

# CANBY CITY COUNCIL

## Regular Session

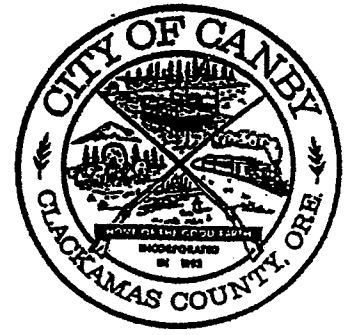
February 4, 2004

### 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 – Regular Meeting January 21, 2004**  
**Accounts Payable - \$141,454.71**  
**Annual Liquor License Renewals** Pg. 1
4. COMMUNICATIONS:
5. NEW BUSINESS:
  - A. Economic Development Marketing Video
6. UNFINISHED BUSINESS:
7. RESOLUTIONS & ORDINANCES:
  - A. Ord. 1133, Amending Canby Municipal Code Chapter 2.56 Creating a Parks & Recreation Advisory Board Pg. 4
  - B. Ord. 1134, Authorizing Contract w/Curran-McLeod for Engineering Services on an Approximate 1,500' Extension of Hazeldell Way to SE 1<sup>st</sup> (2<sup>nd</sup> Reading) Pg. 10
8. MANAGER'S REPORT:
9. CITIZEN INPUT:
10. COUNCILORS' ISSUES:
11. ACTION REVIEW:
12. EXECUTIVE SESSION: ORS 192.660 (1)(h) pending litigation
13. ADJOURN:

*\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233.*

# CITY COUNCIL SIGN-IN SHEET



Date: February 2, 2004

**PLEASE PRINT CLEARLY**

NAME

ADDRESS

Ben Doolittle

Terry V. Talls

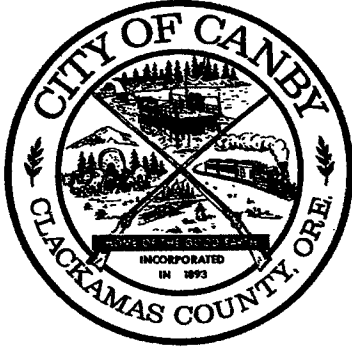
Buzz Weygandt

Craig Lewelling

Chamber

PO Box 80425, Portland, OR 97280-1425

CANBY



# ***City Council FYI Update***

To: Mayor Thompson & City Council  
Date: 27 January 2004

Note: There is a work shop of the Urban Renewal Agency to discuss the industrial park, prior to the Council meeting of February 4. There will be an announcement and agenda sent out to you under separate cover. Following the City Council meeting, there will be an Executive Session of the Urban Renewal Agency to discuss real estate.

The Council meeting for February 4 has a relatively light agenda.

- 1. Consent Agenda:** In addition to the approval of minutes and accounts payable, we have included the annual liquor license renewals.
- 2. Economic Development Marketing Video:** Jamie Johnk will be on hand to present his professionally produced video. It is the latest tool in our marketing of the Canby community and industrial park to prospective new business opportunities. The video is very well done and reflects the community in a very positive and polished manner.

## **ORDINANCES & RESOLUTIONS**

- 3. Ordinance 1133 - Amending the Canby Municipal Code Language Creating a Parks and Recreation Advisory Board** - Following a review by the Parks Board, Beth is bringing these proposed language changes before the Council for adoption. Attached is a report from John Kelley which sets forth the specific changes proposed under this ordinance. Beth will be on hand to answer any questions you may have.

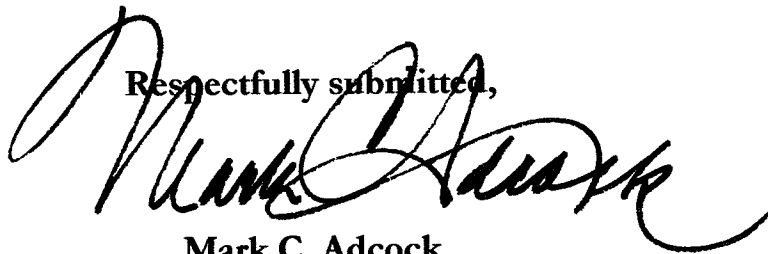
- 5. Ordinance 1134- Authorizing the Engagement of Curran-McLeod Engineering for Construction Engineering Services for Sequoia**

**Avenue to Fourth Avenue:** This item is before you for second reading.

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

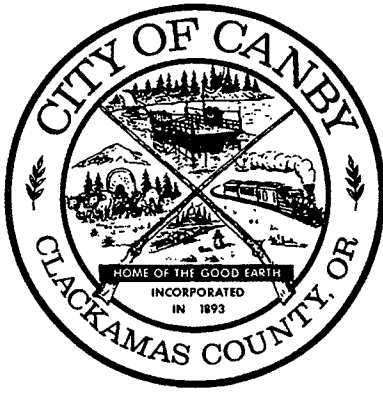
**7. Executive Session:** The Executive Session is for the Urban Renewal Agency

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark C. Adcock', written in a cursive style. The signature is positioned over the printed name 'Mark C. Adcock'.

Mark C. Adcock

**Attachments**



# City of Canby

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General Administration Office

TO: Mayor Thompson and City Council  
FROM: Judi Christiansen  
DATE: January 28, 2004  
RE: Annual Liquor License Renewals

Attached is the list of OLCC liquor licenses in Canby that are eligible for license renewal. These licenses will expire on April 1, 2004.

The Chief of Police has reviewed, and approved the renewals for the attached listed establishments. If the Council concurs, a motion would be in order to renew the following list of liquor licenses with an annual fee of \$35.00 each to the City of Canby.

Dist. #	License Number	Tradename	Participant	License Type	Premises Address
<b>Local Government: CANBY</b>					
2	39582	7-ELEVEN STORE #2353-17845C	BAIRD, JOLENE BAIRD, REGENT W	O	109 SE 1ST, CANBY, OR
	39340	AMERICAN LEGION POST #122, CANBY	AMERICAN LEGION #122, CANBY	F-CLU	424 NW 1ST, CANBY, OR
	39975	CANBY BOWL	CANBY BOWL INC	L	145 SW 1ST, CANBY, OR
	41895	CANBY BREWING COMPANY	JARBOE ENTERPRISES INC	F-COM	1190 SW FIRST, CANBY, OR
	42019	CANBY BREWING COMPANY	JARBOE ENTERPRISES INC	BP	1190 SW FIRST, CANBY, OR
	41912	CANBY PARKSIDE CAFE	HARNEY CORP	L	252 NW 4TH, CANBY, OR
	41913	CANBY PARKSIDE CAFE	HARNEY CORP	O	252 NW 4TH, CANBY, OR
	41614	CANBY TEXACO	YOUSSEF, THARWAT	O	293 SW 1ST, CANBY, OR
	39890	CUTSFORTH THRIFTWAY	G.E.F. INC	O	225 NE 2ND, CANBY, OR
	45991	DALIA'S	PISCITELLI, GAIL D	L	354 NW 1ST, CANBY, OR
	41070	DENNY'S RESTAURANT	CANBY-DENN INC	F-COM	1369 SE 1ST AVE, CANBY, OR
	42252	DONNELLY WINE MERCHANTS	DONNELLY WINE MERCHANTS LLC	O	190 N DOUGLAS, CANBY, OR
	40957	FISHER'S MEATS	STONE, WILLARD J	O	272 N GRANT, CANBY, OR
	40554	FRED MEYER	FRED MEYER STORES INC	O	1401 SE 1ST, CANBY, OR
	41386	FULTANO'S PIZZA	ROMINE PIZZA CO	L	715 SE 1ST, CANBY, OR
	40272	GODFATHER'S PIZZA	PACIFIC PIZZA CO	L	1477 SE 1ST AVE #101, CANBY OR
	41277	GOLD DRAGON	PHAN, LAM P PHAN, TRAM N	F-COM	204 SW 2ND, CANBY, OR
	40712	HOI TIN RESTAURANT	HUNG WON INC	L	1075 SW 1ST AVE, CANBY, OR
	41896	JARBOE'S GRILL	JARBOE ENTERPRISES INC	F-COM	101 N ELM ST, CANBY, OR
	40102	LA MEXICANA	SANCHEZ, JUAN J SANCHEZ, LINDA C	O	733 SE 1ST AVE, CANBY, OR
	40499	MARVEL'S PIZZA HOUSE	ELLIS, MARVEL	L	207 SW 1ST #106, CANBY, OR
	39766	MIKE'S PLACE	NARDI ENTERPRISES INC	L	404 NW 1ST ST, CANBY, OR
	39767	MIKE'S PLACE	NARDI ENTERPRISES INC	O	404 NW 1ST ST, CANBY, OR
	39382	NUEVO VALLARTA RESTAURANT	PUERTO VALLARTA RESTAURANTS INC	F-COM	1385 SE 1ST AVE #104, CANBY OR
	39383	PUERTO VALLARTA MEXICAN RESTAURANT	PUERTO VALLARTA RESTAURANTS INC	F-COM	1011 SW 1ST AVE, CANBY, OR
	39860	RITE AID #5325	THRIFTY PAYLESS INC	O	1025 SE 1ST, CANBY, OR
	40201	SAFEWAY STORE #2604	SAFEWAY INC	O	1055 SW 1ST AVE, CANBY, OR
	41448	SHRIJI MARKET	SHRIJI INC	O	891 SE FIRST AVE, CANBY, OR
	44867	SMOKE 4 LESS	PRABEZ LLC	O	1021 SW 1ST AVE SUITE A, CANBY, OR
	48251	SPACE AGE FUEL & QUICK MART STORE	CHAO, LOO HANG SAECHAO, KOY CHIEN	O	1120 SW 1ST, CANBY, OR
	39314	TAQUERIA ALONSO'S	MENDEZ, AMADA ALONSO, PABLO	L	851 SW FIRST AVE, CANBY, OR
	42289	THAI DISH	THAI DISH INC	L	108 N IVY ST, CANBY, OR
	41187	TIENDA LA MIXTECA	MORALES, GUILLERMINA	O	207 SW 1ST #104, CANBY, OR

Dist. License #	License Number	Tradename	Participant	License Type	Premises Address
<b>Local Government: CANBY</b>					
2	41506	TNT MARKET	TNT INC	O	164 SE 1ST ST, CANBY, OR
	40573	TRES CAFE'	TRES CAFE' INC	O	243 NW 2ND AVE, CANBY, OR
	40601	TRES CAFE'	TRES CAFE' INC	L	243 NW 2ND AVE, CANBY, OR
	40096	WILLAMETTE VALLEY COUNTRY CLUB	WILLAMETTE VALLEY CNTRY CLUB INC	F-CLU	900 COUNTRY CLUB PL, CANB OR

OK Chuy Van Pagan

1-8-04

Memo to: Mayor and City Council

From: John Kelley, City Attorney 

Date: January 14, 2004

Re: Ordinance No. 1133 - Revising CMC chapter 2.56 entitled "Canby Swim Center"

I have prepared Ordinance No. 1133 which amends CMC Chapter 2.56 presently entitled "Canby Swim Center". Beth Saul, on behalf of the Parks Board, asked me to rewrite the Chapter since the Board deals with parks and recreation issues as well as just Swim Center matters. We have decided to rename the Chapter and Board the Canby "Parks and Recreation Advisory Board".

You will note that the changes to the old language are italicized to point out what has been added. Generally speaking, references to the Canby Parks and Swim Center have been replaced with Canby Parks and Recreation Board.

Specifically, CMC 2.56.030 changes the method of appointment of members to correspond with the way the City's other Boards are selected, i.e., the City Council makes the selection upon recommendation of the Board Chair and Council Liaison. The new Ordinance also adds an additional two members to Parks Board. Originally, there were five members, but the current Board wishes to increase that to seven. Beth is also in favor of adding the additional members and feels they can keep the positions filled.

CMC 2.56.040 which deals with terms of office and appointments of new members and filling vacancies has been changed to reflect the appointment process established in 2.56.030 above. For Patrick, we left the "fail to attend three consecutive meetings" language in the new Ordinance.

CMC 2.56.050 changes the quorum requirement from three members present to four members present assuming you agree to increase the Board to seven members.

CMC 2.56.060 regarding duties and powers changes the references from the "swim center" to "parks and recreation" duties and adds a new paragraph L which provides that they advise the Planning Department on Parks issues.

CMC 2.56.070 entitled "Swim Center Manager" is deleted and repealed since



Beth actually performs those responsibilities and already has a title.

CMC 2.56.080 is added language that Beth wanted in order to spell out that the meetings are "public" and subject to the public meetings law.

This Ordinance has been reviewed by the current Parks Board and all changes meet with their approval. If you have any questions, please call either Beth or me to discuss.

## ORDINANCE NO. 1133

### AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 2.56 CREATING A PARKS AND RECREATION ADVISORY BOARD, AND DECLARING AN EMERGENCY.

**WHEREAS**, Chapter 2.56 of the Canby Municipal Code created a Parks and Swim Center Advisory Board to advise the City Council about matters associated with the Canby Swim Center, and

**WHEREAS**, the City Council now wishes to expand the duties of the Advisory Board to include, not only swim center matters, but all parks and recreation matters that arise in the City, now therefore

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

Section 1. Chapter 2.56 of the Canby Municipal Code is renamed from "Canby Swim Center" to "Canby Parks and Recreation" with the Sections adopted as follows:

- CMC 2.56.010 "Established"
- CMC 2.56.020 "Governing body - advisory role"
- CMC 2.56.030 "Parks and *recreation* advisory board"
- CMC 2.56.040 "Terms of office - vacancies"
- CMC 2.56.050 "Officers - procedures"
- CMC 2.56.060 "Duties and powers"
- CMC 2.56.070 "Location of meetings"
- CMC 2.56.080 "Fees and charges"

Section 2. CMC 2.56.020 is amended to read as follows:

"The City's swim center, as established by CMC 2.56.010, shall be governed by the city council. A parks and *recreation* board shall be appointed to serve in an advisory role to the council."

Section 3. CMC 2.56.030 is amended to read as follows:

**"2.56.030 Parks and *recreation* advisory board."**

"The parks and *recreation* advisory board shall consist of seven members appointed by the *City Council upon recommendation of the board chairperson and the City Council Parks liaison. The Mayor may vote only to break a tie, if necessary. Board members shall serve at the pleasure of the City Council.* No member of the board shall have any financial interest, either directly or indirectly, in any contract to

which the Swim Center or Parks Department is a party, nor shall any such member receive a salary or any payment for 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."

Section 4. CMC 2.56.040 is amended to read as follows:

*"Terms of office shall be for three years from July 1<sup>st</sup> 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 three 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 three consecutive meetings without approval of the board chairperson, may be removed by the Council and a new member appointed to complete the unexpired term."*

Section 5. CMC 2.56.050 is amended to read as follows:

*"At the first meeting of each year, the board shall elect a chairman, vice-chairman and a secretary who shall serve for a term of one 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."*

Section 6. CMC 2.56.060 is amended to read as follows:

*"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 such 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.*
- M. Performing other duties as authorized by the City Council."

Section 7. CMC 2.56.070 is deleted and repealed.

Section 8. CMC 2.56.080 is renumbered to CMC 2.56.070 and is amended by **adding** the following:

*"Advisory board meetings are subject to public meeting law and shall be open to the public."*

Section 9. CMC 2.56.090 is renumbered to CMC 2.56.080 and is amended to read as follows:

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

Section 10. Emergency Declared.

In as much as it is in the best interests of the citizens of the City of Canby that the Park and Recreation Board be operating as soon as possible, an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon second reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, \_\_\_\_\_, 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, \_\_\_\_\_, 2004, 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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Chaunee Seifried  
City Recorder - Pro Tem

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

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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

**ATTEST:**

\_\_\_\_\_  
Chaunee Seifried, City Recorder - Pro Tem

**ORDINANCE NO. 1134**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC. CONSULTING ENGINEERS FOR ENGINEERING SERVICES ON AN APPROXIMATE 1,500 FOOT EXTENSION OF HAZELDELL WAY TO SE 1<sup>st</sup> AVENUE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the CITY OF CANBY has heretofore advertised and received proposals for municipal engineering services, completed oral interviews and selected CURRAN-McLEOD, INC. for the City's Engineer of Record; and

**WHEREAS**, CURRAN-McLEOD, INC. has provided facility planning, pre-design reports, preliminary engineering and cost estimates for engineering and construction for the extension of Hazeldell Way to SE 1<sup>st</sup> Avenue in the Canby Pioneer Industrial Park; and

**WHEREAS**, the CITY OF CANBY anticipates the need to complete construction of an extension of Hazeldell Way within calendar year 2004; Now therefore,

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

Section 1. The Mayor and City Recorder are hereby authorized and directed to make, execute, and declare in the name of the CITY OF CANBY and on its behalf, an appropriate contract with CURRAN-MCLEOD, INC for engineering services on in an amount not to exceed \$31,900.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to complete this project as soon as possible, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, January 21<sup>th</sup>, 2004; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, February 4, 2004, after the hour of 7:30 pm at the Council Chambers at the Canby City Hall, 182 N. Holly, Canby, Oregon.

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 4<sup>th</sup> day of February, 2004, by the following vote:

YEAS            NAYS

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

ATTEST:

\_\_\_\_\_  
Chaunee Seifried, City Recorder