

**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
March 17, 2021**

**PRESIDING:** Mayor Brian Hodson

**COUNCIL PRESENT:** Christopher Bangs, Traci Hensley, Sarah Spoon, Greg Parker, Christopher Bangs, Jordan Tibbals, and Shawn Varwig.

**STAFF PRESENT:** Scott Archer, City Administrator; Joseph Lindsay, City Attorney; Don Hardy, Planning Director; Ryan Potter, Senior Planner; Melissa Bisset, City Recorder/ HR Manager

**CALL TO ORDER:** Mayor Hodson called the Regular Meeting to order at 7:31 p.m.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Paul Ylvisaker, Canby resident, asked about exemptions in the variance and if that language negated the definition of plainly audible. He planned to file a grievance against the use of the fireworks, but he was told because of the variance given there was no recourse because of the definitions in the public peace and morals synopsis.

Joseph Lindsay, City Attorney, said there were exemptions to the ordinance. This would be an interpretation by the judge. The exemptions existed so those activities could go on without fear of being punished unless they were doing something so extreme it became a different level of hazard.

Mr. Ylvisaker read the definition of plainly audible which he thought was included so that grievances could be filed. He was told by Code Enforcement that was not possible.

Mr. Lindsay said the fireworks were a specific exemption and because they were specifically listed, what Mr. Ylvisaker was referring to did not apply.

Mr. Ylvisaker thought because of Covid the first football game was supposed to be pared down and only necessary personnel would be there. He asked why the explosive team was necessary personnel.

Mayor Hodson said the limited personnel were those in the stadium and around the field. They shot the fireworks outside of the stadium.

Mr. Ylvisaker thought the fireworks were abusive to pets. He read from literature from the Oregon Humane Society about the effects of fireworks on animals. He would like to have reasons why this behavior was not abusive in writing.

Irene Breeshers, Canby resident, discussed the treatment of Vietnam War veterans and the need to honor them for their service. She announced the National Vietnam War Veterans Day would be on March 29.

There was a letter from Kathleen Mulligan and Gayle Elizabeth regarding censorship of library resources. They did not think the subscription to Book Page should be canceled as it was an overreaction to an advertisement. They thought it violated the American Library Association Bill of Rights.

Jason Padden, Canby resident, discussed the Street Maintenance Fee which had not been increased since it was first implemented to accommodate for inflation and increased cost of materials and labor. He explained the extra amount of funds that would have been received if the fee had been increased and how many more projects could have been done. He urged the Council in the next budget cycle to tie the fee to the fee schedule moving forward otherwise it would be irrelevant in the next 10-15 years.

**PUBLIC HEARING:** Vacation of N Maple Street Right-of-Way –

Mayor Hodson read the public hearing statement.

Conflict of Interest:

Councilor Parker – No conflict, plan to participate.  
Councilor Varwig – No conflict, plan to participate.  
Councilor Hensley – No conflict, plan to participate.  
Councilor Bangs – No conflict, plan to participate.  
Councilor Tibbals – No conflict, plan to participate.  
Councilor Spoon – No conflict, plan to participate.  
Mayor Hodson – No conflict, plan to participate.

Ex Parte Contact:

Councilor Parker – No contact.  
Councilor Varwig – No contact.  
Councilor Hensley – No contact.  
Councilor Bangs – No contact.  
Councilor Tibbals – No contact.  
Councilor Spoon – No contact.  
Mayor Hodson – No contact.

STAFF REPORT: Ryan Potter, Senior Planner, explained a right-of-way vacation was transferred public land to a private owner when it was no longer needed for public use. The northern terminus of N Maple Street was dedicated to the City in 1975. The subdivision plat from 1975 identified the area as a “temporary cul-de-sac to be vacated in the event of future street extension.” The vacation was related to the Seven Acres subdivision which was approved by the Planning Commission in 2017. It was appealed, but the original decision was upheld. The project extended N Maple Street beyond the cul-de-sac and portions of the right-of-way were no longer needed. Vacation of these two areas was a condition of the subdivision approval. The



vacation consisted of two small areas that were 1,428 and 1,742 square feet. The vacated land would attach to the adjacent parcels in the new subdivision. He reviewed the findings which stated the proposed vacation areas were no longer required to serve the public interest, the vacation was consistent with previous land use decisions, the vacation was consistent with Oregon law, and notice had been duly given. No public comments had been received by Planning staff. Staff recommended approval.

Mayor Hodson opened the public hearing.

APPLICANT: Michael Robinson, representing the applicant, agreed with the staff report. He pointed out that the 1975 plat that created the cul-de-sac anticipated the vacation of the unneeded areas when N Maple Street was extended. The applicant was requesting vacation of the small areas on either side as the street was going to be extended. He thought it met state law and he was asking for approval.

PROPONENTS: None

OPPONENTS: None

REBUTTAL: None

Mayor Hodson closed the public hearing.

**\*\*Councilor Varwig moved to approve Ordinance 1545, AN ORDINANCE VACATING TWO SMALL PORTIONS OF NORTH MAPLE STREET PUBLIC RIGHT-OF-WAY THAT WERE FORMALLY PART OF A CUL-DE-SAC AT THE STREET'S NORTHERN TERMINUS to come up for second reading on April 7, 2021. Motion was seconded by Councilor Hensley and passed 6-0 on first reading.**

**MAYOR'S BUSINESS:** Mayor Hodson reported on the Parks and Recreation Advisory Board meeting where ice storm damage and cleanup, park sign design, Maple Street Park courts and netting, RFP process for the Park Master Plan, scheduling a SDC 101 workshop, and including others in the Park Master Plan process was discussed. He also participated in a call with ODOT regarding tolling.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Bangs asked if they had an arborist report for the trees at Wait Park. Mayor Hodson said yes, and trees were marked that would be removed.

Scott Archer, City Administrator, said the safety concerns that were identified had been addressed and they would need to do a longer term study for the remaining trees.

Councilor Bangs reported on the School Board meeting where loss of revenue based on declining enrollment was discussed. He explained how the Oregon Department of Education had revised the guidelines for kids coming back to school. Tomorrow was the deadline for filing for the School Board election. He reported on the Library Board meeting and how they wanted to bring

back the publication that was canceled by the City Administrator stating it was censorship. They also recommended making the non-voting student member of the Board a voting member. He thought the same should be done for the student member on the Heritage and Landmark Commission. He thought some things were said at the last Council meeting that were not fully honest and he discussed those comments.

Councilor Hensley reported on the Traffic Safety Commission meeting where complaints for speeding on 10<sup>th</sup> and Birch and parking issues on the south side of town between 2<sup>nd</sup> and 3<sup>rd</sup> on Grant were discussed.

Councilor Varwig reported on the Planning Commission meeting where the design for the northside fire station and a new subdivision between Pine and Maple south of Territorial was approved. CTV-5 was broadcasting soccer and football games.

Councilor Spoon discussed the new appointments to the Transit Advisory Committee. Community bike rides had started again.

Councilor Parker reported there was a work group who was working on the Traverso property Molalla Forest Road extension and he suggested a Council Work Session for the Council to get an update on the project. The Bicycle and Pedestrian Committee had reached out to neighboring property owners about the project. He agreed that they should speak with humility and truth at Council meetings.

Councilor Tibbals reported on the Canby Utility Board meeting where they discussed the ice storm damage and recovery. He thanked Canby Utility for their hard work in bringing back power to Canby homes.

**CONSENT AGENDA: \*\*Council President Hensley moved to approve the minutes of the March 3, 2021 City Council Regular Meeting and appointments of Nancy Muller and Richard Stanton to the Transit Advisory Committee with terms to expire on March 31, 2024. Motion was seconded by Councilor Varwig and passed 6-0.**

**DISCUSSION ON REOPENING CITY FACILITIES TO THE PUBLIC:** Mr. Archer said they were planning for a limited reopening of City facilities on April 5. They would still have to adhere to Covid safety protocols. There would be a phased approach to the reopening. He asked about having in-person or hybrid Council meetings. Additional equipment would likely need to be purchased and a hybrid meeting would take more staff support. The boards and committees were anxious to get back to in-person meetings, but he did not think they would have the staffing or technology available to start those yet. He recommended continuing with virtual meetings for the boards and committees for now. He said by May 1 everyone would be eligible for vaccination.

Councilor Bangs would like to know how much the extra technology and personnel would cost.

Councilor Spoon was open to the hybrid option.



Councilor Parker would like to know what the changes would be to meet the safety protocols. He thought they should keep the Zoom option open beyond the pandemic.

Councilor Varwig was in support of a hybrid option.

Staff would bring back the requested information.

**CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** Mr. Archer said they were working with Canby Fire District on a practice burn on Saturday at First and Walnut. The Police Chief would be retiring on April 1 and the new Police Chief would be sworn in on April 7. Staff was tracking the costs of the ice storm cleanup efforts and working with Clackamas County to receive reimbursement through federal emergency funds. He discussed Covid relief funds that were recently approved. It was estimated that Canby would receive \$3.6 million. They were still looking into how the funds could be spent.

There was discussion regarding the funding going through the state and how much the City would actually receive as well as funding going to the School District and telecommunication companies.


**CITIZEN INPUT:** None

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Passed Ordinance No. 1545 to a second reading on April 7, 2021.

There was no Executive Session.

The meeting was adjourned at 9:50 p.m.

  
Melissa Bisset  
City Recorder

  
Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood

