

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
May 18, 2022**

PRESIDING: Mayor Brian Hodson

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

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Maya Benham, Deputy City Recorder, Jerry Nelzen, Public Works Director, and Jamie Stickel, Economic Development Director.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:30 p.m. in the Council Chambers followed by opening ceremonies.

HIGH SCHOOL SENIOR WEEK PROCLAMATION:

Mayor Hodson read the proclamation declaring the week of May 30, 2022 as High School Senior Week.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None

CONSENT AGENDA: ****Council President Hensley moved to adopt the minutes of the April 6, 2022 City Council Regular Meeting and appointment of Aimee Noss to the Library Advisory Board for a term ending June 30, 2024. Motion was seconded by Councilor Varwig and passed 5-0-1 with Councilor Spoon abstaining.**

ORDINANCES & RESOLUTION:

Ordinance 1571 – ****Councilor Varwig moved to adopt Ordinance 1571, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT (CBA) BETWEEN THE CITY OF CANBY, OREGON, AND THE CANBY POLICE ASSOCIATION. Motion was seconded by Council President Hensley and passed 6-0 by roll call vote.**

Ordinance 1572 – Jerry Nelzen, Public Works Director, said Mr. Elsner received an award for Canby's Urban Street Asphalt Pavement Project for 2021.

****Councilor Spoon moved to adopt Ordinance 1572, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE-ELSNER, INC. IN THE AMOUNT OF \$888,888.88 FOR CONSTRUCTION OF THE 2022 STREET MAINTENANCE PROJECTS. Motion was seconded by Councilor Bangs and passed 6-0 by roll call vote.**

Ordinance 1573 – Scott Archer, City Administrator, said this was the final design and engineering for the Walnut Street extension. There would be updates to the Council as they moved through the design.

****Council President Hensley moved to approve Ordinance 1573, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CURRAN-McLEOD, INC. CONSULTING ENGINEERS FOR DESIGN AND CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE EXTENSION OF WALNUT STREET TO HIGHWAY 99E to come up for second reading on June 1, 2022. Motion was seconded by Councilor Varwig and passed 6-0 on first reading.**

Ordinance 1574 – Don Hardy, Planning Director, summarized the proposed code changes. These included: pre-application conference meeting reports would expire one year after the meeting, pre-application conference applications may be required for Type II, III, and IV applications, ambiguous language using “lot” line adjustments rather than “property” line adjustments was removed and replaced, changing the proposed review procedure for property line adjustments from Type II review to a Type I review process, allowing a four year period for an approved plat to be recorded from initial Planning Commission approval plus a one year extension for single phase partition or subdivision and six years for multiple phase subdivisions plus a one year extension, requiring with the final plat a narrative describing how each condition of approval from the original approval had been or would be met by the applicant, restructuring the order of public hearings to require the applicant to provide proposed project detail and justification for the application instead of staff, updating the appeal period for Type II and III decisions to 12 days, the Council could remand items under appeal back to the Planning Commission if new information not previously part of the record was included as the basis of the appeal, and adding a new chapter of the Zoning Code for Middle Housing.

There was discussion regarding changing property line adjustments to a Type I process, applicant and public comment having the same amount of time at public hearings and changing it to say “up to three minutes” each for public testimony and “up to ten minutes” for rebuttal, automatic remand of applications back to the Planning Commission if there was new information, making significant changes to applications and at what point they should become new applications, and pressure on infrastructure with the new middle housing code.

****Councilor Varwig moved to approve Ordinance 1574, AN ORDINANCE AMENDING CANBY’S TITLE 16 OF THE CANBY MUNICIPAL CODE ADDING NEWLY CREATED CHAPTER 16.81 MIDDLE HOUSING MODEL ORDINANCE AND MODIFYING EXISTING CHAPTERS 16.04 DEFINITIONS, 16.58 LOT LINE ADJUSTMENT, 16.60 PARTITIONS, 16.68 SUBDIVISION AND FINAL PROCEDURES AND RECORDATION, AND 16.89 APPLICATION AND REVIEW PROCEDURES IN THE TITLE as amended to come up for second reading on June 1, 2022. Motion was seconded by Council President Hensley and passed 6-0 on first reading.**

Jason Padden, Planning Commission Chair, said this was one of many code changes that would be brought to the Council. He thanked staff for their work.

Resolution 1365 – Joe Lindsay, City Attorney, said this resolution gave the County permission to acquire property needed for the Ivy Street project.

Council President Hensley was not comfortable with the condemnation language in the resolution.

Councilor Spoon thought it was necessary for public safety to get the sidewalks for kids walking to school.

****Councilor Spoon moved to approve Resolution 1365, A RESOLUTION DECLARING THE NECESSITY AND PURPOSE FOR ACQUISITION OF RIGHTS-OF-WAY, EASEMENTS, AND FEE PROPERTY, AND AUTHORIZING GOOD FAITH NEGOTIATIONS AND CONDEMNATION ACTIONS FOR THE SOUTH IVY STREET INTERSECTION IMPROVEMENTS PROJECT. Motion was seconded by Councilor Parker and passed 5-1 with Council President Hensley opposed.**

NEW BUSINESS: Appointment of Elizabeth Chapin to the Budget Committee for a term ending June 30, 2024 –

****Council President Hensley moved to approve the appointment of Elizabeth Chapin to the Budget Committee for a term ending June 30, 2024. Motion was seconded by Councilor Spoon and passed 6-0.**

Appointment of Herman Maldonado to the Budget Committee for a term ending June 30, 2022 –

****Council President Hensley moved to approve the appointment of Herman Maldonado to the Budget Committee for a term ending June 30, 2022. Motion was seconded by Councilor Varwig and passed 6-0.**

Discussion Regarding Boards, Commission and Committee Member Reappointments –

Councilor Parker stated currently if a committee member continued to be reappointed, it could be a lifetime appointment. He thought every time a term was ready to expire, that vacancy should be announced and posted.

Councilor Spoon wanted each vacancy to be posted and interviews held creating opportunity for other members in the community.

Councilor Varwig supported institutional knowledge of those who had been on a committee for a long time. He questioned how many applicants wanted to be on a committee and couldn't get on a board.

Mayor Hodson said participation ebbed and flowed depending on community interest. Past practice was allowing people to renew who had the desire to continue to serve.

Councilor Spoon thought institutional knowledge was important and she was not proposing term limits. Most of the time the existing member would be reappointed, but there should be opportunity for as many different perspectives as possible.

Councilor Bangs wanted to remove the term limits on the committees that had them. He thought there would be more interest if they advertised the openings.

Councilor Marine did not see a downside to posting the openings.

There was consensus to re-appoint the same applicant if no other person applied. The Council also wanted all of the positions that were going to expire on June 30, 2022 to be posted for anyone to apply.

MAYOR'S BUSINESS:

Mayor Hodson announced National Public Works Week, National Police Week, and a ribbon cutting for the pickle ball courts at Maple Street Park on June 9, 2022 at 4:00 p.m. The Parks and Recreation Advisory Board discussed Community Park Pond treatment, Locust Street Park picnic shelter, FEMA tree removal, Park budget, Logging Road Trail signs, and Park Master Plan timeline. There would be a joint meeting with the Park Board and Council to review the Park Master Plan on June 1 and there would be a community outreach meeting as well. Budget Committee meetings would be held on May 19 and 26, and adoption of the budget by the Council on June 15.

COUNCIL COMMENTS & LIAISON REPORTS:

Councilor Spoon said there were openings on the Canby Area Transit Board. There would be extra performances available for the high school play. Bridging Cultures was this Saturday at Locust Street Park. The Bike Rodeo would be on Saturday as well.

Councilor Parker asked for a discussion on tools to limit and control traffic.

Council President Hensley announced upcoming Memorial Day services.

Councilor Varwig said the Planning Commission had been working on updates to the Code. CTV5 was still working through details with the potential merger.

Jim Davis, Fire Chief, said the north side station would open on July 2. They would be hosting fireworks this year. They were working with Rotary on purchasing emergency supplies. Call volumes were continuing to increase. May was Wildfire Preparedness Month and they held two seminars at the fairgrounds. The Budget Committee had approved their budget and it would be presented to the Board in June. Three lieutenants had been promoted. The Fire Defense Board had been working with the state in preparation for this year's fire season. They were also working on their Strategic Plan.

Councilor Bangs reported on the Library Board meeting. There were only a few weeks left of school. He discussed staff promotions, seniors' Graduation Walk, and eighth graders' visit to the high school.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Archer gave an update on the Quiet Zone project, hanging baskets around town, Ivy Street power undergrounding project, and Street Maintenance Fee.

Update on Temporary Open Air Canby Program and Creation of Permanent Program –

Jamie Stickel, Economic Development Director, gave a background on the Open Air Canby 2020 and 2021 program and community comparison. She discussed sidewalk café/sidewalk vending and how currently only one business had continued to utilize the Open Air Canby

program after Covid mandates were removed. There had been a recent inquiry from a downtown business. She then discussed options for further action.

There was discussion regarding meeting ADA parking requirements, not allowing temporary tents, creating parking shortages, sending this to the Planning Commission for a recommendation, letting the program sunset while staff worked on a permanent program, private property rights and investment made for the outdoor seating, treating private lots and public lots differently, and extending the program for the current permit holders only.

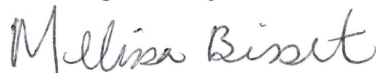
There was consensus to sunset the program.

CITIZEN INPUT: Jason Padden, Canby resident, discussed the perception and reality of traffic in the City. There were many applications coming before the Planning Commission and making a recommendation on the Open Air program could take months.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Ordinances 1571 and 1572 and Resolution 1365.
3. Approved Ordinances 1573 and 1574 as amended in discussion to a second reading on June 1, 2022.
4. Approved the appointments of Elizabeth Chapin and Herman Maldonado to the Budget Committee.

The meeting was adjourned at 10:45 p.m.



Melissa Bisset
City Recorder



Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood