

**CANYONVILLE CITY COUNCIL MEETING
REGULAR SESSION 7:00 P.M.
MONDAY NOVEMBER 20, 2023
COUNCIL CHAMBERS**

Christine Morgan, Mayor (12-31-2024)
Louise Barton, Council President (12-31-2024)
Alan Freeman, Councilor (12-31-2024)
Jerry O'Sullivan, Councilor (12-31-2024)
Andrew Mather, Councilor (12-31-2026)

Stephen Morgan, Councilor (12-31-2026)
Luke Suhr, Councilor (12-31-2026)
Suzie Rogers, Finance Deputy Recorder
Dawn Bennett, Administrator/Recorder

AGENDA

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

II. ROLL CALL

III. AGENDA REVIEW AND ADDITIONS:

IV. CONSENT CALENDAR:

1. Minutes for Regular Meeting on October 16, 2023

V. REPORTS

1. Sheriff's Office
2. City Administrator
3. Water and Wastewater Report
4. Mayor's Report
5. Main Street Report

VI. PUBLIC HEARING

1. ****Open the Public Hearing.

Consider the proposed Ordinance No. 665 of the Canyonville Municipal Code Amending Chapter 12: Adding Section 18 Maintenance and Responsibilities of Public Right of Ways.

****Close the Public Hearing.

2. ****Open the Public Hearing.

Consider the proposed Ordinance No. 666 of the Canyonville Municipal Code Amending Chapter 8.04 Nuisances.

****Close the Public Hearing.

3. ****Open the Public Hearing.

Consider the proposed Ordinance No. 667 of the Canyonville Municipal Code Amending Chapter 13.08 Water Rates.

****Close the Public Hearing.

VII. UNFINISHED COUNCIL BUSINESS:

1. Canyonville Library - City Hall Renovation Project 2023-2024
2. Update on Public Improvement Projects
3. Current abatements

VIII. NEW COUNCIL BUSINESS:

1. Request for Council to hear arguments for having Planning Commission look at the policy of allowing food trucks in city limits.
2. Resolution No. 706 –Transfer the water rate increase portion to capital water reserve fund.

IX. QUESTIONS AND COMMENTS FROM THE AUDIENCE:

At this time, anyone wishing to address the City Council concerning items of interest not included on the agenda may do so. The person addressing the Council shall proceed to the podium and, when recognized by the Mayor, give his/her name and address for the record. All remarks shall be directed to the whole City Council.

X. ANNOUNCEMENTS

Planning Commission, December 13, 2023
Council Meeting, December 18, 2023

XI. MOTION TO ADJOURNMENT

**CANYONVILLE CITY COUNCIL
MEETING MINUTES
REGULAR SESSION 7:00 P.M.
MONDAY, OCTOBER 16th, 2023**

REGULAR SESSION

- I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:**
Mayor Morgan called the meeting to order at 7:00 p.m. and all joined in prayer and the Pledge of Allegiance.
- II. ROLL CALL:**
COUNCIL PRESENT: Mayor Morgan, Councilors Barton, Freeman, Morgan, Mather, O’Sullivan and Suhr
COUNCIL ABSENT: None.
STAFF PRESENT: Administrator/Recorder Bennett, Valerie O’Sullivan
STAFF ABSENT: Finance Deputy Recorder Rogers
- III. AGENDA REVIEW AND/OR ADDITIONS:**
Additions: None
- IV. CONSENT CALENDAR:**
Minutes for 09-18-2023 Regular Council Meeting: **Stand approved.**
- V. REPORTS**
- 1. Sheriff’s office report.**
This month in Canyonville the Sherriff’s office received 250 calls for service, 23 reports, 5 citations, 12 arrests and 50 traffic stops.
 - 2. City Administrator Report**
Administrator Bennett thanked Bruce Knowlton for preparing the City Hall planters. The fire department was called out to extinguish the burn pile at City Hall, someone ignited it illegally in the middle of the night.
Staff repaired leaks found on Stanton Park Rd and Frontage Rd. City wide leaf pickup program runs from Nov 1 – Dec 31. Administrator Bennett attended the League of Oregon City’s Administrators Conference in October.
 - 3. Water and Wastewater Report**
Administrator Bennett will now have staff submit a water and wastewater report to the Council. The Water Plant report includes finished water, metered water, and water loss.
 - 4. Mayor’s Report**
Mayor Morgan met with Administrator Bennett for an agenda review and to talk about other City issues. Mayor Morgan requested a video call with the city attorney to review items in the employee handbook. Umpqua Prepared workshop scheduled for Oct 24th. Administrator Bennett and Mayor Morgan will attend. This is a Multi-Agency Commission meeting with Representative Christine Goodwin to discuss issues concerning our communities. Mayor Morgan is trying to get the tribe involved in the City’s Veteran’s Day event on Nov 11th. November 21st at 4pm at City Hall Public Workshop for Christmas bulb checking.
 - 5. Main Street Report**
Canyonville is part of a pilot program to join our Main Street program with Riddle and Myrtle Creek. The library is looking for new Library Board members.

VI. UNFINISHED COUNCIL BUSINESS

1. **Canyonville Library – City Hall Renovation Project 2023-2024**
No library report. Administrator Bennett mentioned that the City Hall and Library signs have been hung as well as the new bulletin board.
2. **Public Improvement Project Status**
The city attorney wrote an agreement for the O’Shea water line repair project.
3. **Current Abatements**
On Sept. 19, 2022 Administrator Bennett attended the court hearing for the nuisance violation at 123 Pruden Hill. Judge Mayfield found Gene Bailey guilty and fined him. We are now waiting to find out if he will appeal. A second letter was sent to 613 N Main about debris pile. A complaint came in regarding waste spilling out of the ground at Drifters Trailer Park. Within a couple of hours, the spill was cleaned up by the manager of the park. The property at 670 N Main will be receiving a second letter about vehicles and grass.

VII. NEW COUNCIL BUSINESS

1. **Ordinance No. 664 – amendment to the zoning ordinance for off street parking, zoning violation and fence regulation**
At the Sept 18, 2023, Council meeting the Council held a public hearing regarding the Planning Commission’s recommendations to amend sections of the land use code. The Council adopted the Planning Commission’s recommendations and findings approving the amendments to the Land use section of the Canyonville Municipal Code.
Councilor Barton moved, and Councilor O’Sullivan seconded a motion to Adopt Ordinance 664 which implements the changes to the Land Use Section of the Canyonville Municipal Code as approved at the September 18, 2023, Council Meeting. Mayor Morgan, Councilors Barton, Mather, Freeman, Morgan, O’Sullivan, and Suhr voted “yes.” No “nays.” The motion carried.
2. **Change Order for Repair of First Street Water Line**
At a special Council meeting on April 10, 2023, the Council awarded the bid for the repair of the service line for Forest Glen to Gosselin Construction in the amount of \$52,760.00. On May 30, 2023, Gosselin Construction entered into a contract with the City to abandon the 4-inch service line for Forest Glen that was leaking. After discovering that sometime prior the line had already been replaced the project changed drastically. Because the water leak was increasing in size the City Engineer suggested that the project be done based on time and materials, both the City and Gosselins agreed.
Councilor Barton moved, and Councilor Freeman seconded a motion to approve the change order for Gosselin Construction reducing the contract cost to reflect time and materials totaling \$28,240.00. Mayor Morgan, Councilors Barton, Mather, Freeman, Morgan, O’Sullivan, and Suhr voted “yes.” No “nays.” The motion carried.
3. **Water Rate Increase Update**
A Council workshop to discuss the water rate increase will be scheduled for October 30, 2023.
4. **Final Review of Sewer Plant Contract**
Administrator Bennett hit on the high points of what Optimum was able to complete for the closeout and what City staff have been completing since Optimum left. Keith answered questions and reviewed system maintenance and operations.
5. **Abatement of 410 Leland Ave**
Staff received complaints about the property located at 410 Leland Ave. The City Council found that there was sufficient evidence to find that a nuisance existed on subject property.
Councilor Barton moved, and Councilor Morgan seconded a motion to approve staff to take the necessary steps to have a citation issued for the violation of Chapter 8.040.070B and Chapter 8.24.010 of the Canyonville Municipal Code. Mayor Morgan, Councilors Barton, Mather, Freeman, Morgan, O’Sullivan, and Suhr voted “yes.” No “nays.” The motion carried.

6. Abatement of 440 Mill Street

Staff received complaints on the property located at 440 Mill St alleging that the subject property violates the City code Chapters 8.040.070B and 8.24.010 of the Municipal Code. Staff followed the appropriate steps to notify the property owner of the violation.

Councilor Barton moved, and Councilor Suhr seconded a motion to approve staff take the necessary steps to have a citation issued for the violation of Chapter 8.040.070B and Chapter 8.24.010 of the Canyonville Municipal Code. Mayor Morgan, Councilors Barton, Mather, Freeman, Morgan, O’Sullivan, and Suhr voted “yes.” No “nays.” The motion carried.

VIII. QUESTION AND COMMENTS FROM THE AUDIENCE

No comments from the audience

X. ANNOUNCEMENTS

Council Workshop 10-30-2023 at 6pm

Council Meeting November 20, 2023

Planning Commission November 6, 2023

XI. ADJOURNMENT

Councilor Barton moved, and Councilor O’Sullivan seconded a motion to adjourn the meeting at 7:45 pm. Mayor Morgan, Councilors Barton, Mather, Freeman, Morgan, O’Sullivan, and Suhr voted “yes.” No “nays.” The motion carried.

Meeting adjourned at 7:45 pm

ATTEST:

Christine Morgan, Mayor

Dawn Bennett, City Administrator/Recorder

ADMINISTRATIVE REPORT
November 16, 2023

City Hall: Big thank you to Steven and Christine Morgan for getting the plants for the planters in front of City Hall. Also, a big thank you to Luke and Shannon Suhr for rescuing Halloween for the trick or treaters. Val and Suzie were going to hand out candy, but Val was sick, and Suzie was just getting over a cold. So, Luke and Shannon handed out candy at City Hall.

Street: Leaf pickup program has started. With the wind and rain comes more leaves dropping to the ground. Jeremy and Jay run the street sweeper every other week and whenever it is necessary to clean the storm drains and pick up the leaves. Staff continue to clean out culverts.

Homeless Camping: Staff continue to educate citizens and business owners about calling the Sheriff's non-emergency phone number regarding the homeless camping out in front of their business or residence.

Water: Staff finished repairing a water leak out Stanton Park Road.

Office: Suzie is starting to gather all the reports for FY 2022-2023 and send them to the auditor.

Veterans Day Event: The Veterans Day Event was a big success. Christine put together a wonderful program and her speech was very educational. It was a great tribute to all the veterans that lost their lives and the ones that are still with us.

Respectfully submitted,

Dawn Bennett
City Administrator

Memo

To: City Council
From: Christine Morgan, Mayor
Date: November 20, 2023
Re: MAYOR'S REPORT

- City Administrator/Recorder Dawn Bennett and I met for our monthly Agenda Review meeting on November 13. Also, at this meeting Administrator Bennett and I talk about other City issues. The following are highlights of topics discussed:
 1. I again requested a video call with our attorney, Administrator Bennett and myself for clarification on a few assorted items in the City of Canyonville Employee Handbook and existing ordinances. It is my hope this gets scheduled in the next few weeks.
 2. I received an update on the proposed awning to replace the existing awning at City Hall; volunteered to hold down the fort at City Hall when the Staff has their annual Christmas lunch; and I requested a walk around sometime this winter of the upstairs of City Hall.
- Representative Christine Goodwin has created a Multi-Agency Commission (MAC) with folks from Riddle and Canyonville to discuss and brainstorm concerning issues that affect our communities. Administrator Dawn, Judge Mabelle Briggs-Mayfield and I attended from Canyonville at our first meeting in October. There were 9 in attendance. We talked about several subjects concerning young people in our communities, but boiled our thoughts down to wanting to PREVENT bad habits that lead to addiction and poor choices. Perhaps our area schools will be receptive to instituting a mentoring program as some have had in the past. This will take volunteers to be paired up with students. I met with Days Creek Charter School Superintendent Joe LaFountaine to talk about his thoughts and ideas on a mentoring program. Our next meeting is on-line via TEAM December 12th. At 10 a.m. All councilors or other interested parties are welcome.
- I attended Oregon Main Street meeting November 15th. 8:30 a.m. in council chambers & the Chamber of Commerce meeting November 9th at El Paraiso. I also attended the Umpqua Prepared workshop in the council chambers October 24th. This teaching for senior citizens was great. Lots of practical ideas to be ready should disaster strike. This is the second presentation by this group in our council chambers and it was well attended.
- November 21st at 2 p.m. the Christmas decorations bulb-checking party will begin in the Public Works bay at City Hall. We'll be replacing all the bulbs in selected decorations with better and brighter bulbs.
- The planters are now finished until spring; new soil was donated by Dazey's Supply and the winter flowers were donated and planted by me and Steve. City staff repaired the watering system. Bruce Knowlton and Steve Morgan removed old soil and bushes in preparation for the new plantings.
- The Veterans Day Event was great. 75 people in attendance with volunteers making it happen. Thank you to Dawn for bringing water and for handing out cookies donated by Ray's Market; Bruce Knowlton loaned us his sound system; Mabelle Briggs-Mayfield and Shellie Briggs did a fabulous job singing three songs plus all the Armed Forces songs; Addison Mayfield read her award-winning essay on "My Pledge to Veterans" and Representative Christine Goodwin shared her thoughts on Veterans Day. The two F-15 jets from the Oregon Air National Guard out of Klamath Falls rattled a few windows and brought big smiles as they honored us with a flyover at 11:30.

“SCRIPT FOR PUBLIC HEARING”

1. ANNOUNCE THE REQUEST

The purpose of this Public Hearing is to consider the proposed Ordinance No.665 Establishing a new Section 12.18 of Chapter 12 of the Canyonville Municipal Code .

2. OPEN THE PUBLIC HEARING

The Public Hearing is now open.

3. ASK FOR ANYONE WHO NEEDS TO DECLARE:

- *Conflict of Interest*
- *Ex-parte Contact*

4. STAFF REPORT

Staff will give their report.

5. TESTIMONY OF PROPONENTS

Now is the time for public testimony. Are there any members of the audience who wish to speak in favor of this proposal? Please stand at the podium, give your name and address for the record, sign in and give your testimony.

6. TESTIMONY FROM OPPONENTS

Members of the audience who wish to speak against this proposal. Stand at the podium, give your name and address for the record, sign in and give your testimony.

7. CLOSE THE PUBLIC HEARING

Close hearing to public comment.

8. DISCUSSION BY COUNCIL

9. COUNCIL DECISION



Memo

To: Mayor and City Council

From: Dawn Bennett, City Administrator/Recorder

Date: November 15, 2023

Re: Ordinance No. 665 – Establishing a New Section 12.18 of Chapter 12 of the Canyonville Municipal Code

BACKGROUND:

Every year a representative from City County Insurance, the city's insurance company, meets with the City Administrator to review the city's policy, claims, and best practices for risk management. They are trying to identify, assess, and control any financial, legal, strategic, and security threats to the city's capital, earnings, and operations.

On November 14, 2022, Laurie Olson, risk management consultant, met with me to review our risk management plan. One of the requirements CIS has asked the city to do is adopt an ordinance placing the responsibility of maintaining the side walks and public right of ways to the property owners that abut/adjoin the right of ways.

This ordinance was also part of the goal setting plan. I was in hopes of having it finished in September but with the many issues that came about during the year and the big push on the homelessness ordinance I have finally finished the ordinance for the November meeting.

I looked at several cities' ordinances and chose specific language from Roseburg, Sodaville, and Donald sidewalk ordinances that covered what I felt would work for Canyonville. I also had the city attorney review the ordinance for any legal changes that needed to be made.

I bring Ordinance No. 665 Repair and Maintenance of Public Sidewalks, Trees, and Vegetation in Public Rights of Ways for adoption to the City of Canyonville Municipal Code.

Options:

1. Adopt Ordinance No. 665 Establishing a New Section 12.18 of Chapter 12 of the Canyonville Municipal Code as written.
2. Adopt Ordinance No. 665 Establishing a New Section 12.18 of Chapter 12 of the Canyonville Municipal Code with the corrections.
3. Ask staff to rewrite Ordinance No. 665 with the corrections and bring it back to Council for the December 2023 meeting.

ORDINANCE NO. 665

AN ORDINANCE ESTABLISHING A NEW SECTION 12.18 OF CHAPTER 12 OF THE CANYONVILLE MUNICIPAL CODE

WHEREAS, the City of Canyonville has jurisdiction to control all rights of way within the City; and

WHEREAS, public sidewalks, trees, and vegetation within the City's rights of way are within the City's jurisdiction to control but not necessarily within the City's obligation to repair or maintain; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Canyonville for safety and health reasons that abutting property owners be responsible for the repair and maintenance of public sidewalks, trees, and vegetation in the City's rights of way; and

WHEREAS, because current City regulations do not specify the obligation to repair and maintain public sidewalks, trees, and vegetation within the City's rights of way, the City Council now wishes to assign those obligations through an amendment to the Canyonville Municipal Code; and

WHEREAS, the City Council wishes to update Canyonville Municipal Code Chapter 12 to reference the obligation to repair and maintain public sidewalks, trees, and vegetation within the City's right of way so that each property owner within the City understands their duties to the community.

NOW, THEREFORE, the City of Canyonville ordains as follows:

SECTION 1. Findings. The findings in the above recitals are adopted in support of this code amendment.

SECTION 2. Amendment. Chapter 12 of the Canyonville Municipal Code is amended to add Section 12.18, Repair and Maintenance of Public Sidewalks, Trees, and Vegetation in Rights of Ways, as shown in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by this reference.

SECTION 3. Continued Effect. All unamended provisions of Chapter 12 of the City of Canyonville Municipal Code shall remain unchanged and in full force and effect.

SECTION 4. Savings. Notwithstanding these amendments, the City Code provisions in existence at the time of any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said provisions or portions thereof were operative.

SECTION 5. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance and the attached Code provisions are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

SECTION 6. Codification. Provisions of this Ordinance shall be incorporated into the City of Canyonville Municipal Code, and the words "ordinance" or "section" may be changed to "code," "article," "chapter,"

“division,” or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however that any recital clause and boilerplate provisions of this Ordinance (i.e., Section Nos. 4 through 8) need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 7. Effective Date. This Ordinance will go into full force and effect on the 30th day after City Council enactment.

Signed by the Mayor on this 20th day of November 2023.

Christine Morgan, Mayor

ATTEST: _____
Dawn Bennett, City Administrator/Recorder

EXHIBIT A

Section 12.18 Repair and Maintenance of Public Sidewalks, Trees, and Vegetation in Rights of Ways

12.18.010 Definitions.

For purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them by this Section:

“Encroachment” means any and all buildings or structures, or privately owned improvements, permanent or temporary, including stairs, retaining walls, landscaping, handrails, windows, balconies, foundation walls and footings, basements and other permanent or temporary appendages, except that those encroachments discussed under Chapter 32 of the Uniform Building Code that are allowed as provided for in that code.

“Public way” means any street, road, alley, right of way, pedestrian or bicycle easement, or utility easement for use which is controlled by the City.

“Sidewalk” means the part of the public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines and includes any culvert, access connection, and planting strip.

12.18.020 Responsibility for maintenance and liability for injuries.

- A. The owner of real property abutting a sidewalk shall maintain such sidewalk and curb in good repair and safe condition and in accordance with standards and specifications adopted by the City.
- B. No owner of real property abutting a sidewalk shall allow snow or ice to remain on the sidewalk for a period longer than the first two (2) hours of daylight after snow has fallen.
- C. The owner of real property abutting a sidewalk shall be liable to any person injured because of neglect by such owner to maintain the sidewalk or curb in good repair or safe condition.
- D. The City shall not be liable for injury, damage, or loss to any person or property caused in whole or in part by the defective or dangerous condition of any sidewalk or curb. If the City is required to pay damages for an injury to any person caused by the neglect of an owner to maintain a sidewalk or curb in good repair or safe condition, such owner shall reimburse the City for the cost of the damages thus paid and for the attorney fees and costs of defending against the claim for damages. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this Section.

12.18.030 Application.

The owner of property abutting any privately owned and unpermitted improvement or encroachment within the public right of way shall be responsible for its removal or relocation from the public right of way upon written notification from the Public Works Director.

12.18.040 Maintenance of Trees and Vegetation.

A. The owner of property abutting a right of way is responsible for maintenance of vegetation within the right of way abutting said property. All trees, shrubs, plants or vegetation within the right of way area between the improved road surface & the property line may be trimmed, pruned or removed at any time by the City or the City may require any property owner to trim, prune or remove plants or vegetation within the

right of way area between the improved road surface & the property line abutting upon said owner's property.

B. All trees requiring pruning located within a right of way strip, sidewalk area, or on City owned property shall be pruned by a certified tree arborist.

C. All persons performing maintenance of vegetation within or affecting the public rights of way shall be required to remove all debris from the public right of way by sunset of the same day unless specifically authorized to do otherwise by the Public Works Director. The area impacted by the debris removal shall be swept clean.

D. A lane closure permit from City Public Works shall be required if the roadway is impacted by the tree work.

E. Reasons for Removal.

1. The Public Works Director or designee may issue a permit for the removal of a tree for one or more of the following reasons:

a. The tree poses a safety hazard to pedestrian or vehicle traffic or threatens a structure or public utility which cannot be abated with proper pruning.

b. The tree prevents access to or from a lot or parcel or prevents the reasonable development of the lot or parcel or the physical use of the parcel.

c. The tree is diseased, or insect infested and as such poses a hazard to people, property, or other trees.

d. The tree is weakened by age, storm, fire, ice, or other injury, causing danger to people, property, or other trees.

e. The tree is causing damage to abutting buildings, sidewalks, or utilities.

f. The tree is dead.

g. Or for a reason not listed above, that the Public Works Director has been deemed necessary.

2. All stumps within the public right of way shall be removed to at least one (1) foot below grade.

12.18.050 Notification of Tree Maintenance Required.

A. The Public Works Director, or designee, may serve notice on the abutting property owner to prune, remove, or otherwise perform maintenance on any tree or vegetation within or overhanging the public right of way in order to meet the standards outlined in Section 12.18.040. Neither the abutting property owner's duty to maintain trees or vegetation on an abutting public right of way, nor the liability of the property owner's negligence, depends on any notice from the City.

B. Within fifteen (15) calendar days of receiving notification from the Public Works Director or designee that tree maintenance or removal is required, the responsible property owner shall apply for any permit required to perform said maintenance or removal.

C. If an abutting property owner fails to correct the condition described in the notice within the time specified in the notice or the decision on appeal, the City may do so and assess the property owner the actual cost for the required work to be complete plus an administrative fee of no more than One Hundred Dollars (\$100.00).

“SCRIPT FOR PUBLIC HEARING”

1. ANNOUNCE THE REQUEST

The purpose of this Public Hearing is to consider the proposed Ordinance No.666 Amending Chapter 8.04 of the Canyonville Municipal Code.

2. OPEN THE PUBLIC HEARING

The Public Hearing is now open.

3. ASK FOR ANYONE WHO NEEDS TO DECLARE:

- *Conflict of Interest*
- *Ex-parte Contact*

4. STAFF REPORT

Staff will give their report.

5. TESTIMONY OF PROPONENTS

Now is the time for public testimony. Are there any members of the audience who wish to speak in favor of this proposal? Please stand at the podium, give your name and address for the record, sign in and give your testimony.

6. TESTIMONY FROM OPPONENTS

Members of the audience who wish to speak against this proposal. Stand at the podium, give your name and address for the record, sign in and give your testimony.

7. CLOSE THE PUBLIC HEARING

Close hearing to public comment.

8. DISCUSSION BY COUNCIL

9. COUNCIL DECISION



Memo

To: Mayor and City Council

From: Dawn Bennett, City Administrator/Recorder

Date: November 15, 2023

Re: Ordinance No. 666 – Amending Chapter 8.04 of the Canyonville Municipal Code

BACKGROUND:

At the Council meeting in September 2023 Council adopted changes to the violations and penalties for the Municipal Code Chapter 8.24 Wrecked and Abandoned Vehicles. It was mentioned that we need to amend the Municipal Code Chapter 8.04 Nuisances violations and penalties to read the same as Municipal Code Chapter 8.24.

So, the changes to Municipal Code Chapter 8.04 are as follows:

1. Chapter 8.04.150 Assessment of Cost
 - D. The Lien shall be collected in the same manner as liens for street improvements are collected, and shall bear interest at the rate of ~~six~~ twelve percent per year.
2. Chapter 8.04.160 Violation-Penalty:

~~Any person violating any of the provisions of this chapter shall, upon conviction thereof, pay a fine not to exceed three hundred dollars.~~ Any person responsible for allowing a nuisance to exist in violation of the provisions of this chapter may, upon conviction thereof, pay a fine not to exceed five hundred dollars provided, however, that the fine may be suspended, in whole or in part, upon a finding that the nuisance giving rise to conviction has been abated prior to conviction or has been abated within thirty days of conviction.

These changes will make the Municipal Code Chapter 8.04 and 8.24 uniform in assessment and violation-penalty procedures.

Options:

1. Adopt Ordinance No. 666 amending Chapter 8.04 of the Canyonville Municipal Code with the above changes.
2. Decline to adopt Ordinance No. 666 Chapter 8.04 of the Canyonville Municipal Code with the above changes.

ORDINANCE NO. 666
EXHIBIT A
CITY OF CANYONVILLE
ORDINANCE NO. 666

AN ORDINANCE AMENDING CHAPTER 8.04 OF THE CANYONVILLE MUNICIPAL CODE

WHEREAS, the procedures for abatement of violations of City of Canyonville Municipal Code ("Municipal Code") Chapter 8.04, Nuisances, and Municipal Code Chapter 8.24, Wrecked or Abandoned Vehicles, differ; and

WHEREAS, Municipal Code Chapter 8.24.070(D), Assessment of Cost, states that the interest rate on liens placed on property pursuant to Municipal Code Chapter 8.24 shall be twelve percent per year while Municipal Code Chapter 8.04.150(D) states that the interest rate on liens placed on property pursuant to Municipal Code Chapter 8.04 shall be at the rate six percent per year; and

WHEREAS, the City Council has reviewed the nuisance abatement procedure and lien interest rate in Municipal Code Chapter 8.04 and has concluded that the nuisance abatement procedure and lien interest rate is/are clear, provides property owners adequate due process, and represents best practices; and

WHEREAS, the City wishes to amend its nuisance abatement procedures and lien interest rate in Municipal Code Chapter 8.04 to conform with the nuisance abatement procedures and lien interest rate in Municipal Code Chapter 8.24 so that the procedures and lien interest rate in Municipal Code Chapter 8.04 are similarly clear, provide due process to property owners, represent best practices, and are consistent; and

WHEREAS, Municipal Code Chapter 8.24.080, Violation – Penalty states that violation of the provisions of this chapter may, upon conviction thereof, pay a fine not to exceed five hundred dollars; provided, however, that the fine may be suspended, in whole or in part, upon a finding that the nuisance giving rise to conviction has been abated prior to conviction or has been abated within thirty days of conviction, while Municipal Code Chapter 8.04.160, Violation – Penalty states that any person violating any of the provisions of this chapter shall, upon conviction thereof, pay a fine not to exceed three hundred dollars; and

WHEREAS, the City also wishes to amend Municipal Code Chapter 8.04.160 Violation-Penalty section to conform with the Municipal Code Chapter 8.24.080 Violation-Penalty section so that the procedures are similarly clear, provide due process to property owners, represent best practices, and are consistent.

NOW, THEREFORE, THE CITY OF CANYONVILLE, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. Findings. That section 8.04.150 and 8.04.160 of the Canyonville Municipal Code is amended to read as follows:

ORDINANCE NO. 666

EXHIBIT A

Chapter 8.04.150 Assessment of Cost

D. The Lien shall be collected in the same manner as liens for the street improvements are collected, and shall bear interest at the rate of up to 12% per year. Such interest shall commence to run immediately upon the entry of the lien in the lien docket.

Chapter 8.04.160 Violation-Penalty:

Any person responsible for allowing a nuisance to exist in violation of the provisions of this chapter may, upon conviction thereof, pay a fine not to exceed five hundred dollars provided, however, that the fine may be suspended, in whole or in part, upon a finding that the nuisance giving rise to conviction has been abated prior to conviction or has been abated within thirty days of conviction.

SECTION 3. Continued Effect. All unamended provisions of the City of Canyonville Municipal Code shall remain unchanged and in full force and effect.

SECTION 4. Severability. The sections, subsections, paragraphs, and clauses of this ordinance and the attached Code provisions are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

SECTION 5. Codification. Provisions of this Ordinance shall be incorporated into the City of Canyonville Municipal Code, and the words "ordinance" or "section" may be changed to "code," "article," "chapter," "division," or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however that any recital clause and boilerplate provisions of this Ordinance need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 6. Effective Date. This Ordinance will go into full force and effect on the 30th day after City Council enactment.

Signed by the Mayor on this **20th** day of **November 2023**.

Christine Morgan, Mayor

ATTEST:

Dawn Bennett, City Administrator/Recorder

“SCRIPT FOR PUBLIC HEARING”

1. ANNOUNCE THE REQUEST

The purpose of this Public Hearing is to consider the proposed Ordinance No.667 Amending Section 13.08.050 of the Canyonville Municipal Code to Increase Water Rates.

2. OPEN THE PUBLIC HEARING

The Public Hearing is now open.

3. ASK FOR ANYONE WHO NEEDS TO DECLARE:

- *Conflict of Interest*
- *Ex-parte Contact*

4. STAFF REPORT

Staff will give their report.

5. TESTIMONY OF PROPONENTS

Now is the time for public testimony. Are there any members of the audience who wish to speak in favor of this proposal? Please stand at the podium, give your name and address for the record, sign in and give your testimony.

6. TESTIMONY FROM OPPONENTS

Members of the audience who wish to speak against this proposal. Stand at the podium, give your name and address for the record, sign in and give your testimony.

7. CLOSE THE PUBLIC HEARING

Close hearing to public comment.

8. DISCUSSION BY COUNCIL

9. COUNCIL DECISION

Memo

To: Mayor and City Council
From: Dawn Bennett, City Administrator/Recorder
Date: November 15, 2023
Re: Ordinance No. 667 – Canyonville Municipal Code Amending Chapter 13.08 Water Rates

BACKGROUND:

At the October 24th Council Workshop staff presented Council with the costs to produce one cubic foot and 1200 cubic feet. It was at that time that the Council realized that we needed to raise the water rate by \$10.00 per EDU. This \$10.00 increase will cover the cost of processing the water and help show the financial lenders that the City will be financially able to pay back the loans.

The council also recommended increasing the consumption overage rate to \$3.35 per 100 cubic feet for all customers. Currently the overage rate for residential is less than commercial.

The Council decision was to bring recommendation to the November 20th Council meeting to have an Ordinance for the water rate increase on the agenda for adoption.

Staff will have a flyer in the November billing explaining why the water rates are being raised.

Options:

1. Adopt Ordinance No. 667 Amending Chapter 13.08 of the Canyonville Municipal Code with the new water rates.
2. Decline to adopt Ordinance No. 667 amending Chapter 13.08 of the Canyonville Municipal Code with the new water rates and ask staff to do more research.

ORDINANCE NO. 667

**AN ORDINANCE AMENDING SECTION 13.08.050 OF THE
CANYONVILLE MUNICIPAL CODE TO INCREASE
WATER RATES**

WHEREAS, the City of Canyonville is beginning the process of upgrading their water plant and infrastructure; and

WHEREAS, in 2015 a water master plan was completed, and it provided what the City's future water needs would be and broke it up into two phases; and

WHEREAS, phases one was estimated to cost \$5,367,000.00; and

WHEREAS, eight years have passed since the water master plan was completed so the City will have to have new project costs estimated to the year 2025; and

WHEREAS, once the updated costs are completed the City can attend a one stop meeting with all the funding agencies to see what funding packages they are offering; and

WHEREAS, the City feels it is necessary to start increasing the base water rates and overage rates for all users inside and outside the city limits to be able to secure the best funding package and make sure the City has the ability to pay back any loans that are incurred; and

NOW, THEREFORE, the City of Canyonville ordains as follows:

Section 1: That Section 13.08.050 of the Canyonville Municipal Code is amended to read as follows:

- A. The base water rate for single-family residences inside the city shall be \$40.00 for the first 1,200 cubic feet used per month and \$3.35 per one hundred cubic feet used thereafter.
- B. The base water rate for duplex and multiple-family residences and non-residential users inside the city shall be charged according to meter size as follows:
 - 3/4" - \$50.00 for the first 1,200 cubic feet used per month.
 - 1" - \$92.00 for the first 1,200 cubic feet used per month.
 - 1 1/4" - \$137.50 for the first 1,200 cubic feet used per month.
 - 1 1/2" - \$183.00 for the first 1,200 cubic feet used per month.
 - 2" - \$293.00 for the first 1,200 cubic feet used per month.
 - 3" - \$580.00 for the first 1,200 cubic feet used per month.
 - 4" - \$917.00 for the first 1,200 cubic feet used per month.
 - 6" - \$1,833.00 for the first 1,200 cubic feet used per month.
- C. The base water rate for meters larger than 6" shall be as determined by the City Council.
- D. In addition to the base rates, all users shall be charged \$3.35 per 100 cubic feet used which is in excess of the 1,200 cubic feet per month base.
- E. All outside the city users shall be charged two times the in-city water rates.

Section 2: Continue Effect. All unamended Chapter 13 of the City of Canyonville Municipal Code shall remain unchanged and in full force and affect.

Section 3: Savings. Notwithstanding these amendments, the City Code provisions in existence at the time of any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said provisions or portions thereof were operative.

Section 4: Severability. The sections, subsections, paragraphs, and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 5: Codification. Provisions of this Ordinance shall be incorporated into the City of Canyonville Municipal Code, and the words “ordinance” or “section” may be changed to “code,” “article,” “chapter,” “division,” or another word, and the sections of this ordinance may be renumbered or re-lettered, provided however that any recital clause and boilerplate provisions of this ordinance need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 6: Effective Date. The water rates as set forth in Section 1 of this Ordinance shall be increased effective the 16th day of January 2024

PASSED by the City Council on the ____ day of _____, 2023.

SIGNED by the Mayor on the ____ day of _____, 2023.

Christine Morgan, Mayor

ATTEST: _____
Dawn Bennett, Administrator/Recorder



Memo

To: Mayor and City Council
From: Dawn Bennett, Administrator/Recorder Interim
Date: November 15, 2023
Re: Current Abatement Status

Once the October minutes are approved and signed, I can call Officer Schwenn to have 410 Leland owner and 440 Mill Street owner cited into court.

I saw the debris pile at 613 N. Main Street was burned on Wednesday.

The weeds at 623 N. Main have been cut down.

A second letter has been sent to 670 N. Main about the vehicles and grass.

241 Leland Avenue was sent a letter to clean up the debris and junk in the yard.

Valerie called Myrtle Creek to see if she could get a good address for the brown building owner. She was able to get a new post office box. A letter has been sent certified. If the debris has not been removed by the December meeting, I will be bringing this to Council to have the owner cited into court.

A complaint came in about the U-Haul in the right of way beyond Leland Ave. A letter was sent asking them not to park the trucks outside the fenced lot because of blocking view of oncoming traffic when stopped at stop sign on Leland Ave.

Complaints were received regarding potholes on Oak St. Jeremy is waiting for Umpqua Paving to set up a date when they can come to Canyonville and do some patch work on this street and others. The cold patch does not hold up very long.

Comp #	Date	Location	Nature of Complaint	Action	1st letter DATE	letter 2 CERT	Council Mtg	Hearing Date	Completion Date
17/78	7/19/2023	287 James Street	Keeping goats, chickens, and rooster	Sent letter regarding municipal code 8.04.020 and permit required for keeping of animals. Also let them know that roosters are not allowed within city limits. Rooster gone but they have to come in for a permit for animals.	7/5/2023	N/A	N/A	N/A	8/22/2023
17/79	7/19/2023	123 Pruden Hill	MESS! And fire Hazzard	Had meeting with Deputy Schwen about citing the owner. Deputy will visit residence	Cited	N/A	N/A	Court date 9/19/2023 fined	
17/80	7/21/2023	670 Main Street	Debris, weeds, junk cars trashed in yard, cars and motorhome.	Dawn spoke to Ray 7/25/2023 about his mothers property as Lillian is 99 and not able to do the work.	8/8/2023 11/08/2023				
17/81	7/21/2023	613 Main St	debris is in the yard yet.	Abatement letter written to property owner. Letter was returned from USPS; hand delivered by public works employee 7/28/2023	7/21/2023 9/29/2023	N/A	N/A	N/A	
17/82	7/21/2023	520 Main St	weeds & noxious growth next to road- Fire hazzard	letter written to home owner requesting abatement by Aug 4th. Owner cut down weeds.	7/21/2023	N/A	N/A	N/A	10/5/2023
17/83	7/21/2023	Reed Street	untagged car on property	spoke to property owner and the car was tagged with a 72hr notice for towing. Car moved & property maintained 7-26-23	7/20/2023	N/A	N/A	N/A	7/26/2023
17/84	7/21/2023	250 Main St	trees are overgrown, not maintained in ornamental fashion	Public Works crew was made aware and will work on this when time permits	7/25/2023	N/A	N/A	N/A	8/10/2023
17/85	7/21/2023	250 Main St	bird poop on the plaza	Public Works crew was made aware and will work on this when time permits	7/25/2023	N/A	N/A	N/A	8/7/2023
17/86	7/21/2023	Canyonville School	tall grass/ fire hazzard	A letter was written to the school district informing them of this complaint and complaint 17/87	7/21/2023	N/A	N/A	N/A	7/31/2023
17/87	7/21/2023	Canyonville School	Weeds in rocks on the street side	A letter was written to the school district informing them of this complaint and complaint 17/86	7/21/2023	N/A	N/A	N/A	8/23/2023
17/88	7/21/2023	Fry's Auto Body	Broken down car and various objects around the property	Janelle will address the issue with their conditional use permit. Called and explained situation they have put tarp over vehicle.	7/28/2023	N/A	N/A	N/A	8/17/2023
17/90	7/21/2023	Bead Mecca 423 Main St	Trash and inventory stacked in building- fire hazzard	Made a phone call to Ms. Landell 7/27/2023 regarding complaint she is going to take care of it. Sent letter. Owner hung curtains in windows.	8/15/2023	N/A	N/A	N/A	9/30/2023
17/91	7/21/2023	"brown building" (430 S Main)	Parking trailer in spots in front of building	Upon inspection there was no parking violations to report to the sheriffs office. Complaint Unfounded	N/A	N/A	N/A	N/A	N/A
17/92	7/21/2023	"brown building" (430 S Main)	debris and garbage all over the property	Letter sent to both occupants and building owner. Cert mail returned. Talking with attorney for steps to abatement.	7/25/2023	8/4/2023			
17/93	7/21/2023	495 W 1st St (Emmert Forest Glen)	Weeds, overgrown bushes & trees, broken signage	letter written to owner requesting abatement by Aug 4th	7/21/2023	N/A	N/A	N/A	8/27/2023
17/94	7/21/2023	corner of Byron & Canyonville Riddle Rd	tall grass next to road (maybe right of way)	letter written to home owner requesting abatement by Aug 4th	7/21/2023	N/A	N/A	N/A	8/12/2023
17/95	7/21/2023	609 Canyonville-Riddle Road	tall grass next to road (maybe right of way)	letter written to home owner requesting abatement by Aug 4th. Owner was out of state but will take care of grass.	7/21/2023	N/A	N/A	N/A	8/12/2023
17/96	7/21/2023	651 Canyonville-Riddle Road	tall grass next to road (maybe right of way)	letter written to home owner requesting abatement by Aug 4th	7/21/2023	N/A	N/A	N/A	8/12/2023



Memo

To: Mayor and City Council
From: Dawn Bennett, City Administrator/Recorder
Date: November 15, 2023
Re: Food Trucks within the City

There has been some interest in having food trucks come into Canyonville. To give some background on this issue, in February 2022 the Planning Commission heard a request to have a food pod on property by I-5 for food trucks to set up for selling their food. The Planning Commission heard the pros and cons. The one food truck that was allowed to set up in town was required to hook up to sewer and water and make the cart look permanent.

It was the Planning Commissioner's unanimous decision that every food cart or truck should go through the same process as the Nipa Hut did.

I have asked other cities in Douglas County if they allow food trucks to set up in town. For the smaller cities food trucks and food pods can have a negative impact on the existing brick and mortar restaurants because they have minimal overhead. They do not have to pay for taxes or utilities such as sewer, water, electric, and gas. The restaurants already compete with Seven Feathers, and this would give them one or more competitors.

They do provide a wider variety of food that may not be available in Canyonville and provide quicker access to food for the travelers or citizens. They may also draw some people into Canyonville from I-5.

Tonight, you will be hearing from Shannon Suhr as to why she feels that food trucks should be allowed in the city limits.

Staff did make some inquiries as to whether the Council or the Planning Commission makes the determination regarding the allowance of the food trucks. As the allowance for food trucks is not a land use issue the Council can make the decision on whether business owners may allow them on their lots. However, the creation of a food pod on a vacant lot is a land use action since it establishes a specific use for the land itself.

Options:

1. Agree that food trucks should be allowed in the city limits and advise staff to research and come back to Council with some examples of ordinances of conditions and permitting.
2. Agree that the Planning Commission decision stands that food cart or trucks should go through the same process as Nipa Hut did.

Memo

To: Planning Commission
From: Janelle Evans, City Administrator
Date: January 25, 2022
Subject: Food Carts or food pods

The new fad, especially in the big cities is food carts that are located on private property or in an especially designed food pod. The food pod is a lot that provides a place for several food carts. The creation of a food pod is an economical way for food carts to provide services with a minimal investment. While these food pods work well in large cities they provide a challenge for small Cities. In smaller cities food trucks and food pods can have a negative impact on the existing brick and mortar restaurants because they have minimal overhead.

The City of Canyonville has only allowed 1 food cart with the stipulation that they connect to the sewer and water and make the cart look permanent. Most of the inquiries I get are to allow them to be mobile and go from city to city or different locations within the City. There will be a gentleman at the meeting who wants to open a food pod at the old gas station on Pine Street just off the I-5 exit .

There are pros and cons that need to be weight carefully before a decision is made. Listed below are a few question to be considered.

Pros:

- They provide more variety to the type of food available in Canyonville.
- They provide quick access to food for travelers or citizens.
- They may draw people traveling on the interstate into Canyonville.

Cons:

- They are temporary in nature and do not have to pay the same costs as a brick and mortar business such as taxes, sewer and water.
- Our restaurants already have to compete with Seven Feathers.
- They will require rules and regulations that will need to be enforced.
- How will the City enforce these rules?

Cities that do allow this use are typically larger than Canyonville and they have a range of regulations. The food pod located in Roseburg is on Tribal property and therefore, not subject to regulation by Roseburg. Most of the small cities I have talked with all said they only allow them for special events because they don't feel it is fair to the existing businesses.

What I need to know is if the Planning Commission wants to consider changing the ordinance to allow temporary food carts, vendor carts or food pods in Canyonville or continue with our current policy that they must connect to sewer and water and be made to look permanent.

CANYONVILLE PLANNING COMMISSION MINUTES
REGULAR SESSION
FEBRUARY 9, 2022

I. Call to Order and Pledge of Allegiance:

Commissioner Emory called the meeting to order at 7:00 p.m. and all joined in the Pledge of Allegiance.

II. Roll Call:

COMMISSION PRESENT: Chairman Emory, Commissioners, Hill, Butler, Hopkins and Sales.

COMMISSION ABSENT: none

STAFF PRESENT: Administrator/Recorder Evans

STAFF ABSENT: None

III. Approval of the minutes August 11, 2021

Commissioner Hopkins moved and Commissioner Butler second a motion to approve the minutes of August 11, 2021. All voted yes. Motion passed

IV. Agenda Review/Additions:

None

V. Discussion

1. Request to consider allowing Accessory Dwelling Units on a lot with a single family dwelling.

The Planning Commission reviewed the memo prepared by staff:

In 2017 the legislature passed Senate Bill 1051 requiring all cities with a population over the 2,500 to allow accessory dwelling units areas zoned for detached single family residences. Since the City of Canyonville has a population of less than the required 2,500 it is optional.

Typically, accessory dwelling units are thought of as mother in law houses meant for family. Of the 87 Cities that allowed accessory dwelling unit 54 cities restricted them to be either owner occupied for the primary residence or the accessory dwelling. In 2019 HB 2001 was passed which restricted Cities from only allowing them as mother-in-law houses. Cities can not require that any property owner lives on site. Essentially, they can all be rented out with no restrictions.

If the City chooses to voluntarily allow them within the City we will need to follow the rules currently established. The reason that small cities were exempt for the requirement is because there are some unique issues for small cities that don't have public transit. One of my biggest concerns is that we can not require them to provide any additional parking spaces. We get a lot

of complaints regarding parking. Seems lots of people fill their driveway and garage with other boats and RV and then park their cars on the street.

Dawn Sheppard has requested that the City of Canyonville consider allowing accessory dwelling units in area where single family dwellings are allowed. She will be present at the meeting to present her thoughts.

Remember that what ever is decided will apply to everyone in the affected zones not just individual projects. If you decide to proceed with allowing the accessory dwellings the ordinance will need to be amended and public hearings will need to be held.

A copy of the guidance and model ordinance language provided by the Department of Land Conservation and development was included in your packets.

Dawn Sheppard addressed the Commission and explained they would like to put an accessory dwelling unit on their property. They plan to construct a garage/shop and would like to put an apartment above the garage. The apartment would generate income to off set the costs of the construction. They have a very big lot so there would be no problem with parking. Canyonville does not have much housing available and the apartment would be an asset to the community.

Chairman Emory stated that his concern is that basically the City's ability to regulate Accessory Dwelling Units is severely limited. We are a small city and what works in the large Cities doesn't always work for small cities. Such as the fact that we have narrow gravel roads with very little on street parking available. It also concerns him that we can't have design standards or regulate the building materials to make sure they look like dwellings.

Commissioner Hopkins stated that we require a manufactured home to be at least 1,000 square feet and meet certain design standards. It doesn't seem reasonable not to be able to regulate any standards for accessory dwelling units.

The question was asked if the Commission could allow them under a conditional use permit and on a case by case bases.

Administrator Evans reminded them that under the proposed regulations they would be allowed as a permitted use as long as they did not exceed the allowed square footage.

It was the consensus of the Planning Commission that they were not opposed to accessory dwellings but they were opposed to having to allow them under the deregulations. Commissioner Emory called for a vote.

The Planning Commission unanimously voted not to proceed with changing the zoning ordinance to allow accessory dwelling unit as a permitted use.

2. Request to consider allowing food carts and a food pod in the commercial zones.

The Planning Commission reviewed the following staff report regarding food carts:

The new fad, especially in the big cities is food carts that are located on private property or in an especially designed food pod. The food pod is a lot that provides a place for several food carts. The creation of a food pod is an economical way for food carts to provide services with a

Administrator Evans responded no that the City was unaware of the carts no one had contacted the City.

Chairman Emory asked how we did the vendors for Pioneer Days. Administrator Evans explained it was done through a special event permit and the organizers were responsible for the vendors. However, the other mobile vendors have just showed up on site at certain locations so the City needs to decide if they want to allow them to do so as long as it is at a business or do we want them to have to get a special permit? If they need a permit what are the requirements going to be? So far the only one that has been approved by the City was Nipa Hut through a conditional use permit. They were required to hook to the City sewer and water and make it look like a permanent

business. When others have inquired this is what I have told them. However, none of them have wanted to make it a permanent location.

A citizen spoke on behalf of his desire to make a mobile food court at the Exit 98 ramp. He stated that food pods have become very popular in the larger cities. Roseburg has one that is called the Lot. Mobile food carts just park on the lot. He feels this would help the businesses in Canyonville because people would stop at exit 98 and then go through town.

He does agree that they should have some kind of permit because of liability issues. He thinks they should have insurance, commercial grade kitchens and food handlers license. He does not object to making them hook to sewer and water to make it more fair for brick and mortar restaurants.

Administrator Evans asked what the vision was for the food pod. The one in Roseburg is just an empty lot where the trucks pull in to stop. It is unregulated by Roseburg because it is on Tribal property. There are several food pod up north that are very successful but they operate around a central attraction or business. Would there be a central business that would be located on site and responsible for maintaining the area?

Commissioner Sales declared a conflict of interest because he has a restaurant. He then spoke as a business owner stating that his business does pull a lot of people off of I-5 in the summer. His concern is with the location of the food lot being just off the I-5 ramp people will just hop off and back on and they will not proceed into town. Brick and mortar restaurants have operating expenses such as insurance, electricity, sewer and water. Often food trucks don't have those additional expenses because they are self contained. That grants an unfair advantage to them. If they are required to get permits, connect to sewer and water, obtain insurance who is going to regulate all of this. The City doesn't have the staffing.

Administrator Evans stated that if the Commission wants to allow these activities there would be lots of rules and regulations that need to be addressed. Examples would be who is responsible for the trash, what about restrooms would there be an on site manager. If the Commission does want to consider a food lot this is the correct zone for it since it zoned Travel Commercial. Maybe you would only want to allow it in this zone through a conditional use permit. Some of those questions would be addressed in the conditional use permit. She further explained that the intent of that zone is to provide uses and facilities serving primarily tourist and other transient highway uses.

The Citizen commented that he does not plan on opening a food pod himself but he thought it was a worthy discussion to have with the Planning Commission since he is very familiar with them. He feels they would be an asset to the community if done correctly so maybe a conditional use permit would be reasonable.

Commissioner Butler stated that there is no commitment for the mobile trucks to be in Canyonville. Whereas if they make it semi permanent like the one we already have they are committed to the community. He is in favor of leaving the ordinance as it currently is where they have to get a conditional use permit. **The Commissioner's agreed unanimously that every food cart or truck should go through the same process as Nipa Hut.** They should go through the conditional use permit process and be required to make it look permanent and connect to the City water and sewer. Commissioner Sales did not participate in the decision due to conflict of interest.

As for the question of whether they want to allow businesses to bring in food cart they feel it should be limited to a special event and they should need to get a special event permit.

VII. Other Commission Business

none

Adjournment: The meeting was adjourned at 8:30 p.m.

SUBMITTED BY:

APPROVED BY:

Janelle Evans, City Administrator

John Emory, Chairman

RESOLUTION NO. 706

**RESOLUTION PROVIDING FOR A NEW DISTRIBUTION OF FUNDS FROM THE
WATER RATE FUNDS**

WHEREAS, the City Council of the City of Canyonville adopted a water rate increase by Ordinance No. 667, and

WHEREAS, the increase will be in the base rate and overage rates for all users inside and outside the city limits; and

WHEREAS, the City feels it is necessary to increase the water rates in order to qualify for the lower rate loans and guarantee the ability to make the loan payments; and

WHEREAS, the City has a water master plan completed in 2015 for upgrading the water treatment, and distribution infrastructure which will require the costs to be updated so that the City can secure full funding for the project; and

WHEREAS, The Council desires to have the additional revenue generated by the rate increase distributed to the water improvement fund through a one-time annual transfer during the budget process.

NOW, THEREFORE, BE IT RESOLVED, the additional revenue generated each year will be transferred to the water capital improvement fund to be utilized for the water treatment, and distribution infrastructure upgrade. These funds are to be earmarked to either buy down the debt or fund the debt reserves for the upgrade.

Passed by the City Council on the 20th day of November 2023.

Signed by the Mayor this _____ day of _____, 2023.

Christine Morgan, Mayor

ATTEST:

Dawn Bennett, Administrator/Recorder