

CANBY CITY COUNCIL

Regular Session

April 7, 2004

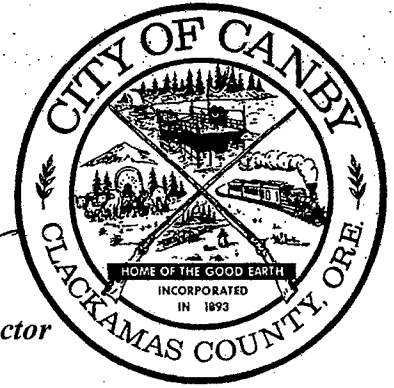
AMENDED AGENDA – 7:30 PM – Council Chambers

1. OPENING CEREMONIES:
 - A. Call to Order, Flag Salute
2. CITIZEN INPUT ON NON-AGENDA ITEMS:
3. CONSENT AGENDA:
Minutes – Workshop, March 10, 2004
Minutes – Executive Session and Regular Meeting, March 17, 2004
Accounts Payable - \$224,560.39
New Liquor License Application for Canby Pub & Grill Pg. 1
4. COMMUNICATIONS:
5. PUBLIC HEARING:
 - A. Vacating a Portion of S. Sequoia Parkway Conveyed for Public Right-of-Way
6. NEW BUSINESS:
 - A. Request for Court Services Officer (To Be Delivered 4/2/04)
 - B. Memorandum of Understanding for Hazel Dell Way
7. UNFINISHED BUSINESS:
8. RESOLUTIONS & ORDINANCES:
 - A. Res. 854, Intergovernmental Agreement with URD Agency Regarding Hazel Dell Way
 - B. Ord. 1136, Amending Canby Municipal Code Chapter 2.64 Regarding Appointments to the Bicycle & Pedestrian Advisory Committee for the City of Canby Pg. 10
 - C. Ord. 1137, Amending Canby Municipal Code Chapter 2.20 Regarding Appointments to the Library Board for the City of Canby Public Library Pg. 13
 - D. Ord. 1138, Vacating a Portion of S. Sequoia Parkway Conveyed for Public Right-of-Way Purposes in the Recording of Canby Market Center Plat Pg. 5
9. MANAGER'S REPORT:
10. CITIZEN INPUT:
11. COUNCILORS' ISSUES:
12. ACTION REVIEW:
13. EXECUTIVE SESSION: ORS 192.660 (1)(h) pending litigation and ORS 192.660 (2) labor negotiations
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.*

MEMORANDUM

TO: Urban Renewal Agency & City Council
FROM: John R. Williams, Community Development & Planning Director
THROUGH: Mark C. Adcock, City Administrator
DATE: April 5, 2004



Issue: Council resolution 854 & URD resolution 04-002 – Intergovernmental Agreement regarding Hazel Dell Way.

Synopsis: The IGA formalizes an agreement between the City and the Agency to ensure that the City is not responsible for paying any costs relating to the Hazel Dell Way loan or the construction.

Recommendation: Staff recommends that the Council and Agency approve their respective resolutions to implement this agreement.

Rationale: The Council and Agency have approved two similar resolutions for the previous infrastructure projects on S. Sequoia Parkway. Staff knows of no negative issues regarding this funding source.

Background: Hazel Dell Way construction is anticipated to cost approximately \$1,163,000. Cost responsibility is allocated by the Memorandum of Understanding III, under consideration separately by the Council and Agency.

Options: 1. Do not approve the IGA and seek out alternative loan sources. Staff does not recommend this option due to the favorable rates and ease of securing loans from this OECDD source.

Attached: Resolutions and IGA.

RESOLUTION 854

A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT WITH THE URBAN RENEWAL AGENCY REGARDING THE CONSTRUCTION OF HAZEL DELL WAY

WHEREAS, The City and Agency have determined that construction of Hazel Dell Way is a community priority; and

WHEREAS, the Oregon Economic and Community Development Department's Special Public Works Fund Program is able to provide a loan to fund construction of Hazel Dell Way; and

WHEREAS, The Agency is willing and able to fund the debt service on the SPWF loan but is not an eligible recipient; and

WHEREAS, The City is an eligible recipient of the SPWF loan, as provided in OAR 123-042-0020(16);

NOW, THEREFORE, THE CITY OF CANBY RESOLVES AS FOLLOWS:

- (1) The City of Canby agrees to the terms and conditions of the Intergovernmental Agreement attached hereto as Exhibit "A" and authorizes and directs the Mayor to sign said agreement on behalf of the City.

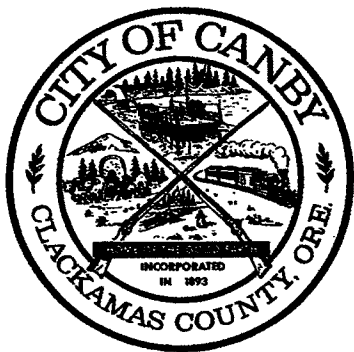
This resolution will take effect on April 7, 2004.

ADOPTED this 7th day of April, 2004 by the City of Canby.

Melody Thompson, Mayor

ATTEST:

Chaunee Seifried
City Recorder, Pro-Tem



City Council FYI Update

To: Mayor & City Council
Date: 31 March 2004

We have another very light agenda for the April 7 meeting.

City Council Agenda Items for April 7 Council Meeting

1. **Consent Agenda:** In addition to the standard items - approval of minutes and invoice payments - we have added approval of a liquor license for the Canby Pub and Grill. Chief Pagano's staff report is attached.

2. **Public Hearing re: Vacation of Right-of-Way for Sequoia Parkway:**

A public hearing is scheduled for the Council to receive public testimony regarding the City's vacation of .08 acres of public right-of-way and accompany easements to the Gramor Corporation. Attached is a companion ordinance, **Ordinance 1138** and the staff report for the ordinance. The staff report provides the background regarding the vacation of the public right-of-way. Following the public hearing, and if the Council desires to vacate the right-of-way, staff recommends your passage of the above ordinance.

3. **Request for Creation of Position of Court Services Officer for**

Municipal Court: The Municipal Court Judge will be on hand at your meeting to request that the Council create and fund the position of Court Services Officer. In essence, this position functions in the same manner as a bailiff and would be charged with maintaining courtroom security and securing those individuals sentenced to jail. At present when an individual is taken into physical custody during court, the City Attorney must go to the Police Department and attempt to locate an officer to take the person into custody. Often, officers are unavailable, on calls, etc. and there is no one to execute the judge's order to place someone in custody and take them to the holding cell at the Police Department prior to transporting to the County jail.

In light of the Judge's request, Chaunee has researched the problem and developed a proposal to address these concerns through the creation of a new part-time position in the Municipal Court. Attached is Chaunee's staff report. In addition to the judge's

report, Chaunee will present her recommendation to the Council for your consideration. Chaunee has advised me that she does not wish until the next budget cycle to have this position considered since it involves the issue of courtroom security. The use of "civilian" personnel rather than police officers on scheduled overtime is preferred by Chaunee and Court Supervisor due to the increased cost associated with officers on overtime.

The "police powers" granted to this armed civilian is limited to those granted by the judge within the confines and jurisdiction of the court. This is not a police position, but rather a limited authority position of the court. Please feel free to contact Chaunee prior to the meeting if you have any questions. In our discussions, I have asked Chaunee about issues such as firearms certification, use of force training, worker's compensation issues, etc. She is prepared to address all those concerns/issues in her staff presentation to the Council. If approved as proposed, this will be a *non-union* position.

4. **Resolutions & Ordinances:** The following items are listed on your agenda:

Ordinance 1136 Regarding Appointments to the Bicycle and Pedestrian Committee - This ordinance provides language to the Municipal Code which provides for the process of appointing members to the Committee to be in conformity with the process used for other advisory groups. John Kelley's staff report is attached.

Ordinance 1137 Regarding Appointments to the Library Board - This ordinance does the same as the above ordinance, but with reference to the Library Board. John Kelley's report is attached to the ordinance.

5. **Manager's Report:** Nothing at this time.

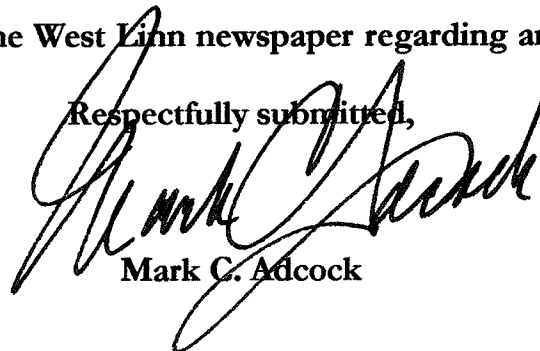
6. **Executive Session:** This session is schedule for the purpose of discussing labor negotiations.

MISCELLANEOUS ITEMS

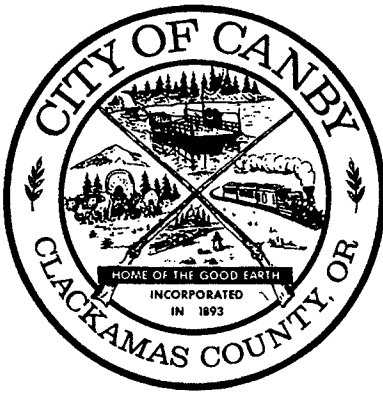
> A letter from the United Way regarding our employees' participation in their 2003 fund raising.

> An article from the West Linn newspaper regarding annexation to Tualatin Valley Fire & Rescue.

Respectfully submitted,



Mark C. Adcock



City of Canby

Police Department

*Canby
Agenda for 4-7-04*
[Signature]

March 23, 2004

To: Mayor Thompson
Members of City Council

From: Chief Ken Pagano *[Signature]*

Re: Canby Pub & Grill Liquor License Application

I have made contact with Tom and Patricia Butler the applicants for this liquor license and discussed the process with them. The Butlers are in the process of taking classes from OLCC regarding the liquor licensing of their new place of business.

I also have visited the site and contacted the construction company who is remodeling the Pub & Grill and viewed the plans. I recommend that the City Council recommend approval of this liquor license application to OLCC.

OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION



PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☒ Full On-Premises Sales (\$402.60/yr)
- ☒ Commercial Establishment
 - ☐ Caterer
 - ☐ Passenger Carrier
 - ☐ Other Public Location
 - ☐ Private Club
- ☐ Limited On-Premises Sales (\$202.60/yr)
- ☐ Off-Premises Sales (\$100/yr)
 - ☐ with Fuel Pumps
- ☐ Brewery Public House (\$252.60)
- ☐ Winery (\$250/yr)
- ☐ Other: _____

ACTIONS

- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other _____

FOR CITY AND COUNTY USE ONLY
The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: May 2.01

Date: 3/5/04

90-day authority: ☐ Yes ☒ No

Applying as:

- ☐ Individuals
- ☐ Limited Partnership
- ☒ Corporation
- ☐ Limited Liability Company

1. Applicant(s): [See SECTION 1 of the Guide]

① BUTLER INVESTMENTS, INC. ③ _____

② _____ ④ _____

2. Trade Name (dba): CANBY PUB & GRILL

3. Business Location: 211 N. GRANT CANBY CLACKAMAS OR 97013
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 19510 SUNCREST AVE. WEST LINN OR 97068
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: NOT YET AVAILABLE
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: N/A Type of License: N/A

8. Former Business Name: N/A

9. Will you have a manager? ☐ Yes ☒ No Name: Tom Butler
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? CITY OF CANBY
(name of city or county)

11. Contact person for this application: TOM BUTLER H 503-675-7338 W 503-684-2169
(name) (phone number(s))
19510 SUNCREST AVE, WEST LINN, OR 97068 N/A T.BUTLER@PRU-NW.COM
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Tom Butler, Pres. Date 2/19/04 ③ _____ Date _____
② Patricia L Butler, Sec/ Tre Date 2-18-04 ④ _____ Date _____

1-800-452-OLCC (6522)
www.olcc.state.or.us

OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY



PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE.
ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): CANBY PUB & GRILL City: CANBY

1. Name: BUTLER PATRICIA LOUISE
(last) (first) (middle)

2. Other names used (maiden, other): PATRICIA LOUISE MONTY

3. Residence Address: 19510 SUNCREST AVE WEST LINN OR 97068
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 675-7338 Business Phone: () N/A

5. *SSN: 515-44-0142 Place of Birth: KANSAS/USA DOB: 3 / 18 / 45 Sex: M F X
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: 2981479 State: OR Spouse's name: THOMAS J. BUTLER III

7. List all states, other than Oregon, where you have lived during the past ten years:
N/A

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes X No
If yes, when and where? N/A

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony?
(include traffic violations, if the fine was more than \$50.00) Yes X No
If yes, what, when and where? N/A

10. Have you ever entered into a diversion agreement? Yes X No
If yes, when and where? N/A

11. Do you have any arrests or citations that have not been resolved? Yes X No
If yes, arrested/cited for: N/A Date County/City/State

12. If you are applying for a retail liquor license:
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? N/A Yes N/A No If yes, what and where: N/A
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? N/A Yes N/A No If yes, who? N/A

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes X No If yes, when: N/A where: N/A

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Patricia L. Butler Date: 2-18-04

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Patricia L. Butler Date: 2-18-04



1-800-452-OLCC (6522)
www.olcc.state.or.us

(rev. 05/03)

3

OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY



PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE.
ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): CANBY PUB & GRILL City: CANBY

1. Name: BUTLER III THOMAS JOSEPH
(last) (first) (middle)

2. Other names used (maiden, other): N/A

3. Residence Address: 19510 SUNCREST AVE WEST LINN OR 97069
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 675-7338 Business Phone: (503) 684-2169

5. *SSN: 513-40-5458 Place of Birth: KANSAS/USA DOB: 12/29/42 Sex: M X F
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: 2981486 State: OR Spouse's name: PATRICIA LOUISE BUTLER

7. List all states, other than Oregon, where you have lived during the past ten years:
N/A

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes X No
If yes, when and where? N/A

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony?
(include traffic violations, if the fine was more than \$50.00) Yes X No
If yes, what, when and where? N/A

10. Have you ever entered into a diversion agreement? Yes X No
If yes, when and where? N/A

11. Do you have any arrests or citations that have not been resolved? Yes X No
If yes, arrested/cited for: N/A Date County/City/State

12. If you are applying for a retail liquor license:
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? N/A Yes N/A No If yes, what and where: N/A
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract?
N/A Yes N/A No If yes, who? N/A

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes X No If yes, when: N/A where: N/A

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Thomas Joseph Butler III Date: 2/18/04

OSP/DMV
Search Completed
FEB 25 2004
INITIALS: [Signature]

*SOCIAL SECURITY NUMBER DISCLOSURE As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

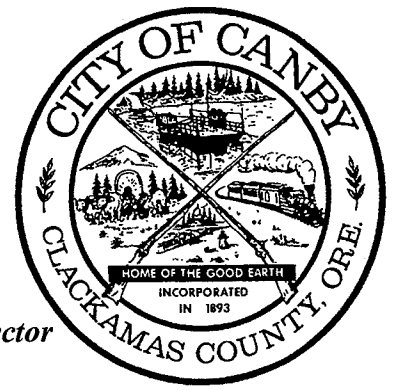
Applicant Signature: Thomas Joseph Butler III Date: 2/18/04



1-800-452-OLCC (6522)
www.olcc.state.or.us

(rev. 05/03)

MEMORANDUM



TO: *Honorable Mayor Thompson and City Council*
FROM: *John R. Williams, Community Development & Planning Director*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *March 29, 2004*

Issue: Ordinance 1138 vacating 0.08 acres of right-of-way and accompanying easements near S. Sequoia Parkway.

Synopsis: This ordinance will return 0.08 acres of property to Gramor Inc., who dedicated it when S. Sequoia Parkway was planned to be located farther south.

Recommendation: Staff recommends that the City Council approve Ordinance 1138.

Rationale: There is no known use for this property and its return will facilitate the sale and development of Gramor's industrially-zoned property south of Arneson Park.

Background: Gramor dedicated this section of right-of-way as part of a commercial subdivision done upon development of the Canby Market Center. However, the location of Sequoia had not been finalized at the time. When Sequoia Parkway was later designed and built it was located about 150' north. The property owners then dedicated all needed right-of-way for the new alignment. The 0.08 acres and related utility easements now have no use to the City.

Attached: Ordinance No. 1138; map of property in question.

ORDINANCE NO. 1138

AN ORDINANCE VACATING A PORTION OF S. SEQUOIA PARKWAY CONVEYED FOR PUBLIC RIGHT-OF-WAY PURPOSES IN THE RECORDING OF CANBY MARKET CENTER PLAT.

WHEREAS, subsequent to a dedication of right-of-way on the Canby Market Center Plat, the City changed the design location of Sequoia Parkway and a 0.08 acre area of the new right-of-way was not needed; and

WHEREAS, the City initiated a vacation of the area as provided for by ORS 271.130; and

WHEREAS, the City Council has determined that the right-of-way was originally dedicated for use as a street, but the street direction has changed and rendered the right-of-way unnecessary; and

WHEREAS, a public hearing correctly noticed was held on this matter before the Canby City Council on April 7, 2004 and all statutory requirements for the vacation were found to be met; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

The public right-of-way as described by the legal description attached as Exhibit "A" shall be vacated and title to the vacated property shall be attached to the neighboring property described as Tax lot 2101 of Map 3-1E-34C.

Submitted to the City Council and read the first time at a regular meeting thereof on Wednesday April 7, 2004; ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the City of Canby Charter and to come before the City Council for final reading and action at the regular meeting thereof on Wednesday April 21, 2004 commencing after the hour of 7:30 p.m., at the City Council's Chambers at Canby City Hall, Canby, Oregon.

Chaunee Seifried, City Recorder pro tem

ENACTED by the Canby City Council at a regular meeting thereof on April 21, 2004 by the following vote:

YEAS: _____

NAYS: _____

Melody Thompson, Mayor

ATTEST:

Chaunee Seifried, City Recorder pro tem

City of Canby

SEQUOIA PARKWAY VACATION
CITY OF CANBY TO CANBY MARKET CENTER, LLC

T3S, R1E, Section 34

August 5, 2003

This vacation is a portion of Sequoia Parkway conveyed to the public for right-of-way purposes in the recording of the Canby Market Center Plat, Clackamas County, Oregon, said vacation area being described as follows:

Beginning at the most southerly point of the Sequoia Parkway public right-of-way as identified on the duly recorded plat of Canby Market Center, Clackamas County, Oregon; thence 179.80 feet along a 438 foot radius non-tangent curve right with chord length of 178.54 feet bearing North 12° 29' 15" West; thence North 88° 19' 39" East a distance of 11.74 feet; thence 74.04 feet along a 337 foot radius non-tangent curve left with chord length of 73.89 feet bearing South 21° 00' 40" East; thence South 0° 12' 17" East, 105.68 feet more or less to the point of beginning; said described area totaling approximately .08 acres.

The existing 12 foot Public Utility Easement shall be vacated and an 18 foot Public Utility Easement shall be created parallel and adjacent to the approved Sequoia Parkway Right of Way.

TL 300

ZIMMER

T.3S., R.1E., SEC. 34 W.M.

$\Delta = 12^\circ 35' 18''$
 $R = 337.00$
 $L = 74.04$
 $LC = S 21^\circ 00' 40'' E$
73.89

BURDEN TRACT "A"

12" PUE

$N 0^\circ 12' 17'' W$ 386.51
280.83

11.74

14.04 105.68
179.80

18' PUE

$\Delta = 23^\circ 31' 11''$
 $R = 438.00$
 $L = 179.80$
 $LC = N 12^\circ 29' 15'' W$
178.54

$S 88^\circ 19' 39'' W$
196.02

CANBY MARKET CENTER, LLC
T.3 S., R.1 E., SEC. 34 C TL#2101

$N 89^\circ 44' 40'' E$ 227.69



MOLALLA BRANCH - SOUTHERN
PACIFIC RAILROAD

SEQUOIA PARKWAY VACATION

CITY OF CANBY

SCALE: 1" = 100'

SEQUOIA PARKWAY VACATION MAP - Exhibit B CLACKAMAS COUNTY, OREGON

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 SW. HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

Memo to: Mayor and City Council

From: John Kelley, City Attorney 

Date: March 22, 2004

Re: Ordinance No. 1136 - Revising CMC chapter 2.64 entitled "Bicycle and Pedestrian Committee"

I have prepared Ordinance No. 1136 which amends CMC Chapter 2.64 entitled "Bicycle and Pedestrian Committee" to change the appointment process for Committee members to conform with the process we use now in all other advisory groups. The Council appoints the new member upon a recommendation of the Committee chairperson and the Council liaison to that Committee.

The only changes are to CMC 2.54.020 and 2.64.030 and are italicized for your convenience in identifying them. No other changes were made in this Ordinance. Any questions, please call me to discuss.

ORDINANCE NO. 1136

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 2.64 REGARDING APPOINTMENTS TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE FOR THE CITY OF CANBY.

WHEREAS, Chapter 2.64 of the Canby Municipal Code created a Bicycle and Pedestrian Advisory Committee to advise the City Council about matters associated with bicycle and pedestrian safety issues within the City of Canby, and

WHEREAS, the City Council now wishes to make a change in the appointment process for appointing members to the Bicycle and Pedestrian Committee, now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Chapter 2.64.020 of the Canby Municipal Code is amended to read as follows:

"The Bicycle and Pedestrian Committee shall consist of five 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.

Section 2. Chapter 2.64.030 of the Canby Municipal Code is amended to read as follows:

"Appointees shall hold office for three 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 three 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 CMC 2.64.020 above. Any committee member failing to attend three 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."

Section 3. All other sections, not amended in this Ordinance, shall remain in full

force and effect as they presently appear.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, April 7, 2004, 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 Wednesday, April 21, 2004, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

Chaunee Seifried
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on April 21, 2004, by the following vote:

YEAS _____

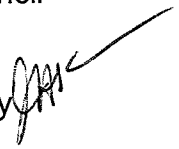
NAYS _____

Melody Thompson, Mayor

ATTEST:

Chaunee Seifried, City Recorder - Pro Tem

Memo to: Mayor and City Council

From: John Kelley, City Attorney 

Date: March 22, 2004

Re: Ordinance No. 1137 - Revising CMC chapter 2.20 entitled "Public Library"

I have prepared Ordinance No. 1137 which amends CMC Chapter 2.20 entitled "Public Library" to change the appointment process for Library Board members to conform with the process we use now in all other advisory groups. The Council appoints the new member upon a recommendation of the Committee chairperson and the Council liaison to that Committee.

The only changes are to CMC 2.20.03020 and 2.20.040 and are italicized for your convenience in identifying them. No other changes were made in this Ordinance. Any questions, please call me to discuss.

ORDINANCE NO. 1137

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 2.20 REGARDING APPOINTMENTS TO THE LIBRARY BOARD FOR THE CITY OF CANBY PUBLIC LIBRARY.

WHEREAS, Chapter 2.20 of the Canby Municipal Code created a Library Board to advise the City Council about matters associated with the Canby Public Library, and

WHEREAS, the City Council now wishes to make a change in the appointment process for appointing members to the Library Board, now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Chapter 2.20.030 of the Canby Municipal Code is amended to read as follows:

"The Library Board shall consist of five 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 three 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 such 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.

Section 2. Chapter 2.20.040 of the Canby Municipal Code is amended to read as follows:

"Appointees shall hold office for four 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 four 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 CMC 2.20.030 above. Any committee member failing to attend three 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. 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."

Section 3. All other sections, not amended in this Ordinance, shall remain in full

force and effect as they presently appear.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, April 7, 2004, 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 Wednesday, April 21, 2004, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

Chaunee Seifried
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on April 21, 2004, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Chaunee Seifried, City Recorder - Pro Tem



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MAR 22 2004

CITY OF CANBY

changing lives . . .

March 17, 2004

Mr. Mark Adcock
City of Canby
PO Box 930
Canby, OR 97013

Dear Mark:

Thank you, for all the hard work and support you put into the 2003 United Way campaign. The human services provided by our Community Impact Partners would not be available without your leadership and assistance by City of Canby employees.

In addition to much needed emergency services, United Way of the Columbia Willamette also directs resources to initiatives that support long-term changes for people. Here are a few examples of results we've achieved because you and your employees care:

- Immediate help is now available for children who become victims of abuse during evenings, weekends and holidays that wasn't there before.
- A new, shared database & website is being developed for information and referral, where experts help you find a hospice, soccer league in your area, job training, childcare and volunteer opportunities, etc. This will be our 211-Call center.
- We have been able to assist 783 people dealing with domestic violence, to increase their safety and stability through increased options for legal advice and low-cost legal assistance.

United Way of the Columbia Willamette is committed to helping City of Canby to achieve your philanthropic goals, efficiently and effectively. To best accomplish this, we have redistributed our accounts and have asked Tim Gallagher to work with your organization. Tim brings a wealth of experience and enthusiasm to the campaign and will help you achieve your goals.

We value your continued support to United Way and the community. Good luck with the 2004 campaign.

Kind Regards,

Barbara Marmon

Barbara Marmon
Development Officer

*To: Adcock
City of Canby
F4I -
[Signature]*

DATE: March 26, 2004

MEMO TO: Honorable Mayor Thompson and City Councilors

FROM: Chaunee Seifried, Finance and Court Services Director

Prepared by: Kathy Mashek, Court Supervisor

Through: Mark Adcock, City Administrator

RE: Proposed Court Services Officer

Issue:

The Canby Municipal Court recognizes the potential for violence before, during and after any court hearing. Therefore, the Canby Municipal Court Judge has requested that the Court provide security by hiring a part time Court Services Officer to work every time court is in session.

Recommendation: In response to this request, Canby Municipal Court seeks Council approval to hire part time Court Services Officers to provide security, working approximately 30 hours per month. A job description is attached. At least two part time people will be hired to cover the hours needed.

Background:

The Municipal Court Judge and Court Supervisor have identified potential violence and disorder as a concern and have researched how other courts use a court services officer to maintain order and decorum in the courtroom. Court Services Officer will function only as Court Services Officer and will not be eligible for reassignment to any other position within the Municipal Court or City organization.

Court Services Officers are not police officers. They are armed civilian employees with limited authority concerning transportation of individuals who are in court custody and court security.

The arrest authority of a Court Services Officer is limited to that of a private citizen, except when acting under the specific direction of a judicial officer (e.g. a Judge orders that an individual be taken into custody). Therefore, warrant arrests by Court Services Officer are not authorized outside of the court building. Just to name a few, Oregon City, Molalla, Tigard, McMinnville, Hillsboro, Corvallis and other courts have found this arrangement to be effective.

Fiscal Impact: Sufficient funds are available due to additional revenues received in the Court Budget under fines and fees.

**CITY OF CANBY
Job Description**

Title: Court Services Officer

Dept.: Court

Exempt/Nonexempt: Nonexempt

Reports to: Court Supervisor

General Position Summary:

The purpose of the Court Services Officer is to protect and serve the Canby Municipal Court. The Canby Municipal Court recognizes the potential for violence or disruptive behavior before, during and after any court hearing. The Court Services Officer will provide security and maintain order for the Municipal Court every time court is in session. The Court Services Officer will be under the direct supervision of the Canby Municipal Court Supervisor and will be subject to all policies described herein.

Essential Functions/Major Responsibilities: (The essential functions and major responsibilities listed are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position.)

1. The Court Services Officer should search the courtroom interior prior to each court session.
2. The Court Services Officer shall screen all persons entering the courtroom having available a hand held magnetometer which will be utilized for search of individuals or items of a suspicious nature.
3. The Court Services Officer shall search all containers, briefcases, packages etc. entering the courtroom.
4. The Court Services Officer should monitor activity of persons inside the courtroom by observing movement and activity.
5. The Court Services Officer should limit access to the Judge's Bench and other restricted areas.
6. The Court Services Officer shall assure that criminal defendants, who are in custody, are prevented from having physical contact with anyone except police or security personnel in order to prevent passing contraband or weapons. The Court Services Officer may also limit or prevent verbal contact with defendants in custody as deemed necessary.
7. The Court Services Officer shall be alert for suspicious persons or devices in or around the court.

8. The Court Services Officer shall maintain order in the courtroom by:
 - a. Preventing unnecessary noises or talking in or adjacent to the courtroom.
 - b. The Court Services Officer may remove any disorderly person from the courtroom.
 - c. The Court Services Officer will care for and take custody of juries.
9. The Court Services Officer shall report all maintenance problems regarding the facilities.
10. The Court Services Officer shall stay informed of upcoming court calendar events and communicating with court and police supervisors about special circumstances.
11. Once the Judge has finished with the prisoner, the Court Services Officer will search the defendant, remove property, secure him with handcuffs, and walk him to the holding cell, or to the custody of an officer for transport and then return to the courtroom.
12. All equipment related to the courtroom, as well as courtroom security will be maintained in a state of readiness. Located in front of the Judge's chair, as well as the clerk's chair, is a panic alarm button, which should be tested monthly. The Court Services Officer will coordinate the test with the monitoring agency.
13. Other duties as assigned by departmental or court supervisor.

Job Scope:

Court Services Officer will function only as Court Services Officer and will not be eligible for reassignment to any other position within the city.

Court Service Officers are not police officers. They are civilian employees with limited authority concerning transportation of individuals who are in court custody.

The arrest authority of a Court Service Officer is limited to that of a private citizen, except when acting under the specific direction of a judicial officer (e.g. a Judge orders that an individual be taken into custody). Therefore, warrant arrests by Court Services Officer are not authorized outside of the court building.

Supervisory Responsibility:

None.

Interpersonal Contacts:

Contacts are normally made with others both inside and outside the organization; frequent contacts are usually with customers, department staff and supervisor. Contacts frequently contain confidential/sensitive information necessitating discretion at all times. Customer contacts are 90% and are face to face.

Specific Job Skills:

Knowledge of police procedure and practices, applicable federal, state and local laws and Ordinances; operations of criminal justice system and judicial process; tasks and duties of a police officer.

Ability to communicate verbally and in writing; to work without supervision, ability to organize job tasks under competing requirements; to perform physical demands of the job; operate of law enforcement equipment including firearms safely; to negotiate with diverse individuals and groups; to retain composure under difficult situations; operate office software; police equipment.

Qualification and Training Requirements:

The Court Services Officer will qualify twice a year with a firearm that is authorized by the Chief of Police. Ammunition will be of factory configuration authorized by the Chief of Police. The Canby Police Department Range master or designee will conduct these qualifications. (See equipment requirement). Course of fire will be the standard DPSST 25 Yard TRC, minimum score of 80%.

The Court Services Officer will complete Chemical Agent Training and Impact weapon training on an annual basis that is conducted by the Canby Police Department. These qualifications are mandatory.

The Court Services Officer will also complete a Use of Force test annually.

The Court Services Officer will be certified and or complete any mandated training.

The Court Services Officer will be trained in procedures in using the Temporary Holding Facility in the Canby Police Department.

Weapon Security and Body Armor:

The duty weapon will be carried in a security retention holster that is authorized by the Chief of Police.

Body armor is optional to be worn by the Court Services Officer. The Court Services Officer will supply his/her own body armor.

Mental and Physical Requirements:

Mental activities required include continuous decision making, interpersonal skills, teamwork, customer service, discretion, problem analysis, negotiation, reading, writing and speaking English, performing basic mathematics, and independent judgment and/or action.

Physical activities required include frequent standing, walking, reaching, feeling and grasping objects and equipment, bending, sitting and repetitive motions of hands/wrists; and continuous talking, hearing and handling objects or equipment. Position requires occasional lifting, pushing, pulling and carrying up to 50 pounds.

Education and/or Experience:

Graduate of Oregon DPSST Police Academy or equivalent certification of graduate from another state.

Job Conditions:

Evenings and weekends are not normally required. The courtroom will already be equipped with various articles of equipment (i.e., duress alarms, telephones, first aid kits, fire extinguisher, etc.). In addition to the normal equipment assigned to the courtroom, the Court Services Officer will wear a soft uniform, consisting of a polo shirt with the City of Canby Court insignia and a duty belt. This belt will contain a firearm in a security holster, two full ammunition magazines, handcuffs, O.C. spray and an asp baton.

M E M O

TO: Mark Adcock, City Administrator
FROM: Jon S. Henricksen, Judge
RE: Bailiff
DATE: October 3, 2003

A bailiff is something that has been talked about for several years and I am now requesting that we hire one to be in the courtroom during all sessions of Court.

I feel a bailiff would benefit the Court for several reasons:

- Security is becoming an issue. With the fines and fees going up, there are getting to be more dissatisfied people. The very presence of a Officer or someone with authority has a very calming effect.
- Running of a metal detector over each person that enters Court. This would eliminate the possibility of weapons in the courtroom.
- Escort people from the courtroom to a holding cell for transport to the Jail. This will, free the Officers up to carry on with their duties until time to do the actual transport.

In going over the revenue projection for the year, I feel this will adequately cover the cost of the bailiff. And we note, this will be a contract person with an approximate cost of less than \$10,000.00 per year.

Canby Saturday Market

- P.O. Box 325, Canby, OR 97013
- 503-263-5151

April 6, 2004

Mark Adcock
City Administrator
City of Canby
P.O. Box 930
Canby, OR 97013

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APR 06 2004

CITY OF CANBY

Dear City Administrator Adcock:

The Canby Saturday Market is requesting sponsorship for liability insurance from the City of Canby. In previous years the CSM insurance needs had been sponsored by the Oregon Farmers Market Association; however, that program has been discontinued. The Market season begins on May 8 and runs through October 9, 2004.

The CSM works to enhance the downtown Canby community. It brings commerce to Canby weekly as it provides enjoyment for the entire family with food, entertainment, and shopping. The Market is widely advertised in the Canby Herald, its local distributors and the Charboneau paper. With its non-profit status, CSM is able to run daily commercials on the Living Channel and the Home and Garden Channel through the summer season. CSM is also a member of The Canby Area Chamber of Commerce. The Market also offers local merchant recognition and involvement.

We appreciate you considering sponsoring the CSM for its insurance needs, so we may continue to grow and bring added benefit to our community throughout the summer season. Should you have additional questions or require further information, please do not hesitate to contact us.


Sincerely,



Canby Saturday Market Board

cc: Scott Gustafson, CIC, Gustafson Insurance Agency

*To: Mayor
& CC
I will have staff & bring
into this regular meeting
it back to you with
a recommendation.*



City of Canby
PO Box 930
Canby, OR 97013

April 5, 2004

Esteemed Mayor and City Council:

The Canby Saturday Market Board is excited about the upcoming market season. The past years have proven that the Canby Saturday Market is a great success in bringing people to downtown Canby. Our market surveys have shown a steady increase in customer traffic and our vendor interest and participation proves that the market is becoming well respected, not only in Canby, but in many outlying communities as well. We have shoppers coming from Woodburn, Milwaukie, and S.E. Portland.


We are requesting consideration from the Mayor and City Council to grant permission once again to the Canby Saturday Market to utilize the railroad parking lot between Holly and Grant during Market hours of 9:00 a.m. to 1:00 p.m. each Saturday from May 8, 2004 through October 9, 2004. Also, on the first Saturday of the month, we would like to use the railroad parking lot between Grant and Fir for the monthly Flea Market.

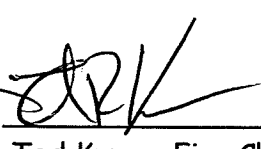
We appreciate your consideration and your continued support. Should you have additional questions or require further information, please do not hesitate to contact Kathy Jacoby or Christie Schwary at 503-263-5151.

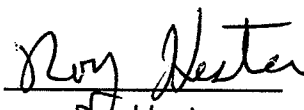
Sincerely,

The Canby Saturday Market Board

The Canby Saturday Market has presented this request for consideration to the public service organizations below and we submit our endorsements.


Ken Pagano, Chief of Police
Canby Police Department


Ted Kunze, Fire Chief
Canby Fire Department


Roy Hester
Canby Public Works


Z.T. KROPF
04/05/04