



AGENDA

CANBY CITY COUNCIL REGULAR MEETING

August 21, 2013

7:30 PM

Council Chambers
155 NW 2nd Avenue

Mayor Brian Hodson

Council President Tim Dale
Councilor Clint Coleman
Councilor Traci Hensley

Councilor Greg Parker
Councilor Ken Rider

-
1. **CALL TO ORDER - 6:00 PM – City Hall Conference Room** – The Council will immediately go into Executive Session with the Regular Session following at 7:30 PM in the Council Chambers.
 2. **EXECUTIVE SESSION:** ORS 192.660(2)(i) Performance Evaluation Of Public Officer and ORS 192.660(3) Labor Negotiations
 3. **OPENING CEREMONIES -7:30 PM - Council Chambers**
 - A. Pledge of Allegiance and Moment of Silence
 4. **COMMUNICATIONS**
 5. **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.)
 6. **MAYOR'S BUSINESS**
 7. **COUNCILOR COMMENTS & LIAISON REPORTS**
 8. **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 August 7, 2013 City Council Work Session and Regular Meeting
 9. **RESOLUTIONS & ORDINANCES**
 - A. Res. 1171, Adopting City Council Values and Goals Pg. 1
 - B. Res. 1172, Codifying and Compiling Certain Existing General Ordinances for the City of Canby Pg. 4

10. NEW BUSINESS

A. Amendment to City Administrator Employment Contract

Pg. 16

B. Amendment to Municipal Judge Employment Contract

Pg. 17

11. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

12. CITIZEN INPUT

13. ACTION REVIEW

14. EXECUTIVE SESSION: ORS 192.660(2)(h) Pending Litigation and ORS 192.660(2)(i) Performance Evaluation Of Public Officer

15. 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, MMC, City Recorder 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 OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.

RESOLUTION NO. 1171

A RESOLUTION ADOPTING THE CITY COUNCIL VALUES AND GOALS

WHEREAS, on February 23, 2013 the City Council held a Special Meeting with a facilitator to establish new Council Values and Goals; and

WHEREAS, on March 20, 2013 the City Council held a Work Session to review the document that was developed at the Special Meeting; and

WHEREAS, as a result of that Special Meeting and Work Session a City Council Values and Goals document was produced; and

WHEREAS, the purpose of the Values and Goals is to focus efforts of the City Council and City staff on specific plans of action to achieve certain goals.

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

1. The City Council Values and Goals document attached hereto as Exhibit “A” is hereby adopted.

This resolution will take effect on August 21, 2013.

ADOPTED this 21st day of August 2013 by the City of Canby City Council.

Tim Dale
Council President

ATTEST:

Kimberly Scheafer, MMC
City Recorder



CITY OF CANBY CITY COUNCIL VALUES AND GOALS

VALUES

Fiscal Responsibility and Financial Stability – We constantly strive for the proper use of public funds and resources. We are prudent in our fiscal policies and practices as we plan for long-term financial sustainability within the City.

Honesty, Ethics, Accountability – We adhere to the highest standards of honesty, ethical conduct and accountability that inspire public confidence and trust. These are the foundations of public trust and confidence.

Livability – As a City we honor the importance of maintaining the small town feel while continuing to address economic development, housing, parks, long-term planning, public safety and transportation.

Inclusive Community – We are committed to open communication and outreach to engage all segments of the community.

Exceptional Service – We are dedicated to providing exceptional customer service and delivery of public services to our whole community.

GOALS

Community

- Maintaining a small town feel as we grow
- Manage growth in a responsible and measurable manner, while continuing to improve the quality of life of our citizens
- Continue to enhance communication between City Hall and citizens in and around the City of Canby, including use of electronic and social media
- Integrate the adopted Community Vision Plan throughout City Goals, plans, and communications

Growth and Economic Development

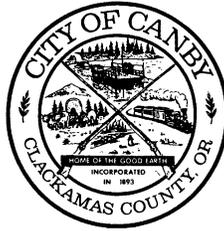
- Identify and implement strategies for attracting additional tenants to industrial parks
- Identify and implement strategies for improving overall health of the business community
- Collaborate with Clackamas County Tourism and Event Center to encourage increased cultural and commercial activity
- Build on strategies to improve business development in downtown and other business areas
- Plan for future housing needs and development
- Develop plan to make Main Street Program and Economic Development office self-funding by close of the Urban Renewal District

Parks and Recreation

- Refine, revise, and update Parks Master Plan to include long-term recreation plan that includes community center, aquatic center, sports facilities, and Willamette River front recreation
- Identify future park lands
- Identify funding and strategic alliances for acquisition and improvement of park lands

Transportation, Public Safety, and Public Services

- Maintain and improve City infrastructure – stormwater, road maintenance, water, WWTP, and others
- Continue to provide quality public safety and services that enhance Canby's livability
- Develop strategy for improving and sustaining Canby Area Transit System
- Develop method to enable northern access for emergency services and economic development
- Develop strategy for implementing Transportation System Plan (TSP) with emphasis on neighborhood safety and economic development
- Develop and implement facilities plan to appropriately provide Library and City Hall services
- Encourage long-term services and infrastructure plans for NE and SE development
- Develop strategy for implementing Oregon 99E Corridor and Gateway Plan



MEMORANDUM

DATE: AUGUST 12, 2013
TO: MAYOR HODSON AND CANBY CITY COUNCIL
FROM: KIM SCHEAFER, MMC, CITY RECORDER
RE: RESOLUTION #1172

Issue:

This Resolution is brought before the Council so that supplemental pages to the Canby Municipal Code can be formally adopted.

Background:

The last supplement that was codified for the Canby Municipal Code was for ordinances passed through May of 2012. Since that time, several ordinances have passed that affect the municipal code. In order to keep the code up-to-date, these ordinances were sent to American Legal Publishing who prepared a 2013 supplement for ordinances passed through May 1, 2013 (Ordinances 1358-1373).

Recommendation:

Staff recommends adoption of Resolution 1172, which formally adopts the 2013 supplement pages to the Canby Municipal Code.

Attached:

Resolution 1172

RESOLUTION NO. 1172

A RESOLUTION CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES FOR THE CITY OF CANBY.

WHEREAS, on February 15, 2006 the Canby City Council adopted Ordinance 1200 which adopted a revised code of the City of Canby entitled the “Canby Municipal Code”. Since that time the Council has adopted Resolutions 956, 1012, 1051, 1070, 1100, and 1138 codifying supplements.

WHEREAS, since that time Ordinances have been adopted affecting the Canby Municipal Code, causing the present general and permanent ordinances of the City to be inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Oregon empower and authorize the City to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the League of Oregon Cities, Ordinance Services Program, in its efforts to promote better and more efficient municipal governing, is willing to undertake the codification of the City’s ordinances;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby that the City hereby authorizes a general compilation, revision and codification of the ordinances of the City of a general and permanent nature and publication of such ordinances in book form, at a cost according to the standard rates and billing procedures for services under the program. A copy of the 2013 S-7 Supplement (codifying ordinances 1358-1373) is attached hereto as Exhibit “A”.

This resolution will take effect on August 21, 2013.

ADOPTED this 21st day of August 2013, by the Canby City Council.

Tim Dale
Council President

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Exhibit "A"

CITY OF CANBY, OREGON

CODE OF ORDINANCES

**2013 S-7 Supplement contains:
Local legislation current through Ord. 1373, passed 5-1-2013**

AMERICAN LEGAL PUBLISHING CORPORATION

432 Walnut Street Cincinnati, Ohio 45202-3909 (800) 445-5588

materials or for any services rendered the Board. Board members may be reimbursed by the city for expenses incurred in the performance of their duties. (Am. Ord. 1133, passed 2-18-2004)

§ 2.56.040 Terms of office; vacancies.

Terms of office shall be for 3 years from July 1 in the year of their appointment. At the expiration of the term of any Board member, the Council shall appoint a new member or reappoint an existing member for a term of 3 years. If a vacancy occurs, the Council shall appoint a new member to complete that unexpired term. All new members shall be appointed by the Council upon the recommendation of the Board Chairperson and Council liaison. Any Board member failing to attend 3 consecutive meetings without approval of the Board Chairperson may be removed by the Council and a new member appointed to complete the unexpired term. (Am. Ord. 1133, passed 2-18-2004)

§ 2.56.050 Officers; procedures.

At the first meeting of each year, the Board shall elect a Chairperson, Vice-Chairperson and a Secretary who shall serve for a term of 1 year. Four members of the Board shall constitute a quorum. The Board shall have authority to make and alter rules, with approval of the Council, for its government and procedures. (Am. Ord. 1133, passed 2-18-2004)

§ 2.56.060 Duties and powers.

The duties of the Parks and Recreation Advisory Board shall include:

- A. Keeping informed about current trends in parks and recreation services and administration;
- B. Studying growth and needs in the city and its vicinity for parks and recreation services;
- C. Developing long-range plans for parks and recreation services and facilities, consistent with city priorities;
- D. Recommending types of parks and recreation services for the city and its vicinity, including marketing of those services;
- E. Investigating sources of funding for parks and recreation services and facilities;

F. Recommending policies for the acceptance and use of gifts for parks and recreation purposes;

G. Participating in the annual budgetary process of the city as that process pertains to parks and recreation services;

H. Recommending policies and procedures conducive to efficient and effective operation of parks and recreation services;

I. Reviewing and recommending terms of contracts and working relationships with other public agencies regarding parks and recreation services;

J. Encouraging widespread public support and use of park and recreation services and facilities;

K. Submitting an annual report to the City Council;

L. Advising the Planning Department regarding park land dedication and other park planning issues to meet the public needs identified in the park master plan and park acquisition plan; and

M. Performing other duties as authorized by the City Council.

(Am. Ord. 1133, passed 2-18-2004)

§ 2.56.070 Location of meetings.

Unless and until another place is assigned to it by the City Council, the Board shall maintain its office, hold its meetings, transact its business and keep its records at City Hall. The Board shall meet at least once every other month. Advisory Board meetings are subject to public meeting law and shall be open to the public.

(Am. Ord. 1133, passed 2-18-2004)

§ 2.56.080 Fees and charges.

Fees and other parks and recreation charges shall be determined by the City Council with consideration given to recommendations from the Board. Current fees and lists of charges shall be set by Council resolution and conspicuously displayed at each facility.

(Am. Ord. 1133, passed 2-18-2004)

CHAPTER 2.64: BICYCLE AND PEDESTRIAN COMMITTEE

Section

- 2.64.010 Established.
- 2.64.020 Bicycle and Pedestrian Committee.
- 2.64.030 Terms of office; vacancies.
- 2.64.040 Officers; procedures.
- 2.64.050 Duties and powers.
- 2.64.060 Location of meetings.

§ 2.64.010 Established.

A Bicycle and Pedestrian Advisory Committee shall be appointed to serve in an advisory role to the Council.

§ 2.64.020 Bicycle and Pedestrian Committee.

The Bicycle and Pedestrian Committee shall consist of 5 members appointed by the City Council upon recommendation of the Committee Chairperson and the City Council liaison to the Committee. The Mayor may vote only to break a tie, if necessary. No member of the Committee shall receive a salary or any payment for any services rendered by the Committee. Committee members may be reimbursed by the city for expenses incurred and pre-approved in the performance of their duties.

(Am. Ord. 1136, passed 4-21-2004)

§ 2.64.030 Terms of office; vacancies.

Appointees shall hold office for 3-year terms from July 1 in the year of their appointment. At the expiration of the term of a Committee member, the City Council shall appoint a new member or may reappoint a member for a term of 3 years. 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 § 2.64.020 above. Any Committee member failing to attend 3 consecutive Committee meetings without approval of the Committee Chairperson may be removed by the City Council and a new member appointed to complete the unexpired term. Bicycle and Pedestrian Committee 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. 1136, passed 4-21-2004)

§ 2.64.040 Officers; procedures.

At the first meeting of each year, the Committee will elect a Chairperson and Vice-Chairperson who shall serve for a term of 1 year. Three members of the Committee shall comprise a quorum. The Committee shall have authority to make and alter rules, with approval of the City Council, for its own governance and procedures.

§ 2.64.050 Duties and powers.

The duties of the Committee shall include:

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

(Am. Ord. 1372, passed 3-20-2013)

§ 2.64.060 Location of meetings.

Meetings shall be held at least once a quarter,

forthwith cause the carcass to be buried or other disposition made of the same.

§ 9.24.040 Posted notices.

No person shall wilfully deface or tear down any notice, bulletin or sign before its date of expiration.

§ 9.24.060 Drinking in public places.

No person shall drink or consume alcoholic liquor in or on a street, alley, sidewalk, mall, public or private parking lot or parking structure, motor vehicles, public grounds or other public places unless the place has been licensed for that purpose by the Oregon Liquor Control Commission and the owner of the OLCC licensed premises has obtained a permit from the City of Canby to operate a sidewalk café or other qualifying event.

(Am. Ord. 1316, passed 8-19-2009; Am. Ord. 1366, passed 11-21-2012)

§ 9.24.070 Public indecency.

No person shall, while in or in view of a public place, including public streets, perform an act of urination or defecation, except in toilets provided for that purpose.

CHAPTER 9.32: DRUG PARAPHERNALIA

Section

- 9.32.010 Purpose.
- 9.32.020 Definitions.
- 9.32.030 Determination of objects as drug paraphernalia.
- 9.32.040 Offenses and penalties.
- 9.32.050 Exemption.
- 9.32.060 Nuisance.
- 9.32.070 Infraction procedure.

§ 9.32.010 Purpose.

The City Council finds that certain items designed or marketed for use with illegal drugs enhance the appeal of and contribute to the illegal use of controlled substances among its young people. It therefore desires to ban the sale and display of these items and to limit the distribution of illegal drug

paraphernalia to individuals. This chapter is based upon the Model Drug Paraphernalia Act authorized by the Drug Enforcement Administration of the United States Department of Justice.

§ 9.32.020 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Controlled Substance means a drug or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act, 21 U.S.C. §§ 811 to 812.45 modified under O.R.S. 475.035.

Deliver or Delivery means the actual, constructive or attempted transfer, other than by administering or dispensing, from one person to another of a controlled substance, whether or not there is an agency relationship.

Drug Paraphernalia means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Controlled Substances Act of this state. It includes but is not limited to:

1. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
3. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
4. Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

6. Diluents and adulterants such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances;

7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;

8. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

9. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

10. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

11. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;

12. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

- a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
- b. Water pipes;
- c. Carburetion tubes and devices;
- d. Smoking and carburetion masks;
- e. Roach clips; meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- f. Miniature cocaine spoons, and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bongs; and
- m. Ice pipes or chillers.

Marijuana means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin

extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from seeds of the plant, any other compound, manufacture, salt derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Medical Practitioner means licensed pharmacist; licensed and regulated members of a health care service providing organization able to administer controlled substances to patients under Oregon law.

§ 9.32.030 Determination of objects as drug paraphernalia.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- A. Statements by an owner or by anyone in control of the object concerning its use;
- B. Prior convictions, if any, of an owner or of anyone in control of the object, under any municipal, state or federal law relating to any controlled substance;
- C. The proximity of the object in time and space to a direct violation of this chapter of the State Uniform Controlled Substance Act;
- D. The proximity of the object to controlled substances;
- E. The existence of any residue of controlled substances on the object;
- F. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows intend to use the object to facilitate a violation of municipal or state law; the innocence of an owner, or of anyone in control of the object, as to a violation of this law or state law shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- G. Instructions, oral or written, provided with the object concerning its use;
- H. Descriptive materials accompanying the object which explain or depict its use;

11. Animals. Owning, possessing or harboring any bird or other animal, which barks, bays, cries, howls or makes any other noise continuously for a period of 10 minutes or more, for reasons other than being provoked by a person trespassing or threatening to trespass.

12. Steam Whistles. Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work.

13. Compressed Air Devices. The use of a mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled.

14. Warning Devices. The sound created by warning devices that are not reset within 5 minutes after being triggered.

§ 9.48.040 Maximum permissible sound levels.

A. No person shall cause or permit sound(s) to intrude onto the property of another person which exceeds the maximum permissible sound levels set forth below in this section.

B. The sound limitation established herein, as measured at or within the property boundary of the receiving land use, are as set forth in Table 1 appended to this chapter after any applicable adjustments provided for herein are applied. When the sound limitations are exceeded, it shall constitute excessive and unnecessary sound(s) and shall be violations in their own right as well as being prima facie evidence of noise.

C. This section is violated if any of the following occur:

1. Any continuous sound that exceeds the limits of Table 1 for a cumulative total of greater than 5 minutes in any 10-minute period;

2. Any sound that exceeds the limits of Table 1 by 5 dBA for a cumulative total of greater than 1 minute, but less than 5 minutes in any 10-minute period;

3. Any sound that exceeds the limits of Table 1 by 10 dBA at any point in time; or

4. Any sound that exceeds the ambient noise levels existing by 10 dBA created by a new industrial or commercial noise source on a previously unused industrial or commercial site.

§ 9.48.050 Exceptions and variances.

A. Exceptions. The following sounds are exempted from the provisions of this chapter:

1. Sounds caused by the performance of emergency work, vehicles and/or equipment;

2. Aircraft operations in compliance with applicable federal laws or regulations;

3. Railroad activities as defined in Subpart A, Part 201 of Title 40, CER of the Environmental Protection Agency's railroad emission standards, incorporated herein by reference;

4. Sounds produced by sound-amplifying equipment at activities sponsored by Canby School District between 7:00 a.m. and 12:00 p.m. midnight, local time;

5. Sounds created by refuse pickup operations during the period of 6:00 a.m. to 10:00 p.m., local time;

6. Sounds created by domestic power tools during the period 7:00 a.m. to 10:00 p.m., local time, provided sound-dissipating devices on tools so equipped are maintained in good repair;

7. Sounds made by warning devices operating continuously for 5 minutes or less;

8. Idling motor vehicles, including compressors on refrigerated trailers, within a Gross Vehicle Weight Rating (CVWR) of 8,000 pounds or greater between the hours of 7:00 a.m. to 10:00 p.m., local time, provided they are equipped with an exhaust system which is in good working order and in constant operation;

9. Sounds created at the Clackamas County Fairgrounds as a result of events sanctioned by the Clackamas County Fair Board;

10. Sounds caused by business operations in the commercial and industrial zones, provided the sounds result from lawful commercial business activity or manufacturing operations;

11. Construction activities during the period of 7:00 a.m. to 10:00 p.m., local time, provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order; and

12. Sounds caused by city maintenance equipment between the hours of 7:00 a.m. and 10:00 p.m.

B. Variances. Any person who owns, controls or operates any sound source which violates any of the

provisions of this chapter may apply, in writing, to the City Council for a variance from the provisions. Any person who is planning a noise source which is expected to violate any provision of this chapter may apply to the City Council for a variance from the provisions. Any person granted a variance under this chapter may apply for renewal of that variance upon its expiration. The renewal application shall be processed just as if it was an initial application.

1. Application. An application for a noise variance shall be made on forms provided by the City Recorder's Office. The application shall be accompanied by all the required information and fees. If more than 1 date is being requested for a noise variance at 1 location, they can be on 1 application. The written application shall state the provision from which a variance is being sought, the period of time the variance is to apply, the reason for which the variance is sought, and any other supporting information which the City Council may reasonably require. A list of property owners within 200 feet of the location of the variance shall be provided by the applicant with the application.

2. Review Standards. In establishing exceptions or granting variances, the City Council shall consider:

- a. The protection of health, safety and welfare of citizens as well as the feasibility and cost of noise abatement;
- b. The surrounding type of existing land use;
- c. The acoustical nature of the sound emitted; and
- d. Whether compliance with the provision would produce a benefit to the public.

3. Time Duration of Variance. Any variance shall be granted for a specific time interval, not to exceed 1 year.

4. Public Notification and Public Hearing.

a. Notice of the public hearing shall be published in a newspaper at least 10 days prior to the public hearing.

b. Notice of the public hearing shall be mailed to all property owners within 200 feet of the location for the variance at least 10 days prior to the public hearing.

c. The City Council shall hold a public hearing before the granting of a variance.

5. Variances.

a. Conditions for Granting. The City Council may grant specific variances from the particular requirements of any rule, regulation or order, to specific persons, class of persons or specific noise source upon those conditions as it may deem necessary to protect the public health and welfare, if it finds that strict compliance with the rule, regulations or order is inappropriate because of conditions beyond the control of the persons requesting the variance; because of special circumstances which would render strict compliance unreasonable or impractical due to special physical conditions or cause; because strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or because no other alternative facility or method of handling is yet available. Granting of the variance shall not be materially detrimental to other property within the same vicinity and the variance requested shall be the minimum which will alleviate the hardship.

b. Revocation or Modification. A variance granted may be revoked or modified by the City Council after a public hearing held upon not less than 20 days' notice. The notice shall be served upon the holder of the variance by certified mail and all persons who have filed with the City Council a written request for this notification.

6. Emergency and Safety Hazard. In the case of an emergency or safety hazard, the City Administrator or his or her designee may revoke a variance immediately by setting forth the nature of the emergency or hazard in a letter mailed or hand-delivered to the holder of the variance. A public hearing before the City Council shall be held at the next regularly scheduled City Council meeting following the revocation to reverse, affirm or modify the revocation action.

(Am. Ord. 1373, passed 5-1-2013)

§ 9.48.060 Chapter additional to other law.

The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy; not unless specifically provided shall it be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise or sound, but shall be deemed additional to existing legislation and common law on the subject.

Franchises

TSO I

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
1342	5-18-2011	Granting a non-exclusive franchise to Canby Telephone Association to provide telecommunication services within the city, for a period of 5 years retroactively effective from June 7, 2010
1347	10-19-2011	Amending the cable television franchise agreement with WaveDivision VII, LLC, and extending its term to March 4, 2017
1349	10-19-2011	Amending the cable television franchise agreement with Canby Telephone Association to maintain competitive equity
1370	3-6-2013	Granting a nonexclusive franchise to Lightspeed Networks, Inc to construct, operate, and maintain a telecommunications network

References to Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1292 § 5.8	9-3-2008	13.16.082
1292 § 6.1	9-3-2008	13.16.090
1292 § 6.2	9-3-2008	13.16.091
1292 § 6.3	9-3-2008	13.16.092
1292 § 6.4	9-3-2008	13.16.093
1292 § 6.5	9-3-2008	13.16.094
1292 § 6.6	9-3-2008	13.16.095
1292 § 6.7	9-3-2008	13.16.096
1292 § 6.8	9-3-2008	13.16.097
1292 § 6.9	9-3-2008	13.16.098
1292 § 6.10	9-3-2008	13.16.099
1292 § 6.11	9-3-2008	13.16.100
1292 § 6.12	9-3-2008	13.16.101
1292 § 6.13	9-3-2008	13.16.102
1292 § 6.14	9-3-2008	13.16.103
1292 § 6.15	9-3-2008	13.16.104
1292 § 7.1	9-3-2008	13.16.115
1292 § 7.2	9-3-2008	13.16.116
1292 § 8	9-3-2008	13.16.130
1292 § 9	9-3-2008	13.16.140
1292 § 10	9-3-2008	13.16.150
1292 § 10.1	9-3-2008	13.16.151
1292 § 10.2	9-3-2008	13.16.152
1292 § 10.3	9-3-2008	13.16.153
1292 § 10.4	9-3-2008	13.16.154
1292 § 10.5	9-3-2008	13.16.155
1292 § 10.6	9-3-2008	13.16.156
1292 § 10.7	9-3-2008	13.16.157
1292 § 10.8	9-3-2008	13.16.158
1292 § 10.9	9-3-2008	13.16.159
1292 § 10.10	9-3-2008	13.16.160
1292 § 10.11	9-3-2008	13.16.161
1292 § 10.12	9-3-2008	13.16.162
1292 § 11.1	9-3-2008	13.16.175
1292 § 11.2	9-3-2008	13.16.176
1292 § 11.3	9-3-2008	13.16.177
1292 § 11.4	9-3-2008	13.16.178
1292 § 12.1	9-3-2008	13.16.190
1292 § 12.2	9-3-2008	13.16.191
1292 § 12.3	9-3-2008	13.16.192
1292 § 12.4	9-3-2008	13.16.193
1292 § 12.5	9-3-2008	13.16.194
1292 § 13.1	9-3-2008	13.16.210
1292 § 13.2	9-3-2008	13.16.211

Canby - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1292 § 13.3	9-3-2008	13.16.212
1292 § 13.4	9-3-2008	13.16.213
1292 § 14.1	9-3-2008	13.16.230
1292 § 14.2	9-3-2008	13.16.231
1292 § 14.3	9-3-2008	13.16.232
1292 § 14.4	9-3-2008	13.16.233
1292 § 14.5	9-3-2008	13.16.234
1292 § 14.6	9-3-2008	13.16.235
1296	10-15-2008	12.12.010 - 12.12.040
1303	2-4-2009	2.05.010, 2.05.020
1312	7-15-2009	2.10.010
1313	7-15-2009	12.08.010, 12.08.030
1316	8-19-2009	9.24.060, 12.13.010 - 12.13.120
1319	11-18-2009	8.04.010, 8.04.020
1327	5-19-2010	3.20.070, 4.12.030, 5.04.210, 5.16.030, 6.04.060, 6.08.070, 8.20.040, 8.20.070, 8.20.105, 9.08.030, 10.04.090, 10.04.095, 10.12.010, 10.12.020, 15.08.060
1328	6-16-2010	T.S.O. I
1333	7-21-2010	5.12.020, 5.12.030
1336	11-3-2010	12.36.3030
1341	3-2-2011	2.80.010 - 2.80.050
1342	5-18-2011	T.S.O. I
1347	10-19-2011	T.S.O. I
1349	10-19-2011	T.S.O. I
1355	5-2-2012	2.10.020
1356	5-16-2012	13.12.065
1357	5-16-2012	8.20.030 - 8.20.050, 8.20.070, 8.20.080
1366	11-21-2012	9.24.060
1370	3-6-2013	T.S.O. I
1372	3-20-2013	2.64.050
1373	5-1-2013	9.48.050

**AMENDMENT TO EMPLOYMENT CONTRACT
City Administrator**

This Amendment, dated August 21, 2013, to the Employment Agreement dated May 5, 2010, between the City of Canby, Oregon, a Municipal Corporation, and Greg Ellis, is intended to memorialize negotiations between the parties regarding a two point three percent (2.3%) cost of living increase in base salary, and increasing the vacation accrual rate by an amount equivalent to an additional forty (40) hours per year.

Section 5 of the current employment agreement is amended by changing the amount of the base salary to \$133,980.26 per year, effective retroactive to April 26, 2013, representing a cost of living increase of 2.3% and continuing at said base salary until further amended in accordance with the provisions of this paragraph. Section 12 of the current employment agreement is amended by adding 40 additional hours of vacation accrual per year, and continuing at said vacation accrual rate until further amended in accordance with the provisions of this paragraph.

All other terms and conditions of the current employment agreement remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to Employment Agreement the day and year first written above.

CITY OF CANBY:

Tim Dale,
Council President

ATTEST:

Kimberly Scheafer,
City Recorder, MMC

Greg Ellis,
Canby City Administrator

**AMENDMENT TO EMPLOYMENT CONTRACT
Municipal Judge**

This Amendment, dated August 21, 2013, to the Contract for Professional Services of a Municipal Judge dated January 16, 2008 between the City of Canby, Oregon, a Municipal Corporation, and Rodney H. Grafe, is intended to memorialize negotiations between the parties regarding a seven and a half percent (7.5%) merit increase in base salary.

Paragraph c of Section 4, of the current employment contract is amended by changing the amount of the base salary to \$3792.60 per month, effective retroactive to January 1, 2013, representing a merit increase of 7.5% and continuing at said base salary until further amended in accordance with the provisions of this paragraph.

All other terms and conditions of the current employment agreement remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to Employment Contract the day and year first written above.

CITY OF CANBY:

Tim Dale,
Council President

ATTEST:

Kimberly Scheafer,
City Recorder, MMC

Rodney H. Grafe,
Canby Municipal Judge

Management Team Meeting Minutes

August 12, 2013

2:00 PM

City Hall Conference Room

In attendance: Greg Ellis, Amanda Zeiber, Bret Smith, Julie Wehling, Bryan Brown, Kim Scheafer, Joseph Lindsay, Bret Smith, Eric Laitinen, and Darvin Tramel.

Kim Scheafer

- Public Records Requests (except Police) need to be submitted at City Hall. Once received Administration staff will forward a copy of the Public Records Request to the appropriate Department and coordinate the request.
- Complaints need to be followed up by the Department they are forwarded to
- City Recorder is now in old HR office. City Recorder's old office will be an Administration records room.

Amanda Zeiber

- HR has moved to old Court location
- Tentative agreement was reached with the Canby Police Association
- City Council directed staff to look at 3rd Avenue for library options

Bryan Brown

- Researching Text Amendment for food carts
- Pre-Application for a planned unit development was received
- Out of office August 26-30

Darvin Tramel

- Bid opening for an effluent outfall diffuser is this week
- Doing sampling and inspection at Johnson Control
- Out of office August 22 - 30

Eric Laitinen

- Pool will be closed August 26 – September 15
- Fall Swim Schedule starts September 16
- Penguin Club is having a swim meet on August 16

Julie Wehling

- Fair Shuttle starts on Tuesday
- Transit offices will be moving in approximately 60 days

Bret Smith

- Kiddie Kapers parade tomorrow at 10 AM
- Attending and speaking at DPSST graduation on Friday

Minutes taken by Kim Scheafer

CITY COUNCIL / URA MEETING FOLLOW-UP ITEMS				
ORIG. CC / URA MTG. DATE	ITEM	STATUS	ASSIGNED TO	TARGET DATE FOR CC OR URA MTG.
July 11, 2012	Retail Business Recruitment Update	Begun	Jamie Stickel	TBD
	Dog Park Construction Contract	Engineering underway	Matilda Deas	October 2013
	New Tree Ordinance	Underway	Matilda Deas/Sol Jacobsen	September 18, 2013
	Stormwater Master Plan Adoption	Consultant is working on plan	Darvin Tramel	Fall 2013
	Buildable Land Needs Study	Analysis underway	Matilda Deas	October 2013
	NE Canby Master Plan	1st meeting in March	Matilda Deas	December 2013
	N Redwood Master Plan	Not started (Need Funding)	Matilda Deas	June 2014
OTHER STAFF ITEMS				
DATE	ITEM	STATUS	ASSIGNED TO	TARGET DATE
	Maintain Police Accreditation - Police	On-Going	Melody Thompson & Lt. Jorge Tro	Next Assessment 2014
	Selling Property Partitioned Next to Maple Street Park (former location of Marshall House)	Waiting for better economic times to sell property		
	Participate as member of NW Regional Computer Forensic Laboratory - Police	Underway	Bret J. Smith	TBD
	Develop Dept Website - Police	Underway	Melody Thompson & Lt. Jorge Tro	June 2013
	Formalize Volunteer Program - Police	Underway	Melody Thompson & Lt. Jorge Tro	April 2014