

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
February 5, 2025**

PRESIDING: Brian Hodson

COUNCIL PRESENT: Traci Hensley (attended virtually), Paul Waterman, Daniel Stearns, James Davis, and Jason Padden.

COUNCIL ABSENT: Herman Maldonado

STAFF PRESENT: Eileen Stein, City Administrator; Maya Benham, Administrative Director/City Recorder; Emily Guimont, City Attorney (attended virtually); Don Hardy, Planning Director; Emma Porricolo, Associate Planner; Ryan Potter, Planning Manager; Jerry Nelzen, Public Works Director; and Jorge Tro, Police Chief.

CALL TO ORDER: Mayor Hodson called the meeting to order at 7:01 p.m.

NEW EMPLOYEE INTRODUCTIONS: None at this time.

CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS: Tamara Driver, Canby resident, spoke about the Canby Beautification Project which had been mowed down. She wanted to know if the Council could talk to ODOT and the Railroad to see if something could be done. Mayor Hodson said the City was working on it.

PUBLIC HEARING: Noise Variance Request from JE Dunn Construction for Oregon Liquor & Cannabis Commission for Early Morning Concrete Pours and Site Work at 165 S Walnut Street from March 1, 2025, to February 28, 2026, to Occur as Needed –

Mayor Hodson opened the public hearing and read the hearing statement.

Ryan Potter, Planning Manager, informed the Council that this project was an approved land use decision. It was approved in December and reaffirmed in January with written findings. One of the conditions was to comply with Canby's noise ordinance and to get a variance if needed.

DJ Linhart with JE Dunn said the main noises would be mechanical type noises and trucks coming to the site, which would be running concrete pumps and trucks with backup alarms.

Mayor Hodson asked if the time frame was to start at 4:00 to 7:00 a.m. on most days. Mr. Linhart responded yes.

Councilor Davis asked if there was any input from the neighboring properties. Mr. Linhart said letters were sent and something was published in the newspaper. Mr. Potter verified radius notices were sent. No input was received.

Councilor Waterman asked if the start time was for the whole year. Mr. Linhart responded they were giving themselves a big window due to issues with permitting. The largest portion of the job was pouring floors and tilt panels which would take place over 2-3 months. There would be half street improvements on Walnut Street and First Avenue, which was a much smaller job. There was no public testimony.

Mayor Hodson closed the public hearing.

There was discussion regarding how this application was similar to the Columbia Distributing construction.

****Councilor Padden moved to approve the noise variance request from JE Dunn Construction for Oregon Liquor & Cannabis Commission for early morning concrete pours and site work at 165 S Walnut Street from 4:00am to 7:00am on March 1, 2025, to February 28, 2026, to occur as needed. Motion seconded by Councilor Davis and passed 5-0.**

CONSENT AGENDA: **Council President Hensley moved to approve the January 22, 2025, City Council Regular Meeting minutes; appointment of Jennifer Giller to the Heritage and Landmarks Commission with a term ending June 30, 2027; and appointment of Heather French to the Heritage and Landmarks Commission with a term ending June 30, 2026. Motion was seconded by Councilor Padden and passed 5-0.

ORDINANCES AND RESOLUTIONS:

Ordinance 1639 – Jerry Nelzen, Public Works Director, shared the budget for the project was \$1,670,000, and the lowest bid came in at \$1,135,210, making the project under budget.

****Council President Hensley moved to approve Ordinance 1639, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MENG-HANNAN CONSTRUCTION, INC. IN THE AMOUNT OF \$1,135,210.00 FOR THE CONSTRUCTION OF THE PUBLIC WORKS FUEL CARDLOCK STATION PROJECT. Motion was seconded by Councilor Waterman and passed 5-0 by roll call vote.**

OLD BUSINESS: Ordinance 1640 – Emily Guimont, City Attorney, presented the status of Ordinance 1640 which had been tabled at the last Council meeting. The contract was reduced to 6 months with a not-to-exceed price of \$25,000, allowing the amount to be absorbed by the existing IT budget for the remainder of this fiscal year. It also reduced the amount requiring an Ordinance to be approved by the Council and to award the contract without going through a competitive process. If more than 6 months was needed, it would allow Chief Tro to build it into his budget for the coming fiscal year.

NEW BUSINESS: Release of Sewer Easement Letter for 1075 SE 1st Avenue – Tax Lot 31E34C 00405 – Emma Porricolo, Associate Planner, presented the request for removal of a sewer easement on SE 1st. The applicant was working on a food cart pod on property owned by Millar's and had already received land use approval. Part of the development would take place on the easement. Due diligence was done by both the applicant and City. Public Works indicated the easement was no longer necessary.

****Councilor Padden moved to approve the City Administrator signing the Release of Sewer Easement letter, terminating all City interest in the public sewer easement located along the rear property line at 1075 SE 1st Avenue (Tax Lot 31E34C 00405). Motion was seconded by Councilor Davis and passed 5-0.**

Potential Audit Presentation and Mid-Year Budget Review on February 26 – Eileen Stein, City Administrator, proposed a meeting for an audit presentation and mid-year budget review. There

was consensus to hold the meeting on February 26, 2025, at 7:00 p.m., and the Budget Committee was requested to be present.

MAYOR'S BUSINESS: Mayor Hodson reported on the City Council Goal Session last Friday. He would work on scheduling the proposed Work Sessions. The State of the City Address would be held on February 21, March 4, and March 11. The Region 1 Area Commission on Transportation discussed ODOT road transfers.

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Padden reported on the last Heritage and Landmarks Commission meeting where membership and selecting a Chair was discussed. Regarding the planting on 99E, he had talked to staff about putting in irrigation and ODOT was against it. The plants were in the railroad easement, which was not allowed and the permit for the planting was several years expired. The planter boxes were the last straw and all of it would end up coming out.

Councilor Davis said the Parks and Recreation Advisory Board was discussing dedicating a bench and a tree in memory of Jeff Snyder, Public Works Supervisor, prioritizing capital improvement projects, Park Maintenance Fee tracking, and a Work Session on the Park Maintenance Fee. The Adult Center was working on purchasing their new facility. He asked staff when the Emergency Management training for the Council would be scheduled and status on the Walnut Street extension. Staff would provide the information to Council.

Councilor Stearns noted the Canby police did not enforce immigration.

Councilor Waterman attended the elected officials training through the League of Oregon Cities.

CITY ADMINISTRATOR'S BUSINESS: Ms. Stein thanked the Council for the Goal Setting last Friday and the leadership team was planning to refine the document. She planned to add a monthly goal update to the first meeting of every month. A Comprehensive Plan Advisory Committee meeting would be held next Tuesday and a Regional Cascadia Earthquake Tabletop Workshop Series on February 25.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Ordinance 1639.
3. Approved the City Administrator to sign a Release of Sewer Easement letter for 1075 SE 1st Avenue.
4. Scheduled an audit presentation and mid-year budget review on February 26 at 7:00 p.m.

The meeting was adjourned at 7:50 p.m.


Maya Benham, CMC
City Recorder


Brian Hodson
Mayor

Assisted with Preparation of Minutes – Susan Wood