

**CANBY CITY COUNCIL
WORK SESSION MINUTES
August 5, 2009**

Presiding: Mayor Melody Thompson.

Council Present: Wayne Oliver, John Henri, Jason Padden, Walt Daniels, Robert Bitter, and Tony Helbling.

Staff Present: Matilda Deas, Project Planner; Bryan Brown, Planning Director; Dwayne Barnes, Public Works Director; and Kim Scheafer, City Recorder.

Planning Commission Present: Sean Joyce and Misty Slagle.

Others Present: Bob Backstrom, Leonard Walker, Richard Ball, and Florence Ball.

Mayor Thompson called the Work Session to order at 6:00 p.m. in the City Hall Conference Room. The Council and Planning Commission met to review the roles and responsibilities of the City and neighborhood associations.

Matilda Deas, Project Planner, said they had four neighborhood associations. She discussed the difference between active and non-active neighborhood associations. The City provided space on their website for the associations and use of staff as resources. There was discussion about keeping the associations autonomous and what amount of involvement the City should have in the associations. The consensus was for staff to post links to the associations' own websites on the City's website.

Ms. Deas asked if City staff should continue to make copies for the associations upon request. There was discussion about funding this organization when they did not fund others. There was consensus not to provide this service at this time.

Ms. Deas said Council set aside \$5,000 for traffic calming devices. Since they were going to adopt a Neighborhood Traffic Calming Program, she asked if this was something the City was still interested in providing money towards. In the program, people could request traffic calming and the City could participate or not in helping to fund it. There was consensus that the \$5,000 should be folded into the Neighborhood Traffic Calming Program.

Ms. Deas asked if they should give the neighborhood associations space in the City newsletter in the future. The consensus was the associations should have their own newsletter that could be linked to the City's web page.

Ms. Deas said staff provided some levels of service to the associations, such as giving presentations occasionally or providing what they could. There was consensus to continue to do so as time permitted and on an individual request basis with City Administrator approval.

Mayor Thompson adjourned the Work Session at 6:50 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
August 5, 2009**

Presiding: Mayor Melody Thompson.

Council Present: Wayne Oliver, John Henri, Jason Padden, Walt Daniels, Robert Bitter and Tony Helbling.

Staff Present: John Kelley, City Attorney; Dwayne Barnes, Public Works Director; Catherine Comer, Economic Development Manager; Bryan Brown, Planning Director; Sue Engels, Finance Director; Beth Saul, and Kim Scheafer, City Recorder.

Others Present: Keith Galitz, Teresa Sasse, Rick Reid, Bob Cornelius, Mark Depner, Larry Bowen, Mark Webber, Randy Carson, Suzanne VanAmburgh, Bev Doolittle, Michele Staples, Terri Nordlof, Lynne Bowen, Larry Bowen, and Laurie Mickelsen.

CALL TO ORDER: Mayor Thompson called the Regular Meeting to order at 7:30 p.m. followed by the opening ceremonies.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Rick Reid said he wanted to commend the City for filling a sinkhole that was on his street. The City was prompt and did a good job. There had been many rumblings in the community as to how the process would go to fill the vacancy on the City Council. He hoped that people would be able to fill out an application and go through an interview process. They wanted the same process to be followed as had been done in the past.

John Kelley, City Attorney, read a letter into the record from Keith Galitz, President of Canby Telecom.

Mr. Galitz said that by the end of the year they would have spent almost four million dollars burying fiber to residential addresses in this community. They were not asking for the City to oppose the County's proposal, but rather, not to endorse it. It was a short-term grant from the government and they had not looked at the long-term costs to maintain the proposed facility. If the City needed fiber services, they would step up to the plate. They needed the demand to return the investment and they currently did not have that.

Councilor Oliver arrived at 7:45 p.m.

Councilor Henri said he was not fond of private/public competition. If a service could be provided by a private industry, they should support that industry.

Councilor Bitter thought aerial fiber was risky and not appropriate to use tax dollars to maintain it.

Council consensus was to not take a stand on the County's request.

MAYOR'S BUSINESS: Mayor Thompson presented Tony Helbling with a plaque recognizing his time on the City Council.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Bitter said the Police Search Advisory Committee had completed the recruiting document position description that would be going out to all the potential candidates.

CONSENT AGENDA: ****Councilor Daniels moved to approve the minutes of the July 9 Work Session and minutes of the July 15, 2009 City Council Work Session and Regular Meeting. Motion was seconded by Councilor Henri and passed 6-0.**

PUBLIC HEARING: Amendment to Canby Municipal Code Authorizing Sidewalk Cafés and Repealing and Amending Conflicting Municipal Code Provisions – Catherine Comer, Economic Development Manager, said the Council had a work session previously regarding this issue. Staff had been asked to come back with an ordinance that would change the Municipal Code to allow alcohol to be served. The issue of fees had been looked at and staff was recommending a two-step permit fee, a \$25 application fee and a \$25 right-of-way fee, both of them renewed annually. They also recommended not serving alcohol outside later than 11:00 p.m. She explained what requirements applicants would need to provide with their application.

Mayor Thompson opened the public hearing at 8:00 p.m.

Teresa Sasse, owner of Puddin' River Chocolates and Wine Bar, said this was one of the things her customers were asking for to improve her business. She thought they should be able to man having bottles on the tables so the customers could do exactly what they did inside. She would like to see the ordinance amended.

Bev Doolittle, Chamber of Commerce Executive Director, said they felt the fees were too high.

Suzanne VanAmburgh was a Canby resident in support of the ordinance. She thought Teresa Sasse's business was a good addition to the City. It would be nice to have a glass or bottle of wine outside and enjoy Canby. It was a good way to bring business to downtown.

Keith Galitiz said he supported Puddin' River's application. Anything they could do would help with downtown and would stimulate more traffic to the City. He did not think it was a risk.

Larry Bowen said he was in support of changing the ordinance. He did not see the risk and thought the City should support it.

Ms. Comer said the ordinance was not an ordinance for a specific application; it was for all businesses within the City limits, not just downtown.

Councilor Padden said they were writing this ordinance for all businesses and they had to look at a broad scope of what could potentially happen and apply it to everyone.

Michelle Staples, employee of Puddin' River Chocolates, said she had been a server for several years and had worked where they had outside seating and served alcohol. She thought it would be an asset to Canby.

Ms. Sasse said when OLCC came to their facility, one of the things they liked was they had the windows and they were visible from inside.

Mayor Thompson closed the public hearing at 8:15 p.m.

John Kelley, City Attorney, said OLCC required a proprietor to produce an alcohol control plan.

Councilor Helbling said to put a restriction of not allowing bottles on the table was duplicating OLCC's requirement and made it more restrictive. He thought they should allow a bottle on the table. He also said regarding the fee, they were allowing a restaurant to expand the area where they could conduct business. He thought it was reasonable to have a fee because a business was gaining the use of public space.

Ms. Comer said the ordinance stated the fees would be determined by a Council resolution. Should they approve the ordinance that night, when they came back for the second reading, they would bring them a resolution establishing fees for sidewalk cafés.

Councilor Padden asked if they wanted to establish the fee by calculating the amount of square footage they would use instead of one flat fee.

Councilor Henri proposed \$1 for the right-of-way for the first year and \$25 for the permit fee for the first year. This showed they would establish a fee structure later.

Councilor Henri thought the section regarding bottles on the table should be replaced with something that said the control of alcoholic beverages should be in accordance with OLCC and a copy of the plan should be submitted with the application to the City.

Councilor Bitter left the Council meeting at 8:20 p.m.

Ordinance 1316 – **Councilor Helbling moved to approve Ordinance 1316, AN ORDINANCE AUTHORIZING SIDEWALK CAFÉS, ESTABLISHING A POLICY FOR PERMITS AND USES OF SIDEWALK CAFÉS, REPEALING SECTION 12.12.035 OF THE CANBY MUNICIPAL CODE, AMENDING SECTION 9.24.060 OF THE CANBY MUNICIPAL CODE; AND DECLARING AN EMERGENCY to come up for second reading on August 19, 2009. The ordinance would be amended as follows: Section 12.13.090 2B shall read except for bottles, pitchers, and carafes that were being served to customers of the café and Section 12.13.050 1A including the OLCC alcohol control plan. Motion seconded by Councilor Padden and passed 5-0 on first reading.

Council consensus was to have staff come back with a resolution for a \$25 annual permit fee and a \$1 right-of-way rental fee. This was subject to revision at a later date.

RESOLUTIONS & ORDINANCES: Resolution 1037 – **Councilor Daniels moved to adopt Resolution 1037, A RESOLUTION AMENDING CANBY'S SANITARY SEWER, TRANSPORTATION, AND STORM DRAINAGE SYSTEM DEVELOPMENT

CHARGES TO ACCOUNT FOR INFLATION. Motion seconded by Councilor Oliver and passed 5-0.

Ordinance 1315 – Bryan Brown, Planning Director, explained the amendment to Chapter 16 of the Development Code regarding temporary vendors on private property. They wanted to change it to a 90 day permit with one renewal. They were only allowed in places with excess parking spaces beyond what was required for the business they were being used for.

Council consensus was to table the topic, decide the fee, and possibly exempt 501c(3) organizations. Staff would discuss Council concerns with the Planning Commission.

Ordinance 1317 – Dwayne Barnes, Public Works Director, said this was for the first year's list of street projects to be done with the street maintenance fee. This would also include the paving of the Logging Road Trail. Bids were low enough that they would be able to expand the street maintenance fee projects for this year.

****Councilor Padden moved to approve Ordinance 1317, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE-ELSNER, INC. FOR THE 2009 STREET MAINTENANCE PROGRAM; AND DECLARING AN EMERGENCY to come up for second reading on August 19, 2009. Motion seconded by Councilor Henri and passed 5-0 on first reading.**

NEW BUSINESS: Suspension of Canby Area Transit's Saturday Service – Councilor Daniels said the Transit Advisory Committee had been informed of a 7.5% increase for services in the contract with OHAS. Staff had recommended that Saturday service be suspended beginning September 5 to make up the budget shortfall.

****Councilor Helbling moved to suspend Saturday Canby Area Transit Service commencing September 5 and to be reevaluated in one year. Motion seconded by Councilor Henri and passed 5-0.**

City Council Vacancy Notice – Councilor Henri said he was sorry that Councilor Helbling was leaving. He felt they should publish a notice seeking applicants and then do interviews. The deadline would be August 28, 2009.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Appointment of City Representative to Clackamas County Library Service District Advisory Board – Ms. Beth Saul said with the new library district, they had a District Advisory Board that required a representative appointed from each City. She recommended the City Administrator serve in that capacity.

Council consensus was to have the City Administrator be the representative.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.

2. Approved Ordinance 1316 as amended to come up for second reading on August 19, 2009.
3. Adopted Resolution 1037.
4. Staff would take back Ordinance 1315 to the Planning Commission with the Council's recommendations.
5. Approved Ordinance 1317 to come up for second reading on August 19, 2009.
6. Appointment of City Administrator as the City Representative to the Clackamas County Library Service District Advisory Board.
7. Staff would bring back a resolution for fees for sidewalk cafés.

There was not an executive session.

Mayor Thompson adjourned the Regular Meeting at 9:22 p.m.



Kimberly Scheafer, CMC
City Recorder



Melody Thompson
Mayor

Assisted with Preparation of Minutes – Susan Wood