Hodson opened the public hearing at 8:30 p.m.

Applicant: Steve Pierson, applicant, stated this was a good event for the community and for the youth. It was a fundraiser and run by volunteers. There was some music and an amplifier for awards. There had been no complaints from adjacent neighbors. The PA system was set up in the parking lot and faced towards the surrounding athletes.

Proponents: None.

Opponents: None.

Mayor Hodson closed the public hearing.

Councilor Spoon lived about four houses away and it had never been disruptive. The staff and volunteers had always been respectful of the neighborhood.

****Councilor Varwig moved to approve the Noise Variance for the North Lake Physical Therapy Gator Grinder Triathlon on May 9, 2020 from 8:00 am-12:00 pm. Motion was seconded by Councilor Hensley and passed 6-0.**

NEW BUSINESS: Discussion on Noise Ordinance Specific to Fireworks – Joe Lindsey, City Attorney, said the City’s noise ordinance had some exceptions and if an application did not meet those exceptions, a variance was needed. A few years ago, the School District requested an exception for the fireworks at football games which allowed them not to have to get a variance each year. Another exception was the Fourth of July fireworks. Part of the issue with the football games was the randomness of the exception. The question was whether they wanted to keep the exception or go back to the way it was before with the School District applying for a variance every year.

Councilor Parker said they needed to be able to explain the Ordinance to people and why there was a two tier system where in some instances people had to come in for a variance and others did not. He would like to treat everyone the same.

Councilor Spoon stated that for variances they were able to ask if there had been any complaints and it helped them determine if any adjustments needed to be made. She didn’t want to end the fireworks, but thought they should follow the same process of notice to neighbors and giving citizens the option to come in and comment. She agreed they should treat everyone the same and wanted to make sure they were giving citizens the best and most fair venue to air their concerns.

Councilor Berge agreed there should not be a two tiered system, but for reoccurring events like the Gator Grinder they could make an exception so they did not have to keep coming back. The fireworks had been going on for a very long time and the Gator Grinder had been going on for a long time as well. If it was something that happened for ten years straight, they could consider exceptions if it was done respectfully. He thought the ordinance should be kept in place.

Councilor Varwig liked the fireworks a lot and lived near the high school. He understood that it was annoying to people and he wanted to be sympathetic to that, but he didn’t want the fireworks to go away. He would like to solve both issues.

Councilor Spoon appreciated the notice and thought it was a good thing to have and perhaps the School District could apply annually for the variance and let everyone know the dates the fireworks would occur.

Councilor Hensley said the ordinance was for football games, but since then they had added fireworks to the graduation.

Councilor Berge asked if there were several complaints about the fireworks, would it change the approval.

Councilor Parker explained that there was a time when there were complaints about the Gator Grinder and they had an opportunity to discuss with the organizers how to mitigate that. He thought they should give citizens every opportunity to have a voice in a formal setting that was relevant to the issue at hand.

Council President Dale said the Council had amended the ordinance because they respected the tradition and thought that the outcome would be the same. If that was not still valid for the high school fireworks, then they could remove that in the ordinance and have the School District come with an application every year. He didn't see a way out of the two-tier process because they still did it for the Fourth of July and Rodeo. He did not think it would give the relief Mr. Ylvasiker desired, because he did not think they would stop the fireworks from happening.

Paul Ylvasiker, Canby resident, said he had a petition signed by at least 60 people. It was the randomness of the explosions that was the issue. He was not willing to tolerate the random explosions. He was tired of the pain the fireworks caused and the issues with his pets as well as when he was trying to sleep and the fireworks woke him up. It had nothing to do with the Fourth of July fireworks which he supported. He asked if the variance superseded the Canby Municipal Code. Giving a variance to a place that was already in a noise sensitive land use area was a compromise that should not have been given. The School District said they would look into the least percussive explosions when in fact they were already using them and he was not going back to the School District. The random explosions from touchdowns and the end of a winning game became a detriment to the neighborhood and the tradition needed to end. He suggested the City create one more quiet zone, the Canby Cougar Complex, where no explosive devices could be used. The cost of the quiet zone was 0 dollars and was a win-win. He supported the idea of the Quiet Zone on the north side of town for the railroad, and thought they should be allowed to have one in his neighborhood as well. He admonished the Council to revisit their core values.

Brenda Ylvasiker moved to Canby in 1994. She raised a son that went through the School District. She was a special education teacher and was very familiar with tradition. The tradition seemed to be so strong that they could not see through anything else. She thought the tradition needed to change and she asked Council to consider Paul's proposal. She understood that tradition at the football games could be fun and likable; it was not conducive to everyone. She thought there was a fairness issue with the Canby football team only getting to have fireworks and other teams were not being celebrated. She proposed that the tradition be changed. She suggested to fund, develop, and implement a new way to celebrate and create a new tradition in this decade. Students could be involved in creating the new tradition. It was within the Council's power to not grant the variance so that the neighborhood could have peace of mind.

Councilor Parker stated that he would still like to have a discussion on the process and whether the School District needed to apply every year.

Councilor Berge was good with how the current process was; he questioned having the School District come every year if they were going to give approval anyway.

Councilor Varwig didn't see the Council denying the fireworks variance request.

Councilor Spoon thought there was value in having more conversation and opening up the ordinance. She saw it as continuing to have a conversation with citizens, the City, and School District and thought that it was good governance.

There was consensus to open up the ordinance for further conversation and Mayor Hodson would work with staff on when to bring it forward and what it would look like.

Greg Perez, Canby resident, would like to see the Council meet with the Canby School District Superintendent and Mr. Ylvasiker. He thought that they should come together so they could make a decision so that it could come to an end.

Mr. Ylvasiker asked about the new quiet zone by the railroad. Was it something that was going to be implemented? Mayor Hodson replied yes, it was moving forward and construction would begin in June.

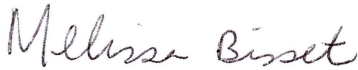
CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

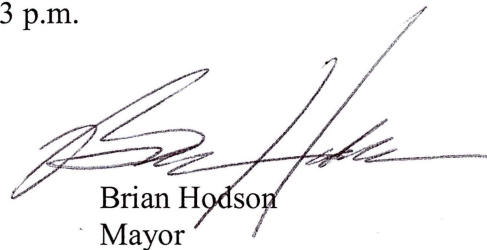
ACTION REVIEW:

1. Approved the Consent Agenda.
2. Approved the noise variance request for the Gator Grinder Triathlon.

Mayor Hodson adjourned the Regular Meeting at 9:23 p.m.



Melissa Bisset
City Recorder



Brian Hodson
Mayor