



AGENDA CANBY CITY COUNCIL

Virtual Meeting/ Council Chambers
Regular Meeting 7:00 PM

Meetings can be viewed on CTV Channel 5 and YouTube:

<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>

November 4, 2020

222 NE 2nd Avenue, 1st Floor

Mayor Brian Hodson
Council President Tim Dale
Councilor Traci Hensley

Councilor Greg Parker
Councilor Sarah Spoon
Councilor Shawn Varwig

Regular Meeting – 7:00 PM

1. CALL TO ORDER

2. COMMUNICATION

3. **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. Staff and the City Council will make every effort to respond to questions raised during citizens input before the meeting ends or as quickly as possible thereafter. *****If you would like to speak virtually or in person, please email or call the City Recorder by 5:00 pm on November 4, 2020 with your name, the topic you'd like to speak on and contact information: bissetm@canbyoregon.gov or call 503-266-0733. Once your information is received, you will be sent instructions to speak. Please note that Council will be attending this meeting virtually.**

4. LIBRARY BOARD REQUEST

- Proposal to amend Section 2.20.040 of the City Code.

5. MAYOR'S BUSINESS

6. COUNCILOR COMMENTS & LIAISON REPORTS

7. **CONSENT AGENDA:** This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.

- a. Approval of Minutes of the October 21, 2020 City Council Regular Meeting. Pg. 1

8. RESOLUTION

- a. **Resolution No. 1343:** A Resolution authorizing the use of CARES ACT Funding Pg. 4 for the Canby Resiliency Grant Program.

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

10. CITIZEN INPUT

11. ACTION REVIEW

12. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Melissa Bisset at 503.266.0733. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov. **City Council and Planning Commission Meetings are typically broadcast live and can be viewed on CTV Channel 5.** For a schedule of the playback times, please call 503.263.6287.

****We are requesting that rather than attending in person you view the meeting on CTV Channel 5 or on YouTube: <https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>**

If you do not have access virtually, there are a small number of chairs provided inside to allow for distancing.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
October 21, 2020**

Due to COVID-19 Pandemic, the Mayor and City Councilors attended the meeting virtually. The public was asked to view the meeting live on CTV Channel 5 or on YouTube. Seating was available in the Council Chambers in compliance with the Governor's Executive Order regarding social distancing.

PRESIDING: Mayor Brian Hodson.

COUNCIL PRESENT: Traci Hensley, Tim Dale, Greg Parker, Sarah Spoon, and Shawn Varwig.

STAFF PRESENT: Joseph Lindsay, Interim City Administrator, City Attorney; Jamie Stickel, Economic Development Director; Melissa Bisset, City Recorder; Police Chief Bret Smith; Lieutenant Jorge Tro; Lieutenant Jose Gonzalez; Police Officer Kyle Doman,; Police Officer Taylor Young; and Judge Rodney H. Grafe.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:02 p.m.

PRESENTATION: Chief Bret Smith introduced the Police Officer Doman and Police Officer Young and Judge Grafe administered the Oath of Office. The Council welcomed and expressed appreciation to Officer Doman and Officer Young.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: It was publically noticed that Council would be attending the meeting virtually and written comments and input on agenda items were accepted until 5:00 p.m. on Wednesday, October 21. No comments were received and no one requested to speak.

MAYOR'S BUSINESS: Mayor Hodson shared that Caruso Produce had begun construction in the Industrial Park. Stanton Furniture had also started construction. Trammel Crow had begun work on some new spec buildings that they anticipate being able to get tenants for quickly. There would be a resolution to expand an open air concept to assist businesses during the rainy months and spring. They were looking at how to adapt events without cancelling them during the pandemic. The next big event would be Light the Night and they were looking at how to still have the event. The Economic Development team was working on a dining and shopping guide for Canby. The Chamber was looking at a new grant for businesses in Canby. The County had leveraged some of the lotto dollars and created a grant program for manufacturing businesses and also had another grant for small businesses in Clackamas County. There were a number of businesses looking to move from Multnomah County to Clackamas County.

Clackamas County had been working on a Diversity, Equity and Inclusion program that the cities could leverage. They were hoping to roll the program out countywide.

The Mayor submitted letters to the Oregon Transportation Committee about their decision to give additional time for the coordinating committees regarding how funds will be available.

There was a letter written to ODOT regarding the tolling project.

Mayor Hodson congratulated Lieutenant Jorge Tro on his promotion to Police Chief upon Police Chief Smith's departure in the spring.

COUNCILOR COMMENTS & LIAISON REPORTS:

Council President Dale stated that there was a 10 percent rate increase that went into effect for Canby Utility water customers. It had been two years since there had been a rate increase. He shared that the rates were in the middle range compared to other local communities. He noted that the number of people impacted was not significant; however the impact to those affected was significant.

Councilor Parker thanked Representative Christine Drazen for her support of the Canby Community. He explained how she helped with the Quiet Zone and communicating with ODOT. She also assisted with communicating with the state licensing board for the daycare center that was going in the old Canby Utility building and getting access to rapid tests for businesses that had COVID outbreaks. Canby Fire Chief Davis and he were reflecting on the recent fires and looking at what could be done to reduce fire exposure. To limit fire exposure they would need to underground power lines in the City. The plans submitted for the Ivy Street project next year still had overhead power lines on Ivy. The Clackamas County Engineering Department would be closing their plans for the project in ten days. If nothing happened, overhead power lines would go up on Ivy right over the new sidewalks. He was appealing to Dan Murphy, Canby Utility Manager, to meet with the new City Administrator this week. He was prepared to meet tomorrow. They had one chance to build this for a generation and time was running out.

Councilor Spoon welcomed Scott Archer, new City Administrator, and new police officers. She congratulated Jorge Tro who was promoted to Police Chief. She thanked Hotrod Dreamworks for the scarecrow competition downtown. She supported Councilor Parker's comments about undergrounding the power lines on Ivy. It would reduce the amount of right-of-way needed and was a 50 year opportunity. They had to do it now or it would not be done.

CONSENT AGENDA: **Council President Dale moved to adopt the minutes of the October 7, 2020 Regular Meeting. Seconded by Councilor Hensley and passed 5-0.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Joe Lindsay, Interim City Administrator, City Attorney, shared how the new City Administrator had been listening to Zoom meetings and meeting with staff before his official start date on November 9. On Monday he would be looking with the County at proposals for the Arndt Road extension alternatives and goal exception study. The City received the Silver Safety Award from the League of Oregon Cities and CIS. He congratulated Lieutenant Tro for the promotion to Police Chief. There was an open Confidential Administrative Assistant position that was currently being advertised. Regarding economic development, for the Baker Center in the Industrial Park, one building would be 52,000 square feet, another would be 72,000 square feet, and another would be 210,000 square feet. He gave an update on the Walnut Street extension which required a Transportation System Plan amendment. The amendment would go to the Planning Commission on November 9. If approved, it would come to the City Council. The Urban Renewal Agency bought the property on Walnut and the house and outbuildings on the property would be used by the Fire

Department for a practice burn. That property would be used for the extension in the future. Regarding the Quiet Zone and Arch, he had sent in a response to the railroad about the Quiet Zone and they should get a final order in November which meant the City could go back out to bid in late November. He discussed how cities were getting more creative in the uses of federal Cares Act funds as they had to be spent by December 30. One thing they could do was make donations to non-profits. Staff was looking into places to donate and grants for businesses.

Mayor Hodson suggested using some of the Cares funds for food banks. He asked if they needed to separate the Quiet Zone and Arch projects. Would the Arch get done sooner if they separated the projects now?

Mr. Lindsay said he could look into it further to see if there was some value engineering that was done for the Arch because of the approach of doing the footing differently given they were going to rip up the intersections. He could also find out if some of the interest from construction companies was because it was more than just a quiet zone and included an arch.

Councilor Parker thought they should turn this over to the new City Administrator.

Councilor Spoon said both projects were important and she did not want one to get lost in the way of the other. She was in favor of whatever it took to get both projects done. She asked if there was a cost benefit to doing them together.

Mr. Lindsay said he would have to ask the City Engineer. The logistical benefits had cost benefits and if the Arch was done first, it could possibly be damaged when the intersections were torn up.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.

****Councilor Dale moved to go into Executive Session pursuant to ORS 192.660(2)(e) real estate. Motion was seconded by Councilor Spoon and passed 5-0.**

Mayor Hodson read the Executive Session format and recessed the Regular Meeting at 8:07 p.m.

Mayor Hodson reconvened the Regular Meeting at 9:14 pm and immediately adjourned the meeting.

Melissa Bisset, CMC
City Recorder

Brian Hodson
Mayor



City of Canby

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City Council Staff Report

DATE: November 4, 2020

TO: Honorable Mayor Hodson and City Council

THRU: Joseph Lindsay, Interim City Administrator

FROM: Jamie Stickel, Economic Development Director and Julie Blums, Finance Director

Summary

The City of Canby has created the Resiliency Grant Program utilizing CARES ACT funds for small business grants and rent and utility assistance for citizens.

Background

Due to the COVID-19 pandemic, many businesses closed or were required to amend business hours and operations.

Discussion

The Economic Development and Finance departments created the Canby Resiliency Grant Program. The grant will allocate up to \$150,000 for small business assistance and up to \$150,000 for local non-profits to assist Canby citizens who have a financial loss due to COVID-19.

This grant offers up to \$10,000 for eligible businesses. Businesses can apply for up to \$10,000 for COVID relief due to financial losses directly related to the COVID-19 pandemic. Preference will be given to businesses that were shut down by the Governor's Orders or closed voluntarily and those businesses that have been unable to access federal CARES ACT funds including Paycheck Protection Program (PPP), Economic Injury Disaster Loan (EIDL), or other federal programs to date for emergency pandemic funding.

Furthermore, the grant will award local non-profits funding to be distributed directly to Canby citizens for rent and utility assistance directly related to COVID-19.

The funding needs to be expended by the City of Canby by Wednesday, December 30th, 2020.

Attachments

- Resolution No. 1343
- Canby Resiliency Grant Overview (Exhibit A)
- Canby Resiliency Grant Application (Exhibit B)

Fiscal Impact

Up to \$300,000 in grant funds that are reimbursable through the CARES Act.

Options

1. Approve Resolution No. 1343 which would authorize the use of CARES ACT funds for the Canby Resiliency Grant Program.
2. Deny Resolution No. 1343 which would authorize the use of CARES ACT funds for the Canby Resiliency Grant Program.

Recommendation

Staff recommends the City Council approve the use of CARES ACT funds for a small business grant program and to allocate to citizens through partnerships with local non-profits.

Proposed Motion

"I move to approve Resolution No. 1343 authorizing the use of CARES ACT Funding for the Canby Resiliency Grant Program."

RESOLUTION NO. 1343

A RESOLUTION OF THE CITY OF CANBY AUTHORIZING A CITY OF CANBY SMALL BUSINESS COVID-19 GRANT PROGRAM AND CONTRIBUTION TO NON-PROFITS.

WHEREAS, the City of Canby, the State of Oregon, and Clackamas County, have all declared a State of Emergency due to the devastating effects of the COVID-19 pandemic; and

WHEREAS, to slow the spread of the COVID-19 virus, many businesses in Canby and throughout the State were ordered to be closed by the Governor of Oregon in order to keep the public as safe as possible; and

WHEREAS, many citizens of Canby have been financially impacted by the COVID-19 pandemic; and

WHEREAS, when the City passed its Emergency Declaration it anticipated that City resources would be needed to respond to the threat of COVID-19; and

WHEREAS, the City Staff has made its recommendation for a Small Business COVID-19 Grant Program ("Grant Program"), attached hereto as **Exhibit A and B**, and incorporated by reference herein; and

WHEREAS, the City Staff has made its recommendation for contributions to local non-profits to be used for rent and utility assistance directly related to the COVID-19 pandemic; and

WHEREAS the City has identified up to ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) for the small business grant program and up to ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) for local non-profits to provide rent and utility assistance for Canby residents from Federal CARES Act funding

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

1. The Small Business COVID-19 Grant Program and contribution to Non-Profits is hereby authorized and adopted, utilizing the funding sources identified above.
2. The City Administrator, in consultation with the Finance Director and the Economic Development Director, is authorized to immediately begin accepting and reviewing applications for small business grant awards, as set forth in the Grant Program.

3. The City Administrator, in consultation with the Finance Director and the Economic Development Director, is authorized to immediately begin entering into agreements with local non-profits for the disbursement of funds to Canby residents for rent and utility assistance.
4. The City Administrator is authorized to disperse up to ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) to local non-profits from the Federal CARES Act funds allocated to the City of Canby.
5. At the close of the application period, the City Administrator is authorized to award up to ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) for small business grants from the Federal CARES Act funds allocated to the City of Canby.

This Resolution shall take effect on November 4, 2020.

ADOPTED this 4th day of November 2020 by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Melissa Bisset
City Recorder



City of Canby

Resiliency Grants

CITY OF CANBY RESILIENCY GRANTS

City of Canby to award up to \$300,000 in grants for COVID-19 Relief

The City of Canby recognizes the challenges COVID-19 has created for citizens, small businesses, and the community at large. In an effort to support our community, the City has allocated up to \$150,000 of the CARES ACT funding to support a small business grant program and an additional \$150,000 to local non-profits to assist citizens who are struggling financially due to COVID-19.

OVERVIEW

The City of Canby is offering a one-time grant program to assist small businesses affected by the COVID-19 pandemic. Due to these uncertain times, small businesses who have 25 FTE (full time equivalent) employees or fewer are eligible to apply for a grant through the City's Economic Development Department. The \$150,000 has been made available through CARES ACT funding. The funding is intended to be used to supplement operating costs associated with COVID-19 such as rent, operating expenses, and payroll. The Resiliency Grants to businesses are considered taxable and therefore awardees must submit a W-9 with the grant application.

Business must demonstrate they were affected in one of the following ways:

- Demonstrate a one-month decline in sales of 10% or more between March 2020 and October 2020 compared to January or February 2020, or,
- Demonstrate a one-month decline in sales of 10% or more between March 2020 and October 2020 compared to the same period of time in 2019.

Furthermore, a total of up to \$150,000 is being allocated to local non-profits to be distributed directly to Canby citizens for rent and utility assistance directly related to COVID-19.

This program has been established to continue support measures the City of Canby has already implemented including the "Open Air Canby" program allowing businesses to expand into private parking lots and the updated Sidewalk Café Permit, where the fees have been waived. Additionally the City has waived all late fees through December 2020 on utility and transit tax bills.

ELIGIBLE BUSINESSES

To be eligible for this small business grant program the business must meet all of the following requirements:

- Be located within the Canby City Limits
- Have 25 or fewer FTE (full time equivalents, including sole proprietors) for February 2020
- For franchises or chain restaurants the owners must live within Canby City Limits
- Have a current Canby Business License that was also in effect on March 1st, 2020

INELIGIBLE BUSINESSES

Ineligible businesses include those that are:

- Permanently closed
- Located outside of the Canby City Limits
- Non-profits
- Virtual/on-line only
- Passive real estate holding companies
- Businesses that do not comply with all federal, state and local laws and regulations

APPLICATION

In order to establish eligibility, businesses must complete an application and W-9. The application will include business information, verification of COVID-19 related financial hardship, and business owner information. Completed applications will be accepted from November 5th, 2020 through November 30th, 2020.

AWARDS

Business are eligible based on number of employees to apply for up to \$10,000 for COVID relief that is related to expenses incurred due to the pandemic. The amount of funding available per business is dependent on the amount of eligible applications the City of Canby receives.

Businesses that closed voluntarily to reduce the spread of COVID-19 or were shut down by the Governor's Orders will be given preference for the grant. Additionally, preference will be given to businesses that have been unable to access federal CARES ACT funding such as Paycheck Protection Program (PPP), Economic Injury Disaster Loan (EIDL), or other federal programs to date for emergency pandemic funding. All other eligible applications will be put into a lottery to award the remaining funds. See application for full details.

PROJECT TIMELINE

The completed application is due to the City of Canby by **Monday, November 30th, 2020 at 5:00 p.m.**

All funds from the City of Canby will be dispersed by Wednesday, December 30th, 2020.

FOR MORE INFORMATION, CONTACT:

Jamie Stickel

Economic Development Director

City of Canby

503.266.0701 | StickelJ@CanbyOregon.gov

City of Canby Small Business COVID-19 Resiliency Grant Application

The City of Canby recognizes the challenges COVID-19 has created for citizens, small businesses, and the community at large. In an effort to support our community, the City has allocated up to \$150,000 of the CARES ACT funding to support a small business grant program.

INSTRUCTIONS

- Completed application packets must be received by 5:00 p.m. on Monday November 30, 2020.
- Applications can be mailed to City of Canby, Attn: Jamie Stickel, PO Box 930 Canby, OR 97013 or emailed to stickelj@canbyoregon.gov
- Returned packets must include a completed application, W-9, and verification documentation if needed, based on the grant amount option chosen on page 2.

ELIGIBLE BUSINESSES

This application is for a business that meets all of the following eligibility requirements:

- The Business is located within the Canby city limits
- The Business must have a current Canby Business License that was also in effect on March 1st, 2020.
- The business has 25 or fewer FTE (including sole proprietors) in the month of February 2020 (to calculate FTE, take the total hours worked by all employees in February 2020, divide by 173.34, this is your total FTE for the month)
- For-profit businesses that can demonstrate a one-month decline in sales greater than 10% in the months of March through October 2020 as compared against sales in the month of January or February 2020 or the same time period in 2019.
- For franchises and chain restaurants, the owners must live within Canby City Limits

INELIGIBLE BUSINESSES

The following Businesses are ineligible to apply for or receive funding under the Program:

- Businesses that are permanently closed
- Businesses located outside of the Canby city limits
- Non-profit entities
- Virtual/on-line only
- Passive real estate holding companies and other entities holding passive investments
- Businesses that do not comply with all federal, state and local laws and regulations

AWARDS

Business are eligible to apply for up to \$10,000 for COVID relief that is related to losses incurred due to the pandemic. The amount of funding available is dependent on the amount of eligible applications the City of Canby receives. Preference will be given to:

- Businesses that were shut down by the Governor's Orders or closed voluntarily to reduce the spread of COVID-19
- Businesses that have been unable to access federal CARES Act funds including:
 - The Paycheck Protection Program (PPP)
 - Small Business Administrations' (SBA) Economic Injury Disaster Loan Economic Injury Disaster Loan Emergency Advance program (EIDL) or
 - Other federal programs to date for emergency pandemic funding

All other eligible applications will be put into a lottery to award the remaining funds.

City of Canby Small Business COVID-19 Resiliency Grant Application

BUSINESS INFORMATION:

Business Name:		Federal EIN:	
Contact Name:		Title:	
Contact Phone:	Contact Email:		
Street Address:	City:	State:	Zip:
Mailing Address if different:			

AWARD AMOUNTS

Awards to eligible businesses will be made as a grant. The amount of the grant will be the greater of two figures: first based on the number of full time equivalent (FTE) employees before the COVID-19 crisis (as of February 2020); or the second based on the documented amount of fixed operating expenses for the 60 day period of January 1 through February 29, 2020:

Check one of the boxes below based on FTE* for the month of February 2020.

- 1-5 FTE
 - \$1,000 (no verification required)
 - up to \$2,000 (verification of 60-day fixed expenses)
- 6-10 FTE
 - \$2,000 (no verification required)
 - up to \$4,000 (verification of 60-day fixed expenses)
- 11-15 FTE
 - \$3,000 (no verification required)
 - up to \$6,000 (verification of 60-day fixed expenses)
- 16-20 FTE
 - \$4,000 (no verification required)
 - up to \$8,000 (verification of 60-day fixed expenses)
- 20-25 FTE
 - \$5,500 (no verification required)
 - up to \$10,000 (verification of 60-day fixed expenses)

ADDITIONAL INFORMATION AND DOCUMENTATION

- *FTE Calculation Total hours worked in Feb. 2020 _____ / 173.34 = _____ FTE
- Attach a copy of Profit & Loss, Income Statement or Sales reports demonstrating 10% or more sales decline as detailed on Page 1 of this application
- If your claim is for fixed expense attach a copy of bills such as: rent/lease agreement or business mortgage statement, recent business utility bills, i.e. electricity, water, sewer, natural gas, phone/cell phone, garbage, or broadband/internet
- Was the business determined to be a non-essential business in accordance with the Governor's Executive Order 20-12, or closed voluntarily to reduce the spread of COVID-19 Yes ___ No ___
- The applicant has ___ or has not ___ received federal financial funding relief through the CARES Act of 2020 (Paycheck Protection Program or Emergency Injury Disaster Loan assistance program) or any subsequent federal act that provides emergency pandemic funding as of the date of application

City of Canby Small Business COVID-19 Resiliency Grant Application

CERTIFICATIONS AND REPRESENTATIONS

The information in this application, including all attachments and certifications, are to the best of the knowledge of the undersigned complete, current, and accurate. The application presents fairly the conditions of the eligibility of the undersigned. Proceeds of the award are intended to solely support the operations and reopening expenses of the applicant business.

The applicant business certifies that:

- The applicant business was adversely impacted as a direct result of the COVID-19 crisis
- The applicant business had 25 or fewer FTE as of February 2020
- The applicant business is located within the Canby city limits
- The applicant has a current Canby Business License that was also active on March 1, 2020
- The applicant business is compliant with all federal, state and local laws
- The applicant business agrees to provide business, financial and ownership information necessary to determine and verify eligibility
- The applicant business understands that these grant awards are taxable to the business
- The applicant business will only use these proceeds to support business-related expenses to maintain operations and that these grant proceeds will not be used for personal purposes

Failure to comply with eligible use of proceeds, or making a material misrepresentation about the business and its operations to qualify for an award will be a provision of default of the award and subject the award to recapture. Failure to repay or cure a default will result in any and all collection actions permissible by law, including third party collection services. The applicant agrees to allow the City of Canby to pursue such collection actions. The City of Canby reserves the right to request additional documentation from the applicant to verify the accuracy and authenticity of the information provided.

GENERAL CERTIFICATION

I certify to the best of my knowledge that all information, contained in this application, including all attachments and certifications is valid and accurate. I further certify that to the best of my knowledge the application has been reviewed and approved by the authorized owner(s), managers with appropriately delegated authority, and/or in accordance with the organization's articles of incorporation, articles of organization or bylaws.

Signature:	Date:
Printed Name:	Printed Title: