

# AGENDA

## CANBY CITY COUNCIL MEETING

October 4, 2006, 7:30 P.M.

Council Chambers

155 NW 2<sup>nd</sup> Avenue

*Mayor Melody Thompson*

*Council President Teresa Blackwell*

*Councilor Randy Carson*

*Councilor Walt Daniels*

*Councilor Roger Harris*

*Councilor Tony Helbling*

*Councilor Wayne Oliver*

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## CITY COUNCIL MEETING

### 1. CALL TO ORDER

A. Pledge of Allegiance and Moment of Silence

B. Informational Presentation by Big Brothers Big Sisters

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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 Accounts Payable \$ 203,555.45

B. Approval of Minutes of the September 18, 2006 City Council Work Session

C. Approval of Minutes of the September 20, 2006 City Council Regular Meeting

### 7. PUBLIC HEARING

A. ZC 06-02 Canby Fire District (Continued from September 20, 2006) Pg. 4

### 8. RESOLUTIONS & ORDINANCES

A. Res. 936, Rescinding Res. 935 Amending Sewer System Development Charges  
Adopted on September 20, 2006 Pg. 5

B. Ord. 1223, Authorizing Contract for Purchase of One (1) 2006 Ford Econoline E250  
Cargo Van for Canby Police Department (2<sup>nd</sup> Reading) Pg. 6

C. Ord. 1224, Requiring Criminal History Record Checks on all City Volunteers and  
Prospective City Employees Pg. 8

**9. NEW BUSINESS**

A. Recommendation by Park & Recreation Advisory Board Regarding Canby Livability Coalition 90 Day Extension and Park Property

Pg. 11

**10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**

**11. CITIZEN INPUT**

**12. ACTION REVIEW**

**13. EXECUTIVE SESSION: ORS 192.660(2)(e) Real Property and ORS 192.660(2)(h) Pending 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 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at [www.ci.canby.or.us](http://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.



**Big Brothers Big Sisters**  
Northwest



## "Bigs in schools" program

**The program matches adult volunteers with 1<sup>st</sup> - 8<sup>th</sup> grade students in local schools.**

- All of the contact with the Little Brother or Sister is on school grounds, during the school day or during a regularly scheduled after-school program.
- Volunteers are matched with a child who is available when they are available, i.e. in the mornings before work, on their lunch break, between classes, etc.
- The Big Brothers and Sisters visit their Little Brothers and Sisters once a week and spend approximately one hour together, preferably during a set day/time each week.
- The activities are flexible, depending on the volunteer's and child's interests. They might play games, read together or have lunch together and just hang out.
- "Bigs in Schools" is not a tutoring program. The goal is to have fun together!

### **Proven results!**

95% were better able to show trust  
89% were better able to express their feelings  
86% improved self-confidence  
84% improved academic performance  
77% improved their attitude toward school  
73% improved relationships with adults  
71% improved peer relationships  
64% improved family relationships

### **application process**

<u>Volunteers</u>	<u>Children</u>
Application	Teacher or Counselor Referral
3 References	Parent Consent
Background Check	Personal Interview
Personal Interview	

### **How matches are made**

After a Big Brothers Big Sisters staff person has met with a child and school personnel to gather information regarding a child's needs and interests, BBBS will use this information to choose the most appropriate volunteer for the student.

Relevant information about the child's interests, talents, & needs will be shared with the "Big".

### **Ongoing support Provided by B.B.B.S.**

Frequent contact with the volunteer and child

Problem resolution, ideas for activities, and social service referrals for the child & family

Help with scheduling meetings at school

Monthly group activities in the summer

*Have more questions?*

Contact Sonya Barker—Big Brothers Big Sisters School-Based Program Mgr  
503-742-2043 or [sonya.barker@bbbs.org](mailto:sonya.barker@bbbs.org)

**Little  
Moments  
Big  
Magic**



**Presented in partnership with:**



**Contact Information:**

Susan Cazier, MA  
Molalla Program Coordinator  
503-829-9099  
P.O. Box 248  
209 Kennel Avenue  
Molalla, OR 97038  
[susan.cazier@bbbs.org](mailto:susan.cazier@bbbs.org)  
[www.bbbsportland.org](http://www.bbbsportland.org)



**Big Brothers Big Sisters**  
of Metropolitan Portland



*Serving children in the  
Molalla - Canby area  
(503)829-9099*



It's the simple things in life that form our favorite memories. Volunteers and youth find that little moments truly are big magic.

Together we are making **Molalla & Canby** stand out as communities that support positive youth development by creating healthy friendships that benefit youth, volunteers, families, schools, neighborhoods, and our communities.



In our own lives, each of us was **touched by someone**—other than our parents—who broadened our horizons and brought **a little magic** into our lives.

**By becoming a Big Brother or Big Sister,** you can do the same for a child, and **YOU** will both be forever changed by the experience.



### Some quotes from the **Matches:**

"We went on a **nature hike** to look for snakes and frogs."

"Can we **hang out** 'til I'm about 40?"

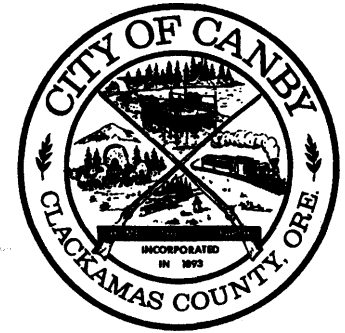
"We are very **silly** together."

"I get to **pick the CD's**; she calls *me* the DJ."

"I caught two trout when we went **fishing!**"

"**My Big Brother is awesome.**"

# MEMORANDUM



**TO:** Honorable Mayor Thompson and City Council

**FROM:** Kevin C. Cook, Associate Planner

**DATE:** September 26, 2006

**RE:** Continuation of ZC 06-02

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The hearing for the proposed zone change will be continued once more. The zone change request involves three properties located on S. Pine Street near the intersection of S. Pine and Hwy. 99E. The three properties are currently zoned R-1 (Low Density Residential) and would change to their respective Comprehensive Plan Zoning designations.

The Planning Commission has recommended approval of the request with the caveat that the final draft of the traffic study "[will] not identify any insurmountable burden(s) to the local road system." Staff has been working closely with the applicant, the City Traffic Engineer (Lancaster Engineering), and ODOT in regards the intersection of S. Pine and Hwy. 99E. ODOT is understandably concerned about the continued functioning of this intersection and what affect a zone change may have on traffic volumes.

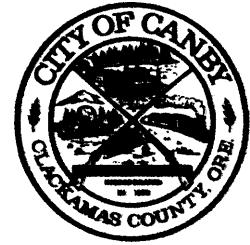
To date, we have received a completed traffic study from Lancaster and ODOT's response to the study in which they indicate that the 'worst case scenario' assumed in the study would cause the intersection to degrade to an unacceptable level, although just barely. One of the applicants however, is the Canby Fire District. The Fire District has since provided a letter indicated that although they are proposing to change their zoning from residential to commercial, their intent is to rely on the less restrictive setbacks allowed in the Highway Commercial zone and that the facility is intended to function as a fire station well into the future.

In response to this, we have asked Lancaster to review the proposal assuming no additional trips generated by the fire station and ODOT has agreed to consider this alternative approach. We had initially hoped that we could have all the materials to you in time for the last meeting but Lancaster's process has taken longer than anticipated.

Yesterday morning our office received Lancaster's addendum to the traffic study and in turn, we are sending the addendum on to ODOT for their review. Obviously, ODOT will need at least a few days to review the addendum and respond, which is why we are once again suggesting a continuance.

If any of you have any questions regarding this application and/or the process to date, please do not hesitate to call me or drop by the office to discuss. Please refer to the suggested language below for continuing the meeting. Thank you for your patience regarding this matter.

**"I move that we continue ZC 06-02 to the next regularly scheduled City Council meeting, which will be held on October 18, 2006 in the City Council Chambers."**



# **M E M O R A N D U M**

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *John R. Williams, Community Development & Planning Director*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**DATE:** *September 27, 2006*  
**RE:** *Repeal of Resolution 935*

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## **Summary**

Although at the Council's September 20 meeting our consultant indicated that appropriate public notice had been given prior to adoption of Resolution 935, further investigation found that it had not been done correctly. Resolution 935 needs to be repealed to allow for appropriate public notice.

## **Recommendation**

Staff recommends that the City Council approve Resolution 936, a resolution repealing Resolution 935.

## **Rationale**

The new sanitary sewer methodology could be challenged unless Resolution 935 is repealed, because it was adopted in violation of the public notice requirements under state law. Although staff knows of no organization with an interest in challenging this small increase to the SDC, we are still recommending this resolution.

We apologize for this inconvenience and will return to the Council as soon as possible with a replacement resolution to "re-adopt" the new sanitary sewer methodology. Please contact me if you have any questions.

**ORDINANCE NO. 1223**

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE PURCHASE OF ONE (1) 2006 FORD ECONOLINE E250 CARGO VAN FOR THE CANBY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby Police Department wishes to purchase one (1) 2006 Ford Econoline E250 Cargo Van for use by the Property/Evidence Tech in crime scene investigation; and

**WHEREAS**, the cost of the vehicle will be paid by the Canby Police Department which has budgeted said purchase for the fiscal year 2006-2007 budget; and

**WHEREAS**, the City is unable to order a van of this type this year and therefore, has to buy the van "off the lot" from a local dealer; and

**WHEREAS**, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules as set forth in Ordinance No. 1170 and Resolution No. 897, three written bids will be obtained from local area Ford dealers and the lowest bid will be accepted not to exceed \$18,000.00.

**WHEREAS**, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed the staff report and believes it to be in the best interest of the City to authorize purchase this vehicle at this time from a local area Ford dealer "off the lot" for a not to exceed price of \$18,000.00 now therefore

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

**Section 1.** The City Administrator is hereby authorized and directed to solicit at least three written bids from local area Ford dealers and execute and declare in the name of the City of Canby and on its behalf, an appropriate purchase contract with the local area Ford dealer who submits the lowest bid for the purchase of one (1) 2006 Ford Econoline E250 Cargo Van in an amount not to exceed \$18,000.00.

**Section 2.** In so much as it is in the best interest of the citizens of the City of Canby, Oregon to provide the Police Department with this vehicle without further delay, and to better serve the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

*2nd Reading 6*



**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on September 20, 2006, 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 October 4, 2006, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

\_\_\_\_\_  
Kimberly Schaefer  
City Recorder - Pro Tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 4<sup>th</sup> day of October, 2006, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kimberly Scheafer,  
City Recorder - Pro Tem



## MEMORANDUM

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**DATE:** SEPTEMBER 26, 2006  
**TO:** MAYOR THOMPSON AND CANBY CITY COUNCIL  
**FROM:** KIM SCHEAFER, EXECUTIVE ASSISTANT/CITY RECORDER PRO TEM  
**THROUGH:** MARK ADCOCK, CITY ADMINISTRATOR  
**RE:** ORDINANCE #1224

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**Issue:** This Ordinance is brought before the Council so that the city formally requires criminal history record checks on all city volunteers and prospective city employees. This month City personnel attended the Law Enforcement Data Systems "LEDS" conference. At that time, it was discovered that the City needed to have an ordinance in place to continue to conduct criminal background checks through our Police Department as part of our hiring criteria.

**Background:** Current city hiring practices require criminal background checks be performed by the Canby Police Department on all prospective employees and volunteers. The Canby Police Department can access the Oregon State Police computerized criminal history information via LEDS to aid staff in hiring prospective city employees and volunteers. Information obtained from the criminal history checks shows any convictions that have occurred in the State of Oregon.

**Recommendation:** *Staff recommends approval of Ordinance #1224, which sets the legal framework to formally requires criminal history record checks on all city volunteers and prospective city employees.*

## **ORDINANCE NO. 1224**

### **AN ORDINANCE REQUIRING CRIMINAL HISTORY RECORD CHECKS ON ALL CITY VOLUNTEERS AND PROSPECTIVE CITY EMPLOYEES; AND DECLARING AN EMERGENCY.**

**WHEREAS**, pursuant to ORS 188.555(1) and OAR 257-10-015(1)(a), the Canby Police Department is a criminal justice agency that is authorized to access Oregon State Police computerized criminal history information via Law Enforcement Data Systems ("LEDS") as long as the criminal history is required to implement a local ordinance; and

**WHEREAS**, all City volunteers serve the public and therefore, are responsible for maintaining the public's safety, welfare and resources and have access to public funds and property, possess privileged and proprietary information and the ability to bind the City contractually; and

**WHEREAS**, all prospective employees likewise, may be responsible for maintaining the public's safety, welfare and resources and may have access to public funds and property similar to volunteers; and

**WHEREAS**, it is in the City's best interest to review criminal history information for all City volunteers and prospective employees to ensure that said volunteers and prospective employees have not committed crimes that pose a threat to the public or its resources; now therefore

### **THE CITY OF CANBY ORDAINS AS FOLLOWS:**

**Section 1.** Anyone who has violated any federal or state criminal statute, or any city or county charter or ordinance, shall not be allowed to volunteer for the City of Canby, if the Canby Police Department and/or the Canby City Administrator concludes that the volunteer presents a danger to persons, public property, safety, health or general welfare.

**Section 2.** Likewise, any prospective employee who has violated any federal or state statute, or any city or county charter or ordinance shall not be employed by the City of Canby, if the Canby Police Department and/or Canby City Administrator concludes that the prospective employee presents a danger to persons, public property, safety health or general welfare.

**Section 3.** In order to implement Sections 1 and 2 of this Ordinance, the Canby Police Department is hereby authorized to review the Oregon State Police

computerized criminal history information (LEDS) on everyone who applies for a volunteer position, or other employment position within the City of Canby. If investigation into the applicant's criminal history reveals prior convictions of a criminal nature, this information shall be reported to the Canby City Administrator immediately for determination of whether the applicant presents a danger to persons, public property, safety, health of general welfare.

**Section 4.** In order to implement this Ordinance to immediately serve the best interests of the citizens of the City of Canby, an emergency is hereby declared and this Ordinance shall take effect upon passage following second reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on October 4, 2006, 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 October 18, 2006, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

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Kimberly Scheafer  
City Recorder - Pro Tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 18<sup>th</sup> day of October, 2006, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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Melody Thompson, Mayor

**ATTEST:**

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Kimberly Scheafer,  
City Recorder - Pro Tem

**DATE: September 26, 2006**

**MEMO TO: Honorable Mayor Thompson and City Councilors**

**FROM: Beth Saul, Library and Parks Director**

**Through: Mark Adcock, City Administrator**

**RE: Recommendations from Park and Recreation Advisory Board**

**Issues:**

The Park and Recreation Advisory Board discussed two important issues at their September 19, 2006 meeting: the Canby Livability Coalition's proposal regarding the future "art park"; and the identification of parcels of property no longer needed for park purposes that could be sold. The Board approved the following two motions:

**Ken Schuh moved that the Park and Recreation Advisory Board recommend to Council that no extension of time beyond the current 90 day extension be granted, but that upon receipt of the full \$35,000 the Council grant the development rights to the Canby Livability Coalition, and that the Park and Recreation Advisory Board work with staff and the Canby Livability Coalition to develop a final master plan and phased development plan to also recommend to Council as soon as possible for approval. The motion was seconded by Mark Triebwasser and passed unanimously.**

**Beth asked the Board to confirm a recommendation to the City Council to sell some park properties not needed for recreation use, and the two properties agreed upon by the Board are the Marshall House and the Faist lot. Beth will forward this recommendation to the Council for further action. The proceeds of the sale of the Marshall House would go to continue the restoration of Maple Street Park, and the proceeds from the Faist lot would go to the Parks Development Fund to be redirected into uses that are in the Parks Master Plan.**

**Recommendation:**

Staff recommends that the City Council review these recommendations, and if they so choose, direct the City Attorney to carry out any desired actions related to the recommendations.

**Background:**

In August the Council asked the Park and Recreation Advisory Board to discuss the Canby Livability Coalition proposal and bring back a recommendation. The review by the Park and Recreation Advisory Board of park properties came out of the Council Goals discussion:

**GOAL 7: Pursue the sale of the Marshall property as residential lots to generate revenue for Maple Street Park capital improvements.**

**DRAFT**

PARK AND RECREATION ADVISORY BOARD MEETING MINUTES 09-19-06

CANBY ADULT CENTER

7 PM

Present: Ryan Oliver, Chair; Mark Triebwasser, Board Member; Rick Maier, Board Member; Brent Marini, Board Member; Ken Schuh, Board Member; Wayne Oliver, Council Liaison; Bob Tice, President, Canby Livability Coalition; Sheila Tice, Canby Livability Coalition; Beth Saul, Library and Parks Director.

Ryan Oliver called the meeting to order at 7:06 PM.

Beth Saul gave updates on the Maple Street Park and Legacy Park bathroom projects. The architect is finalizing the construction drawings for going out to bid, and Jeff Snyder has received quotes for the demolition and will be selecting that contractor this week, hopefully. The Canby Kids sports representatives met with staff a month ago to discuss the removal of their property from the buildings and they have finished or nearly finished doing that. Community Education has also removed their property from the building. Although the demolition should occur soon, construction will not commence until the bid process is completed and authorizing ordinances presented to Council to hire a contractor. This could take another two months or more. But once that is completed, we will proceed as quickly as possible toward a goal of having the bathrooms finished before summer in both parks (barring weather problems!).

Beth also reported that a PAC has formed to support the Swim Center Levy and that they filed a letter of support with the elections division for the voter's pamphlet. Apparently other activities will soon take place such as the installation of signs and distribution of flyers, etc. Staff will be preparing a fact sheet as allowed by law to distribute.

Bob Tice reported on the proposal from Canby Livability Coalition for an extension of time and for Council approval of "development rights" for the proposed art park at the corner of Holly and Territorial. He explained that the group has raised nearly \$23,000 but that further fundraising efforts have been hampered by the fact that the CLC cannot begin to develop the park until the whole \$35,000 (one-half the value of the lot that was bought by the City of Canby) is raised and reimbursed to the City as was originally agreed. The problem is that granting agencies that are very interested in the art aspect of this project generally do not grant funds for property acquisition. In addition, the CLC cannot sell bricks yet because they cannot assure donors that they will go into the ground since the Council has not yet approved development rights since the \$35,000 is not yet fully paid.

Bob asked the Board to consider giving the CLC the development rights and extra time to conduct more fundraising. He also noted, however, that the CLC could obtain a loan to pay the \$35,000 more quickly if necessary, but that would be a back-up alternative.

Ken Schuh expressed his support for the art park concept, but noted that he would encourage the CLC to obtain the loan and pay the full amount of \$35,000 as soon as possible to remove that obstacle and be able to move forward. He noted that he could

not support granting development rights in the interim as it would put the Council in a difficult position should the CLC fail to perform. Ken assured the CLC that he had confidence that they would indeed be able to meet the obligation and confidence in their intentions to do so, yet he felt that it would be best to clear up the matter of the \$35,000 rather than leave open the possibility, however remote, of a failure to meet that obligation.

Others on the Board agreed and noted that by removing the obstacle to development rights the increased eligibility for funding should assist them in repaying the loan. Brent Marini confirmed with Bob that the amount needed is actually about \$12,000 that would have to come from a loan.

**Ken Schuh moved that the Park and Recreation Advisory Board recommend to Council that no extension of time beyond the current 90 day extension be granted, but that upon receipt of the full \$35,000 the Council grant the development rights to the Canby Livability Coalition, and that the Park and Recreation Advisory Board work with staff and the Canby Livability Coalition to develop a final master plan and phased development plan to also recommend to Council as soon as possible for approval. The motion was seconded by Mark Triebwasser and passed unanimously.**

The creation of the master plan and phased development plan was recommended in order to address another possible future problem that exists in the current Memorandum of Understanding which requires the CLC to obtain the full amount of funding for the total development of the park prior to any actual development. The Board agreed that this provision is too strict and that it should be possible to approve a master plan with phased development that would ensure logical development while also allowing phased fundraising efforts during the timeline allocated for the creation of the full art park. Seeing one phase completed can help to generate funds for the next phase.

The Park and Recreation Advisory Board thanked Bob and Sheila for coming and expressed support and approval of their efforts to make the art park a reality, and for other community service projects that the Canby Livability Coalition carries out.

Beth reported that the Blue Heron Recreation District Board met on Monday night for a public hearing to change their name. The name has now been officially changed to Canby Area Parks and Recreation District. In addition, the Board held elections for officers and Christy Pruitt is the new Chair of the Board and Joe Driggers is Secretary. The other Board members are Don Morgan and Bill Milne. Ron Wright has resigned because he moved, so the Board will place a notice in the newspaper seeking applicants to fill the unexpired term until June 30, 2007. The Board will also engage in strategic planning during October and November.

Ken Schuh reported that a possible career change could lead to a move out of state, but he remains committed to serving the best interests of parks and recreation in the meantime.

**Beth asked the Board to confirm a recommendation to the City Council to sell some park properties not needed for recreation use, and the two properties agreed upon by the Board are the Marshall House and the Faist lot. Beth will forward this recommendation to the Council for further action. The proceeds of the sale of the Marshall House would go to continue the restoration of Maple Street Park, and the proceeds from the Faist lot would go to the Parks Development Fund to be redirected into uses that are in the Parks Master Plan.**

The Board also discussed the Regional Park property as potentially no longer suitable due to the proposed bridge project, but the group decided to have Matilda Deas discuss options with them in a workshop setting prior to making a final decision.

Under Board member issues, Brent Marini asked that a member of the Canby Police Department come and speak with the Board about park safety issues. He also plans to contact Lt. Tro about the possibility of establishing citizen patrols of some kind or neighborhood watch type groups to help keep the Logging Road trail safe. Beth will contact the Police Department and have them send someone to the October Park and Recreation Advisory Board meeting.

Rick Maier also noted that the task force working on safety issues for Community Park discussed some kind of citizen "friends of parks" groups that could help with safety and information. Beth also noted that the task force, made up of a member from the Fire Department, a member from the Police Department, Park Maintenance, Canby Livability, and herself has come up with several recommendations that will soon be sent to the City Administrator and City Council. Some ideas include bilingual swim lessons, more signage, and park staffing on weekends if the budget allows.

The meeting adjourned at 9 PM.

Respectfully submitted,

Beth Saul, Library and Parks Director