

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
August 19, 2009**

Presiding: Mayor Melody Thompson.

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

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

Others Present: Susan Arthur, Randy Tessman, Shirley Tessman, Travis Bergstrom, and Laura Bergstrom.

CALL TO ORDER: Mayor Thompson called the Regular Meeting to order at 6:10 p.m. in the City Hall Conference Room.

****Councilor Daniels moved to go into Executive Session pursuant to ORS 192.660(2)(d) Labor Negotiations, ORS 192.660(2)(i) Performance Evaluation of Public Officer, and ORS 192.660(2)(h) Pending Litigation. Motion was seconded by Councilor Padden and passed 5-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 6:12 p.m.

OPENING CEREMONIES: Mayor Thompson reconvened the Regular Meeting at 7:33 p.m. in the Council Chambers.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR'S BUSINESS: Mayor Thompson said there was an opening on the City Council and the deadline for applicants was August 28. The Council would decide on the interview process based upon the number of applications received.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Henri said there had been a Reserves PAC meeting the night before and next Tuesday they would discuss a final report and recommendation.

Councilor Padden encouraged people to attend the fair and Lions Club barbecue on Friday.

Councilor Bitter said that a work session regarding economic development would be held with Canby Utility in October.

CONSENT AGENDA: **Councilor Daniels moved to approve the minutes of the August 5, 2009 City Council Work Session and Regular Meeting. Motion was seconded by Councilor Henri and passed 5-0.

PUBLIC HEARING: Request for a Single Day Noise Variance by Canby Utility for Construction Work at 440 SW 13th Avenue – Kim Scheafer, City Recorder, said this was a request for a one-day noise variance for September 1st so Canby Utility could begin pouring concrete at 6 a.m. instead of waiting until 7 a.m. as the Code required.

Councilor Bitter asked how they would notify neighbors.

Sue Arthur, Canby Utility Purchasing Agent, said they needed to pour earlier so they could get it done in one day otherwise it could compromise the structure. They would be mailing a letter to immediate neighbors in a radius of 500 feet of the surrounding area. They would like to be on site at 5:30 a.m. in preparation for the concrete trucks arriving.

Mayor Thompson opened the public hearing at 7:43 p.m.

There was no public testimony.

Mayor Thompson closed the public hearing at 7:43 p.m.

Councilor Henri said he thought they should have the variance start at 5 a.m. since the crews would be arriving at that time.

****Councilor Daniels moved to grant a single day noise variance to Canby Utility for construction work at 440 SW 13th Avenue on September 1 beginning at 5 a.m. Motion was seconded by Councilor Bitter and passed 5-0.**

RESOLUTIONS & ORDINANCES: Resolution 1038 – ****Councilor Bitter moved to adopt Resolution 1038, A RESOLUTION ADOPTING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANBY (CITY) AND THE CANBY POLICE ASSOCIATION FOR THE PERIOD FROM JULY 1, 2009 THROUGH JUNE 30, 2012. Motion seconded by Councilor Daniels and passed 5-0.**

Resolution 1039 – ****Councilor Daniels moved to adopt Resolution 1039, A RESOLUTION ADOPTING THE CITY OF CANBY NEIGHBORHOOD TRAFFIC CALMING PROGRAM. Motion seconded by Councilor Padden and passed 5-0.**

Matilda Deas, Project Planner, said that staff would be going out to each of the neighborhood associations to discuss how to use the program. It would also be available on the City's web page. Mayor Thompson suggested having an article in the *Canby Herald* as well.

Resolution 1040 – Ms. Scheafer said the fees were a \$25 annual permit fee and a \$1 annual right-of-way rental fee.

Councilor Henri said one of the concerns was allowing businesses to use City property without having some remuneration back to the City. The recommendation was it would be a nominal fee, and they decided to make it \$1 and after the first year, they would revisit it.

****Councilor Padden moved to adopt Resolution 1040, A RESOLUTION CREATING FEES FOR PERMITS FOR OPERATING SIDEWALK CAFÉS AND USE OF THE**

PUBLIC RIGHT-OF-WAY FOR SIDEWALK CAFÉS. Motion seconded by Councilor Henri and passed 5-0.

Resolution 1041 – Ms. Scheafer said there were four expenses totaling \$59,109 for the General Fund that were not anticipated when the budget was adopted. This resolution would transfer funds from contingency to the appropriate existing category.

Sue Engels, Finance Director, said Urban Renewal money could not be used for the promotional activities for the Main Street Project. The four expenses included: \$10,000 toward the Main Street Manager's salary supplies, and services; \$25,000 for the recruitment of the police chief; the Library department was in the general fund and \$17,109 in grant money that needed to be transferred to the library fund from the general fund; and \$7,000 to reinstate the Court Services Officer, which had been cut from the budget. It had not been working to have traffic officers cover in Court. Next year they would have to budget out of general fund for the Court Services Officer.

Councilor Henri said in the future they needed to be looking at using the personnel resources they had and not coming back periodically to add employees. They had to live within the budget.

****Councilor Henri moved to adopt Resolution 1041, A RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATIONS FROM AN EXISTING CATEGORY TO OTHER EXISTING CATEGORIES WITHIN THE GENERAL FUND; AND AUTHORIZING A TRANSFER FROM THE GENERAL FUND TO THE LIBRARY FUND. Motion seconded by Councilor Padden and passed 5-0.**

Ordinance 1316 – ****Councilor Daniels moved to adopt 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. Motion seconded by Councilor Bitter and passed 5-0 by roll call vote.**

Ordinance 1317 – ****Councilor Padden moved to adopt 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. Motion seconded by Councilor Daniels and passed 5-0 by roll call vote.**

Dwayne Barnes, Public Works Director, said the bid came in low so they were able to expand the projects. It would be a total extension of 2,600 linear feet of street.

Ordinance 1318 – Mr. Barnes said this would replace their current street sweeper. The new sweeper would suck debris off the street and would go 55 mph. It would be able to sweep a lot more area, clean catch basins, and be a lot more efficient.

****Councilor Bitter moved to approve Ordinance 1318, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH OWEN EQUIPMENT FOR THE PURCHASE OF ONE (1) 2009 ELGIN CROSSWIND J**

STREET SWEEPER FOR THE CANBY PUBLIC WORKS DEPARTMENT AND A CONTRACT WITH FORD MOTOR CREDIT FOR A FIVE (5) YEAR LEASE PURCHASE OF THE STREET SWEEPER, AND DECLARING AN EMERGENCY to come up for second reading on September 2, 2009. **Motion was seconded by Councilor Henri and passed 5-0 on first reading.**

NEW BUSINESS: Previous Council Decision Regarding Baker Street – Mr. Barnes said he would like to postpone the discussion until the TSP was done and within the TSP it would discuss the truck routes including the route to the NW 3rd and Baker industrial area.

Mayor Thompson said truck route traffic was exiting the Industrial Park through the residential neighborhood where there was two-way traffic and it was a narrow street. They made the street one-way and said they would revisit the issue at a later date.

Councilor Daniels said the neighborhoods discussed this for several months and it was never intended to be a truck route. The main concern was safety. The one-way street was working so far.

Ms. Deas said the TSP would not be completely adopted until June 2010. She discussed all of the projects that would be addressed in the TSP.

Council consensus was to review this as part of the TSP process.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

Councilor Daniels said that Kari Inness, Code Enforcement Officer, had received her certification.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Approved the request by Canby Utility for a Single Day Noise Variance on September 1.
3. Adopted Resolution 1038.
4. Adopted Resolution 1039.
5. Adopted Resolution 1040.
6. Adopted Resolution 1041.
7. Adopted Ordinance 1316.
8. Adopted Ordinance 1317.
9. Approved Ordinance 1318 to come up for second reading on September 2, 2009.

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

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 8:25 p.m.

Mayor Thompson reconvened the Regular Meeting at 9:09 p.m. and immediately adjourned.

Handwritten signature of Kimberly Scheafer in black ink.

Kimberly Scheafer, CMC
City Recorder

Handwritten signature of Melody Thompson in black ink.

Melody Thompson
Mayor

Assisted with Preparation of Minutes – Susan Wood