

**CANBY CITY COUNCIL  
WORK SESSION MINUTES  
November 15, 2023**

**PRESIDING:** Brian Hodson

**COUNCIL PRESENT:** Jason Padden, Traci Hensley, and Daniel Stearns.

**COUNCIL ABSENT:** James Davis and Herman Maldonado.

**STAFF PRESENT:** Eileen Stein, Interim City Administrator; CJ Lason, Deputy City Recorder; Maya Benham, Administrative Director/City Recorder; Rodney Grafe, Municipal Judge; Jorge Tro, Chief of Police; Lucy Heil, City Prosecutor; and Jessica Roberts, Municipal Court Supervisor.

**OTHERS PRESENT:** John Wentworth, Clackamas County District Attorney (remote).

**CALL TO ORDER:** Mayor Hodson called the Work Session to order at 6:07 p.m.

**MUNICIPAL COURT OPERATIONS DISCUSSION:** Judge Grafe gave a presentation describing the decision by the former City Attorney to move misdemeanor cases to be prosecuted by the County instead of locally back in July of 2022. At that time, he had written letters of concern to the Council about reducing court services. Certain cases that would normally be prosecuted if they were kept in-house were not when they were transferred to County jurisdiction. He was particularly concerned about theft and trespass cases and suggested that Canby pull those cases back and prosecute them locally. They had open probation files and outstanding warrants which still needed prosecuting. He also recommended having separate duties for a City Attorney and prosecution duties. He discussed lower revenues and how the Court could support taking back the criminal cases.

There was discussion regarding staffing, what other cities did, options, and time to adjudicate cases.

John Wentworth, District Attorney with Clackamas County, stated the County did prosecute these cases, and Canby was not losing services by outsourcing the cases to the County. If the reason was revenue-driven then it might make sense to move the cases back to the city, but he wanted to dispel any perceived lack of service from the County as erroneous. The only other benefit was cases might be prosecuted faster with the city.

Police Chief Tro stated that the police had seen an increase in the decline-to-prosecute rate once the cases moved to the County. He thought local control, as well as parking and other amenities, were reasons to move the case load back to the City of Canby. There were more resources available, and Measure 110 might be better handled at circuit court. He explained what cases would go to the District Attorney regardless.

Lucy Heil, City Prosecutor, said building relationships was important, and by moving the cases back to local control, the city could make a better impact on people's lives. She felt confident she

could prosecute the misdemeanor cases if they were brought back. Accountability was important as a deterrent to more crimes.

**ADJOURN:** Mayor Hodson adjourned the Work Session at 6:58 p.m.

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**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
November 15, 2023**

**PRESIDING:** Brian Hodson

**COUNCIL PRESENT:** James Davis, Jason Padden, Traci Hensley, Herman Maldonado, and Daniel Stearns.

**COUNCIL ABSENT:** None.

**STAFF PRESENT:** Eileen Stein, Interim City Administrator; David Doughman, City Attorney; CJ Lason, Deputy City Recorder; Maya Benham, Administrative Director/City Recorder; Jerry Nelzen, Public Works Director; Jamie Stickel, Economic Development Director

**CALL TO ORDER:** Council President Hensley called the Council Meeting to order at 7:08 p.m.

**VETERAN'S DAY ACTIVITIES UPDATE:** Ken Buckles, Canby resident, spoke about the recent Albany Veteran's Day parade, and how a video of his Hummer riding in the parade went viral on Tik Tok. He and the president of the Canby Rodeo, Clayton Rhodes, presented awards to veterans from World War II, the Korean War, the Vietnam War, the Iraq War, and Afghanistan in recognition of their service.

**APPOINTMENT OF CITY ADMINISTRATOR:** Mayor Hodson gave an update on the appointment of the new City Administrator and recent interviews. The Council came to a consensus and sent contracts to a candidate for approval.

**\*\*Council President Hensley moved to enable Mayor Hodson to continue negotiations with Eileen Stein to be the next City Administrator. Motion was seconded by Councilor Davis and passed 5-0.**

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Greg Perez, Canby resident, was happy that things were moving forward better than they had in the past. As they started a new calendar year, he wanted to see City Hall utilized to its capacity and City employees working posted hours in the office.

Eric Pfeiffer-Robinson, Canby resident, was seeking assurances about taking a stand against intolerance, bigotry, hatred, and white supremacy, which the Council gave. He thought the Council had the opportunity to be great leaders, and he spoke about having to destroy multiple swastikas over the past six years.

Daniel Godfrey, Canby resident, spoke about the downtown alleys and the state of disrepair that was a blight and caused safety hazards. Money needed to be set aside in the budget for maintenance and repair of the alleyways.

**CONSENT AGENDA: \*\*Council President Hensley moved to approve the consent agenda that included the appointment of Greg Perez to the Transit Advisory Committee for a term ending March 31, 2024; approval of the September 20, 2023, Regular City Council meeting minutes; and the October 4, 2023, Work Session and Regular City Council meeting minutes. Motion was seconded by Councilor Maldonado and passed 5-0.**

#### **RESOLUTIONS:**

Resolution 1398 – Jerry Nelzen, Public Works Director, gave some background and a presentation on the ongoing South Ivy St. sidewalk and paving improvements. He stated although the project was approved previously, the project had grown, and costs had increased. He was asking for commitment to pay for the project. The project would go out to bid in January and construction would start in March/April. He showed a visual simulation of future Ivy Street between 99E and Lee Elementary School.

There was discussion regarding flashing lights at sidewalks, the city getting jurisdiction of Ivy St., delays and increased costs, and the light on 13<sup>th</sup> and Ivy.

**\*\*Councilor Padden moved to adopt Resolution 1398, A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN CLACKAMAS COUNTY AND THE CITY OF CANBY RELATED TO THE SOUTH IVY STREET SIDEWALK IMPROVEMENT PROJECT, REPEALING RESOLUTION NO. 1308. Motion was seconded by Councilor Stearns and passed 5-0.**

**OLD BUSINESS:** Discussion on ARPA Funding – Eileen Stein, Interim City Administrator, gave a presentation on the ARPA allocations. The City received \$3,982,964.76 in ARPA funds and spent \$342,861.96 so far. They had promised/allocated \$338,370.70 in the 2024 budget and approved a further \$960,000 through ordinance adoptions on September 20, 2023. This equaled \$1,298,370.70 currently budgeted but unspent from the ARPA funds, with a remaining amount of \$2,341,732.10 still unallocated. The consequence of spending these ARPA funds was that the General Fund's "Reserved for Future Expenditures-Unrestricted" fund balance would decrease by \$1,298,370.70. She reviewed the choices for the available \$2,341,732.10. They could reappropriate all of the remaining funds towards already spent projects if the Council wanted. It would keep the money in the General Fund, which allowed the City to extend out the reserve, but it would mean abandoning the Logging Bridge project.

Mayor Hodson asked Chief Tro to give information about the projects listed, and Chief Tro affirmed that they had already been paid for.

Councilor Davis said he wanted to be presented with the requirements of usage and reporting of ARPA funds. He also wanted to make sure the city was going to fulfill its obligations to its partners, and asked for an update on the Logging Bridge project.

Mr. Nelzen stated there were a couple of different levels of improvement when it came to the Logging Bridge project. The basic painting of the bridge would be a minimum of \$1.1 million, and additional beautification would be more expensive.

Ms. Stein did not have a strong recommendation on how to allocate funds other than making sure the City was taking care of its prior commitments to the community agencies.

Councilor Padden thought they should honor their prior commitments, and the rest of the money should go into improvements in the community now rather than be sitting in the reserve. Costs would be higher in the future. He wanted to see what the City's reserve requirements were.

Council President Hensley agreed that the city should honor its prior commitments, but that it would be irresponsible to spend all of the reserve.

Staff would bring back the information requested for further discussion.

City Attorney Recruitment – Ms. Stein agreed with the Judge's suggestion to have the City Attorney duties and prosecution duties separated. She recommended that the City extend its contract with Beery, Elsner & Hammond, LLC to provide interim attorney services while the recruitment search continued to give them enough time to complete the recruitment process with no loss of service.

David Doughman, City Attorney, agreed that was consistent with previous discussions. He gave background on the City Prosecutor process and also recommended splitting the municipal law and criminal law aspects of the position.

Councilor Stearns left the meeting at 8:18 p.m.

Councilor Padden wanted to see the costs associated with having an in-house attorney vs. contracting with an outside provider. He expressed concerns that the City would not have enough hands-on availability if they contracted out with a third-party service provider.

Council President Hensley wanted to know if the city was contractually obligated to use the same firm that the city used for the City Administrator search for the City Attorney recruitment. She was not pleased with the process and would like the flexibility of using a different firm.

There was consensus to extend the contract and staff would bring back the numbers as requested.

**NEW BUSINESS:** City Councilor Vacancy – After discussion, the following timeline was agreed upon:

1. City Councilor vacancy position would be posted on the website on November 16, 2023.
2. Job posting closed December 29, 2023.
3. Interviews conducted January 10, 2024.

**MAYOR'S BUSINESS:** The Mayor reported on the C4 meeting where the STIP list, the upcoming legislative session, and the recent housing numbers were discussed. He also attended the recent Comprehensive Plan meeting, which had a great turnout. He stressed the importance of participating in the process. He reminded everyone that Light the Night at Wait Park was on December 1.

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

Councilor Davis attended the UGB meeting. The attendance was so impressive that they were going to have another one. It was a very positive experience. He reported on the Dodds Farm Park public meeting, which was also a very positive meeting. He attended the Adult Center meeting, and they were moving forward with their remodeling plans and raising more funding.

Council President Hensley attended the Traffic Safety Commission meeting where they heard different public comments and concerns about areas around town. She reminded the public that if there were traffic concerns, they could email the chair or attend a meeting.

Councilor Padden attended the Comprehensive Plan Summit. It was clear that the public was paying attention to what was going on. He looked forward to additional meetings where citizens would have a chance to have their questions answered and concerns addressed. He also attended the landowner meeting. He asked what consequences the city would face if it chose not to go through with an Urban Growth Boundary expansion.

He had heard a lot about the City's hybrid work situation and that citizens said they were not able to get a hold of someone at the city. He would like to know how many City employees were on a hybrid work schedule, how many days those employees were allowed to work out of the office, how many utilized all those days to work from home, and how many of those employees were in a direct customer contact role.

Mayor Hodson asked for clarification as to why this information was needed.

Councilor Padden said there was a perception that there was no one available at City Hall to answer questions because they were allowed to work from home. He wanted to have the data to present to citizens when they had concerns.

The Mayor did not think it was an appropriate use of time for staff to compile this data when they had many other commitments to provide information to the Council about other issues.

Councilor Davis asked if it was a requirement that at least two Council members had to agree to ask staff to provide data or information on issues. He thought that this issue was more the City Administrator's purview than a Council issue.

Councilor Padden said the only way to put this issue to rest definitively was to have the data to prove or disprove the talking points.

Council President Hensley also said that it would be an important piece to look at staff morale as well in terms of colleagues missing from the office.

Councilor Maldonado suggested that the Council push it out as it was not as time pressing as other issues.

Ms. Stein agreed. It would be good to have the information, and the overall concern was with customer service. She asked to be able to give the information to the Council in January.

There was consensus for staff to provide the information in January.

**CITY ADMINISTRATOR'S BUSINESS & BI-MONTHLY STAFF REPORTS:** None

**CITIZEN INPUT:** None.

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Adopted Resolution 1398.
3. Posting City Councilor vacancy on November 17, 2023, closing the posting on December 29, 2023, and holding interviews on January 10, 2024.

**\*\*Council President Hensley moved to adjourn the regular meeting. Motion was seconded by Councilor Davis and passed 4-0.**

The meeting was adjourned at 9:01pm.



Maya Benham  
City Recorder



Brian Hodson  
Mayor

Assisted with Preparation of Minutes - Susan Wood