

**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