



AGENDA

CANBY CITY COUNCIL MEETING

February 17, 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. Iwo Jima Remembrance Day Proclamation

Pg. 1

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 3, 2016 City Council Regular Meeting
- B. Annual Liquor License Renewals
- C. Appointment to the Bike and Pedestrian Committee
- D. Reappointment to the Transit Advisory Board
- E. Appointment to Canby Utility Board

Pg. 2

Pg. 6

Pg. 7

Pg. 8

7. PUBLIC HEARING

- A. Amending and Setting Fees for the Canby Public Library

Pg. 9

8. RESOLUTIONS & ORDINANCES

- A. Res. 1233, Amending and Setting Fees for the Canby Public Library

Pg. 12

- B. 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 Regarding the Public Library Pg. 14
- C. Ord. 1434, Amending Canby Municipal Code Chapter 2.10.010 Regarding Nominations for Elective Office Pg. 20

9. NEW BUSINESS

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

11. CITIZEN INPUT

12. ACTION REVIEW

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

14. 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

Iwo Jima Remembrance Day

WHEREAS, on February 23, 1945, this country's Armed Forces were engaged in one of the most strategic and bloodiest battles of World War II - the battle for Iwo Jima; and

WHEREAS, the Canby-Aurora Veterans of Foreign Wars Post and Auxiliary 6057 of the United States have deemed it fitting to erect a flagpole at the Canby Adult Center in remembrance of those who took part in this great battle; and

WHEREAS, each year the members of the Canby-Aurora Veterans of Foreign Wars Post 6057, their Auxiliary, and their fellow veterans organizations and service organizations i.e. Boy Scouts, Girl Scouts, Campfire, etc. conduct a ceremony to rededicate this memorial and replace the flags on the flagpole; and

WHEREAS, the flagpole located at the Canby Adult Center is the only memorial in the City of Canby dedicated to our veterans who made such significant personal sacrifices during World War II in defense of this great nation; and

WHEREAS, this year will be the 71st anniversary of the annual flag raising ceremony.

NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as the Mayor of the City of Canby, do hereby proclaim February 20, 2016 as

Iwo Jima Remembrance Day

and call upon individuals, schools, churches, organizations and business establishments in the City of Canby to proudly remember the sacrifices made by servicemen who fought so gallantly in this bloody and decisive battle. I further call upon all members of this community to join in commemorating this great event with the rededication of the flagpole at the Adult Center on February 20 at 10:00 AM to celebrate the 71st anniversary of the end of World War II.


Given unto my hand this 17th day of February 2016 in the City of Canby, Oregon.

Brian Hodson
Mayor



Memo

To: Mayor Brian Hodson & Members of City Council
From: Bret J. Smith, Chief of Police
CC: Kim Scheafer, General Administration
Date: January 13, 2016
Re: Annual Liquor License Renewals



I have reviewed the OLCC list of businesses located within the City of Canby that are eligible for liquor license renewal. Please see the attached list of businesses that have been identified by OLCC.

I recommend the Canby City Council approve these requests for renewal to the Oregon Liquor Control Commission (OLCC).

License No./ Premises No.		Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic.	227918	76 FOOD MART OF CANBY	453 SE 1ST ST	
Prem.	46053	RSW OIL INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-4731	
Lic.	217459	7-ELEVEN STORE #2363-17845C	109 SE 1ST	PO BOX 219088
Prem.	2577	JOLENE BAIRD O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-5111	DALLAS, TX 75221
Lic.	215058	AMERICAN LEGION POST #122 CANBY	424 NW 1ST	PO BOX 121
Prem.	2135	AMERICAN LEGION #122 CANBY F-CLU - FULL ON-PREMISES SALES	CANBY, OR 97013 503-266-9235	CANBY, OR 97013
Lic.	215237	BACKSTOP BAR & GRILL	211 N GRANT	1033 9TH ST
Prem.	38418	BACKSTOP INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-263-6606	WEST LINN, OR 97068
Lic.	218088	BLACKJACK DELI & MORE	1110 SW 1ST AVE	14924 SE LOSTINE DR
Prem.	38918	BLACKJACK DELI & MORE LLC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-651-9000	CLACKAMAS, OR 97015
Lic.	215738	CUTSFORTH THRIFTWAY	225 NE 2ND	
Prem.	2572	GEF INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-2016	
Lic.	217026	CUTSFORTH THRIFTWAY	225 NE 2ND	
Prem.	2572	GEF INC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-266-2016	
Lic.	215438	DENNY'S RESTAURANT	1369 SE 1ST AVE	
Prem.	36262	CANBY-DENN INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-421-6957	
Lic.	219576	EBNER CUSTOM MEATS	272 N GRANT ST	
Prem.	49077	EBNER PROPERTIES LLC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-266-5678	
Lic.	219577	EBNER CUSTOM MEATS	272 N GRANT ST	
Prem.	49077	EBNER PROPERTIES LLC O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-5678	
Lic.	219252	FOB TAP ROOM	1109 SW 1ST AVE #D	
Prem.	54111	FOB TAP ROOM LLC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-927-2207	
Lic.	215694	FRED MEYER #651	1401 SE 1ST	PO BOX 305103
Prem.	28571	FRED MEYER STORES INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-797-7134	NASHVILLE, TN 37230
Lic.	217901	FULTANO'S PIZZA	715 SE 1ST	
Prem.	13198	ROMINE PIZZA CO L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-266-1444	
Lic.	216334	GOLD DRAGON	204 SW 2ND	
Prem.	27957	LAM P. PHAN F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-263-1877	
Lic.	215818	HWY 99 SOUTH CANBY QUIK MART	1120 SW 1ST	
Prem.	35523	HWY 99 SOUTH CANBY QUIK MART LLC O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-9515	

License No./ Premises No.		Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic.	216512	JOY KITCHEN	314 NW 1ST AVE	
Prem.	47726	SHENG YING INC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-266-8898	
Lic.	216024	LA CONASUPER	733 SE 1ST AVE	
Prem.	47149	LA CONASUPER INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-830-2977	
Lic.	219170	LA MIXTECA MARKET	205 SW 1ST	PO BOX 251
Prem.	42541	RUFINO ZURITA O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-6757	CANBY, OR 97013
Lic.	219197	LONE ELDER PIZZA	207 SW 1ST #106	
Prem.	18856	JULIE M. CHAPMAN MOORE L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-266-1888	
Lic.	215991	LOS DORADOS MEXICAN RESTAURANT	1011 SW 1ST AVE	
Prem.	25062	LOS DORADOS INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-263-3940	
Lic.	217713	MIKE'S PLACE	404 NW 1ST AVE	8840 SW ASH MEADOWS CIR
Prem.	3604	CHRS INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-407-1240	WILSONVILLE, OR 97070
Lic.	217762	MIKE'S PLACE	404 NW 1ST AVE	8840 SW ASH MEADOWS CIR
Prem.	3604	CHRS INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-407-1240	WILSONVILLE, OR 97070
Lic.	216998	NUEVO VALLARTA RESTAURANT	1385 SE 1ST AVE #104	
Prem.	36350	PUERTO VALLARTA RESTAURANTS INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-266-1782	
Lic.	218007	PUDDIN RIVER CHOCOLATES & WINE	332 NW 1ST AVE	1440 S IVY ST
Prem.	43748	PUDDIN RIVER CHOCOLATES & O - OFF-PREMISES SALES	CANBY, OR 97013 503-263-2626	CANBY, OR 97013
Lic.	218013	PUDDIN RIVER CHOCOLATES & WINE	332 NW 1ST AVE	
Prem.	43749	PUDDIN RIVER CHOCOLATES & F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-263-2626	
Lic.	218296	RICE TIME RESTAURANT	356 NW 1ST AVE	
Prem.	51042	HAENGBOK INC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-266-2623	
Lic.	216756	RITE AID #5325	891 SE 1ST AVE	PO BOX 3165
Prem.	45183	THRIFTY PAYLESS INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-6381	HARRISBURG, PA 17105
Lic.	215903	ROUNDERS CANBY	224 NW 1ST AVE	
Prem.	43700	JTD ENTERPRISES LLC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-705-0588	
Lic.	216612	SAFEWAY STORE #2604	1055 SW 1ST AVE	PO BOX 29096
Prem.	36549	SAFEWAY INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-5535	PHOENIX, AZ 85038
Lic.	216446	SMOKE 4 LESS	1021 SW 1ST AVE #A	
Prem.	37243	PRABEZ LLC O - OFF-PREMISES SALES	CANBY, OR 97013 503-651-2642	

License No./ Premises No.		Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic.	216819	THAI CORNER CUISINE	1109 SW 1ST AVE SUITE A	
Prem.	48994	THAI CORNER CUISINE LLC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-263-2442	
Lic.	216817	THAI DISH	108 N IVY ST	
Prem.	37095	THAI DISH INC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-263-9898	
Lic.	216373	THE PLACE TO BE CAFE	190 NW 2ND AVE	
Prem.	49391	THE PLACE TO BE CAFE LLC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-263-8293	
Lic.	216569	THE WILD HARE SALOON & CAFE	1190 SW FIRST	1109 SW FIRST AVE SUITE F
Prem.	21375	SIDEWINDER INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-651-4273	CANBY, OR 97013
Lic.	216933	TNT MARKET	164 SE 1ST AVE	
Prem.	15427	WHK INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-2020	
Lic.	218334	WALGREENS #10893	1080 SW 1ST AVE	PO BOX 901
Prem.	46515	WALGREEN CO O - OFF-PREMISES SALES	CANBY, OR 97013 503-263-1600	DEERFIELD, IL 60015
Lic.	217006	WILLAMETTE VALLEY COUNTRY CLUB	900 COUNTRY CLUB PL	PO BOX 988
Prem.	2136	WILLAMETTE VALLEY COUNTRY CLUB O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-4066	CANBY, OR 97013
Lic.	217021	WILLAMETTE VALLEY COUNTRY CLUB	900 COUNTRY CLUB PL	PO BOX 988
Prem.	2136	WILLAMETTE VALLEY COUNTRY CLUB F-CLU - FULL ON-PREMISES SALES	CANBY, OR 97013 503-266-4066	CANBY, OR 97013

OUT OF BUSINESS

Count for CANBY

38

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

Date: _____

Name: CLIFFORD ASH Occupation: RETIRED

Home Address: _____

Employer: N/A Position: N/A

Daytime Phone: _____ Evening Phone: _____

E-Mail Address: _____

For which position are you applying? BICYCLE & PEDESTRIAN ADVISORY COMMITTEE

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

WALKING AND BIKINGExperience and educational background: B.S. PSYCHOLOGY OR STATE UNIV.24 YEARS EMPLOYED BY SOC SEC ADMIN.I AM AN AVID BICYCLE RIDER AND TRAIL HIKER.Reason for your interest in this position: I BELIEVE IN THE PROMOTIONOF BICYCLING AND THE ESTABLISHMENT OF SAFE INFRASTRUCTUREFOR BICYCLING.

List any other City or County positions on which you serve or have served: _____

NONEInformation on any special membership requirements: N/AReferred by (if applicable): TRACIE HEIDT

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

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

RECEIVED
JAN 29 2016

City of Canby - City Recorder

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

RECEIVED
FEB 03 2016
CITY OF CANBY

Date: 01-26-2016

Name: Donald E. Smeback Occupation: Ret.

Home Address: _____

Employer: N/A Position: N/A

Daytime Phone: _____ Evening Phone: _____

E-Mail Address: _____

For which position are you applying? Transit Advisory Committee

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

Experience and educational background: Four year member of this committee. Associate Degree, ~~State~~ Business Administration.

Reason for your interest in this position: My wife and I use the CAT system. In addition, the CAT system is something that is very much needed for our seniors that are unable to drive themselves around canby for doctor appointments, shopping, etc.

List any other City or County positions on which you serve or have served: _____

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

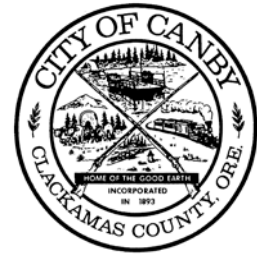
Please return to: **City of Canby**
Attn: City Recorder
182 N Holly Street
PO Box 930
Canby, OR 97013

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

MEMORANDUM



TO: *Honorable Mayor Hodson and City Council*
FROM: *Irene Green, Library Director*
DATE: *1/15/2016*

Issue: **The charge for overdue fines at the Canby Public Library has not been modified since October of 1994. The Canby Public Library's fee structure has not reflected charges currently applied to lost or damaged pieces of library materials.**

Synopsis: The Canby Public Library has charged a 10¢ per day fine on overdue materials since established in October of 1994 by Resolution 576 in the Master Fee Schedule. The majority of Libraries in Clackamas County (LINCC) are now charging 25¢ per day for overdue materials. Libraries retain monies collected in their city library for overdue items no matter what library owns the material. Because each city sets the fines for their overdue materials costs can vary even if a patron checks out identical items.

Materials in libraries change to reflect current technologies and services. Since the library fee structure was established over thirty years ago, it has not been updated to reflect the cost of lost and damaged "pieces" of library materials such as a barcode, DVD, CD, cultural pass, book jacket, or AV case. The current fee schedule on file with the city addresses only seven items: lost, damaged, b/w printing, color printing, the out of district library card fee, and fines. As customary with all Clackamas County libraries, the Canby Public Library has been charging patrons for the replacements costs of lost and damaged pieces of library materials; however the charges have not been reflected in the city's fee schedule.

Recommendation: *Staff recommends the Council to update the library's fees to reflect current charges and to align the library's fines for overdue materials with the majority of libraries in Clackamas County.*

Rationale: Overdue fines are set by the city of the owning library. Patrons of LINCC libraries are currently charged different fine amounts for identical materials depending on what Clackamas County library owns the material. Increasing the current fine amount from 10¢ to 25¢ per day would align the Canby Public Library's fines with the majority of LINCC libraries and improve customer services as it would provide consistency for our patrons. It would also increase our annual revenue.

The library has been charging for lost or damaged pieces of library materials as customary in all LINCC libraries. These fees are not currently reflected in the City of Canby's Fee Structure.

- Options:
1. Keep the fine and fee structure as is.
 2. Adopt Resolution 1233 which increases the fine amount for overdue materials to 25¢ per day and reflects current charges for lost and damaged pieces of library materials in the City of Canby's Fee Schedule.

Fiscal Impact: The amount collected from patrons on bills paid at the Canby Public Library on Canby items in FY14/15 was \$15,927. Using FY14/15 as a guide for the estimate, increasing the fines from 10¢ to 25¢ would bring in an estimated \$23,890 of additional revenue each year.

Reflecting the charges for damaged and lost pieces of library materials will increase transparency on charges to library patrons.

Recommended

Motion: **"I move to adopt Resolution 1233, A RESOLUTION AMENDING AND SETTING FEES FOR THE CANBY PUBLIC LIBRARY."**

Attachments: Libraries in Clackamas County Overdue Fees and Resolution 1233

ATTACHMENT "A"

LIBRARIES IN CLACKAMAS COUNTY OVERDUE FEES

	Adult	Childrens	Youth		Maximum Overdue Fee for Children's Materials	Maximum Overdue Fee for Adult Materials	Maximum Overdue Fee for Youth Materials
Canby	0.10	0.10	0.10		\$1.00	\$3.00	
Oak Lodge	0.10	0.10	0.10	Movies & Games .25	\$1.00 books/\$3.00 DVDs	\$3.00 books/\$5.00 DVDs	
Estacada	0.25	0.25	0.25				
Gladstone	0.25	0.25	0.25		\$3.00	\$5.00	\$5.00
Lake Oswego	0.25	0.25	0.25		\$3.00	\$5.00	\$5.00 for Youth AV
Milwaukie	0.25	0.10	-		\$1.00	\$3.00	
Molalla	0.10	0.10	0.10	Movies & Games .25			
Oregon City	0.25	0.25	0.25		\$3.00 for print	\$5.00	0.25
Sandy	0.25	0.25	0.25		\$5.00	\$5.00	
Happy Valley	0.10	0.10	as adult	Movies .25	\$1.00 books/\$3.00 DVDs	\$3.00 books/\$5.00 DVDs	
West Linn	0.25	0.15	0.25		\$3.00	\$5.00	\$3.00
Wilsonville	0.25	0.25	0.25		\$3.00	\$5.00	

RESOLUTION 1233

A RESOLUTION AMENDING AND SETTING FEES FOR THE CANBY PUBLIC LIBRARY

WHEREAS, the Canby Public Library's fines for overdue materials has not been modified in the Master Fee Schedule since being established by Resolution 576 in October of 1994; and

WHEREAS, the Canby Public Library Board reviewed the library's fee schedule and made recommendation to approve the proposed changes and additional fees; and

WHEREAS, the proposed increase will align the Canby Public Library fees with the eight other libraries in Clackamas County.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby as follows:

1. The City of Canby to modify the Canby Public Library's Master Fee Schedule as shown on the attached Exhibit "A".
2. The Canby City Council hereby classifies the fees imposed herein as not being subject to the limitations imposed by Section 11 (b), Article XI of the Oregon Constitution and that the City Recorder is hereby directed to publish notice in accordance with ORS 310.145.

This resolution shall take effect on March 1, 2016.

ADOPTED this 17th February 2016 by the Canby City Council.

Brian Hodson
Mayor

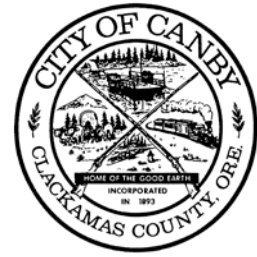
ATTEST:

Kimberly Scheafer, MMC
City Recorder

EXHIBIT "A"

Library	Fee Description	Current	Proposed Change
	Library Cards		
	<i>Residents who live in Oregon in Multnomah County, Washington County, Hood River County or those who reside in the Fort Vancouver Regional Library District or the City of Camas Washington, may obtain a LINCC library card without paying a non-resident fee.</i>		
	Clackamas County residents	Free	no change
	Out-of-County Fee	\$95.00	no change
	Library Card Replacement Fee		\$1.00
	Overdue Items		
	Adult and Children's items	10¢ per day	25¢ per day
	\$3.00 maximum per children's item		
	\$5.00 maximum for all other materials		
	Cultural passes		\$5.00 per day Up to replacement cost
	Lost Items	Cost of material as indicated in the library's database	no change
	Damaged Item (Cost of individual items in library database were not previously listed in the Master Fee Schedule)	Cost of material as indicated in the library's database	no change
	Books		
	Missing book jacket		\$3.00
	CD Audiobooks		
	Disc		\$10.00 per disc
	CD case		\$5.00
	DVDs		
	Bonus disc		\$5.00
	DVD case		\$3.00
	Jacket or paper insert		\$3.00
	Booklet		\$5.00
	Music CDs		
	Case		\$4.00
	Part of case (top or bottom)		\$2.00
	Insert		\$5.00
	Cultural Pass		
	Replacement cost		\$75.00 - \$200.00
	Puppets		\$10.00
	Children's Kits		Cost of each component as listed in the item record
	Checkout Bags		
	Bag, tag, & ring		\$25.00
	Bag only		\$20.00
	Tag only		\$3.50
	Tag and ring		\$5.00
	Missing Barcodes		\$1.00
	Copying and Printing		
	Black and White (Self Serve)	15¢	no change
	Color (Self Serve)	50¢	no change
	Microfilm Reader Prints	15¢	no change

MEMORANDUM



TO: *Honorable Mayor Hodson and City Council*
FROM: *Irene Green, Library Director*
DATE: *2/5/2016*
THROUGH: *Rick Robinson, City Administrator*

Issue: **The Canby Municipal Code 2.20.010, 2020.040, 2.20.050, 2.20.070, 2.20.080, and 2.20.100 does not reflect current language and policies.**

Synopsis: The Canby Municipal Code Chapter 2.20 contains language that is outdated and incorrect and in some cases unnecessary.

- **Section 2.20.010 Establishment** lists the library's location as 292 N. Holly, Canby. As the library moves to its new location in late summer of 2016 the address will change. It is recommended to eliminate the library's current address.
- **Section 2.20.040 Term of office; vacancies** does not limit the number of terms of office for library board members. Under Section A. Governance, of *The Standards for Oregon Public Libraries (2015 Revision)* Essential standards recommends "There is a limit on the number of consecutive terms a member may serve on the board". It is recommended that members of the library board be limited to two consecutive terms of office.
- **Section 2.20.050 Officers** does not clearly define whether the library should hold its first meeting on a fiscal year or calendar year. It is recommended that the library board operate on a *fiscal* year. It is also recommended to update the language from "librarian" serving as Secretary to "Library Director or their designee" serve as Secretary.
- **Section 2.20.070 Gifts and bequests** does not give City Council the option to accept or decline gifts, bequests, real or personal property. It is recommended Council be given that option. It is also recommended that the language referring to a line item in the budget and the language describing the use for improvements in addition to and not in lieu of support from the General fund be eliminated.
- **Section 2.20.080 Librarian** reflects old language and does not reflect current hiring practices as described in the City Charter. It is recommended the title be changed from "Librarian" to "Library Director" and appointed as per the Charter of the City of Canby.
- **Section 2.20.100** contains incorrect and outdated information. It is recommended the title be changed from "Damaging Library Property" to "Library Property" and to update the code to reflect current LINCC policies and procedures.

Recommendation: *Staff recommends the Council adopt Ordinance 1433 which updates the Canby Municipal Code to reflect current language and policies.*

Rationale: Sections of the Canby Municipal Code 2.20 *Public Libraries* do not reflect current language, policies and procedures.

Options:

1. Keep the Municipal Code as is.
2. Update the Municipal Code.

Fiscal Impact: There is no fiscal impact.

Recommended

Motion: ***I move to approve Ordinance 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 to come up for second reading on March 2, 2016.***

Attachments: Ordinance 1433

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

MEMORANDUM



TO: *Honorable Mayor Hodson and City Council*
FROM: *Kim Scheafer, MMC, City Recorder*
DATE: *February 9, 2016*

Issue: Request to amend Canby Municipal Code Chapter 2.10.010 regarding nominations for elective office.

Synopsis: In January the Secretary of State Elections Division published the 2016 Candidates Manual which describes how candidates run for an elected office. This manual also describes what the city elections official's duties are. It was noted that in this version of the manual it states the elections official will submit the signature sheets to the County to be verified. I called the Elections Division's office in Salem to verify that this was correct, as in the past it had been the candidate's responsibility. The person I spoke with said yes it had been changed, but the City could do an ordinance or resolution to amend that process. Due to the fact of limited staffing and timing constraints, it is being requested that the ordinance be approved keeping the process the same as it has been done in the past.

In further review of Chapter 2.10.010 of the Canby Municipal Code it was determined that there is other language regarding the nomination process that it outdated and needed to be changed so it reflects current procedures.

Recommendation: Staff recommends Council approve Ordinance 1434.

Motion: ***I move to approve Ordinance 1434, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 2.10.010 REGARDING NOMINATIONS FOR ELECTIVE OFFICE to come up for second reading on March 2, 2016.***

Attachments: Ordinance 1434

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

Management Team Meeting Notes
February 3, 2016
2:00 PM
City Hall Conference Room

In attendance: Rick Robinson, Kim Scheafer, Bryan Brown, Mark Gunter, Eric Laitinen, Irene Green, Haley Fish, Renate Mengelberg, Julie Wehling, and Joseph Lindsay.

Haley Fish

- Budget Committee Work Session will be held on February 17 at 6 p.m.
- Updating finance software this week
- W-2's went out last week
- Budget calendar will go out in a week or so

Bret Smith

- Jefre Johnson and Nate Wallbaum will be sworn in Wednesday night
- Attended two memorial services last week for local residents

Joseph Lindsay

- One of Court Clerks is back from leave starting today
- PD Records clerk position closed

Kim Scheafer

- State of the City is tomorrow at Chamber luncheon
- CC Elections is looking for a new location for a ballot box on the south side of town since the one at McDonalds is being removed due to construction
- Reviewed Agenda for the February 17 CC Meeting

Irene Green

- Dollar for dollar fine incentive started this month
- Working with IT on consolidating the printers and copiers in the library
- Police K-9 unit will be doing a story time along with the Fire Department and Mayor

Renate Mengelberg

- Met with Cascade Engineering
- Main Street Manager will be out for a month. Contact Renate if you have Main Street questions.
- Took an independent film company on a tour of Canby last week
- Attending a medical device conference in California next week to promote Canby

Julie Wehling

- Attending Region 1 ACT meeting
- STIP scoring will be on February 12
- The STIP Action Committee will be meeting one to two times per month
- Has been asked to give input on some recently proposed legislature
- The February Transit Advisory Committee meeting has been cancelled

Eric Laitinen

- School lessons start Thursday
- Working on forecasting in preparation for a new five year levy being put on the November ballot
- Spoke at Kiwanis today regarding the Swim Center

Mark Gunter

- Staff is working on roof leak at the Police Department
- Two new vehicles for the PD are being outfitted
- Parks are starting to get busy
- TMDL report for WWTP has gone to DEQ
- Have a meeting next week regarding rate study

Bryan Brown

- TGM grant due dates were announced
- Working with building the possibility of two triplexes
- Planning Department Office Specialist will be back on Thursday

Rick Robinson

- Gave update on city block redevelopment
- Lots of steel is going up on the new library/civic building

Notes taken by Kim Scheafer