

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
October 20, 2010**

Presiding: Mayor Melody Thompson.

Council Present: John Henri, Jason Padden, Walt Daniels, Robert Bitter, and Brian Hodson. Councilor Rich Ares was absent.

Staff Present: Greg Ellis, City Administrator; John Kelley, City Attorney; Bryan Brown, Planning Director; Rodney Grafe, Municipal Court Judge; Bret Smith; Chief of Police; Christopher Koehnke, Police Officer; Kari Inness, Code Enforcement Officer; Elizabeth Carson, Office Specialist; Nate Wallbaum, Police Officer; Amanda Klock, Human Resources Director; and Kim Scheafer, City Recorder.

Others Present: Matt Michel, Marc Inness, Stephanie Boyce, Bev Doolittle, Randy Carson, Bob Cornelius, Don Fuchs, and Greg Parker.

CALL TO ORDER: Councilor Daniels called the Regular Meeting to order at 6:00 p.m. in the City Hall Conference Room.

****Councilor Henri moved to go into Executive Session pursuant to ORS 192.660(2)(h) Pending Litigation. Motion was seconded by Councilor Hodson and passed 5-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 6:00 p.m.

OPENING CEREMONIES: Mayor Thompson reconvened the Regular Meeting at 7:30 p.m. in the Council Chambers followed by the opening ceremonies.

Swearing In of New Police Officer – Bret Smith, Police Chief, introduced Christopher Koehnke. Rodney Grafe, Municipal Court Judge, swore in Mr. Koehnke as a Canby Police Officer.

National Magic Week Proclamation – Mayor Thompson read a proclamation proclaiming October 25-31, 2010 as National Magic Week in Canby.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR'S BUSINESS: None.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Bitter reported on the Canby Utility Board meeting on October 12.

CONSENT AGENDA: ****Councilor Daniels moved to approve the minutes of the October 6, 2010 City Council Regular Meeting; a New Outlet Liquor License for Joy Kitchen Inc; and an Additional Privilege Liquor License Application for Cutsforth Thriftway. Motion was seconded by Councilor Padden and passed 5-0.**

PUBLIC HEARING: TA 10-03 Sign Standards – Bryan Brown, Planning Director, said this was a text amendment to the sign regulations of the Municipal Code. The Planning Commission reviewed the amendment and held a public hearing. There was only one written response which was from ODOT requesting that any sign visible from the State highway had to have ODOT's review and approval. The Planning Commission also requested adding a provision for a 24 hour period for garage sale signs. The amendment addressed issues that came up after the sign code adoption in 2008. He described the changes that had been made. The Planning Commission recommended adoption of the text amendment by a 4-0 vote.

There was discussion about the reasons for the request from ODOT. Staff would direct applicants who were putting up signs visible from the State highway to contact ODOT.

Mayor Thompson opened the public hearing at 8:05 p.m.

Public Input: Bev Doolittle, Canby Chamber of Commerce Executive Director, said the Chamber had worked with the City on this project. A lot of hours had been put in and it was a good project.

Mayor Thompson closed the public hearing at 8:06 p.m.

****Councilor Hodson moved to accept the Planning Commission recommendations for the text changes. Motion was seconded by Councilor Daniels and passed 5-0.**

Ordinance 1339 – **Councilor Daniels moved to approve Ordinance 1339, AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.42 OF THE CANBY MUNICIPAL CODE CONCERNING SIGN STANDARDS to come up for second reading on November 3, 2010. Motion was seconded by Councilor Padden and passed 5-0 on first reading.

RESOLUTIONS & ORDINANCES: Resolution 1074 – Kim Scheafer, City Recorder, said at the last Council meeting staff was asked to update the Policies and Operating Guidelines document with language regarding Council consensus before accepting gifts.

****Councilor Padden moved to adopt Resolution 1074, A RESOLUTION ADOPTING AN UPDATED DOCUMENT ENTITLED POLICIES AND OPERATING GUIDELINES FOR THE CANBY CITY COUNCIL TO REFERENCE AS IT CONDUCTS THE BUSINESS OF THE CITY. Motion was seconded by Councilor Henri and passed 5-0.**

Resolution 1075 – John Kelley, City Attorney, said the County had made some changes to their code regarding the provision of services involving dog control and licensing and asked that the City adopt the changes. He explained the history of how the City had entered into the County's service for dog control by an IGA for the purpose of adopting a more restrictive definition of dog at large being enforced in the City.

Kari Inness, Code Enforcement Officer, said it had been her experience that Clackamas County was directing Canby citizens to contact Code Enforcement regarding dog issues.

Mr. Kelley said there had been a meeting with the County because of this issue and he thought it had been resolved.

There was discussion about the pros and cons of the City providing this service.

Council consensus was to contact Clackamas County regarding the dog control IGA and contact cities to find out how they handled this service.

****Councilor Bitter moved to adopt Resolution 1075, A RESOLUTION CONSENTING TO CLACKAMAS COUNTY ADMINISTERING ITS DOG CONTROL AND LICENSING ORDINANCE WITHIN THE CITY AND REAFFIRMING AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY RELATING TO ENFORCEMENT OF THAT ORDINANCE. Motion was seconded by Councilor Daniels and passed 5-0.**

Ordinance 1336 – Mr. Kelley said changes to the language had been made regarding the definition of telecommunication services and it needed to be posted again to allow public opportunity for comments.

****Councilor Henri moved to postpone approval of the second reading of Ordinance 1336 to November 3, 2010 and to be reposted with changes. Motion was seconded by Councilor Hodson and passed 5-0.**

Ordinance 1338 – ****Councilor Daniels moved to adopt Ordinance 1338, AN ORDINANCE AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE CONCERNING LOW IMPACT DESIGN STANDARDS. Motion was seconded by Councilor Henri and passed 5-0 by roll call vote.**

NEW BUSINESS: Dutch Vista Road Extraterritorial Water Service Extension Request – Mr. Brown said this request was to provide water service to an existing residence outside the City limits and outside of the UGB. Staff thought the record could support going either way, and it was Council's decision if it was appropriate. In 2002, the Council approved the extension for four meters in this location with a condition that the meters be placed near Territorial Road and not at the houses. There were individual water lines going up the right-of-way to serve the homes. The Council also passed an extraterritorial policy, which stated the scenarios in which service extensions would be viewed more favorably. In 2005, a lot was legally subdivided through the County's process and created another property that wanted one more meter. There was an IGA with the County that stated any extraterritorial service extension should be reviewed by the County.

Councilor Henri was not comfortable going outside the City and UGB with services.

Matt Michel, Canby Utility General Manager, said the previous pooling issue in the area had been resolved as there was a larger distribution pipe running along Territorial Road. There were four meter boxes in the ground and two were being occupied. There were five water supply lines coming to the boxes, so the fifth line already existed. Canby Utility's participation would be the hook-up charge and SDC to put the box in and installing the meter.

Don Fuchs, applicant, said he still used the community well water supply. After five years of dealing with the water, he needed help. The well was on his neighbor's property and the neighbor had no desire to keep the well going.

Councilor Bitter did not think it would set precedence because they were already serving the other properties there and not going into a new location. It was a low risk situation to provide service where it was needed. It might be a benefit in terms of flushing out the line.

Councilor Hodson thought they should allow it.

Mayor Thompson said philosophically the Council should decide what the conditions were to accept these types of requests. But under these circumstances it made sense to allow it.

Councilor Henri said had there not been service out there already, he would say no because it was out of the City limits and UGB.

Randy Carson, former City Councilor, gave background of service requests and Council decisions in the past. He thought allowing Mr. Fuchs service was the right thing to do, but there should be a policy for how to address these issues in the future.

****Councilor Bitter moved to approve the Dutch Vista Road extraterritorial water service extension request and authorize the Mayor to sign a letter to Clackamas County. Motion was seconded by Councilor Henri and passed 5-0.**

Request for City Letter of Commitment for a FEMA Pre-Disaster Mitigation Grant by Canby Utility – Mr. Michel said there was need for seismic retrofitting for the concrete reservoir tank on SW 13th. There was a FEMA grant program that provided 75% grant funds to a 25% local match. The letter of commitment was part of the grant process. Canby Utility could not apply for the grant directly because it was the City's Emergency Management Plan that was required for the grant. The letter would state the local match was available in the Utility's capital budget and the Utility would maintain the project.

Council consensus was to have the Mayor sign a letter of commitment.

Letter of Support for NE 3rd and NE 4th Avenue Sidewalk Project – Mr. Brown said the City received a grant, but the rules had changed and the sidewalk project around Wait Park and the Library no longer qualified. The letter would state the Council's support of transitioning the project to the NE 3rd and NE 4th Avenue sidewalk project.

There was discussion about including sidewalks around the fairgrounds. Staff would look into the idea.

Council consensus was to authorize the Mayor to sign a letter of support for the NE 3rd and NE 4th Avenue sidewalk project.

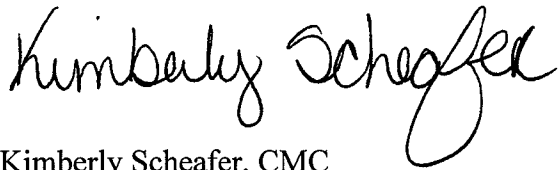
CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: Bev Doolittle said she was discouraged over the railroad overpass across 99E as the paint was peeling. She was requesting that the City look into it. Staff would research this issue and report back to Council.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Resolution 1074.
3. Adopted Resolution 1075. Staff will contact Clackamas County regarding the IGA with them and other cities that administer their own dog control services.
4. Postponed the second reading of Ordinance 1336 to November 3, 2010.
5. Adopted Ordinance 1338 on second reading.
6. Approved Ordinance 1339, to come up for second reading on November 3, 2010.
7. Granted a request for an extraterritorial water extension service on Dutch Vista Road.
8. Authorized the Mayor to sign a letter of commitment for a FEMA Pre-Disaster Mitigation Grant for Canby Utility.
9. Authorized the Mayor to sign a letter of support for the NE 3rd and NE 4th Avenue sidewalk project.
10. Staff would look into the issue of paint peeling over the 99E overpass.

Mayor Thompson adjourned the Regular Meeting at 9:25 p.m.



Kimberly Scheafer, CMC
City Recorder



Melody Thompson
Mayor

Assisted with Preparation of Minutes - Susan Wood