

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
January 18, 2024**

PRESIDING: Brian Hodson.

COUNCIL PRESENT: James Davis, Jason Padden (remote), Traci Hensley, Scott Sasse, and Daniel Stearns.

COUNCIL ABSENT: Herman Maldonado.

STAFF PRESENT: Eileen Stein, City Administrator; Maya Benham, Administrative Director/ City Recorder; CJ Lason, Deputy City Recorder; Todd Wood, Transit & Fleet Director; Heidi Muller, Transit Coordinator; and Jerry Nelzen, Public Works Director.

CALL TO ORDER: Mayor Hodson called the meeting to order at 7:14 p.m.

SWEAR-IN OF NEW CITY COUNCILOR:

Eileen Stein, City Administrator, administered the Oath of Office to new City Councilor Scott Sasse, who then took his seat upon the dais.

CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS:

Greg Perez, Canby resident, spoke about the parking downtown near the Dhalia building. There were parking spaces occupied by resident vehicles all day, which were meant for customers to the businesses, and had signs posted for a 2-hour maximum. He would like Code Enforcement staff to enforce the parking rules.

Mayor Hodson said they had recently hired a full-time Code Enforcement Officer and complaints were logged and sent to them. The Council was aware of the situation, and they would address it during their upcoming goal-setting session.

Tim Samuels, Oak Grove resident, said his family owned a portion of the Oregon Pacific Railroad from Canby to Molalla. He spoke about train safety, and how there were people walking on the tracks, kids playing, vandalism, and general trespassing. A lot of people crossed the tracks near Fred Meyer because there were no barriers. He was applying for a federal grant to build a fence between the Logging Road and tracks, from the overpass at Highway 99E to the Sequioa Parkway overpass. He had to come up with 20% of the overall grant amount, which was \$200,000. He asked the City to split that amount with him, and provide \$100,000 towards the fencing if the grant was approved.

Mayor Hodson asked about the timeline. Mr. Samuels explained the grant application process. It would be next year before the funds would be needed from the City. Mayor Hodson said that it would be good to address this in their annual goal setting meeting.

Ms. Stein said Mr. Samuels needed some indication of the City's interest in supporting the grant. They could consider the request in their upcoming goal-setting session. She suggested that a ramp from the overpass down to the street level would be a good addition to improve overall safety.

Mayor Hodson said this was also the type of project that might fit the criteria for County or State level funding. Mr. Samuels thought a fence should have been put in place with the development of the area. He thought the City should bear some responsibility.

Mayor Hodson said they would address it in their goal-setting session, and possibly a work session in the future.

CONSENT AGENDA:

Mayor Hodson said Item 4b was pulled from the consent agenda.

****Council President Hensley moved to approve the minutes of the January 3, 2024, City Council Regular Meeting. Motion was seconded by Councilor Davis and passed 5-0.**

****Council President Hensley moved to approve the Commercial Limited On-Premises OLCC Application for Cosa Bella Foods located at 135 N. Elm St. Motion was seconded by Councilor Davis.**

Councilor Stearns was uncertain as to what the City could do in regards to liquor licensing. He did not think that the location was a good place for alcoholic beverages to be served, as there was no stop sign there, and from his limited time as a firefighter he saw a lot of issues related to alcohol consumption. He did not want this to be a "rubber stamp" approval. He did not see a need for more alcohol to be sold in the downtown area.

Council President Hensley said the Police Chief had to sign off on it first before it went to the Council for approval. The food cart in question would not be open late, and it was not really set up to be a place where people would congregate and stay. She did not see a problem arising from this request.

Mayor Hodson asked Ms. Stein for information about the process. Ms. Stein said there was a memo sent by Police Chief Tro in the packet. It stated the business owner in question was in the process of going through permitting and the OLCC education classes. If there were concerns about the applicant, those could be attached to the application when sent to the State for approval. The actual approval was done at the state level, not the local level.

Councilor Stearns asked if a no vote would actually stop the process. Ms. Stein said it would be taken under advisement by the State, but ultimately it was the State's decision to approve or deny liquor license applications, not the City's.

David Doughman, City Attorney, said liquor licensing was the purview of the state. In his experience, the state typically did not deny applications, even when serious concerns about the applicant existed.

Councilor Stearns said his main concern was potential pedestrian and vehicle interactions in the intersection where there was no crosswalk or stop sign.

Ms. Stein said the State does want to hear concerns from local governments, but the authority whether to approve or deny rested with the State.

Councilor Padden asked if this might open other food carts to offer alcoholic beverages, and being mobile businesses, could they set up shop anywhere in town and sell them, even if it happened to be close to neighborhoods and schools.

Mayor Hodson said this would be a vote of conscience, and Councilors should vote however they saw fit. There were former Councilors who voted no on these types of applications in the past, in accordance with their own beliefs. Councilor Padden's question was a good one but opened up another topic in terms of zoning for food carts in general, not just related to alcoholic beverages.

Motion passed 3-2-1 with Council President Hensley, Councilor Sasse, and Mayor Hodson voting in favor, Councilors Stearns and Davis opposed, and Councilor Padden abstaining.

ORDINANCES:

Ordinance 1615 – Todd Wood, Transit & Fleet Director, and Heidi Muller, Transit Coordinator, reviewed the lease situation for the CAT offices. They were not able to find out whether or not the City would have to pay any back taxes, but it was not a large amount. The landlord owed the taxes but could pass them on to the tenants.

****Council President Hensley moved to adopt Ordinance 1615, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO MAKE, EXECUTE, AND DECLARE IN THE NAME OF THE CITY OF CANBY AND ON ITS BEHALF, AN APPROPRIATE LEASE AGREEMENT WITH ZIMMER VENTURES LLC, OF CANBY, OR TO PROVIDE LEASED OFFICE SPACE FOR CANBY AREA TRANSIT LOCATED AT 195 S HAZEL DELL WAY THROUGH DECEMBER 2025. Motion was seconded by Councilor Davis.**

Councilor Davis asked how much the taxes would be if the City was asked to pay them. Mr. Wood said it would be about \$5,000. There was enough surplus funding to handle that amount.

Motion passed 5-0 by roll call vote.

Ordinance 1616 – Ms. Muller said Canby Area Transit had aging cameras and equipment on their vehicles and this would update their systems and equipment. The cameras were used for accident investigation, surveillance for training, complaint investigation, and police requests. Two bids were received, and the current vendor came in with a lower bid.

****Councilor Davis moved to approve Ordinance 1616, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH ANGELTRAX, LLC, OF DOTHAN, AL, IN THE AMOUNT OF \$86,263.28 TO PROVIDE CAMERA**

SYSTEMS FOR CANBY AREA TRANSIT VEHICLES to come up for second reading on February 7, 2024. Motion seconded by Councilor Stearns and passed 5-0 on first reading.

OLD BUSINESS: City Attorney Recruitment – No update.

MAYOR'S BUSINESS: Mayor Hodson thanked Public Works for their work during the recent ice storm. He said Councilor Maldonado asked for his Bike and Pedestrian Liaison appointment to be given to another Councilor. Councilor Stearns volunteered. Councilor Sasse was appointed as liaison to the Library Board and the Heritage and Landmark Commission.

COUNCILOR COMMENTS & LIAISON REPORTS:

Councilor Padden attended the Planning Commission meeting where Chair Matt Ellison and Vice Chair Dan Ewert were re-elected. The new Clackamas County Event Center was approved. He attended the Canby Utility Board meeting where a financial update was given and they were in good shape. They had a few outages during the recent ice storm but they were minor. The Willamette Falls & Landings Heritage Area Coalition was holding an event at the old West Linn City Hall on Sunday, January 21. He also wanted to know how liquor licenses for food carts tied into the ordinance the Council passed for food carts.

Ms. Stein would follow up with the Planning Department about the question. If there were changes that needed to be made to the Code, the Planning Commission would review it first.

Council President Hensley also thanked the Public Works department for their work. She attended the Canby School Board meeting where Turning Point USA students presented on adding an item to the Student Bill of Rights. They wanted to have a trusted person/adult to represent them when they were called into Administration. It would be brought up in the next policy review in April. She also attended the Traffic Safety Commission meeting where they discussed an ordinance for lowering the speed limits in local neighborhoods. They were going to work out what criteria were necessary to be able to take advantage of the reduction. She also gave some posthumous appreciation to former Councilor Rider, who passed away recently.

Councilor Davis said the recent Parks and Recreation meeting was postponed due to the weather. He thanked the City employees for their response during the weather issues. He suggested the Code Enforcement Officer talk to the building manager of the Dhalia building and encourage people to park where they were supposed to. The Fire Department had been busy with additional firefighters on 24-hour shifts to respond to medical emergencies since urgent care was closed and hospitals were difficult to reach during the weather. He encouraged everyone to prepare for the next storm in terms of survival kits, generators, and frozen pipes.

Mayor Hodson asked Jerry Nelzen, Public Works Director, to speak on how many generators were available to the City in case of emergencies.

Councilor Davis noted the Rotary Club had generators and chain saws, and three were handed out during the recent ice storm. They also had trailers for people to charge cell phones and have internet access.

Mr. Nelzen said the City had 24 generators available in case of emergency and they were stored under cover at Public Works. He also thanked Kahut Waste Services for their efforts. There had been no injuries or damage to equipment.

Councilor Padden asked if it was the homeowner's responsibility to keep their own sidewalks clear. Mr. Nelzen said that was correct.

Councilor Stearns asked why there was no de-icing done in town. He thought the cost of not de-icing would surpass the cost of de-icing in terms of school and business closures.

Mr. Nelzen said the City was set up for de-icing, and the chemicals were provided by ODOT. In a typical situation, the City would use approximately 14 gallons of de-icing chemicals. Due to the amount of ice, it would have taken more than 100 gallons to de-ice the surface streets. He was researching salting the streets and other methods to make it safer.

Councilor Stearns said salt should work. The City needed to be set up to handle this better. He also wanted to address what Mr. Perez spoke about in terms of the downtown parking. The City was not currently enforcing parking rules, and if they were going to start enforcing them, they needed to communicate that and give appropriate notice to business owners.

Councilor Sasse thanked everyone for coming. He also agreed that they should address the parking issues downtown.

Mayor Hodson reminded the community that the City was in the process of updating the Comprehensive Plan. He encouraged citizens to attend the next Community Summit on Wednesday, January 24, from 6–8 p.m. at Baker Prairie Middle School.

CITY ADMINISTRATION'S BUSINESS: Ms. Stein thanked staff and the community for their response during the storm. She asked if the Council had any questions about the bi-monthly reports. She reminded the Council about the upcoming goal-setting session and there was a Core Strength Assessment and interview to complete prior to the session.

CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS:

Greg Perez, Canby resident, asked for an update about the Beer Library.

Mayor Hodson said it was still progressing and the plan was to try to have it open by summer.

Ms. Stein would have the Economic Development Director reach out to Mr. Perez and give him an update.

Councilor Padden said there was information in the *Canby Herald* about the progress as well.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Ordinance 1615.

3. Approved Ordinance 1616 to a second reading on February 7, 2024.

****Council President Hensley moved to go into Executive Session pursuant to ORS 192.660(2)(i) Performance Evaluation. Motion was seconded by Councilor Davis and passed 5-0.**

Mayor Hodson read the Executive Session statement and recessed the Regular Meeting at 8:30 p.m.

Mayor Hodson reconvened the Regular Meeting at 9:40 p.m. and immediately adjourned.

Maya Benham
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood