

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
March 02, 2022**

PRESIDING: Mayor Brian Hodson

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

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Melissa Bisset, HR Director/City Recorder (remote); Ryan Potter, Senior Planner; Jerry Nelzen, Public Works Director

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:33 p.m. in the Council Chambers.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None

PRESENTATION FROM ODOT REGARDING TOLLING PROGRAM: Garet Prior and Chris Wellander gave a presentation on the I-205 tolling project. They discussed the urban mobility strategy map, when tolling would start, early data on benefits and impacts, how much it would cost, morning and afternoon travel times, topics ODOT was studying, local intersection analysis, accessibility, transit, biking, walking, addressing low income, and discussion questions.

There were questions regarding increasing traffic on 99E, putting the toll gantry prior to the Abernethy Bridge and 99E exit, traffic diversion mitigation, improved traffic in 2045 after the project was completed, impact during the time between the tolling and completion of the project, limited space for mitigation in Canby, how the project would improve the northbound morning commute, purpose of the tolling, need for federal approval, and congestion.

Jennifer Driskill, Canby resident, wanted to know the outlook for rerouting and what people could expect in 2027 and 2045. She suggested spreading out the toll areas to help with mitigation.

Larry Boatright, Canby resident, did not think putting in tolls would reduce congestion. Blue collar workers had to travel at peak times and could not telecommute. They would not be able to mitigate the traffic on 99E.

Lisa O'Brien, Canby resident, said this was not a transparent process, especially about where the money would be spent. It was unequitable for Clackamas County and low income. Carpooling, bikes, and buses were not solutions. She thought citizens should be able to vote on tolling.

There was further discussion regarding the time period for people to get used to the system and reducing diversion, how long it would take to pay off the cost of improvements, annual increase of the toll, funding staying localized for local improvements, how this was a foregone conclusion, and mitigating the impact.

CONSENT AGENDA:

****Council President Hensley moved to approve the minutes of the January 5, 2022 City Council Regular Meeting, appointment of Jennifer Driskill to the Traffic Safety Commission for a term expiring June 30, 2023, and the appointment of John Molamphy to the Canby Utility Board for a term expiring February 28, 2025. Motion was seconded by Councilor Varwig and passed 6-0.**

RESOLUTION & ORDINANCE:

Resolution 1362 – Scott Archer, City Administrator, said this resolution was related to the upcoming improvements on Ivy Street. The County would continue to own this portion of the road, but the agreement would allow the City to have some authority during the project.

****Councilor Varwig moved to adopt Resolution 1362, A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CANBY AND CLACKAMAS COUNTY RELATED TO ROAD MAINTENANCE AND PERMITTING AUTHORITY OF SOUTH IVY STREET. Motion was seconded by Council President Hensley and passed 6-0.**

Ordinance 1569 – Mr. Archer said this ordinance would approve a contract with Canby Utility to underground the power on S Ivy Street. An agreement had been approved by Council previously, but Canby Utility did not approve it. After further discussion among staff, Canby Utility now agreed to do the work themselves, and the City would reimburse them for a portion of the work not to exceed \$400,000. The money was already budgeted for and he hoped the cost savings would allow them to finish the work all the way to 13th.

There was discussion regarding the cost savings and how this was a legacy project.

****Councilor Varwig moved to approve Ordinance 1569, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH OR EXPEND BUDGETED FUNDS TO CANBY UTILITY FOR THE UNDERGROUNDING OF POWER ON S IVY STREET to come up for second reading on March 16, 2022. Motion was seconded by Council President Hensley and passed 6-0 on first reading.**

NEW BUSINESS:

Reappointments of Planning Commissioners – Mayor Hodson said this item was being brought back due to transparency issues. There were email exchanges between Councilors Bajorin, Bangs, Parker, and Spoon about the appointments, which could constitute a serial meeting and a decision being made prior to the regular Council meeting. He read into the record the email thread.

Joe Lindsay, City Attorney, explained the process for Council decisions. The previous decision was not void as it had not been taken to court. However, they were trying to get ahead of it by bringing it back to a public meeting and voting again to reinstate the previous decision.

There was discussion regarding violations of public meetings law, protections by reaffirming the vote back to its original date, criteria for a serial meeting, liability to the City, and conflict of interest.

Councilor Varwig clarified it was a clerical error in not inviting the Mayor to the first round of interviews and one of the three applications did not have a deadline. He did not personally know Nick Cousins. He had been chastised by his colleagues for filing a public records request as a citizen, not a Councilor, which was done lawfully. That request had uncovered a possible public meetings law violation. He thought to vote the same way just to fix a mistake would be a violation of integrity. He was not in support of a revote.

****Councilor Bangs moved to reaffirm the appointment of Judi Jarosh and Chris Calkins to the Planning Commission for a term to expire on December 31, 2024 and the appointment of Dan Ewert to the Planning Commission for a term to expire on December 31, 2022.. Motion was seconded by Councilor Parker.**

****Council President Hensley moved to amend the motion to remove Dan Ewert and vote on his appointment separately. Motion was seconded by Councilor Varwig and failed 2-3-1 with Councilors Bangs, Parker, and Bajorin opposed and Councilor Spoon abstaining.**

Dawn Depner, Canby resident, addressed the derogatory comments made in the email thread. Proper policies and procedures were not followed. The Council needed to do the right thing and represent citizens. She asked Councilor Parker to resign.

Jason Padden, Canby resident, said the Council was supposed to uphold the City Charter, which had a process for appointing and removing Planning Commissioners. There was no chair of the Planning Commission at the time of the interviews and the process was not done right from the beginning. He was concerned that this jeopardized the Planning Commission's current decisions.

Larry Boatright, Canby resident, said the Planning Commission operated by a strict code and applications were not turned down unless they could not meet the code. This put the decisions made by the Planning Commission at risk since January 5. The issue had to do with politics, not what was best for Canby.

Tyler Smith, Canby resident, discussed the definition of conflict of interest. If there was an actual conflict of interest, there should be no participation in the deliberation or decision and if there was a potential conflict of interest, they had to declare it in advance. He explained the fines for violations and hoped they would be honest politicians in the future.

Councilor Varwig said before the Planning Commission Chair resigned, he declined to participate in the interviews. The new Commissioners had to be in place before the decision of the next chair in order to have enough votes for the chair.

Council President Hensley discussed the timeline of the public records request and information received. It was a long-standing process for the Mayor to give the liaison assignments. She also discussed potential litigation and fines.

The original motion passed 3-2-1 with Councilors Hensley and Varwig opposed and Councilor Spoon abstaining.

MAYOR'S BUSINESS: Mayor Hodson congratulated the high school basketball and wrestling teams for a great season. C4 would meet tomorrow, but he would not be attending as he would be giving the State of the City speech that night. He reported on a recent tolling meeting. He thanked Senator Kennemer and Representative Hieb for helping provide funding for Canby and Clackamas County projects.

COUNCIL COMMENTS & LIAISON REPORTS: Councilor Bangs said the mask mandate would soon be ending at the schools.

Councilor Parker said there was a new tenant downtown.

Councilor Bajorin congratulated the new Canby Utility Board member.

Councilor Varwig said the CTV5 Board was discussing options for remaining sustainable. They would like to meet with Willamette Falls Media on a possible partnership. He reported on the last Planning Commission meeting.

Matt English, Canby Fire, said the northside Fire Station would be completed by July 1. They would be doing the Fourth of July fireworks this year.

Council President Hensley welcomed the new Traffic Safety Commission member. She reported on the Aurora Airport Master Plan meeting and a tolling meeting.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Archer said the Canby sign on the arch would be going up tomorrow morning. They had almost completed the safety improvements for the quiet zone and hoped to be done in April. He had looked into putting in a water fountain with the arch and he found there was the infrastructure there to support a fountain. They would have to purchase a fountain and funding would still need to be discussed. Staff was starting to work on the next fiscal year's budget. Masks would be optional in City facilities beginning March 12.

CITIZEN INPUT: Jason Padden, Canby citizen, gave reasons why the Street Maintenance Fee needed to be included in the Master Fee Schedule.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Approved Resolution 1362.
3. Approved Ordinance 1569 to come up for second reading on March 16, 2022.
4. Reaffirmed the appointments of Judi Jarosh, Chris Calkins, and Dan Ewert to the Planning Commission.

There was no Executive Session.

The meeting was adjourned at 11:01 p.m.

Melissa Bisset

Melissa Bisset
City Recorder

Brian Hodson

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood