



AGENDA

CANBY CITY COUNCIL MEETING

March 2, 2016

7:30 PM

Council Chambers
155 NW 2nd Avenue

Mayor Brian Hodson

*Council President Tim Dale
Councilor Clint Coleman
Councilor Tracie Heidt*

*Councilor Traci Hensley
Councilor Greg Parker
Councilor Todd Rocha*

CITY COUNCIL MEETING

1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance
- C. March for Meals Month Proclamation

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2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

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

- A. Approval of Minutes of the February 17, 2016 City Council Regular Meeting
- B. Appointment to the Canby Utility Board

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7. RESOLUTIONS & ORDINANCES

- A. Ord. 1433, Amending Canby Municipal Code Chapter 2.20.010, 2.20.040, 2.20.050, 2.20.070, 2.20.080, and 2.20.100 (**2nd Reading**)
- B. Ord. 1434, Amending Canby Municipal Code Chapter 2.10.010 Regarding Nominations for Elective Office (**2nd Reading**)

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8. NEW BUSINESS

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

10. CITIZEN INPUT

11. ACTION REVIEW

12. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation

13. ADJOURN

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



Office of the Mayor

Proclamation

March for Meals Month

WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and

WHEREAS, Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, both congregate and home-delivered, and raise awareness about the escalating problem of senior hunger in America; and

WHEREAS, the 2016 observance of March for Meals provides an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation; and

WHEREAS, Meals on Wheels programs - both congregate and home-delivered, in Canby have served our communities admirably for more than 40 years; and

WHEREAS, volunteers for Meals on Wheels programs in Canby are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

WHEREAS, Meals on Wheels programs in Canby provide nutritious meals to seniors throughout the Canby that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and

WHEREAS, Meals on Wheels programs in Canby provide a powerful socialization opportunity for millions of seniors to help combat loneliness and isolation; and

WHEREAS, Meals on Wheels programs in Canby deserve recognition for the contributions they have made and will continue to make to local communities, our State and our Nation.

NOW, THEREFORE, I Brian Hodson, as Mayor of the City of Canby do hereby proclaim March 2016 as March for Meals Month and urge every citizen to take this month to honor our Meals on Wheels programs, the seniors they serve and the volunteers who care for them. Our recognition of, and involvement in, the national 2016 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.

Given unto my hand this 2nd day of March 2016.

Brian Hodson
Mayor



**CITY OF CANBY
APPLICATION
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

Date: 02/04/2016

Name: Todd S Wagner

Occupation: Engineer

Home Address:

Employer: Johnson Controls

Position: Manufacturing Engineer

Daytime Phone:

Evening Phone:

E-Mail Address:

For which position are you applying? Canby Utility Board Member

What are your community interests (committees, organizations, special activities)? Canby Utility

Experience and educational background: Johnson Controls, Manufacturing Engineer: May 2010 - Current; Canby Tax Center, Licensed Tax Preparer: Jan 2003 - April 2009; George Fox University, Bachelor of Science - Mechanical Engineering, June 2009

Reason for your interest in this position: 1) Support the City of Canby's businesses and citizens 2) Contribute to the success of Canby Utility in providing reliable, cost effective electric and water services 3) Help Canby Utility move forward as Canby grows 4) Provide positive direction to the Utility Staff 5) Maintain focus on current and upcoming critical issues facing Canby Utility 6) Ensure all business decisions are made with the best interest of the customer in mind

List any other City or County positions on which you serve or have served: Canby Utility Board July 2009 - May 2015

Information on any special membership requirements:

Referred by (if applicable):

Feel free to attach a copy of your resume and use additional sheets if necessary

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

*Please return to: City of Canby
Attn: City Recorder
182 N Holly Street
PO Box 930
Canby, OR 97013*

RECEIVED

FEB 05 2016

City of Canby - City Recorder

Phone: 503.266.0733 Fax: 503.266.7961 Email: Scheaferk@ci.canby.or.us

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

1-4-13

ORDINANCE NO. 1433

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 2.20.010, 2.20.040, 2.20.050, 2.20.070, 2.20.080, AND 2.20.100 REGARDING THE PUBLIC LIBRARY

WHEREAS, Chapter 2.20 of the Canby Municipal Code established the Public Library for the City of Canby; and

WHEREAS, the Library Board and staff have proposed changes to Chapter 2.20 so it is current with library standards and current practices.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Chapter 2.20 of the Canby Municipal Code is amended to read as noted. All other sections, shall remain in full force and effect as they presently appear.

§ 2.20.010 Establishment.

~~The Canby Public Library is established for the purpose of maintaining a free public library in accordance with ORS 357.400-621. A municipal public library in and for the city is established under the provisions of O.R.S. 357.400 through 357.621, and its location shall be at 292 N. Holly, Canby, or at such other place as the Council may subsequently direct. It shall be known as the Canby Public Library. The Council proposes to finance the library by an annual tax levy.~~

§2.20.020 Governing body.

The city's public library as established by § 2.20.010 shall be governed by the City Council. A Library Board shall be appointed to serve in an advisory role to the Council.

§ 2.20.030 Library Board.

The Library Board shall consist of 5 members appointed by the City Council upon recommendation of the Board Chairperson and the City Council liaison to the Library Board. The Mayor may vote only to break a tie, if necessary. Not less than 3 members of the Board shall be residents of the city. No member of the Library Board shall have any financial interest, either directly or indirectly, in any contracts to which the library is a party, nor shall any member receive a salary or any payment for any materials or for any services rendered the Board. Board members may be reimbursed for expenses incurred in the performance of their duties.

(Am. Ord. 1137, passed 4-21-2004)

§ 2.20.040 Term of office; vacancies.

Appointees shall hold office for 4-year terms from July 1 in the year of their appointment. At the expiration of the term of a Board member, the City Council shall appoint a new member or may reappoint a member for a term of 4 years. **Members shall be limited to two consecutive terms.** If a vacancy occurs, the City Council shall appoint a new member to complete the unexpired term. Procedure for all appointments by the City Council shall follow § 2.20.030 above. Any Board member failing to attend 3 consecutive Board

meetings without approval of the Board chairperson may be removed by the City Council and a new member appointed to complete the unexpired term. Library Board members serve at the pleasure of the City Council and are subject to removal at any time by the Council with or without cause.

(Am. Ord. 1137, passed 4-21-2004)

§ 2.20.050 Officers.

At the first meeting of each **fiscal** year, the Board shall elect a Chairperson and a Vice-Chairperson who shall serve for a term of 1 year. The **Library Director or their designee** ~~librarian~~ shall serve as Secretary to the Board and keep the record of its action. Three members of the Board shall comprise a quorum. The Board shall have authority to make and alter rules, with approval of the City Council, for its government and procedures.

§ 2.20.060 Powers and duties.

The duties of the Library Board shall include:

- A. Keeping informed about current trends in the library services and administration;
- B. Studying library growth and needs in the city and its vicinity;
- C. Developing long-range plans for library service and facilities, consistent with city priorities and with state, regional and national goals pertinent to libraries;
- D. Recommending types of library service for the city and its vicinity;
- E. Investigating sources of funding for library service and facilities;
- F. Recommending policies for the acceptance and use of gifts for library purposes;
- G. Participating in the annual budgetary process of the city as that process pertains to the library;
- H. Recommending policies and procedures conducive to efficient and effective operation of the library;
- I. Reviewing and recommending terms for contracts and working relationships with other public agencies regarding library service;
- J. Encouraging widespread public support and use of the library
- K. Submitting an annual report to the City Council and the state library; and
- L. Performing other duties as authorized by the City Council.

§ 2.20.070 Gifts and bequests.

The Board may solicit and receive gifts and bequests and real or personal property or funds (other than fees and fines) to benefit the library. **Gifts are subject to Council Acceptance.** All property or funds shall be held in the name of the city, and each donation shall be administered in accordance with its terms. Funds donated to the library shall be turned over to the City Treasurer immediately upon receipt. ~~and be placed in the library trust account with a line item budgeted for expenditure in accordance with the terms and conditions of the gift or bequest. Donated funds shall be used for improvements in addition to and not in lieu of the normal support provided to operate the library out of the city General Fund.~~

§ 2.20.080 Library Director Librarian.

The **Library Director** ~~librarian~~ shall be appointed by the **as per the Charter of the City of Canby** ~~City Council with due consideration given to any recommendation from the Library Board.~~

§ 2.20.090 Meeting place and time.

Unless and until another place is assigned to it by the City Council, the Library Board shall maintain its office, hold its meetings, transact its business and keep its records at the library. The Library Board shall meet at least once every other month.

§ 2.20.100 Damaging Library Property.

The library operates best when all patrons cooperate for the timely check out and return of items. Depending on the preference noted on a patron's account, patrons will receive an email, phone call, or written notification via the U.S. Postal Service from the LINCC system, five days after an item is due and then again 30 days after the due date. Bills for lost items are sent via the U.S. Postal Service 45 days after an item is due. Fines begin accruing the day after the material is due. In accordance with LINCC policies, fines remaining on an account after 30 days will be deemed as "uncollectible". The library may impose fines or charges as provided in ORS 357.975 and as set forth by the City of Canby's fee schedule adopted annually by the Canby City Council in the event that a patron willfully refuses to return library items. ~~It shall be unlawful for any person wilfully or maliciously to detain any book or library materials belonging to the Canby Public Library for 30 days after notice in writing from the librarian of the library, given after the expiration of time which by regulations of the library the materials may be kept. The notice shall bear upon its face a copy of this section, violations of which are punishable by a fine of not less than \$5 or more than \$25. Conviction and payment of the fine shall not be construed to constitute payment for library material, nor shall a person convicted under this section be thereby relieved of any obligation to return to the library that material.~~

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, February 17, 2016 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on March 2, 2016 commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on March 2, 2016 by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

ORDINANCE NO. 1434

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 2.10.010 REGARDING NOMINATIONS FOR ELECTIVE OFFICE

WHEREAS, Chapter 2.10.010 of the Canby Municipal Code outlines the process for nominations for election to the City Council and office of Mayor; and

WHEREAS, staff have proposed changes to Chapter 2.10.010 so it is current with current practices.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Chapter 2.10.010 of the Canby Municipal Code is amended to read as noted. All other sections, shall remain in full force and effect as they presently appear.

§ 2.10.010 Nominations.

A. A petition nominating a qualified elector to be a candidate for election to the Canby City Council or to the office of Mayor shall be signed by not fewer than 50 electors. No elector shall sign more than 1 nomination petition for each office to be filled. No elector shall sign more than 1 nomination petition for the office of Mayor. If an elector signs more nomination petitions than permitted by this division, the elector's signature shall be valid only on the first petition filed for the office.

B. The form of petition for nomination for all candidates for elective positions within the city shall **be submitted on forms provided by** ~~substantially conform to the form designated by the~~ Secretary of State. **The City Recorder shall approve completed forms prior to the candidate obtaining elector signatures.**

C. **Once candidates have obtained the required number of signatures, they shall submit the signature sheets to the Clackamas County Elections Official to be verified. Once the required number of verified signatures have been obtained,** all pages comprising a petition for nomination shall be assembled and filed with the City Recorder as 1 instrument in the manner provided by the Secretary of State not less than 75 days before the election. ~~The City Recorder shall make a record of the exact time at which each petition for nomination is filed and shall take and keep on file the name and address of the person by whom it is filed~~

D. Within 5 days after the filing, the City Recorder shall notify the **candidate** ~~nominee and the person who filed the petition for nomination~~ whether or not the petition is valid. If it is found insufficient, the City Recorder shall return it immediately to the candidate ~~person who filed it,~~ with a statement certifying that the petition for nomination is insufficient and stating the reason(s).

E. Within the time allowed for the filing of petitions for nomination, an insufficient petition may be amended and filed again as a new petition, or a different petition may be filed for the same **candidate** ~~nominee~~.

F. **The City Recorder shall notify any qualified candidate of their valid petition. Within five days of notification, the candidate shall complete an Acceptance of Nomination form.** ~~Any~~

~~qualified elector for whom a valid petition for nomination has been filed shall have his or her name printed on the ballot for the election if, within 5 days after the City Recorder notifies the nominee of a valid nomination, an acceptance of nomination is filed with the City Recorder on the nominee's behalf.~~

G. The City Recorder shall notify Clackamas County Elections of those candidates successfully completing the nomination process, causing their names to appear on the ballot.

HF. Election records shall be kept for the required retention period as required by the Secretary of State, Archives Division City General Retention Schedule. ~~The petition for nomination for a nominee who is successfully elected shall be filed in the office of the City Recorder until the expiration of the term of office for which the nominee is elected. (Ord. 1312, passed 7-15-2009)~~

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, February 17, 2016 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on March 2, 2016 commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on March 2, 2016 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder