



**AGENDA**  
**CANBY CITY COUNCIL**  
**Virtual Meeting/ Council Chambers**  
**Regular Meeting 7:00 PM**  
**Executive Session 7:30 PM**

*Meetings can be viewed on CTV Channel 5 and YouTube*

**October 7, 2020**

**222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor**

**Mayor Brian Hodson**  
**Council President Tim Dale**  
**Councilor Traci Hensley**

**Councilor Greg Parker**  
**Councilor Sarah Spoon**  
**Councilor Shawn Varwig**

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**Regular Meeting – 7:00 PM**

**1. CALL TO ORDER**

**2. COMMUNICATION**

- 3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. Staff and the City Council will make every effort to respond to questions raised during citizens input before the meeting ends or as quickly as possible thereafter. **\*\*\*If you would like to speak virtually or in person, please email or call the City Recorder by 5:00 pm on October 7, 2020 with your name, the topic you'd like to speak on and contact information: [bissetm@canbyoregon.gov](mailto:bissetm@canbyoregon.gov) or call 503-266-0733. Once your information is received, you will be sent instructions to speak. Please note that Council will be attending this meeting virtually.**

**4. MAYOR'S BUSINESS**

**5. COUNCILOR COMMENTS & LIAISON REPORTS**

- 6. CONSENT AGENDA:** This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.

- a. Approval of Minutes of the September 2, 2020 City Council Work Session and Regular Meeting and September 16, 2020 Work Session and Regular City Council Meeting. Pg. 1
- b. Appointing Corina Kanen to the Heritage & Landmark Commission. Pg. 26

**7. RESOLUTION**

- a. **Resolution No. 1342:** A Resolution Adopting A Temporary Program For Use Of Parking Lots During The COVID-19 Emergency Pg. 29

**8. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**

**9. CITIZEN INPUT**

**10. ACTION REVIEW**

**11. ADJOURN**

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**Executive Session – 7:30 PM**  
**(Will begin after the City Council Meeting ends but not before 7:30 PM)**

**EXECUTIVE SESSIONS ARE CLOSED TO THE PUBLIC. Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision.**

**1. CALL TO ORDER**

**2. EXECUTIVE SESSION: ORS 192.660(2) (a) To consider the employment of a Public Officer.**

**3. ADJOURN**

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\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Melissa Bisset at 503.266.0733. A copy of this Agenda can be found on the City's web page at [www.canbyoregon.gov](http://www.canbyoregon.gov). **City Council and Planning Commission Meetings are typically broadcast live and can be viewed on CTV Channel 5.** For a schedule of the playback times, please call 503.263.6287.

**\*\*We are requesting that rather than attending in person you view the meeting on CTV Channel 5 or on YouTube: <https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>**  
**If you do not have access virtually, there are a small number of chairs provided inside to allow for distancing.**

**CANBY CITY COUNCIL  
WORK SESSION MINUTES  
September 2, 2020**

**Due to COVID-19 Pandemic, the Mayor and City Councilors attended the meeting virtually. The public was asked to view the meeting live on CTV Channel 5 or on YouTube. Seating was available in the Council Chambers in compliance with the Governor's Executive Order regarding social distancing.**

**PRESIDING:** Mayor Brian Hodson.

**COUNCIL PRESENT:** Tim Dale, Traci Hensley, Greg Parker, Sarah Spoon, and Shawn Varwig.

**STAFF PRESENT:** Joseph Lindsay, City Attorney; Jerry Nelzen, Public Works Lead; Jamie Stickel, Economic Development Director; and Melissa Bisset, City Recorder.

**OTHERS PRESENT:** None.

**CALL TO ORDER:** Mayor Hodson called the Work Session to order at 6:04 p.m.

**DISCUSSION REGARDING THE WALNUT STREET EXTENSION:**

Jerry Nelzen, Public Works Lead, said since October 2019 they had been working with the property owners for the Walnut Street extension to 99E in the Industrial Park. They were ready for the City to move forward with the project. He suggested in house engineering to get the project going and securing the right-of-way property.

Mayor Hodson asked what work had already been done on the project. Mr. Nelzen said a topographical survey had been done for the elevations for sewer service. Staff had talked to all of the property owners and they were on board. Staff had also put out some RFPs for bids through different City Administrators. Staff also met with ODOT and Clackamas County to discuss the process. The next step was to procure the right-of-way.

Councilor Parker said the City had promised when the Industrial Park was built that the City would do all it could to build out the park. He thought they should not wait for the Sequoia intersection to reach failure before starting this project and there were a number of projects that would be coming on faster than they imagined. He suggested that they pursue this. He asked how much bid activity they would get for the project.

Mr. Nelzen said it was hard to say right now, but he thought it would be about two bidders.

Councilor Parker thought it would be best to go with Curran-McLeod for the engineering and then see what the Public Works department could do. It was owed to the property owners and he did not want to lose the right-of-way.

Councilor Varwig asked if staff had an idea of where the road would go. He wanted to make sure if they got the right-of-way, they would know the placement of the road and would not have to get additional right-of-way. Mr. Nelzen was positive they would get the correct right-of-way as there was only one good place because of the pond and wetlands. Everyone was on board for that direction.

Councilor Varwig was in support of getting the right-of-way as soon as possible.

Mayor Hodson asked if the project could be done in two years. Mr. Nelzen explained that getting a connection would take longer than two years.

Mayor Hodson said there was a level of urgency to get the project done.

Mr. Nelzen thought that they could get the project done in a reasonable amount of time.

Councilor Spoon thought that the project should move forward as there was opportunity for the right-of-way and that could change.

Council President Dale asked what right-of-way acquisition would entail.

Joe Lindsay, City Attorney, explained there were opportunities to trade land and not pay out cash. Everyone in the area was aware that when they put a road in there it would allow the property owners to develop. They were willing to come to the table and get agreements in place.

Council President Dale thought that was something they should move on. He had concerns about funding the development. There needed to be a balance between the civil engineering P.E. stamp of approval for the plan and ODOT would also need that level of engineering and getting the right-of-way agreements going.

Mr. Lindsay said they could move forward with the right-of-way agreements and revisit the costing later. Staff was asking if they were going in the right direction and using in house staff first to get to yes on some of the preliminary discussions.

Council President Dale stated that he wanted confidence to know where the road would go and that the areas that would be acquired would be what was necessary for the road. Mr. Lindsay explained how the boundaries for the road were known and where the right-of-way would be needed.

Council Parker asked when the project could be added to the Transportation System Plan. Mr. Lindsay noted that the urgency was understood and staff would move forward with amending the TSP.

Mayor Hodson noted that there was consensus from the Council to move forward with acquiring the right-of-way. They would also need to master plan this area in the future.

The meeting was adjourned at 6:44 p.m.

Melissa Bisset, CMC  
City Recorder

Brian Hodson  
Mayor

DRAFT

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
September 2, 2020**

**Due to COVID-19 Pandemic, the Mayor and City Councilors attended the meeting virtually. The public was asked to view the meeting live on CTV Channel 5 or on YouTube. Seating was available in the Council Chambers in compliance with the Governor's Executive Order regarding social distancing.**

**PRESIDING:** Mayor Brian Hodson.

**COUNCIL PRESENT:** Traci Hensley, Tim Dale, Greg Parker, Sarah Spoon, and Shawn Varwig.

**STAFF PRESENT:** Joseph Lindsay, City Attorney; Jamie Stickel, Economic Development Director; Bret Smith, Police Chief; and Melissa Bisset, City Recorder.

**OTHERS PRESENT:** Lucinda Broussard, Jennifer Rabby, and Mat Dolata

**CALL TO ORDER:** Mayor Hodson called the Regular Meeting to order at 7:00 p.m.

**COMMUNICATIONS:** Joseph Lindsay, City Attorney, said this was Amanda Zeiber's last day as she was moving to Arizona.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** It was publically noticed that Council would be attending the meeting virtually and written comments and input on agenda items were accepted until 5:00 p.m. on Wednesday, September 2. No comments were received and no one requested to speak.

**PRESENTATION: Tolling Project – I-205**

Lucinda Broussard, Toll Program Director ODOT, discussed the value pricing feasibility analysis that considered the big concepts for implementing tolls on I-205 and I-5. They heard the need to avoid negatively affecting low income communities, improve transit and other transportation choices, and address the potential of tolls to divert traffic to local streets. She discussed the project schedules and how equity was guiding their work. Their goal was to create better solutions for those historically and currently underrepresented and underserved by collaborating with community partners, developing an equity framework, and formation of an Equity and Mobility Advisory Committee. The Advisory Committee would advise the Oregon Transportation Commission and ODOT, ensure decisions and processes were grounded in the equity framework, and provide input on mobility and equity strategies. Project updates and activities included outreach to community organizations, orientation for engagement liaisons, regular communications, Equity and Mobility Advisory Committee, briefings to local and regional jurisdictions, and Regional Modeling Group data share. She shared what they had heard about tolls over the last three years. These included tolls implemented equitably including where

and how the revenue was used, questions about operation and effectiveness of modern toll systems, opinions about the need for roadway and transportation system expansion, tolls were not equitable across all income levels, transit service along the I-205 corridor was not robust enough to afford residents of northwest Clackamas County another travel option as an alternative to driving, tolls would create additional diversion into communities along the I-205 corridor, and concerns about how local trips that used I-205 would be treated. She discussed the feedback loops for the input that had been received.

Jennifer Rabby, WSP, discussed the I-205 project area, project milestones and draft environmental assessment phase, project stakeholder and community engagement, and 45 day public comment period. The desired outcomes for the public engagement were: obtain feedback on the range of alternatives for environmental review, obtain feedback on the purpose and need, increase awareness of toll systems, and share information about how the results of the feasibility analysis informed the I-205 toll project and ODOT's approach to equity. The purpose and need statement was a concise statement of the transportation problem or challenge that needed to be addressed. It was used as a foundation for determining the range of alternatives to be considered in the environmental review. It limited the range of alternatives. Any alternative that failed to meet the project's purpose and need was dismissed from further consideration. The goals and objectives were desirable outcomes of the project beyond the purpose and need statement. They were used as a comparison and evaluation of alternatives studied in the environmental analysis. They would develop qualitative and quantitative measures. The project purpose was to manage congestion on I-205 between Stafford Road and OR 213 and raise revenue to fund congestion relief projects. The need for the project was regional congestion as well as congestion on I-205 Stafford Road to OR 213. Funding was needed for congestion relief projects. She summarized the goals and objectives which included providing equitable benefits for all users, limiting additional traffic rerouting, supporting safe travel regardless of mode, improving air quality and contributions to climate change, supporting multi-modal transportation choices, supporting regional economic growth, supporting travel demand management, maximizing integration with future toll systems, and maximizing interoperability with other systems.

Mat Dolata, WSP, discussed the alternatives analysis framework for I-205. From the feasibility analysis, one alternative was advanced for I-205. This Concept E could manage traffic and generate revenue on I-205. The initial screening looked at a range of alternatives. They were comparing five alternatives to each other to see if there were toll configurations that had better outcomes and planned to choose two or three alternatives for the environmental review detailed study to review the impacts of the alternatives and to see if mitigation was needed. The preferred alternative would be one alternative which would refine the project and identify impacts and mitigation. The five alternatives were: toll on the Abernethy Bridge, toll Abernethy Bridge with tolling gantries off bridge, individually toll multiple bridges to be rebuilt, segment-based tolls – Stafford Road to OR 213, and single zone toll – Stafford Road to OR 213. He reviewed the performance measures used to screen the alternatives including transportation system demand, I-205 traffic, diversion effects, cost and revenue, and implementation and operations. He explained the changes in I-205 traffic. The 2027 model results on the tolled sections showed daily volume reductions on I-205, diversion off of I-205 was worse during the off-peak hours on a percentage basis than during peak hours, and diversion was less significant immediately outside of the toll area. The traffic would divert to other roadways either on the regional system or local system

near the tolled area. Not all of the traffic would be diverted but there would be changes in travel behavior such as changing the time of day, destination, or mode of transportation. The model showed potential for single occupancy vehicle trip reductions and a shift primarily from single occupancy vehicles to high occupancy vehicles or shared rides. The potential shift to transit was very small and there was no significant difference in mode share between alternatives. In terms of the overall transportation system, all alternatives reduced vehicle miles traveled with the greatest decline occurring in Alternatives 3 and 4. All alternatives reduced vehicle hours traveled with the greatest decline in Alternatives 4 and 5. All alternatives resulted in a shift in vehicle demand away from freeways to non-freeway routes. Peak hours showed greatest potential vehicle hours traveled savings overall with potential decrease on non-freeways as well as freeways, and the daily change was less than 1% of regional vehicle miles traveled or vehicle hours traveled. He discussed the locations assessed for rerouting effects on I-5 north of I-405, I-5 Marquam Bridge, I-5 east of Terwilliger Blvd, I-5 north of OR 217, I-5 north of I-205, and I-5 at Boone Bridge. He also discussed the alternative routes assessed beyond I-205 including OR 43 south of Terwilliger Blvd, Stafford Road south of Elk Road, Stafford Road east of SW 65th Ave, and OR 99E downtown Canby. There was potential for significant increase in volume on 99E in Canby over the course of the day. They needed to do more analysis on the potential rerouting from tolls. The stages of analysis were the feasibility analysis to identify potentially impacted routes, screening to identify potential scale of impact at key locations during peak, off-peak, and daily, and an environmental assessment to identify impacts to study intersections during peak hours and any needed mitigations to meet mobility standards. Peak period congestion effects would be part of the environmental analysis. They recognized that rerouting existed today. He discussed the performance comparison summary for the five alternatives and initial recommendations for further study. The two alternatives they were recommending were alternatives 3 and 4. Alternative 3 was to toll the segment east of Stafford Road and the Abernethy Bridge. Alternative 4 was four different tolls from Stafford Road to OR 213.

Ms. Broussard listed the next steps which included an online open house, online survey, and webinars.

Councilor Parker asked if the tolling was to generate revenue or reduce congestion during peak hours. Ms. Broussard said it was both. The gross revenue would pay for construction and debt, the net revenue would pay for operations and maintenance, and whatever was left would stay on the corridor for other projects.

Councilor Parker discussed the history of Clackamas County transportation participation in statewide and regional efforts and how Canby did not get their fair share. It would be easier for him as a policy maker to be able to explain to his constituents what they would get out of this. He asked if the tolling would be 24 hours per day. Ms. Broussard said yes, but it would be a variable rate. During peak times it would be higher and off-peak would be lower.

Councilor Parker said for places like Canby the greatest impact would be off-peak times. Mr. Dolata explained they were seeing more diversion on off-peak times due to the congestion of the overall system and because of the travel time savings.



Councilor Spoon said there was a concern about the impact to 99E. It was already stressed with the growth in the City and traffic was getting worse. What was the methodology in determining what the impact would be on 99E? How did they determine what would be worse for 99E and which alternatives had less effect than others?

Mr. Dolata said at this point with the regional modeling it was a high level look and they were identifying the scale of it. When they got into the environmental assessment, they would have to do that detailed analysis. The regional model would be a starting point and they were also developing a refined model that would include subareas and on top of that there would be location specific analysis. They would compare it to no build and to mobility standards defined for all of the major intersections, and if the tolling was creating a rerouting pattern on the intersection they would identify some kind of mitigation for improvements.

Councilor Spoon said 99E was not a route that had a lot of alternatives. If the initial recommendations indicated that there was a high impact on 99E to the citizens of Canby, what might mitigation look like and how could the community be a part of that once they were past the initial input round. Mr. Dolata said they might look at bigger intersections or refining the toll costs or tweaking the tolling alternative so it did not create the impacts. The first step would be identifying the impacts through the environmental assessment and then identifying the strategies.

Councilor Spoon asked if there would be another opportunity for the community to engage as the process was refined and they figured out the solutions. Ms. Broussard said there would be community engagement throughout the process.

Council President Dale said it was not clear what they needed the revenue for and where it would go. The community had a great deal of skepticism about the real intent. They would look at the tolling as yet another example of Clackamas County bearing the cost of funds being diverted to Portland causes or other causes of the state and there would be no direct benefit to Clackamas County. To reduce congestion on I-205 they needed more lanes and tolling alone would not reduce congestion. There were no transit options and no alternate routes and traffic would increase on the few alternatives there were and the residual of the funding would go to the corridor. There was no clear benefit and the community would not be in support.

Ms. Broussard said the design for the I-205 improvement was paid for, but the construction was not. The tolling revenue would go towards the construction of the additional lane and the seismic retrofitting on the Abernethy Bridge. The residual would be after the projects were paid for and would go toward the corridor.

Mayor Hodson thought the information from the County's Diversion Committee was that once the tolling paid for the infrastructure for the tolls, then the money would go to the diversion pieces not the added lane. Ms. Broussard said the up front money would be used for the seismic retrofit, extra lane, and tolling equipment and the extra would be for the corridor. Mitigation would be part of the construction at the front end, not the back end.

Mayor Hodson said the partnership with Tri-Met needed to be enhanced. He asked what the dialogue had been with Tri-Met to develop a plan alongside this effort. Ms. Broussard said there

was a transit multi-modal group that was looking at where transit was now and what it would look like in the future. The Equity and Mobility Advisory Committee would also be looking at transit.

Councilor Parker said the diversion impacts on 99E were not on 99E but on the access roads from I-5 into 99E. He asked if the diversion numbers only included 99E or did they include how people were getting to 99E. Mr. Dolata said they were looking at both and the entire regional network and circulation pattern. It was comparing all of the scenarios against each other and considering the travel time savings and route choices people would make.

Councilor Spoon was concerned that mitigation such as making intersections bigger was not possible in Canby. She encouraged them to drive through Canby because it was a unique community with a unique transportation system.

Councilor Varwig asked if the tolling would be in perpetuity and never go away. Once all of the debt was paid, what guarantee did Clackamas County have that the extra revenues would continue to be spent on projects in the County. Ms. Broussard said the Oregon Transportation Commission would decide whether or not the tolls would sunset. She was going to ask for the dedication of that revenue to stay on the corridor.

**MAYOR'S BUSINESS:** Mayor Hodson shared that the initial background check had been conducted for the City Administrator and it was very favorable. He asked if the Council wanted to do an additional internal background check beyond what the recruiting firm had done. He would like to open up negotiations with the candidate while the additional background check was being done.

Councilor Spoon thought it was important to conduct an additional background check and supported negotiations to be opened. She asked that the background check include research on references that were not on the list provided by the candidate. She asked for an update on what the search entailed.

Mayor Hodson thought the additional background check could be completed by the next Council meeting and the findings of both background checks could be discussed in Executive Session. They could also discuss terms of the contract at that meeting.

Council President Dale supported doing those in parallel. He had spoken to the Police Chief about doing the background check and he was confident that he could oversee the process in a timely manner.

There was consensus to move forward with negotiations and a more extensive background check for the City Administrator candidate.

Mayor Hodson said they were considering a bond for the Walnut Street extension and other road projects. He thanked the Custforth Family for a great car show last weekend. There were over 500 cars and it was a great event.

## COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Spoon shared that the Transit Advisory Committee had met and discussed the next phase for increasing service. The Committee was in favor of starting a local circulator, but they had to see what revenues would look like as they navigated through the effects of Covid. She discussed the feasibility study for the Ackerman project and doing a similar study for the Wayside project to see what could actually be done on that land. She asked if SDC funds could be used for the feasibility study. She met with the Mayor about a Diversity, Equity, and Inclusion Committee.

Mayor Hodson stated that there was a push for creating an overall parks master plan. He could bring the Wayside feasibility study back to the Parks and Recreation Advisory Board for discussion.

Councilor Spoon thought that the feasibility study should be done first before the master plan. Mayor Hodson would ask the Planning Department.

Mayor Hodson said regarding the Diversity, Equity, and Inclusion Committee, he had not time to look into it further. There would be discussions about DEI on a County level and he would have more input on what that might look like for the County and City after those meetings.

Councilor Parker shared that the first drive-in movie at the Fairgrounds had been successful. There was criticism about the selection of movies and they had flipped the order. They were going to have a drive thru Scare Fair this year. The Bicycle and Pedestrian Committee had secured a \$35,000 grant to begin initial assessment and review of the Traverso property for an extension of the bike trail. They had assurance from the Sheriff-elect that they should proceed with the project and not stall it because of concerns over safety or potential criminal activity. The consultant would be spending up to one-fourth of his time talking with neighbors about concerns and mitigations.

Councilor Varwig shared that Danny Smith would be starting as the new Library Director on September 21<sup>st</sup>. The Fire Department was seeking an endorsement from the Council for the renewal of the current levy.

**CONSENT AGENDA: \*\*Council President Dale moved to adopt the minutes of the August 19, 2020 City Council Work Session and Regular Meeting. Seconded by Councilor Spoon and passed 5-0.**

## RESOLUTION:

### **Resolution No. 1341: A Resolution adopting Canby's 2020 Preservation Plan.**

Jamie Stickel, Economic Development Director, said the State Historic Preservation Office suggested the Canby Heritage and Landmark Commission create a Preservation Plan to compliment the work that had been done since the revival of the committee in 2013. The plan would provide direction for future projects and initiatives. The plan was created by NW

Vernacular. It reviewed Canby's historical assets which included buildings, trees, and parks and presented a roadmap for future preservation and heritage efforts. The plan could be added to the City's Comprehensive Plan which the Planning Department anticipated updating in the near future. It had been funded through grants. There were already numerous efforts underway by the Commission which included gathering materials for a preservation webpage, overseeing the efforts to develop a reconnaissance level survey and context statement for the Clackamas County Fairgrounds and Event Center, and utilizing the upcoming October Commission meeting to finalize the full list of projects for 2021-22.

Mayor Hodson stated that this was a tremendous plan. He liked that it tied to the Comprehensive Plan and appreciated the work that had been conducted. He thanked everyone who worked on the plan.

**\*\*Councilor Parker moved to adopt Canby's 2020 Preservation Plan. Motion was seconded by Councilor Hensley and passed 5-0.**

#### **ORDINANCES:**

**Ordinance No. 1535:** An Ordinance proclaiming annexation into the City of Canby, Oregon 10,878 Square Feet of real property described as a portion of Tax Lot 100 of NW ¼, Sec. 34, T.3s., R.1e., W.M. (Tax Map 31e34b); and approx. 350 Square Feet of adjacent North Redwood Street Right-Of-Way; and amending the existing County Zoning from Rural Residential Farm Forest Five acre (RRFF-5) to City Medium Density Residential (R-1.5) for the entire area; and setting the boundaries of the property to be included within the Canby City Limits. *(Second Reading)*

Mayor Hodson noted that the annexation was presented at the last City Council meeting.

**\*\*Councilor Varwig moved to adopt Ordinance 1535, AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 10,878 SQUARE FEET OF REAL PROPERTY DESCRIBED AS A PORTION OF TAX LOT 100 OF NW ¼, SEC. 34, T.3S., R.1E., W.M. (TAX MAP 31E34B); AND APPROX. 350 SQUARE FEET OF ADJACENT NORTH REDWOOD STREET RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST FIVE ACRE (RRFF-5) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS. Motion was seconded by Council President Dale and passed 5-0 by a roll call vote.**

**Ordinance No. 1533:** An Ordinance authorizing the Mayor and Interim City Administrator to execute a contract with D & I Excavating, Inc. in the amount of \$856,364.00 for Construction of the South Ivy Street Sanitary Sewer Replacement. *(Second Reading)*

Mayor Hodson reminded Council that the item was presented during the last City Council meeting.

Mr. Lindsay said this project was slated for November of this year, but the County portion of the project for the sidewalks and lighting would be between March and September of 2022. City staff would also be working with Canby Utility to put the power lines underground when the County was doing their work.

**\*\*Councilor Varwig moved to adopt Ordinance 1533, AN ORDINANCE AUTHORIZING THE MAYOR AND INTERIM CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH D & I EXCAVATING, INC. IN THE AMOUNT OF \$856,364.00 FOR CONSTRUCTION OF THE SOUTH IVY STREET SANITARY SEWER REPLACEMENT. Motion was seconded by Councilor President Dale and passed 5-0 by a roll call vote.**

**Ordinance No. 1534:** An Ordinance authorizing the Interim City Administrator to execute a contract with Landscape Structures Inc, to purchase playground equipment for Locust Street Park. *(Second Reading)*

Mayor Hodson reminded Council that the item was presented during the last City Council meeting to replace the playground equipment at Locust Street Park.

Mr. Lindsay had spoken with Jeff Snyder, Parks Lead, and the \$20,000 savings had already been earmarked for cement and bark chips leading up to the playground. He was looking into an additional ramp to make it more accessible.

Councilor Spoon asked if they could include a piece of equipment that was wheelchair accessible.

Mayor Hodson was also interested in seeing more accessibility at the park.

Councilor Varwig thought there should be ADA accessible equipment in all of the parks moving forward.

Mr. Lindsay would note that direction for future park projects. Mayor Hodson said they might also need to include that in the planning and design requirements.

**\*\*Councilor Varwig moved to adopt Ordinance 1534, AN ORDINANCE AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LANDSCAPE STRUCTURES INC, TO PURCHASE PLAYGROUND EQUIPMENT FOR LOCUST STREET PARK. Motion was seconded by Councilor Spoon and passed 5-0 by a roll call vote.**

**Ordinance No. 1536:** An Ordinance authorizing the Mayor and Interim City Administrator to purchase four (4) vehicles for Canby Area Transit from Creative Bus Sales of Canby, Oregon. *(Second Reading)*

Mayor Hodson reminded Council that the item was presented during the last City Council meeting. This would add to and replace buses for Canby Area Transit.

**\*\*Councilor Spoon moved to adopt Ordinance 1536, AN ORDINANCE AUTHORIZING THE MAYOR AND INTERIM CITY ADMINISTRATOR TO PURCHASE FOUR (4) VEHICLES FOR CANBY AREA TRANSIT FROM CREATIVE BUS SALES OF CANBY, OREGON. Motion was seconded by Council President Dale and passed 5-0 by a roll call vote.**

**Ordinance No. 1537:** An Ordinance authorizing the Mayor and Interim City Administrator to purchase one vehicle for Canby Area Transit from Gillig LLC of California. *(Second Reading)*

**\*\*Councilor Spoon moved to adopt Ordinance 1537, AN ORDINANCE AUTHORIZING THE MAYOR AND INTERIM CITY ADMINISTRATOR TO PURCHASE ONE VEHICLE FOR CANBY AREA TRANSIT FROM GILLIG LLC OF CALIFORNIA. Motion was seconded by Councilor Varwig and passed 5-0 by a roll call vote.**

**Ordinance No. 1538:** An Ordinance authorizing the Interim City Administrator to enter into an Employment Contract between the City of Canby and Bret J. Smith; and declaring an emergency.

Mr. Lindsay explained the Police Chief had served in Canby for 11 years and was going to retire at the end of the month. PERS had expanded the ability to retire but still do a work back situation. The City would benefit from the continuity of the Police Chief in the same role. This would allow the City to agree on an end date of April 1, 2021 and it allowed for a succession plan as well as a new City Administrator in place before replacing the Chief's position. It also benefitted the City to not have to pay the employee contribution of PERS. The additional amount would go into a deferred compensation since the Chief had never received a raise in his time at the City. The emergency clause was to have it go into effect after the second reading.

Bret Smith, Police Chief, said he was originally going to retire on July 1, but because of Covid and the racial unrest as well as the vacancies in the department he had extended it out. He thought hiring and retention would be difficult in these times and to be a good steward of what they had, he hoped the work back would encourage retention. It would not be an additional cost to the City and he thought it would be an incentive to keep people here.

Mr. Lindsay noted that it was a win-win for everyone.

**\*\*Council President Dale moved to adopt Ordinance 1537, An Ordinance authorizing the Interim City Administrator to enter into an Employment Contract between the City of Canby and Bret J. Smith; and declaring an emergency to come back for second reading on September 16, 2020. Motion was seconded by Councilor Varwig and passed 5-0 on first reading.**

#### **UNFINISHED BUSINESS:**

**Findings, Conclusions and Order - Redwood Landing II Annexation, City File #ANN/ZC 20-01 (A linear strip of land approximately 10,878 square feet in size)**

**\*\*Councilor Varwig moved to accept the Findings, Conclusions and Order - Redwood Landing II Annexation, City File #ANN/ZC 20-01. Motion was seconded by Councilor Hensley and passed 5-0.**

## **NEW BUSINESS**

### **Appoint Interim City Administrator:**

Mayor Hodson said the previous Interim City Administrator/HR Director Amanda Zeiber had resigned and her last day was September 2. She had filled in three times over her 13 years as Interim City Administrator and he appreciated all she had done. They estimated that there would be a gap of 6-8 weeks before a new City Administrator was hired. The Mayor asked that City Attorney Joseph Lindsay be appointed as Interim City Administrator and that there was a 10 percent increase in his salary.

**\*\*Councilor Spoon moved to appoint Joseph Lindsay as Interim City Administrator and that there be a 10 percent increase in salary during the interim time. Councilor Varwig seconded and passed 5-0.**

Council President Dale expressed his confidence in Mr. Lindsay's abilities. He would do an excellent job.

Mayor Hodson had asked that Mr. Lindsay see what he could do to relieve himself of the court duties and if additional HR support would be needed.

**CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** Mr. Lindsay said the City Recorder had HR experience and he planned to put her in a HR managerial role to train the specialist in the short run and buy them time until the new City Administrator started.

Quiet Zone Update – Mr. Lindsay spoke with Maureen from PBS, the engineering firm that had been working on the quiet zone project. The price of the project had gone up to \$122,000 for each crossing. The railroad had offered 30 days for ordering the extra flashing lights and equipment. They wanted an assurance from the City that the City wanted to move forward. The extra lights and equipment cost \$362,000 and the City would have to reimburse the railroad for the cost. The railroad also came back with requirements that solidified what the City would need to do at each crossing. Those were all acceptable and what the City thought it would have to do. The additional piece that was new was a maintenance charge of \$19,000 per intersection. For the three intersections it would be \$48,000 annually. Originally the engineers thought it would be a \$575,000 project for the intersections, but that inflated to \$892,000. The arch came in at \$435,000. Everything had come in quite a bit higher. The most conservative cost for the whole project was \$1.7 million which included the \$362,000 the railroad had quoted. They thought that the bids would come in lower during the winter. There were funds in Urban Renewal to pay the \$1.7 million and it would not change the Urban Renewal pay off date. The City had already spent \$390,000 on the project. This year they paid \$37,000 for engineering work and the engineer still had \$18,000 left to spend. The engineer thought they could do their part for the amount that was left. He thought it could be value engineered and not reach the \$1.7 million and

in the end they would have the quiet zone, arch, and three safe intersections for pedestrians and vehicles.

Mayor Hodson agreed the safety was important and this project had been on the list to do for many years. He asked if they wanted to take the arch out of the project for cost savings.

Mr. Lindsay clarified the railroad wanted to know right now if the City wanted to move forward with the quiet zone. The second question of taking the arch out of the project could be discussed later. The piece that was timely was the quiet zone.

Mayor Hodson asked about the \$48,000 annual charge for maintenance. How much would that increase in perpetuity? Mr. Lindsay had not seen how they wanted to contract for it. They could try to lock it in for a certain amount of time.

Mayor Hodson asked when they needed to give the railroad an answer. Mr. Lindsay said they needed to decide tonight or hold a special meeting. He did not think they wanted to wait to the next Council meeting.

Councilor Varwig stated that there had been a lot of investment in the downtown and there were good things going on. He did not like the noise of the railroad and thought it was a good idea to continue to move forward with the quiet zone.

Councilor Spoon asked if there was a commitment to Mary Hanlon and the Dahlia building that a quiet zone would be part of the package.

Councilor Parker said yes, there had been a commitment as part of the negotiations that the City would pursue a quiet zone. The vision was for further housing downtown. He thought they should move forward with it.

Councilor Spoon thought the ongoing \$48,000 expenses were ridiculous. The City had an obligation to continue to move the quiet zone forward. She would like to include the arch on Grant Street as the whole purpose of the arch was to attract people to the downtown. She expressed frustration about the amount of time it was taking for the projects. She thought they had to move ahead with the quiet zone, but was frustrated about the ongoing maintenance charge and possibly throwing a good project away because the quiet zone had become more expensive than they anticipated.

Mayor Hodson said the quiet zone and arch had been tied together for efficiency reasons and he agreed the project had been stretched out past what they thought it would be. He was also frustrated by the maintenance charge. He asked if they could tie the wayfinding signs into the maintenance charge to see if they could get them to light up at least along the railroad track.

Councilor Spoon said they made a commitment and she was willing to uphold the commitment. She asked what the value to the community was to have a quiet zone.



Mayor Hodson said the commitment was that the City would make a concerted effort for a quiet zone. He thought there was still a desire from citizens to have a quiet zone.

Councilor Spoon thought they should have a special meeting to discuss this further as it was a big ask.

Mr. Lindsay explained they currently had budgeted in this fiscal year \$1,025,000 of Urban Renewal funds for the quiet zone and an additional \$216,900 for the arch. The difference was \$500,000. The Council was committed and put it in the budget to do. What had changed was ODOT Rail and Union Pacific took too long to get back to the City and the amount of the project had gone up. He thought there was room when they went back out to bid to find some efficiencies and value engineer and bring the price down. The question for tonight was if they accepted the additional \$95,000 from the railroad to move forward with the quiet zone and the \$48,000 annual maintenance.

Councilor Spoon was not against the quiet zone. She was concerned that the Grant Street arch project would not move forward or would be changed to go over Highway 99E rather than Grant Street.

Councilor Varwig asked if they knew what the \$48,000 per year would be spent on and if it was negotiable.

Mr. Lindsay said it was for the maintenance of the lights and equipment. He did not think the maintenance fee was negotiable.

Councilor Varwig clarified the \$1.7 million was the worst case scenario. It could come in lower.

Mr. Lindsay said that was correct. He was hopeful that the bids would come in under that.

Council President Dale thought the project should continue to move forward.

Councilor Parker thought there was room to negotiate with Union Pacific. He wanted them to keep an eye on the Canby they were trying to build and the commitment they made to proceed. They needed to sign the document for the National Railroad Association and the Association would review and approve it. They were required to pay Union Pacific for installing the quiet zone and they could explore whether the ongoing maintenance fee was included in the language with the Association.

Councilor Varwig thought that the quiet zone project should continue to move forward.

There was consensus for staff to sign the paperwork and move forward with the quiet zone and not wait to hold a special meeting.

Councilor Parker clarified that Council still supported the Grant Street arch project.

Mr. Lindsay said there was a virtual workshop put on by the County for the Ivy Street project. Staff would be looking into a redundancy system to improve the technical difficulties of recording the Council meetings.

**CITIZEN INPUT:** None.

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Adopted Ordinance No. 1533.
3. Adopted Ordinance No. 1534.
4. Adopted Ordinance No. 1535.
5. Adopted Ordinance No. 1536.
6. Adopted Ordinance No. 1537.
7. Passed Ordinance No. 1538 to a second reading on September 16<sup>th</sup>.
8. Approved Findings, Conclusions and Order - Redwood Landing II Annexation, City File #ANN/ZC 20-01.
9. Appointed Joseph Lindsay as Interim City Administrator.

The meeting adjourned at 10:02 p.m.

Melissa Bisset, CMC  
City Recorder

Brian Hodson  
Mayor

**CANBY CITY COUNCIL  
WORK SESSION MINUTES  
September 16, 2020**

**Due to COVID-19 Pandemic, the Mayor and City Councilors attended the meeting virtually. The public was asked to view the meeting live on CTV Channel 5 or on YouTube. Seating was available in the Council Chambers in compliance with the Governor's Executive Order regarding social distancing.**

**PRESIDING:** Mayor Brian Hodson.

**COUNCIL PRESENT:** Tim Dale, Greg Parker, Sarah Spoon, and Shawn Varwig.

**COUNCIL ABSENT:** Traci Hensley

**STAFF PRESENT:** Joseph Lindsay, Interim City Administrator and City Attorney; Erik Forsell, Associate Planner; Ryan Potter, Senior Planner; and Melissa Bisset, City Recorder.

**OTHERS PRESENT:** Planning Commissioners Jeff Mills, Jennifer Trundy, and Michael Hutchinson.

**CALL TO ORDER:** Mayor Hodson called the Work Session to order at 6:06 p.m.

**DISCUSSION REGARDING SMALL CELL TECHNOLOGY/ 5 G**

Erik Forsell, Associate Planner, reviewed the proposed telecommunications code amendments. He explained these changes were being done now because wireless data usage continued to expand, almost at an exponential rate, and small (microcell) installations were one of the methods to address the demand for increased capacity, speeds, and usage. Without design and application standards, telecommunications companies could install facilities without any review from the City of Canby staff. These changes were intended to institute reasonable time, place, and manner requirements on new telecommunications deployment in the City of Canby. Federal laws and regulations severely limited a local jurisdiction from prohibiting the deployment of small (microcell) installations. The federal laws and regulations included:

- ▶ Communications Act of 1934;
- ▶ Telecommunications Act of 1996;
- ▶ Provisions of the Middle-Class Tax Relief and Job Creation Act of 2012 (Commonly Referred to as the Spectrum Act); and
- ▶ FCC 18-133 (Small Cell Order)

Much of the newer generation telecommunications equipment would be deployed in the public rights-of-way on a much smaller scale than traditional cell towers. It was still unclear to what extent this might happen but it was better to anticipate and prepare than be left without a way to regulate the time, place, and manner of the deployment.

He then reviewed the proposed changes:

- ▶ Create a separate section of the Development Code specifically for all types of Telecommunications.
- ▶ Text amendments that allowed the City to regulate deployment of telecommunications facilities in the public right-of-way and on public and private real property.
- ▶ Ensure code amendments were at low risk to legal challenge and were consistent with Federal law.
- ▶ Provide requirements and restrictions that allowed for deployment of new telecom facilities but also reduced impacts.
- ▶ Include important 'shot clock' requirements for City staff to make decisions on telecommunications facilities.
- ▶ Provide a standardized application and review process.
- ▶ Include severability clauses should law, rules, or precedence change.

The model code was gleaned from: National Association of Cities, League of Oregon Cities, Oregon City, and Lane County. The Code was meant to be legally defensible while still allowing for regulation and review. Strict code regulations were being challenged by larger cities like San Francisco. The purpose of the Work Session was to give a high level code review to keep the Planning Commission and City Council informed on progress, questions for staff, and recommendations and direction from the Council and Commission before submitting text amendments as a formal process. He thought they had a good draft version and if they saw any major issues or something did not make sense, this was a good time to relay those and staff could address them. Right now they were shooting for an early October Planning Commission meeting.

Commissioner Trundy asked about the differences between the 3 cubic foot apparatus and the 28 cubic foot apparatus. Mr. Forsell said the 3 cubic feet was the antenna itself and the 28 cubic feet was the maximum allowed per federal law for the ancillary equipment. That included the distribution box, cooling box, and any other equipment that was required to project the wireless signal. The code strongly encouraged the providers to locate the equipment underground if possible or to shroud it if it had to remain above ground.

Commissioner Trundy asked if each antenna had to have the larger portion or did it cover several. Mr. Forsell said there was not one 28 cubic foot apparatus for each antenna. The facilities could not be placed in a way that would obstruct the sidewalk, block ADA access, or otherwise hamper motorists, pedestrians, or people in the right-of-way. It would be challenging

to place those in a way that would work. He did not think there would be a proliferation of 28 cubic foot equipment throughout the City.

Commissioner Hutchinson said there were two types of antennas. The smaller one was omnidirectional and was housed inside the box. The larger one was a grid of the smaller ones that could get twice the distance. They worked well for line of site conditions such as along highways and looked like giant prisms. In the City where there were trees and other structures, smaller ones would be used more frequently.

Councilor Varwig asked if the unit worked with all of the different companies or would one unit only work for one specific company. Would there be several antennas on one pole? Would they also see several boxes sitting next to each other?

Mr. Forsell said the code strongly encouraged the companies to do colocation, which meant to have as many of the antennas as possible on as few poles as possible. That also meant not building a lot of new poles and the equipment going on a couple of poles rather than spread out through many different poles. A company would need to place their antennas on a structure that already had antennas. He did not think the companies shared the antennas.

Joseph Lindsay, Interim City Administrator and City Attorney, said in prior discussions there were companies who were trying to pick the prime areas to sell the signal and others that wanted to increase service to their customers. There were different strategies for different companies.

Councilor Varwig did not want to see a bunch of poles with different small cell towers on each one. Mr. Forsell said that was the intent of these code amendments and for the colocation requirement. If they had to build a new pole, there had to be evidence and a reason for it.

Commissioner Hutchinson asked how that worked for cities who had all the utilities underground and had no poles. Mr. Lindsay said they could be attached to buildings and other structures. The City was not allowed to use that as a reason for not allowing these facilities.

Commissioner Mills supported the idea of creating a new dedicated chapter for telecommunications. He encouraged staff to ensure that each section of code was clear whether they were talking about macro or micro.

Councilor Parker said the fee structure looked fine. He thought they should do everything they could to encourage undergrounding including the application for an exception. There was a provision that after a year these units could be declared abandoned and removed and to the extent that they could he would like to require those who put them in to take them down.

Mr. Forsell agreed with the undergrounding component. If they could encourage/require them to place as much of their equipment as possible underground and hold the line on that, it would be a

reasonable way to regulate this type of development. He thought it would be good to include a section on removal. He could explore tying the bond to the removal. Mr. Lindsay said if someone was vacating their franchise agreement then they would have to remove their facilities within so many days.

Council President Dale asked if they were compelled to allow a company to use one of the City's lightpoles. Mr. Forsell said yes and no, they were required to allow the ability for companies to place their equipment in the City, but there was some leeway about where it could be located.

Mr. Lindsay said Oregon City had fancy, classic streetlights that were excluded. This was the reason to create a code with design standards so if they did not want these facilities on certain structures, applicants would not ask and would look for something else nearby.

Council President Dale wanted to preserve the historical feel of some areas, especially on First and Second Streets. He asked what their control was for private property. Mr. Forsell said this code intended to include the public rights-of-way, private property, and public property. The code would attempt to place the same design standards on private property as on public property with the intent of applicants not skirting the issue and attaching on a private structure that was six inches out of the public right-of-way. It was also to make sure they did not avoid any concealment requirements, volumetric requirements, height, etc. There would be time, place, and manner restrictions on the deployment of these microcells on private structures as well as public.

Council President Dale wanted to make sure they included the aggregate height standards, such as not being able to put a 5G cell tower on top of the Dahlia building if it was above 60 feet. Mr. Forsell said that was possible and height restriction standards in the code were intended to avoid that type of scenario. He would include more explicit language about it.

Council President Dale was not against a mobile 5G being brought in for a certain event or in case of emergency. He echoed the concerns about allowing overheading. There was a strong precedent that it not be allowed.

Mr. Lindsay said these companies would try to go to public rights-of-way first because it was less expensive than private. They would still have to follow the design standards that were set in the code.

Mr. Forsell said the next step was to take the code amendments to a Planning Commission meeting in October and if approved, the code amendments would come to City Council.

Commissioner Mills thought this should come to the Planning Commission as a Work Session first. Mr. Forsell would look into scheduling a Work Session.

Mayor Hodson agreed it was important to vet these code amendments to get it right. They needed to make sure the wording around temporary 5G did not allow them to become permanent fixtures.

The meeting was adjourned at 7:00 p.m.

Melissa Bisset, CMC  
City Recorder

Brian Hodson  
Mayor

DRAFT

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
September 16, 2020**

**Due to COVID-19 Pandemic, the Mayor and City Councilors attended the meeting virtually. The public was asked to view the meeting live on CTV Channel 5 or on YouTube. Seating was available in the Council Chambers in compliance with the Governor's Executive Order regarding social distancing.**

**PRESIDING:** Mayor Brian Hodson.

**COUNCIL PRESENT:** Tim Dale, Greg Parker, Sarah Spoon, and Shawn Varwig.

**COUNCIL ABSENT:** Traci Hensley

**STAFF PRESENT:** Joseph Lindsay, City Attorney; Jamie Stickel, Economic Development Director; Bret Smith, Police Chief; and Melissa Bisset, City Recorder.

**OTHERS PRESENT:** Fire Chief Jim Davis

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

**COMMUNICATIONS:** None.

**PROCLAMATIONS:**

**POW/ MIA RECOGNITION DAY**

Mayor Hodson read a proclamation recognizing September 18, 2020 as POW/ MIA Recognition Day.

**CANBY PUBLIC LIBRARY DAY**

Mayor Hodson read a proclamation recognizing September 16, 2020 as Canby Public Library Day.

Mr. Lindsay said when Covid struck, there was a backlog of 43,000 holds and the library honored those holds. The library staff took their service seriously.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** It was publically noticed that Council would be attending the meeting virtually and written comments and input on agenda items were accepted until 5:00 p.m. on Wednesday, September 16<sup>th</sup>.

Jim Davis, Fire Chief, said the Police Department came over to the Fire Station and they had a moment of silence, lowered the flag, and rang the bell in remembrance of September 11. He then provided an update on the wildfires. The Police Department did a great job running the



Emergency Operations Center. Fire lines had been extended on both ends of the Beachie Creek and Riverside fires and he was fairly confident that they would not combine. The Lionshead fire was still very volatile. The Riverside fire was 3% contained near the populated areas. It had a federal team assigned to it and numerous resources. They had not been able to have air support due to the inversion and dense smoke. The Beachie Creek fire was 15% contained. The underfire was 100% lined but not contained. The Dowty fire in Estacada was 30% lined, the Wilhoit fire was 100% lined but not contained, and the Graves Creek fire was contained. There were 69 properties that sustained damage from the Riverside fire, and of those 29 were destroyed. One church was destroyed from the Wilhoit fire. There were 58 properties damaged from the Beachie Creek fire. Canby was now out of the evacuation levels, but in the County there were still over 5,000 residences in Level 3, over 19,000 in Level 2, and over 38,000 in Level 1. There was widespread smoke in the area, but the weather forecast was for rain on Thursday which should help with the smoke. With the mobilization crews moving out of the Colton/Molalla area, they were forming a South County Task Force to operate from 8 a.m. to 5 p.m. tomorrow to provide extra resources to citizens.

Mayor Hodson thanked the Fire Department for their work.

Councilor Varwig said it was leadership personified and he thanked the department.

#### **MAYOR'S BUSINESS:**

Mayor Hodson stated that C4 would not be meeting next month.

#### **COUNCILOR COMMENTS & LIAISON REPORTS:**

Councilor Spoon expressed thanks to the Fire Department for their work during the ongoing wildfires. She was moved by the community coming together and helping each other.

Council President Dale also thanked the Fire Department. There had not been a water rate increase in four years. For residences it would be a 7.8 percent increase. The base water meter rate would increase from \$19.81 to \$21.36 and then it would be the 7.8% increase on the actual usage. It would be on the bills in November. The impact of Covid and unemployment had been fairly minimal as the percentage of people who were delinquent was only up 1% over last year. In terms of water volume in August, there was a mild peak of 4.3 million gallons. It was a down year for water sales. Usage was down as it was a cooler summer. The Fire would have some impact on the watershed. The Molalla River Watershed was large and it would take a longer period of time to purify. They were not expecting any toxicity.

Councilor Parker shared that 80 percent of the guests at the County Fairgrounds due to the evacuations from the wildfires had left. They estimated 200 people had stayed there. There were still 450 animals being housed at the Fairgrounds. He noted that the community was very generous and the resources went above the need.

Councilor Varwig thanked the Fire Chief for his work. He stated that the Library Board would be thankful for the proclamation recognizing Canby Public Library Day. The new Library Director would be starting on September 21<sup>st</sup>.

Mayor Hodson asked about the Spooktacular at the Fairgrounds. Councilor Parker stated the plan was to have it run each weekend in October.

#### **ORDINANCE:**

**Ordinance No. 1538:** An Ordinance authorizing the Interim City Administrator to enter into an Employment Contract between the City of Canby and Bret J. Smith; and declaring an emergency.

Mr. Lindsay explained this would maintain the Police Chief's employment with the City and it gave the City a date certain of April 1, 2021 in terms of succession planning. This was especially important during times of emergency like they had recently. He thought the Police Chief had shown great leadership in these hard times.

Councilor Parker noted HR law prohibited asking someone when they were going to retire and it was difficult to do succession planning. This type of arrangement gave the City a precise date and allowed for an overlap. He would be in favor of doing this type of arrangement again.

**\*\*Council President Dale moved to adopt Ordinance 1538, An Ordinance authorizing the Interim City Administrator to enter into an Employment Contract between the City of Canby and Bret J. Smith; and declaring an emergency. Motion was seconded by Councilor Varwig and passed 4-0 by roll call vote.**

#### **NEW BUSINESS:**

##### **Approval and Discussion regarding Declaration of Emergency**

Mr. Lindsay said this was an emergency declaration related to the wildfires when the City was in a Level 2, possibly moving to Level 3, evacuation status. The City was no longer at an evacuation level. The Mayor had declared an emergency and this was to ratify that, but if the Council did not ratify it the emergency would go away. The declaration was for potential federal dollars if something more catastrophic had happened. It did not look like they would need any of those resources.

Councilor Varwig did not think it hurt to have this in place just in case something happened.

There was discussion regarding how long the declaration should be in effect.

**\*\*Council President Dale moved to ratify the Declaration of Emergency by Mayor Hodson as of 1 p.m. on September 11, 2020 to end of day September 30, 2020. Motion was seconded by Councilor Varwig and passed 4-0.**

## **CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:**

Mr. Lindsay shared that staff had turned in the forms for the quiet zone downtown. They were currently recruiting for a lateral police officer and the Planning Director recruitment closed on Monday. Parts had been ordered for the CTV-5 broadcast to improve broadcasts. If people would still like to donate, there were trusted organizations that could take donations such as the American Red Cross. The Economic Development Director was actively seeking a grant for a Business Retention Plan. Staff was able to get new filters in the HVAC systems to all of the City's buildings to help with the smoke. He thanked staff for all their work during this time. Dave Conner had been promoted to Wastewater Treatment Plant Supervisor. Ryan Potter, Senior Planner, was meeting with DKS regarding the update to the Transportation System Plan to include the Walnut Street extension. He asked if the Council wanted staff to work on a route for people to go after visiting the Spooktacular at the Fairgrounds to come into downtown as well.

Councilor Spoon wanted to make sure it was safe since it would be happening at night and still following Covid guidelines.

There was consensus for staff to work on a route for people to come into downtown.

Mr. Lindsay said they had contracted with a local attorney to do the court prosecution duties. He asked if the Council was interested in creating a resolution for relaxing the permitting for open air and outside seating for restaurants.

Councilor Spoon asked if that would include temporary covers or tents. Mr. Lindsay said that could be included. It would be for businesses that had spaces where they could safely be outdoors.

Councilor Parker thought they should be permissive rather than restrictive and do everything they could to help businesses even if meant displacing some parking. Public safety should be taken into account, but to the extent they could allow people to continue to run businesses they should.

Councilor Varwig agreed that they should make it easier for businesses to welcome more guests.

There was consensus for staff to move forward as proposed.

**CITIZEN INPUT:** None.

### **ACTION REVIEW:**

1. Adopted Ordinance No. 1538.
2. Approved and Ratified the Declaration of Emergency through September 30, 2020.

The meeting was adjourned at 8:07 p.m.

Melissa Bisset, CMC  
City Recorder

Brian Hodson



# City of Canby

PO Box 930  
222 NE 2nd Ave  
Canby, OR 97013

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Fax: 503.266.7961  
www.canbyoregon.gov

## City Council Staff Report

DATE: October 7, 2020  
TO: Honorable Mayor Hodson and City Council  
THRU: Joseph Lindsay, Interim City Administrator  
FROM: Melissa Bisset, City Recorder  
ITEM: Heritage and Landmark Commission Appointment

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### Summary

Kelly Harms resigned from the Heritage and Landmark Commission (HLC) creating a vacancy. The position was advertised and one application was received.

### Background

The HLC was established by Ordinance and amended through [Ordinance No. 1469](#) in 2018. The HLC has several duties including review and rendering of decisions on historic landmark and historic district applications and application of the Historical Protection Overlay Zone. The Commission is made up of seven members who serve three year terms. Canby Municipal Code explains that members are to be appointed by the City Council upon recommendation of the Commission Chairperson and Council Liaison.

### Discussion

Kelly Harms resigned effective May 13, 2020. Kelly's term was set to expire on June 30, 2021. One candidate applied for the vacancy.

### Attachment

Corina Kanen's Application

### Fiscal Impact

None.

### Options

1. Appoint Corina Kanen to the Heritage and Landmark Commission.
2. Take no action.

### Recommendation

The Council Liaison and Commission Chair recommend that Corina Kanen be appointed to the Heritage and Landmark Commission to fill the unexpired term of Kelly Harms.

**Proposed Motion**

This item is under the consent agenda and one motion will be made to approve the consent agenda unless this item is moved off of the consent agenda for discussion.



**CITY OF CANBY  
COMMITTEE, BOARD, &  
COUNCIL APPOINTMENT APPLICATION**

Date: \_\_\_\_\_ Position Applying For: \_\_\_\_\_

Name: \_\_\_\_\_ Occupation: \_\_\_\_\_

Home \_\_\_\_\_

Employer: \_\_\_\_\_ Position: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

What are your community interests (committees, organizations, special activities)? \_\_\_\_\_

\_\_\_\_\_

What are your major interests or concerns in the City's programs? \_\_\_\_\_

\_\_\_\_\_

Reason for your interest in this position: \_\_\_\_\_

\_\_\_\_\_

Experience and educational background: \_\_\_\_\_

\_\_\_\_\_

List any other City or County positions on which you serve or have served: \_\_\_\_\_

\_\_\_\_\_

Referred by (if applicable): \_\_\_\_\_

***Please return to:***

***City of Canby - Attn: City Recorder  
PO Box 930, 222 NE 2nd Avenue, Canby, OR 97013  
Phone: 503.266.0733 Fax: 503.266.7961 Email: [bissetm@canbyoregon.gov](mailto:bissetm@canbyoregon.gov)***

**Note: Information on this form may be available to anyone upon a Public Records Request and may be viewable on the City's web page.** 10/2019

Date Received: \_\_\_\_\_ Date Appointed: \_\_\_\_\_ Term Expires: \_\_\_\_\_

Date Resigned: \_\_\_\_\_ Destruction Date: \_\_\_\_\_



# City of Canby

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222 NE 2nd Ave  
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## City Council Staff Report

DATE: October 7, 2020

TO: Honorable Mayor Hodson and City Council

THRU: Joseph Lindsay, Interim City Administrator

FROM: Calvin LeSueur, Economic Development & Tourism Coordinator

---

### Summary

The Open Air Canby Recovery Program allows businesses to expand into private parking lots, with no permit, as long as the program requirements are met.

### Background

The Governor's COVID Phase I Reopening requirements allow most Canby businesses to resume operation. However, health requirements restrict them from operating at a pre-pandemic capacity and they may continue to suffer financially. The City wants to support these businesses to operate in a healthy and safe manner while meeting the various Phase restrictions, and in response has developed the proposed Open Air Canby Recovery Program.

Open Air Canby would allow outdoor business expansion into private parking lots. The Recovery Program is proposed to run through December 31, 2021.

### Discussion

The proposed Open Air Canby Recovery Program allows expansion into private parking lots city wide. In order to quickly modify the program in response to changing circumstances, the program includes a delegation of authority to the Economic Development and Tourism Coordinator.

Private lot expansion: Eating/drinking establishments, recreational uses, personal services and retail businesses may temporarily expand into private parking lots. City parking requirements will be suspended if a business follows a small set of requirements, such as a prohibition on expansion into ADA parking spaces and traffic and fire lanes. This expansion would be allowed city-wide, and if requirements were followed, no permit would be required.

### Attachments

Open Air Canby Recovery Program, Resolution No. 1342.

**Fiscal Impact**

None.

**Options**

Option 1: Adopt resolution attached as Exhibit A, authorizing outdoor business expansion on a temporary basis, including use of private parking lots city-wide for outdoor business.

Option 2: Decline to adopt resolution attached as Exhibit A, authorizing outdoor business expansion on a temporary basis, including use of private parking lots city-wide for outdoor business.

**Recommendation**

Staff recommends that the Council adopt resolution attached as Exhibit A, authorizing outdoor business expansion on a temporary basis, including use of private parking lots city-wide for outdoor business.

**Proposed Motion**

"I move to adopt the resolution attached as Exhibit A, authorizing outdoor business expansion on a temporary basis, including use of private parking lots city-wide for outdoor business."



**RESOLUTION NO. 1342**

**A RESOLUTION ADOPTING A TEMPORARY PROGRAM FOR USE OF PARKING LOTS DURING THE COVID-19 EMERGENCY**

**WHEREAS**, the COVID-19 crisis has significantly impacted the local economy, including eating/drinking establishments, recreational, personal services and retail businesses (collectively “Businesses”), due to mandated partial and complete closures of many of these Businesses that resulted in layoffs and reduced work hours for many employees; and

**WHEREAS**, the reopening requirements and social distancing measures required to mitigate the risks associated with COVID-19 make it difficult for Businesses to accommodate their regular number of customers within the confines of their indoor space; and

**WHEREAS**, a temporary moratorium on enforcement of certain provisions of the Canby Code and the Canby Development Code will allow these Businesses greater flexibility to reopen, which is beneficial to the local economy; now therefore,

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Canby as follows:

Section 1. Notwithstanding contrary provisions in the Canby Code and the Canby Development Code, the City adopts the Open Air Canby Recovery Program, which is attached as Exhibit A and incorporated by this reference.

This resolution shall take effect on October 7<sup>th</sup>, 2020.

ADOPTED by the Canby City Council on the 7<sup>th</sup> day of October 2020.

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Brian Hodson  
Mayor

ATTEST:

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Melissa Bisset, CMC  
City Recorder

## Exhibit A

# Open Air Canby Recovery Program

## Program Introduction

To promote recovery of small businesses, and the safety and health of customers of restaurants, personal services and recreational use establishments operating under Governor Brown's COVID Phase I response requirements, the City of Canby is temporarily suspending the enforcement of certain city codes (i.e. parking minimums) to allow outdoor expansion into private parking lots. This program is not intended to circumvent Canby Building Code. An existing sidewalk cafe permit application is available for business expansion into the public right-of-way.

The Open Air Canby Recovery Program (Recovery Program) will allow:

1. Eating/drinking establishments, recreational, personal services and retail businesses to temporarily expand into private parking lots, if they follow the requirements below. This is allowed city-wide.

This program will expire December 31, 2021. However, as this Recovery Program is in response to the COVID pandemic, the Program Manager reserves the right to change the expiration date, amend the program requirements and conditions and modify other aspects of the Recovery Program as needed to address changing conditions or for any other purpose after providing notice to Recovery Program participants. The Economic Development Director or designee will be the Program Manager. No modifications to the Recovery Program or its requirements will substantially alter the Recovery Program, its goals, or the cost of the Recovery Program to the City.

## I. Outdoor Expansion into Private Parking Lots: Program Requirements

Eating/drinking establishments, recreational facilities, personal services and retail businesses with access to private outdoor areas or private parking lots may utilize these areas, in accordance with the safety requirements outlined below. This expansion is allowed city-wide.

No permit is required from the City as long as all of the following requirements are met:

1. The business has permission to occupy the expansion area from the owner or landlord.
2. The expansion area is immediately adjacent to the parent business, or has the written approval of the immediately adjacent business.
3. All current State of Oregon Covid-19 reopening requirements are met: <https://govstatus.egov.com/reopening-oregon>.
4. The expansion area does not include any Americans with Disability Act (ADA) parking spaces, loading zones or travel pathways.

5. The expansion area does not include any drive aisles or fire lanes.
6. The expansion area can be utilized without removing any landscaping and without otherwise resulting in permanent site improvements.
7. The outdoor activities must maintain 10 feet of clearance from any fire hydrants.
8. Current Oregon Liquor Control Commission License - If alcohol is being served. OLCC may have additional requirements based on outdoor seating configuration.

*I have read and understand the requirements listed above. I shall hold the City of Canby, its officers, agents, and employees free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including appeals therefrom, which may result from granting this program.*

Signature: \_\_\_\_\_ Date: \_\_