



## AGENDA

### CANBY CITY COUNCIL REGULAR MEETING

April 2, 2014

7:30 PM

Council Chambers  
155 NW 2nd Avenue

*Mayor Brian Hodson*

*Council President Tim Dale  
Councilor Clint Coleman  
Councilor Traci Hensley*

*Councilor Greg Parker  
Councilor Ken Rider  
Councilor Todd Rocha*

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### WORK SESSION

6:30 PM

City Hall Conference Room  
182 N Holly

This Work Session will be attended by the Mayor and City Council to discuss a proposed party host ordinance.

Pg. 1

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### CITY COUNCIL REGULAR MEETING

#### 1. CALL TO ORDER

- A. Pledge of Allegiance and Moment of Silence
- B. National Library Week Proclamation Pg. 8
- C. Grange Month Proclamation Pg. 9
- D. Child Abuse Prevention Month Proclamation Pg. 10
- E. Children's Center Presentation Pg. 11

#### 2. COMMUNICATIONS

#### 3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

*(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)*

#### 4. MAYOR'S BUSINESS

#### 5. COUNCILOR COMMENTS & LIAISON REPORTS

#### 6. CONSENT AGENDA

*(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)*

- A. Approval of Minutes of the March 19, 2014 City Council Work Session & Regular Meeting

**7. RESOLUTIONS & ORDINANCES**

- A. Res. 1186, Adopting the 2014 Revised Version of a Document Entitled Canby Area Transit - City of Canby Americans with Disabilities (ADA) Plan Pg. 12
- B. Ord. 1397, Authorizing Contract with Eagle-Elsner, Inc. in the Amount of \$471,891.50 for N Juniper Street and NE 9<sup>th</sup> Avenue Roadway Improvements (**2<sup>nd</sup> Reading**) Pg. 45

**8. NEW BUSINESS**

- A. Memorandum of Understanding IV with Canby Livability Coalition Pg. 47
- B. Discussion Regarding Banners Over Highway 99E Pg. 49
- C. City Administrator Recruitment Options

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

**10. CITIZEN INPUT**

**11. ACTION REVIEW**

**12. EXECUTIVE SESSION: ORS 192.660(2)(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, MMC, City Recorder at 503.266.0733. A copy of this Agenda can be found on the City's web page at [www.ci.canby.or.us](http://www.ci.canby.or.us). City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.

## Kim Scheafer

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**From:** Joseph Lindsay  
**Sent:** Monday, March 24, 2014 12:33 PM  
**To:** Kim Scheafer  
**Subject:** party ordinance for workshop  
**Attachments:** 3329\_001.pdf

This is one version of a potential party host ordinance. It is currently also being discussed in Lake Oswego, although according to the Oregon Live website, it has met some serious resistance there. This is for the purpose of being able to discuss the ins and outs of such an ordinance during the workshop. Please print up this email to go on top of the ordinance. Thanks.

Joseph A. Lindsay  
City Attorney  
City of Canby, Oregon  
1175 NW 3<sup>rd</sup> Ave.  
Canby, OR 97013  
503-266-0754

### PUBLIC RECORDS LAW DISCLOSURE

This email is a public record of the City of Canby and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

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Joe

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ORDINANCE NO. \_\_\_\_\_

**ADDING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO RELATING TO UNRULY GATHERINGS AND FINES.**

WHEREAS the Lake Oswego City Council has determined that unruly gatherings, often involving loud noise and unlawful consumption of alcohol by minors, foster a range of criminal conduct. Some of the typical offenses include obstruction of public streets, assault, menacing, harassment, disorderly conduct, criminal mischief, and littering. Unruly gatherings and associated criminal behavior disturb the peace of nearby residents, pose a danger to persons attending the gathering and to other persons in the vicinity, detract from the livability of the neighborhood, and reduce the value of nearby properties.

WHEREAS the Lake Oswego City Council has determined that property owners, by themselves or through their agents, have the ability to prevent unruly gatherings and to deter recurrences. Although they may not themselves commit any of the offenses at issue, owners should be held responsible, not only if they organize, host, or facilitate unruly gatherings, but also if they allow or tolerate those offenses on property that they control as owner.;

The City of Lake Oswego ordains as follows:

**Section 1.** Article \_\_\_\_\_ of the Lake Oswego Code is added to provide as follows:

\_\_\_\_\_ **Purpose**

The purpose of this Article \_\_\_\_\_ is to prevent the disruption of the peace of the residents of the City of Lake Oswego, the danger posed to persons attending the gathering and other persons in the vicinity, the detraction from the livability of neighborhoods and the devaluation of properties located near an unruly gathering.

\_\_\_\_\_ **Definitions**

For the purposes of this Article \_\_\_\_\_, the following terms shall mean:

**Alcoholic liquor:** An alcoholic beverage containing more than one-half of one percent of alcohol by volume.

**Host:** To invite or to receive persons to a social gathering on property of which one has control as owner, lessee, tenant or licensee.

**Organize:** To encourage attendance (at an unruly gathering).

**Response costs:** The costs associated with responses by law enforcement, fire and other emergency response providers to unruly gatherings, including but not limited to:

(a) Salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with unruly gatherings, and the administrative costs attributable to such response(s);

(b) The cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured while responding to, remaining at or leaving the scene of an unruly gathering.

(c) The cost of repairing any city equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at or leaving the scene of an unruly gathering.

Juvenile: Any person under eighteen years of age.

Minor: Any person under twenty-one years of age.

Unruly gathering: A party or gathering of more than five persons where alcohol is served or consumed, and where any two or more of the following behaviors occur on the property where the gathering takes place or on adjacent property:

(a) Any violation of state or city of Lake Oswego laws relating to the sale, service, possession or consumption of alcoholic liquor;

(b) Assault, as defined in sections 34.02.031(1) and 34.02.019(12)(g) of this code;

(c) Menacing, as defined in section 34.02.031(2) of this code;

(d) Harassment, as defined in section 34.02.041(2) of this code;

(e) Intimidation, as defined in sections 34.02.019(12)(bb) and 34.02.041(7) of this code;

(f) Disorderly conduct, as defined in section 34.02.041(1) of this code;

(g) Noise disturbance, as defined in sections 34.10.537 and 34.10.539(1)(g-h) of this code;

(h) Criminal mischief, as defined in sections 34.02.019(12)(t) and 34.02.035(16-17) of this code;

(i) Public urination or defecation, as defined in section 34.06.162 of this code;

and

(j) Littering, as defined in section 34.02.035(20) of this code, by a person who attended the party or gathering.

Owner: The person or entity listed as the owner in the Lane County property tax records.

Property:

- (a) Any dwelling unit or group of dwelling units at a single street number address, including but not limited to a house, duplex, triplex, apartment(s), condominium(s) or other structure(s) with one or more dwelling units, hotel or motel room(s);
- (b) A hall, meeting room or other structure that serves as a gathering place;
- (c) Any private real property adjacent to, and under the same ownership as, the location of a structure described in section (a) or (b) of this definition;
- (d) Public right-of-way.

"Property" does not include a restaurant, bar or tavern.

Twelve-month period: The twelve months immediately preceding the most recent citation.

Unruly Gatherings – Provisions.

- (1) No person shall organize or host an unruly gathering if the person knows or reasonably should know that it is an unruly gathering.
- (2) It is an affirmative defense to a citation issued for a violation of subsection (1) of this section that the person who organized or hosted an unruly gathering contacted the police as soon as any of the violations or offenses listed in the definition of "unruly gathering" occurred.
- (3) A person who violates subsection (1) of this section shall be subject to a fine prescribed by subsection (1) of section \_\_\_\_\_ of this code. In addition, a person who is convicted of violating subsection (1) of this section for a second time, and for any additional time, within a twelve- month period shall pay an administrative civil penalty in the amount of response costs, regardless of whether the offense occurred at the same or a different property, as provided in subsection (5) of section \_\_\_\_\_ of this code.
- (4) If an unruly gathering occurs at the same private property more than three times in a twelve-month period, the owner of the property shall be liable for response costs for the fourth and any subsequent occurrence that occurs within a twelve-month period of three other occurrences at the same property.

(5) After an unruly gathering occurs at a private property, and after any future occurrence of an unruly gathering at the same property, city staff will notify the owner(s) of the property. The notice shall include a copy of this ordinance and a description of the owner's potential liability for response costs under subsection (4) of this section.

(6) If a juvenile violates subsection (1) of this section or is the owner of the property and the juvenile is or, but for the juvenile's age would be, responsible for payment of response costs under this section, the person's parent(s) or legal guardian(s) are responsible for response costs.

(7) Financial liability under this section is joint and several.

(8) Appeals.

(a) If a civil penalty is imposed upon a property owner as provided in subsection (4) of this section and subsection (6) of section \_\_\_\_\_ of this code, the property owner or property manager may appeal the determination that a violation occurred or amount of the penalty to the city manager in accordance with section \_\_\_\_\_ of this code.

(b) In an appeal under this section, when determining to what extent, if any, the owner should be responsible for response costs, the city manager shall consider evidence of the following actions on the part of the property owner to prevent or abate the nuisance, even if unsuccessful:

1. On the first occurrence of an unruly gathering, the owner or owner's agent issued a written warning that future violations may result in initiation of eviction proceedings.
2. On the second occurrence of an unruly gathering, the owner or owner's agent issued a written notice that termination of the rental agreement will be initiated for the tenant(s) responsible for any future unruly gatherings.
3. On the third occurrence of an unruly gathering, the owner or owner's agent initiated eviction proceedings against the tenant(s) responsible for the unruly gathering.
4. Prior to the fourth occurrence of an unruly gathering, new tenants replaced those who committed the previous violations, and the owner or owner's agent implemented reasonable precautions to deter or prevent any additional unruly gatherings.

**Section 2:** Subsection (1) of Section \_\_\_\_\_ of the Lake Oswego Code is amended by adding the following entry in numerical order to the list of penalties as follows:

\_\_\_\_\_ **Penalties - Specific.**

(1) Violation of the following sections is punishable by fine or confinement in jail, or both, up to the amounts indicated opposite each. In addition, the court may order any treatment, related to the violation, deemed necessary for rehabilitation of the offender and the safety of the community.

**Section Penalty**

\_\_\_\_\_ (1) ***Fine not to exceed \$1,000.***

**Section 3.** Subsections (\_\_) and (\_\_) of Section \_\_\_\_\_ of the Lake Oswego Code are added to provide as follows:

\_\_\_\_\_ **Administrative Civil Penalty.**

(\_\_) Second and subsequent violations of subsection (1) of section \_\_\_\_\_ of this code within a twelve-month period are subject to the imposition of response costs as defined in section \_\_\_\_\_ of this code.

(\_\_) Upon fourth and any subsequent violation of subsection (1) of section \_\_\_\_\_ of this code within a twelve-month period, at a property as defined in section \_\_\_\_\_ of this code, the owner of the property is subject to the imposition of response costs as defined in section \_\_\_\_\_ of this code.

\_\_\_\_\_ **Enforcement and Penalties**

1. Violations of any of the provisions of this Article \_\_\_\_\_ are declared civil violations and shall be enforced pursuant to the provisions of LOC 34.04.101 to 34.04.145. Prosecution of civil violations may be in addition to or in lieu of any other remedies or enforcement measures provided by law or ordinance, including without limitation enforcement by civil action as provided in ORS 30.315.

2. Fines for violations of the provisions of this Article shall be in the amounts specified within this Article and, where not specified, in amounts within the limitation of LOC 34.04.145.

**Section 4.** The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Adopted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the \_\_\_\_ day of \_\_\_\_\_, 2013.



AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Kent Studebaker, Mayor

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Catherine Schneider, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
David Powell, City Attorney



Office of the Mayor

# Proclamation

## National Library Week

**WHEREAS**, libraries everywhere play a vital role in supporting the quality of life in their communities; and

**WHEREAS**, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans, today, more than ever; and

**WHEREAS**, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

**WHEREAS**, libraries serve as crucial technology hubs for people in need of free Web access, computer training, and assistance finding job resources; and

**WHEREAS**, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning; and

**WHEREAS**, library use is up nationwide among all types of library users, continuing a decade-long trend; and

**WHEREAS**, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

**NOW, THEREFORE**, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim April 13-19, 2014 as National Library Week and call upon individuals, schools, churches, organizations and business establishments in the City of Canby to visit the library this week to take advantage of the wonderful library resources available at your library. You belong at your library.

Given unto my hand this 2nd day of April 2014 in the City of Canby, Oregon.



Brian Hodson  
Mayor



Office of the Mayor

# Proclamation

## Grange Month

WHEREAS, the National Grange of the Order of Patrons of Husbandry is celebrating 146 years of service to America and the Oregon State Grange will celebrate 141 years of service at their State Convention this June in Redmond; and

WHEREAS, Grange programs are family oriented, beginning with Junior Grange for children of ages four through 13 for the purpose of getting children involved with their community, with agriculture, and with good citizenship, and Grange membership includes full voting rights and the right to hold office at age 14; and

WHEREAS, the service through educational efforts of the Grange and its members have aided innumerable people, both in and out of the Order, to reach their full potential as leaders and people; and

WHEREAS, the service of non-partisan legislative advocacy of the Grange through the unified efforts of its membership have immeasurably benefited local communities and our nation as a whole; and

WHEREAS, the fellowship and family atmosphere of the Grange have served millions of Americans by strengthening the social connections through a multitude of activities; and

WHEREAS, Grangers are supportive of agriculture, rural America and American Values as these form the bedrock of American society; and

WHEREAS, the Grange continues to serve every American through their hometown roots.

NOW, THEREFORE, I, Brian Hodson, by the virtue of the authority vested in me as the Mayor of the City of Canby, hereby proclaim the month of April as:

Grange Month

in the City of Canby and do urge all those in the Canby area to support and promote this observance.

Given unto my hand this 2<sup>nd</sup> day of April 2014.



Brian Hodson  
Mayor





Office of the Mayor

# Proclamation

## CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse and neglect is an ongoing tragedy; and

WHEREAS, the effects of child abuse are felt by whole communities and need to be addressed by the entire community; and

WHEREAS, effective child abuse intervention programs succeed because of partnerships created between the courts, social service agencies, schools, religious organizations, law enforcement agencies, and the business community; and

WHEREAS, all citizens should become more aware of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment; and

WHEREAS, children are key to the City of Canby's future success, prosperity, and quality of life; and

WHEREAS, children are our most valuable resource, they are also our most vulnerable; and

WHEREAS, children have a right to be safe and to be provided an opportunity to thrive, learn, and grow; and

WHEREAS, we must come together as partners to shine the light on child abuse so the voices of our children are heard by all and we are as a community extending a helping hand to children and families in need; and

WHEREAS, by providing a safe and nurturing environment for our children, free of violence, abuse and neglect, we can ensure Canby's children will grow to their full potential as the next generation of leaders, helping to secure the future of this city and nation;

NOW THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, Oregon do hereby proclaim the month of April 2014 as:

### CHILD ABUSE PREVENTION MONTH

in the City of Canby and call upon all citizens to increase their participation in efforts to prevent child abuse, thereby strengthening the community in which we live.

Given unto my hand this 2<sup>nd</sup> day of April 2014 in the City of Canby, Oregon.



Brian Hodson  
Mayor

### THE PROBLEM

The devastating reality of child abuse: every seven seconds in America, a child is born, and every ten seconds, a case of child abuse is reported.

Children of every gender, age, race, ethnicity, background, socioeconomic status and family structure are at risk of child abuse. No child is immune. Confirmed incidents of child neglect in Clackamas County have doubled over a four-year period. Confirmed incidents of physical abuse in Clackamas County have increased by more than 60% during the same period. The fallout from child abuse and neglect extends beyond these young victims, destabilizing families, fracturing communities, and increasing the financial burden on law enforcement, social services, and the health care system.

And sadly, an average of 20 children are killed as a direct result of child abuse, in Oregon alone, every year.

### WHO WE ARE

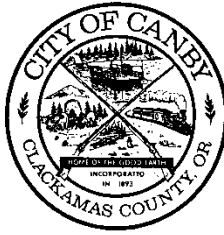
Children's Center is an integral partner in Clackamas County's response to child abuse and the answer to a child's pain. A private, non-profit medical evaluation center, Children's Center supports children and families in cases of suspected physical abuse, sexual abuse, neglect, drug endangerment, and witness to violence. Core services include:

- **Forensic Medical Evaluations:** Comprehensive head-to-toe exam to determine and document a child's health and safety by Medical Examiners trained in diagnosing child abuse and neglect.
- **Forensic Interviewing Services:** Videotaped forensic interviews with Child Interviewers specially trained to talk to children of all ages and developmental levels. Child Interviewers work with the Medical Examiners as part of the medical evaluation.
- **Family Support:** Support, referrals, education, and case management for families in Clackamas County struggling with issues of abuse or neglect. These services are offered to non-offending family members of children receiving evaluations at Children's Center as well as families in the community.
- **Community Education and Outreach:** Trainings, presentations and resources for local professional and community groups.

### HOW YOU CAN BE PART OF THE SOLUTION

Though we hope to prevent child abuse from ever occurring, there is a national movement in April to recognize Child Abuse Prevention Month. Working with strong community leadership, we are undertaking our first-ever comprehensive public education and engagement campaign. Our goals are to increase calls to our local Child Abuse Hotline and decrease incidents of child abuse in Clackamas County.

Many community partners will play a role in the success of our campaign. We hope you will consider joining us as we all work together to prevent child abuse and neglect in Clackamas County. We welcome the opportunity to talk with you more about how we can work together to end child abuse in our community.



## MEMORANDUM

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**DATE:** MARCH 18, 2014  
**TO:** BRIAN HODSON AND CANBY CITY COUNCIL  
**FROM:** JULIE WEHLING, TRANSIT DIRECTOR  
**THROUGH:** AMANDA ZEIBER, INTERIM CITY ADMINISTRATOR  
**RE:** RESOLUTION 1186 - CANBY AREA TRANSIT'S AMERICANS WITH DISABILITIES (ADA) PLAN - UPDATE

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**Issue:** Canby Area Transit (CAT) is required by federal regulations and the Public Transit Division of ODOT to maintain a current Americans with Disabilities (ADA) Plan for its public transportation services. All providers of public transportation are required by federal regulations to draft and maintain a current plan and update it annually.

**Background:** The updated version of Canby Area Transit's ADA Plan dated April 2, 2014 has been reviewed by staff and ODOT's Public Transit Division. The updated ADA Plan describes the transit services currently provided. The updated plan includes the address change, the Monthly Pass price change from \$40 to \$20, an updated Dial-A-Ride application for paratransit services, and address changes to other CAT schedules and documents.

**Recommendation:** Staff recommends the adoption of Resolution 1186 which adopts the updated *CANBY AREA TRANSIT – CITY OF CANBY AMERICANS WITH DISABILITIES (ADA) PLAN* dated April 2, 2014.

**Motion:** "I move to adopt Resolution 1186, A RESOLUTION ADOPTING THE DOCUMENT ENTITLED *CANBY AREA TRANSIT – CITY OF CANBY AMERICANS WITH DISABILITIES (ADA) PLAN*" dated April 2, 2014.

**Attached:** Resolution 1186 and Exhibit "A"

**RESOLUTION NO. 1186**

**A RESOLUTION ADOPTING THE 2014 REVISED VERSION OF A DOCUMENT ENTITLED CANBY AREA TRANSIT – CITY OF CANBY AMERICANS WITH DISABILITIES (ADA) PLAN**

**WHEREAS**, Canby Area Transit (CAT) is required by federal regulation and by Oregon Department of Transportation's (ODOT) Public Transit Division to draft and maintain an Americans with Disabilities (ADA) Plan for its public transportation services.

**WHEREAS**, the City previously adopted the document *Canby Area Transit – City of Canby Americans with Disabilities (ADA) Plan* (dated March 6, 2013) by Resolution 1152.

**IT IS HEREBY RESOLVED** that the document entitled *Canby Area Transit – City of Canby Americans with Disabilities (ADA) Plan* (dated April 2, 2014), attached hereto as Exhibit "A" and by this reference incorporated herein, is adopted by the Canby City Council.

This resolution is effective April 2, 2014.

**ADOPTED** by the Canby City Council on the 2<sup>nd</sup> day of April 2014.

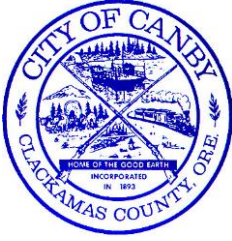
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Brian Hodson  
Mayor

ATTEST:

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Kimberly Scheafer, MMC  
City Recorder



Canby Area Transit – City of Canby  
AMERICANS WITH DISABILITIES (ADA) PLAN  
April 2, 2014

## Introduction

Canby Area Transit (CAT) operates as a department of the City of Canby. The department's administrative offices are located at 195 S Hazel Dell Way, Suite C in Canby. The Transit Director can be contacted by phone at 503.266.0751, by fax at 503.263.6284, or [cat@ci.canby.or.us](mailto:cat@ci.canby.or.us). Address written correspondence to Canby Area Transit, PO Box 930, Canby, OR 97013.

Canby Area Transit and the City of Canby are committed to providing equal opportunity for persons with disabilities. This commitment includes complying with the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1993 including Section 37.173 of DOT's ADA regulations requiring transit operators to train their personnel to properly assist and treat individuals with disabilities with sensitivity and to operate vehicles and equipment safely. This includes training personnel to use the accessibility equipment and to accommodate the different types of common wheelchairs.

This Americans with Disabilities (ADA) Plan updates the ADA Plan dated March 6, 2013 and documents the policies developed during the course of providing public transportation. These policies and service delivery systems were developed in regular public meetings with the integral participation of the Transit Advisory Committee and the governing body, Canby City Council.

## Mission and Goals

City of Canby's stated mission is *to maintain and improve the quality of life and environment for all within the Canby Community.*

To accomplish this we will:

- Facilitate the provisions of needed services and infrastructure.
- Promote community-oriented decision making.
- Advocate accessibility and equity in process and service.
- Nurture a sense of community and responsibility between generations.

Canby Area Transit, a department of the City of Canby, has established the following mission statement: *To serve the citizens of Canby with accessible, dependable and efficient Public Transportation.*

During Canby Area Transit's planning process the following goal and objectives were identified to guide the development of the CAT Transit Master Plan.

**Goal** *Serve the transportation needs of residents, employees, and visitors with convenient, safe, affordable, and efficient transit service and other options that offer a viable alternative to the automobile and provide key connections to other regional options.*



The objectives identified to support the goal were to:

- Provide service that is coordinated, efficient and reliable.
- Enhance access to fixed-route transit and other alternative transportation options.
- Accommodate the growing demand for alternative transportation services in Canby.
- Promote land use patterns and local policies that support transit and alternative transportation use.
- Increase the awareness of and community involvement in transit and alternative transportation services.

Clearly, Canby Area Transit is committed to providing transportation services that will accommodate people of all abilities and provide quality service to as many members of the community as possible. Customer accessibility is a critical consideration in all aspects of CAT service from customer amenities to vehicle and route design. The following lists service elements designed specifically to assure the accessibility of CAT service.

- All CAT service is designed with accessibility as a priority.
- Paratransit Dial-A-Ride service is available for those who are not able to access the Fixed-Route service.
- A General Public Dial-A-Ride service is available for anyone traveling within the CAT service area.
- CAT personnel are trained to operate vehicles and equipment safely and to sensitively assist people with disabilities.
- Vehicles are equipped with wheelchair lifts or ramps as well as bike racks.
- Stops and service routes are announced on Commuter and Fixed-Route services.
- Schedules and program information are made available in alternative formats.
- Service animals trained to perform a task are accommodated on all vehicles.
- Personal Care Attendants (PCA) may accompany individuals with disabilities at no charge.
- Travel Training assistance and trip planning is provided upon request.
- Bus stops are evaluated for accessibility and are established in the safest, most accessible locations available.
- As needed, customers are interviewed via phone or in person to identify the appropriate level of service, provide information and answer any questions.
- Premium service exceeding ADA requirements is available to eligible customers traveling between Oregon City and Canby.

These practices contribute to the accessibility of the CAT system and improve its service to all customers including those with disabilities.

Transportation service is provided without discrimination against any person including any person with a disability. Discrimination by Canby Area Transit employees or representatives against any person on the basis of disability will not be condoned or tolerated. The Canby Area Transit Title VI Program Policy provides a comprehensive non-discrimination policy.

## **Description of service area**

Canby is a growing and thriving community with a population of 16,000 people. The rural environment and small town feel draw many to settle in Canby making it one of the most desirable bedroom communities – with Portland 25 miles north and Salem 30 miles to the south.

Bordered by the Molalla and Willamette rivers, Canby has historically been a natural hub for transportation which played a major role in the development of the City. The Willamette River served as the main source of transportation with steamboats taking produce to markets in Oregon City and Portland. Rails were laid in 1870 and the tracks were quickly lined with warehouses and the agriculture industry grew. In 1914, a ferry service was established across the Willamette River and today the Canby ferry is one of three ferries still operating in Oregon.

Canby is separated from Metro's Urban Growth Boundary by several miles of rural land. This separation is protected by a "Green Corridor" agreement between Canby, Clackamas County, Metro, and the Oregon Department of Transportation – which largely protects the 99E corridor from further development. This designation coupled with the Willamette River, the railroad lines, and the steep cliffs ensure that Canby will remain separate from the Portland Metropolitan Area for many decades, if not forever. The city's setting surrounded by rivers and fields, and its agricultural heritage, give it a unique character and a tradition of self-reliance. Canby's historic downtown, highway commercial area, schools, and churches are still very important local destinations.

Despite this physical separation and self-reliance, Canby has always had strong transportation and economic connections to its neighbors (Portland, Woodburn, Wilsonville and Salem) by rail and road.

Since 2000, Canby's population has grown by 25%, driven in large part by people seeking a small town, rural lifestyle within distance of the employment, recreational and retail opportunities of Oregon's two largest metropolitan areas.

Recent regional estimates indicate that as many as sixty five percent of Canby residents commute to work outside of Canby and those connections are expected to continue as population projections continue to indicate strong growth trends over the next 20 years.

### **Aging Population**

According to the 2010 U.S. Census of Population, 14.2 percent of the City's population was 65 or older. Baby Boomers are reaching retirement age and seniors will account for a growing proportion of the population. This will inevitably create an increased demand for Paratransit services over the next twenty years. Elderly residents who are less confident in their driving abilities may also add to the increased demand for fixed-route transit service as well. Between Fiscal Years 2004 and 2010 the percentage of CAT ridership comprised of the elderly or persons with disabilities increased from 8.7 percent to 10.4 percent of the total CAT ridership.

### **Other Demographics**

Although the demographic profile of transit riders varies somewhat from one place to another, there are particular groups that are more likely to commute by transit than others. According to one study, the groups that are more likely to use transit include:

- Workers with no household car
- Workers with work or mobility limitations
- Women
- Hispanics
- Asians
- Immigrants (regardless of the number of years they have been in the United States)
- Workers with household incomes below \$20,000
- Workers age 17-29, and
- Workers age 60 and over.

With the exception of low-income households, the study indicated that all of the other groups still had higher than average transit use to access jobs, even in higher-income groups. Of these groups Hispanics, in particular, represent a growing sector of the community in Canby. The 2010 census reports 21.3 percent of Canby residents are Hispanic, 8.5 percent of Canby households make less than \$15,000 annually and 11.7 percent make \$15,000 - \$24,999 annually.

## Fixed-Route Service

Canby Area Transit provides commuter and fixed-route service along 99E. Commuter service is provided to Oregon City and Woodburn and a local fixed route operates along 99E between Canby Market Center (Fred Meyer) and Canby Square (Safeway) within Canby. A current schedule is posted at [www.canbyareatransit.org](http://www.canbyareatransit.org). See Appendix F for current maps and route schedules.

Route	Service	Location	Days	Hours	Frequency
99E	Fixed Route	Between Canby Transit Center and Canby Market Center	Monday - Friday	7:30 am to 7:35 pm	Varies from 30 – 120 min
99E	Fixed Route	Between Canby Square and Canby Transit Center or Canby Market Center	Monday - Friday	7:24 am to 7:35 pm	Varies from 30 – 120 min

## Commuter (Inter-City) Service

Canby Area Transit operates commuter service on portions of the route along 99E between Oregon City and Woodburn. The intercity connections provide links between the rural communities and critical links to Portland and Salem. See Appendix F for current maps and route schedules.

North of Canby the route along 99E provides commuter service originating from the Canby Market Center (1401 SE 1<sup>st</sup> Avenue in Canby) or from the Canby Transit Center (100 NE 1<sup>st</sup> Avenue) to the Oregon City Transit Center (TriMet) at the intersection of 99E and 11<sup>th</sup> Street in Oregon City. The earliest morning trips and two afternoon trips originate from the Canby Transit Center and do not stop at Canby Market Center to best serve commuter demand.

South of Canby the route along 99E provides commuter service between Canby Square (1051 SW 1<sup>st</sup> Avenue in Canby) and a Woodburn Transit System (WTS) bus stop (#18) near BiMart (1600 Mt Hood Avenue) in Woodburn.

Route	Service	Location	Days	Hours	Frequency
99E	Commuter to Oregon City	From Canby Transit Center or (from Canby Market Center) to the Oregon City Transit Center	Monday - Friday	5:05 am to 8:10 pm	Varies from 30 – 120 minutes
99E	Commuter to Woodburn	Between Canby Square and BiMart in Woodburn	Monday - Friday	6:00 am to 6:36 pm only 6 trips daily	Roughly 150 minutes

Once outside the Canby Urban Growth Boundary each of these commuter services provide very limited stops along a highway or rural county road. CAT does not provide local service to the small communities along these commuter routes.

## **Fares**

On October 1, 2012 CAT implemented a one dollar fare for all Fixed-Route and Commuter services. Children who have had their 7<sup>th</sup> birthday are required to pay the fare. Effective April 1, 2014 CAT offers a 24 ride Punch Pass for \$20 and a \$20 Monthly Pass.

## **Fleet**

CAT operates a mixed fleet of vehicles. Current schedules require a minimum of 5 buses in operation per service day. Two (2) 35'/33 passenger buses are utilized only on the fixed-route and commuter services. Two (2) 22'/17 passenger buses with four wheelchair stations are utilized on Dial-A-Ride only. The other vehicles are used on both fixed-route/commuter service and Dial-A-Ride (Paratransit) as appropriate. These vehicles include three (3) 24'-26'/20-21 passenger. Additionally, CAT has one (1) ramp accessible minivan and four (5) backup buses. All vehicles are accessible and can accommodate at least one wheelchair.

## **Complimentary Paratransit Service**

Canby Area Transit provides demand responsive Paratransit service through its Dial-a-Ride program to individuals whose disability prevents them from using or accessing the local fixed-route bus. Dial-a-Ride service is provided to all eligible individuals traveling within Canby Urban Growth Boundary or within ¾ mile of a fixed route. Dial-A-Ride customers traveling to and from destinations in the TriMet District make transfers to the TriMet LIFT service at the Oregon City Transit Center.

This service is provided during the hours of the local fixed-route service: 6:00 am to 8:00 pm Monday through Friday.

## **Eligibility**

See Appendix A for the certification process as part of the eligibility policy. The policy addresses the six required elements:

- Availability of application materials in accessible format
- Description of determination process, including method of notifying individuals about determinations
- System and timetable for processing applications and allowing presumptive eligibility
- Documentation provided to persons determined to be ADA Paratransit eligible
- Description of the administrative appeals process
- A policy for visitors

## **Scheduling a Ride**

When certification is complete, ride reservations are made by calling 503.266.4022 up to 14 days in advance and by 5:00 pm the day before any trip. Although the office is closed on weekends trip requests are taken by voice mail and honored for Mondays. There are no restrictions on trip purpose and it is the practice of Canby Area Transit that there are no capacity constraints.

## **Additional Information**

Subscription service (standing order) is available for riders who travel to and/or from the same location on a regular basis. Subscription service may be limited in order to ensure there are no capacity constraints for on-demand trip requests. A waiting list may be created for subscription service only.

Reservation times may be negotiated to within one hour of requested time. There is a pick-up window of 10 minutes before or after scheduled time. Passengers are requested to be ready for vehicle arrival, which may be up to 10 minutes early. Driver will allow up to five (5) minutes for passenger to board.

### **Cancellations, Missed Rides, and No Shows**

Cancelled and missed trips are costly and an inconvenience to other passengers. Customers are requested to contact the dispatch/scheduler as soon as possible when canceling a trip. Ridership privileges may be suspended due to a pattern of missed or no show appointments. Ridership privileges can also be suspended due to unruly behavior, which may or may not threaten safety on the vehicle.

### **Service Delivery**

Complementary service is curb-to-curb however accommodations are made when door-to-door service is needed.

### **Personal Care Attendant**

An ADA eligible rider may travel with one (1) Personal Care Attendant (PCA) and one (1) companion. Additional companions may ride as space allows. Companions are required to pay any applicable fares.

### **Service Fares**

The fare for the Paratransit service may be twice (2x) the fixed route fare.

On October 1, 2012 CAT implemented a one dollar fare for all CAT services. Children who have had their 7<sup>th</sup> birthday are required to pay the fare.

Dial-A-Ride customers who schedule their shopping trips on the twice daily Shopping Shuttles ride for free.

CAT offers a 24 ride Punch Pass for \$20 and a \$20 Monthly Pass.

### **Fleet**

As mentioned in the previous section, CAT operates a mixed fleet of vehicles. Two (2) 22'/17 passenger buses with four wheelchair stations are utilized on Dial-A-Ride only. The other vehicles are used on both fixed-route/commuter service and Dial-A-Ride (Paratransit) as appropriate. These vehicles include three (3) 24'-26'/20-21 passenger. Additionally, CAT has one (1) ramp accessible minivan and four (5) backup buses. All vehicles are accessible and can accommodate at least one wheelchair.

## Comparison of Fixed-Route to Complementary Paratransit

This comparison table summarizes the above defined Complementary Paratransit service showing it provides equal service to that provided by the fixed route and meets the six required criteria.

Service Criteria	Consistent w/ Regulation	Comments
Service Area	Yes	See Service Area Map
Response Time	Yes	14 days in advance to 5:00 pm the day prior
Fares	Yes	\$1
Trip Purpose	Yes	No Restrictions
Service Hours	Yes	Same
Capacity Constraints	Yes	None

### Other Transit Service

CAT offers two demand response services in addition to the required Complementary Paratransit Services described above. CAT provides a Premium Dial-A-Ride service and a General Public Dial-A-Ride service as space allows.

#### Premium Dial-A-Ride

CAT's Premium Dial-A-Ride service exceeds the American's with Disabilities Act (ADA) requirements for Paratransit riders. As a supplement to its Paratransit Dial-A-Ride connection to TriMet LIFT at the Oregon City Transit Center CAT provides a transferless service (origin-to-destination) to all eligible Paratransit customers. Transferless service is provided between addresses within the Canby Urban Growth Boundary and addresses inside the city limits of Oregon City. The service is curb-to-curb with reasonable accommodations made for trips requiring door-to-door assistance.

This service is provided during the hours of the local fixed-route and the complementary paratransit service hours. The Premium Dial-A-Ride service is provided for the following trip purposes: medical or social services appointments, education or employment. The service operates from 6:00 am to 8:00 pm Monday through Friday.

All other aspects of the service are the same as the Complementary Paratransit Service detailed above.

#### General Public Dial-A-Ride

On June 27, 2011 CAT implemented a General Public Dial-A-Ride service. The service replaced two local Canby routes that were eliminated due to budget cuts. The General Public Dial-A-Ride service is offered to anyone traveling within the Canby Area Transit service area. Rides are provided on a space available basis as capacity on the Complementary Paratransit service allows.

This service is provided between 8:00 am and 6:00 pm Monday through Friday. See [www.canbyareatransit.org](http://www.canbyareatransit.org) for more detailed information including a map of the CAT service area.

### Eligibility

Anyone traveling to or from a destination within the CAT service area is eligible for service. Individuals register by calling 503.266.4022 and providing their name, address, and phone number and answering a few questions.

**Scheduling a Ride**

Reservations may be scheduled as early as 14 days in advance or up to 24 hours prior to the trip. Reservations for Mondays or the first day after a holiday must be made on the Friday before the date of the ride request.

Reservations may be placed by calling the dispatcher/scheduler during office hours (Monday through Friday, 8:00am to 5:00pm) or on weekends and holidays by leaving a message on the office answering system.

**Additional Information**

Subscription service (standing order) is not available for this service. It is provided on a space available basis.

Reservation times may be negotiated to within one hour of requested time. There is a pick-up window of 10 minutes before or after scheduled time. Passengers are requested to be ready for vehicle arrival, which may be up to 10 minutes early. Driver will allow up to five (5) minutes for passenger to board.

**Cancellations, Missed Rides, and No Shows**

Cancelled and missed trips are costly and an inconvenience to other passengers. Customers are requested to contact the dispatch/scheduler as soon as possible when canceling a trip. Ridership privileges may be suspended due to a pattern of missed or no show appointments. Ridership privileges can also be suspended due to unruly behavior, which may or may not threaten safety on the vehicle.

**Service Delivery**

Service is curb-to-curb.

**Service Fares**

On October 1, 2012 CAT implemented a one dollar fare for all CAT services. Children who have had their 7<sup>th</sup> birthday are required to pay the fare.

Dial-A-Ride customers who schedule their shopping trips on the twice daily Shopping Shuttles ride for free.

CAT offers a 24 ride Punch Pass for \$20 and a \$20 Monthly Pass.

**Fleet**

As mentioned in the previous sections, CAT operates a mixed fleet of vehicles. Two (2) 22'/17 passenger buses with four wheelchair stations are utilized on Dial-A-Ride only. The other vehicles are used on both fixed-route/commuter service and Dial-A-Ride (Paratransit) as appropriate. These vehicles include three (3) 24'-26'/20-21 passenger. Additionally, CAT has one (1) ramp accessible minivan and four (5) backup cutaway buses. All vehicles are accessible and can accommodate at least one wheelchair.

## **Coordination with Other Public Transit Service Providers**

Canby Area Transit's participation in regular coordinated planning with many public transit service providers includes the Clackamas County Transportation Consortium, the Regional Transportation Coordinating Committee, and the Special Transportation Funding Advisory Committee responsible for the development of the Coordinated Human Transportation Services Plan. Canby Area Transit makes every effort to coordinate with other agencies in the region and to provide the most effective and appropriate level of service. We use the Elderly and Disabled Transportation Plan (EDTP) as a road map and make every effort to implement as many strategies of the plan as are possible. Providing connections and mobility is one of CAT's highest priorities and we currently make connections with TriMet, South Metro Area Regional Transit (SMART), South Clackamas Transportation District (SCTD), Chemeketa Area Regional Transportation System (CARTS) and Woodburn Transit System (WTS).

Canby Area Transit loans a minivan from its fleet to the Canby Adult Center. We work with the Canby Adult Center to arrange transportation for customers who are outside the CAT service boundaries. As often as possible we work with the RideWise program staff to assist CAT customers and Canby education professionals with travel training.

## **Public Participation**

The January 19, 2011 ADA Plan became available for public review and comment on the City website at [www.canbyareatransit.org](http://www.canbyareatransit.org) on January 7, 2011. A public notice was posted on the website and in the local newspaper of the Transit Advisory Committee meeting on January 12, 2011 which included the discussion of this agenda item. Subject to public comment, the ADA Plan was submitted to City Council for discussion, comment and approval at the January 19, 2011 meeting.

The service changes including the elimination of the local Canby routes, implementation of the General Public Dial-A-Ride service included in the March 6, 2013 version of the plan were presented at the following public meetings:

Transit Advisory Committee – May 11, 2012  
Special - Transit Advisory Committee – August 10, 2011  
Special - Transit Advisory Committee – September 14, 2011

Rider surveys and public input brought forward ideas that resulted in the implementation of a \$1 fare and free Shopping Shuttles on October 1, 2012. These ideas were presented and discussed at public meetings on the following dates:

Transit Advisory Committee – October 12, 2011  
Transit Advisory Committee – November 9, 2011  
City Council Meeting – November 16, 2011  
Transit Advisory Committee – December 8, 2011  
Transit Advisory Committee – February 16, 2012  
Transit Advisory Committee – April 19, 2012  
Transit Advisory Committee – May 17, 2012  
Transit Advisory Committee – June 21, 2012  
Transit Advisory Committee – July 19, 2012  
Special Transit Advisory Committee – August 16, 2012



These changes are included in ADA Plan dated March 6, 2013. Subject to public comment the plan was submitted to City Council for discussion, comment and approval at the March 6, 2013 meeting.

The changes included in the ADA Plan dated April 2, 2014 were presented to the Transit Advisory Committee at their March 20, 2014 meeting. Subject to public comment the April 2, 2014 version of the plan was submitted to the City Council for discussion, comment and approval at the April 2, 2014 meeting.

## **Implementation Plan**

As Canby Area Transit meets the required service criteria for its Complementary Paratransit service, there are no planned changes to address ADA requirements.

## **Appendix A**

### **Canby Area Transit AMERICANS WITH DISABILITIES (ADA) Eligibility Policy**

Eligibility is the process whereby a rider can apply to receive ADA Complementary Paratransit or other special services for which they are determined eligible.

#### **Application and Certification Process**

When a customer contacts Canby Area Transit (CAT) with a request for ADA eligible service they are asked to complete a paper application and are given a copy of a brochure (attached as Appendix B) that describes CAT's Dial-A-Ride service. An application form (attached as Appendix C) is provided to all customers requesting special services. All eligibility materials are available in accessible formats upon request.

Once a completed application is received, CAT may take up to 21 days from receipt to make an eligibility determination. No application for special services is accepted for review by CAT until all sections of the application are completed. All partially complete or illegible applications are returned to the applicant. The Transit Director or designee will review all completed applications to determine eligibility for special services including the category of service such as permanent, temporary, or conditional. Follow-up phone, in-person interviews, or functional assessments may be needed. If an initial determination is not made within 21 days of the individual's request for service, they will be provided temporary services on a presumption of eligibility until eligibility is determined.

All applicants receive notification of their eligibility or service denial in writing and in an accessible format if requested. Individuals who are certified as eligible are provided with an identification card.

#### **Denial of Service**

If ADA Complementary service is denied, the individual has the right to appeal this decision. The service denial will be provided in writing, will detail the reasons for denial and provide information about the process of appealing the decision. The denial decision will be determined by the Transit Director or designee, who will sign the denial notification letter.

#### **Appeal Process**

Any applicant who is denied ADA Paratransit eligibility or disagrees with any established conditions of eligibility has the right to appeal the determination. An appeal request must be submitted in writing and postmarked or delivered within 60 days of the applicant receiving written notification of the decision regarding eligibility as provided above. Appeal requests should be addressed to: Transit Director, City of Canby, PO Box 930, 195 S Hazel Dell Way, Suite C, Canby OR 97013 for review. The appellant, at their request, has the right to meet with the Transit Director to present additional information and arguments. Anyone needing special accommodations may contact Canby Area Transit for assistance at 503.266.4022 or 195 S Hazel Dell Way, Suite C, Canby OR 97013.

The decision of the Transit Director must be made within 30 days and provided in writing or in an accessible format, and include the reasons for the finding. If the decision of the Director is not

satisfactory, a further appeal can be made within 30 days to the Transit Advisory Committee at an open, public meeting. Determination at such a meeting will be forwarded as a recommendation to the Canby City Council for approval. Canby City Council determinations will be final. A record of action taken on each request or complaint must be maintained as part of the record or minutes at each level of the appeal process.

The right of the appellant to a prompt and equitable resolution of the complaint must not be impaired by the appellant's pursuit of other remedies, such as the filing of a complaint with the Department of Justice or other appropriate federal agency or the filing of a suit in state or federal court. Use of this procedure is not a prerequisite to the pursuit of other remedies.

### **Visitor Privilege**

Visitors will be allowed special services when traveling in Canby. The individual should have a certification from their home of record. If they do not and the disability is not obvious, the certification process will be used to determine eligibility. Visitor privilege will be provided by CAT for up to 30 days per year. Individuals certified by another transit agency in the region will have unlimited reciprocity.

### **Suspension of Services**

Canby Area Transit reserves the right to suspend from services any ADA qualified person, who establishes a pattern or practice of missing scheduled trips and/or for violating the passenger conduct rules posted in CAT vehicles. Repeated violations can result in services being revoked for up to a maximum of one year. All suspension decisions will be the responsibility of the Transit Director, subject by appeal to the City Council.

### **Personal Care Attendant**

An ADA eligible rider may travel with a Personal Care Attendant (PCA) who may ride free of charge. Other companions may ride as space allows and will be required to pay any applicable fares.

### **Eligibility Identification Cards**

Eligibility Identification Cards will include: Customer name, Customer number, and expiration date for eligibility.

### **Temporary or Conditional Certification**

If eligibility is determined temporary, the ADA qualified person will need to be re-certified at the end of the termed period, unless a longer time period is recommended by the physician and approved by the Transit Manager.

If eligibility is determined conditional, the ADA qualified person can request to have the status of eligibility reviewed should the conditions change.

### **Title VI Non Discrimination Policy**

Canby Area Transit (CAT) operates equal opportunity programs without regard to race, color, national origin, religion, age, marital status, equal orientation, or disability in accordance with Title VI of the Civil Rights Act, ORS Chapter 659A or other applicable law.

### **Holidays**

Canby Area Transit (CAT) does not operate on the following holidays:

- New Years Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas



***Dial-A-Ride Service***

***\$1.00 Fare***

***Fixed Route and Dial-A-Ride  
“Shopper Shuttle” is Free\****

\* visit website ([www.canbyareatransit.org](http://www.canbyareatransit.org)) or call office  
for details on Shopper Shuttle

### **Canby Area Transit**

PO BOX 930  
195 S Hazel Dell Way  
Suite C  
Canby, OR 97013

**503.266.4022**

Oregon Relay Service 800.735.2900

Email: [cat@ci.canby.or.us](mailto:cat@ci.canby.or.us)

Website: [www.canbyareatransit.org](http://www.canbyareatransit.org)



**503.266.4022**

CAT is supported by  
Canby Businesses



## ABOUT CANBY AREA TRANSIT DIAL-A-RIDE SERVICE

Canby Area Transit Dial-A-Ride is a service provided in compliance with the 1990 Americans with Disabilities Act (ADA), providing complementary paratransit service within Canby and to and from Oregon City. The service operates the same hours as our fixed route service (6:00 am to 8:00 pm, Monday-Friday), providing for those with special needs who are unable to access fixed route service. Applications for Dial-A-Ride services are available through the CAT office located at 195 S Hazel Dell Way, Suite C.

### RESERVATIONS, CANCELLATIONS AND NO SHOWS

- ▶ Reservations may be scheduled as early as 14 days in advance, and/or up to 5:00 pm the day before the trip is needed.
- ▶ Reservations may be placed by calling the dispatcher/scheduler during office hours (Monday through Friday, 8:00am to 5:00pm) or on weekends and holidays by leaving a message on the office answering system. **Please call with complete trip information (dates, times, addresses) and a phone number for trip confirmation.**
- ▶ Pick-up time may be negotiated and scheduled within an hour of the requested time.
- ▶ It is best to pre-schedule return trips with a specific pick-up time. When this is not possible, the return trip is scheduled as a “call back”. When you are ready for your return pick-up, please call Dispatch. At that time an **estimated** pick-up time will be given based on driver/vehicle availability. Although we will do our best to get to you promptly, during busy times it may take up to 60-minutes for a “call back” ride.
- ▶ To cancel a Dial-A-Ride reservation please call the office as soon as possible. A trip reservation cancelled with less than one (1) hour notice prior to pick-up time may be considered a no-show.
- ▶ When a rider is late by more than five (5) minutes past the scheduled pick-up time the trip will be considered a no-show.
- ▶ A pattern of no-shows could result in a suspension of ridership privileges. Suspended riders will be notified in writing.

## PLANNING TRIPS

- ▶ Please plan trips with these points in mind:
  - CAT may arrive 10 minutes before or after the scheduled pick-up time.
  - Depending on route/passenger needs, CAT may send a bus or mini-van for your pick-up. If possible, make allowances for bus access to the pick-up and delivery addresses.
- ▶ CAT vehicles are wheelchair accessible. Drivers are trained to assist persons with disabilities in boarding and de-boarding.
- ▶ Riders may travel with one (1) Personal Care Attendant (PCA) and one (1) companion. Additional companions may ride as space allows. Reservations are required for PCAs and companions.
- ▶ Carry-on items such as groceries must be limited to what you and/or your personal care provider can carry. Packages may not block the aisle. No hazardous materials are allowed on the vehicles.
- ▶ Trips to the Portland/Metro area are made with connections through TriMet and require an approved application from TriMet LIFT services.
- ▶ All items found on vehicles will be donated to charity if not claimed within 30 days.
- ▶ Severe weather may result in a suspension of service. Please call **503.266.4022** for more information or check our website at [www.canbyareatransit.org](http://www.canbyareatransit.org).

### CUSTOMER COMMENTS APPRECIATED

Customer Comment Cards are available on all vehicles. Completed Customer Comment Cards may be given to any CAT driver or representative or mailed to:

Canby Area Transit  
PO Box 930  
Canby, OR 97013

**503.266.4022**

TTY/TDD Relay Service: 1.800.735.2900

City Council Packet Page 27 of 57



## APPLICATION FOR

### Canby Area Transit Dial-A-Ride Service

#### PART 1. PERSONAL INFORMATION

*PLEASE PRINT CLEARLY*

Name \_\_\_\_\_

Last Name

First Name

Middle Name

Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_

Address \_\_\_\_\_

(Please include St., Ave., Blvd., Lane, Circle, Place, etc.)

Name of Apartment Complex \_\_\_\_\_ Apt. No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Nearest Cross-Street \_\_\_\_\_

Home Phone (\_\_\_\_) \_\_\_\_\_ Work Phone (\_\_\_\_) \_\_\_\_\_

#### PART 2. CONTACT PERSON

**Provide the name of a person CAT can contact about your Dial-A-Ride service in an emergency.**

Name of Contact \_\_\_\_\_

Relationship to Applicant \_\_\_\_\_

Phone Number(s) \_\_\_\_\_



## APPLICATION FOR

### Canby Area Transit Dial-A-Ride Service

### PART 3. MOBILITY AIDS

1. Will you use any of the following when riding Dial-A-Ride?

(Check all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Cane, Walker, Crutches or White Cane | <input type="checkbox"/> Service Animal    |
| <input type="checkbox"/> Communication Aid                    | <input type="checkbox"/> Other _____       |
| <input type="checkbox"/> Portable Oxygen                      | <input type="checkbox"/> None of the Above |

2. Will you use a wheelchair ( manual or electric ) **or**  
an electric scooter when riding Dial-A-Ride?

- ☐ No      ☐ Yes      ☐ Sometimes

a) If you use a wheelchair or electric scooter, which device  
do you use?

- ☐ Manual Wheelchair    ☐ Motorized Wheelchair    ☐ Electric Scooter

b) If you use a wheelchair or scooter can you transfer to a seat?

- ☐ No      ☐ Yes

3. Will you be accompanied by an Attendant or Escort when  
riding Dial-A-Ride? (A person who may provide assistance  
during the ride or at the destination).

- ☐ No      ☐ Yes

4. When you arrive at your destination does someone else need to be  
there to take responsibility for you before the driver leaves?

- ☐ No      ☐ Yes



## PART 4. DISABILITY OR HEALTH CONDITION

5. What is your disability or health condition?

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---

6. How does your disability or health condition limit or prevent you from using CAT fixed route buses?

---



---

7. Do you expect your need for Dial-A-Ride service will be permanent or temporary?

Permanent ☐

Temporary ☐

If temporary, how long (estimate in months)? 

---

8. How far can you walk or travel ( in wheelchair or scooter) on level ground by yourself?

☐ Any distance. I am not limited in my walking or traveling ability

☐ Only within my home

☐ I can walk or travel one (1) city block or less

☐ I can walk or travel 

---

 .

(\*\*Write in the number of city blocks you can walk or travel\*\*)





## APPLICATION FOR

### Canby Area Transit Dial-A-Ride

9. a) Can you get off and on the bus by using the steps?

☐ No                      ☐ Yes                      ☐ Sometimes                      ☐ Not Sure

b) Can you get to or from the bus stop nearest to your home?

☐ No                      ☐ Yes                      ☐ Sometimes                      ☐ Not Sure

c) Can you wait up to 15 minutes at a bus stop?

☐ No                      ☐ Yes                      ☐ Sometimes                      ☐ Not Sure

d) Can you get to a seat (or wheelchair / scooter position)  
once you have boarded the bus?

☐ No                      ☐ Yes                      ☐ Sometimes                      ☐ Not Sure

### PART 5. DO YOU HAVE OHP+ OR MEDICAID?

Your OHP+ or Medicaid ID# \_\_\_\_\_

Your Case Manager's Name \_\_\_\_\_ Phone# \_\_\_\_\_

### PART 6. APPLICANT'S CERTIFICATION (cont'd on next page)

I certify that the information in this application is true and correct.

I understand that providing false information may result in denial of service as well as a penalty under the law. I understand all information will be kept confidential and disclosed only as needed in order to provide Dial-A-Ride services.



## APPLICATION FOR

### Canby Area Transit Dial-A-Ride Service

#### PART 6. APPLICANT'S CERTIFICATION (cont'd)

I understand that it may be necessary for me to participate in an in-person evaluation at CAT expense to determine my eligibility for Dial-A-Ride service

**Applicant's Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

\*\*Application MUST be signed in order to process\*\*

If someone completed or assisted with this application please provide the following information:

Name(s) of Person(s) \_\_\_\_\_

Relationship to Applicant: \_\_\_\_\_

Phone Number(s) \_\_\_\_\_

#### PART 7. PROFESSIONAL CONTACT (OPTIONAL)

It may be helpful for us to contact a professional who is familiar with your disability or health condition, abilities or limitations. Please list a professional we can contact. (Examples: Physician, Case Manager, Therapist or Social Worker).

Name of Professional(s) \_\_\_\_\_

Phone Number(s) \_\_\_\_\_

(Include Area Codes for all numbers)



## APPLICATION FOR

Canby Area Transit Dial-A-Ride Service

### PART 7. PROFESSIONAL CONTACT (OPTIONAL) (cont'd)

I authorize the professional listed to release to CAT information about my disability or health condition and its effect on my ability to use CAT services.

I understand that I may revoke this authorization at any time.

Applicant's Signature: \_\_\_\_\_ Date \_\_\_\_\_

(Signature of Applicant or Responsible Party)

### PART 8. INFORMATION AND ASSISTANCE

Canby Area Transit offers information and assistance to persons that Are becoming familiar with using CAT services.

**YES,** I would be interested in (check all that apply):

- ☐ More information about accessibility of bus
- ☐ Help with trip planning
- ☐ Finding out about travel training programs
- ☐ Other, please describe:

---



---

**THIS PAGE IS  
INTENTIONALLY  
BLANK**

*Please fold, tape and mail*

RETURN ADDRESS:

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Place  
One  
Stamp  
Here

CITY OF CANBY TRANSIT DEPARTMENT  
PO BOX 930  
CANBY OR 97013-0930

## Appendix D

### Canby Area Transit – City of Canby Transit Commuter Route Design Compliance

Commuter Service to Woodburn	
SERVICE DESIGN CHARACTERISTICS OF COMMUTER ROUTE	COMMENTS
No attempt to comprehensively cover service area	Commute portion of the route operates between Canby Square and Woodburn Transit System (WTS) bus stop (#18) near BiMart (1600 Mt Hood Avenue) in Woodburn.
Limited route structure	Commute portion of the route is linear along 99E
Limited number of stops	Commute portion of the route makes limited stops along 99E
Routes of extended length, usually between central business and outlying areas	Commute portion of the route is about 10 miles from Canby Square in Canby to the WTS bus stop (#18) in Woodburn.
Service predominately in one direction during peak times	Commute portion of the route is bidirectional throughout day as commutes serve both communities (reverse commute) and many shifts
Coordinated relationship to other modes	Commute portion of the route connects Canby commuters to WTS and CARTS
Use of multi-ride tickets	Both 24 ride Punch Passes and Monthly Passes are available for this service

Commuter Service to Oregon City	
SERVICE DESIGN CHARACTERISTICS OF COMMUTER ROUTE	COMMENTS
No attempt to comprehensively cover service area	Commute portion of the route operates between either Canby Transit Center or Canby Market Center and the Oregon City Transit Center in Oregon City
Limited route structure	Commute portion of the route is linear along 99E
Limited number of stops	Commute portion of the route makes limited stops along 99E
Routes of extended length, usually between central business and outlying areas	Commute portion of the route is 8.4 miles between Canby Market Center and the Oregon City Transit Center and 9.1 miles between the Canby Transit Center and the Oregon City Transit Center.
Service predominately in one direction during peak times	Commute portion of the route is bidirectional throughout day as commutes serve both communities (reverse commute) and many shifts
Coordinated relationship to other modes	Commute portion of the route connects Canby commuters to TriMet services in Oregon City.
Use of multi-ride tickets	Both 24 ride Punch Passes and Monthly Passes are available for this service

# Appendix E

## Canby Area Transit (CAT) – City of Canby

### COMPLAINT AND APPEALS PROCESS

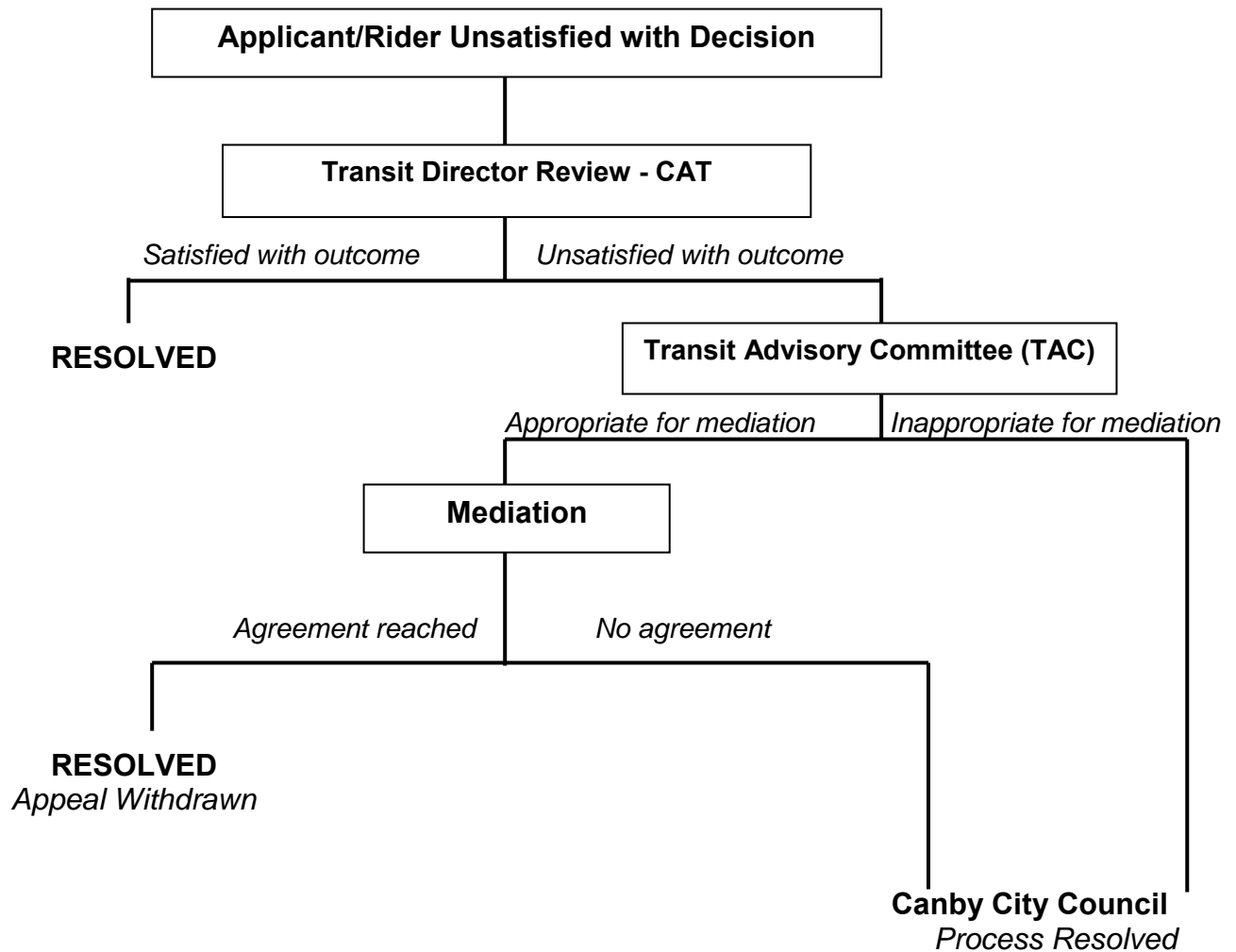
STEPS	CONSIDERATIONS
<p><b>1. Notice of Decision</b></p> <p>Applicant or rider is notified of eligibility or suspension status. Those who receive suspension notices or notice of less than full eligibility will be notified of their option to request a review of the decision and their right to appeal.</p> <p>The applicant/rider has a predetermined number of days from receipt of a decision to request a review or an appeal: 14 days for suspension notices, 60 days for eligibility determinations and other decisions.</p> <p>At this point, the rider/applicant may either request a review (go to Step 2) or appeal the decision (go to Step 3).</p>	<p>The entity shall establish an administrative appeal process through which individuals denied eligibility or notified of an impending service suspension can obtain review of the decision. SS37.125 (g) and SS37.125 (h)(3).</p> <p>For Eligibility Decisions: Provider may require that an appeal be filed within 60 days of denial of an individual's application. SS37.125(g)(1).</p> <p>For Suspensions: Canby Area Transit policy establishes that a suspension will take effect 30 days after the rider is notified therefore appeals should be made within 14 days</p>
<p><b>2. Manager's Review</b></p> <p>Applicant/rider contacts the Transit Director to request a review of the decision. The Director will review the case and work with the applicant/rider to obtain additional information in a timely manner.</p> <p>This may involve an in-person interview or an evaluation by a physical therapist.</p> <p>After all necessary information has been gathered. Transit Director will render a review decision within 14 days and will notify the applicant/rider in writing. The applicant/rider will again be notified of their right to appeal. An appeal must be initiated within 14 days (suspension) or 60 days (eligibility) of receipt of the review decision.</p>	<p>Applicants/riders are encouraged to request a manager's review rather than jumping right to an appeal. A manager's review supports the process goal of "keeping the complaints close to the source" and may be successful at resolving some conflicts.</p> <p>There is no ADA specified time limit for the information gathering step. The duration of this period is largely defined by the amount of time needed by the applicants, physicians or other professionals to complete assessments and/or submit information.</p>
<p><b>3. Formally Initiating an Appeal</b></p> <p>The applicant/rider will submit their request to appeal to the Transit Director for review by the Transit Advisory Committee (TAC)</p> <p>The TAC will determine if the appeal is appropriate for mediation. The City will contact a mediator from the roster for case development and mediation. The mediator will initiate contact with the applicant/rider within 30 days of Canby Area Transit's receipt of the request to appeal.</p> <p>If Canby Area Transit determines the case is not appropriate for mediation the case will proceed directly to administrative appeal (Step 5).</p>	<p>Because mediation is an additional step in the required appeals process, Canby Area Transit retains the right to choose <u>not</u> to mediate certain cases. Such cases may involve intractable disputes or situations where one of the parties is unwilling or unable to participate in a productive manner. These cases will be forwarded directly to Step 5 for an administrative decision.</p>



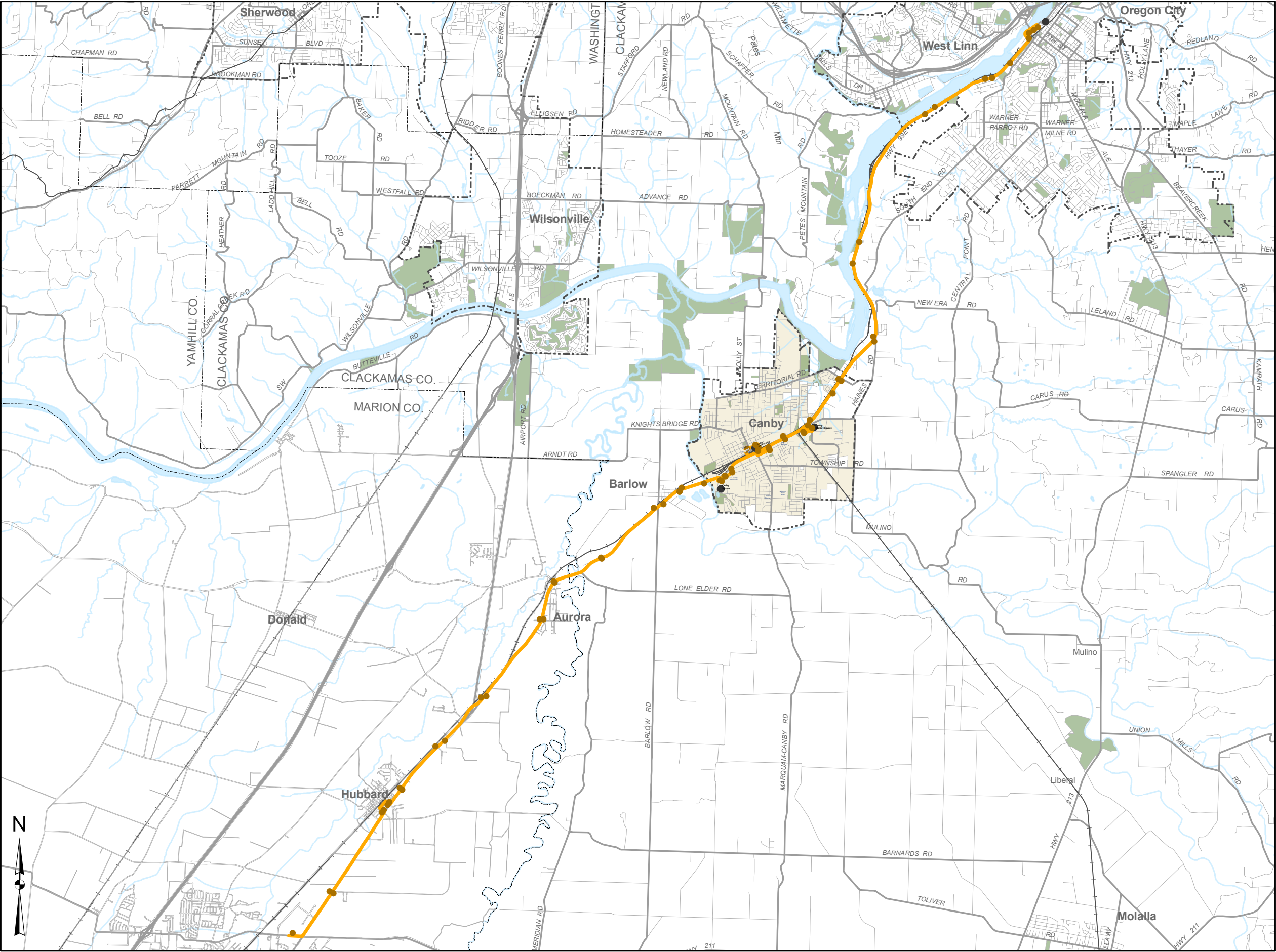
<p><b>4. Mediation</b></p> <p>If mediation is successful at resolving the dispute, the appellant will be asked to withdraw their appeal. The mediated agreement will become final unless the Transit Director at Canby Area Transit identifies a concern.</p> <p>Canby Area Transit will have up to 14 days following approval of the agreement to issue a decision in writing that reflects the mediated agreement.</p> <p>If the mediation is not successful, the case will be reviewed by City Attorney and the Transit Advisory Committee and forwarded with recommendations to the Canby City Council for an administrative decision.</p>	<p>Approval by the City Attorney is necessary to ensure that the agreement adequately upholds legal requirements and does not hold the Canby Area Transit or the City of Canby to liability. Because legal and liability issues will be addressed in the mediation, review by the City Attorney is expected to be a perfunctory sign-off.</p>
<p><b>5. Administrative Appeal</b></p> <p>Administrative appeal will be processed by Transit Advisory Committee. This process involves a review of the file and an opportunity for the applicant/rider to be heard in-person.</p> <p>Following the TAC review and recommendation the City Council will make a final determination.</p> <p>The Canby City Council will issue a decision within 30 days of that hearing, or within 30 days of the applicant's/rider's waiver of the opportunity to be heard.</p> <p>This is the final step in an appeal.</p>	<p>The ADA requires that administrative appeals be heard by someone with "separation of functions". This requirement is met by having the Transit Advisory Committee conduct administrative reviews and forward for approval to the City Council. SS37.125 (g)(2).</p> <p>The ADA requires that the administrative appeal process include an opportunity for the applicant/rider to be heard and to present information and arguments. SS37.125 (g)(2).</p> <p>The Appendix to SS37.125 (g)(2) states that after the appeals process has been completed, the entity should make a decision within 30 days, and that service must be provided starting on the 31<sup>st</sup> day until and unless a decision is rendered.</p>

## CANBY AREA TRANSIT COMPLAINT AND APPEALS PROCESS

For Eligibility Determinations and Service Suspensions



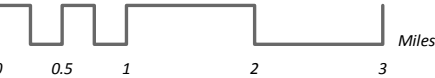
1. Canby Area Transit Director will review all complaints and appeals. This review may involve an in-person interview, evaluation by a medical professional or consultation with the individual's case manager.
2. If the Transit Advisory Committee (TAC) determines appeal is not suited for mediation, appeal will proceed with a TAC recommendation directly to the Canby City Council
3. For decisions made by the Canby City Council or TAC the appellant will have the opportunity to be heard in-person.



**Legend**

*CAT Bus Routes*

- Orange Line
- Bus Stops (provisional)
- Arterial or Collector Roadway
- Streets
- Railroads
- Urban Growth Boundary
- Canby City Limits
- Parks
- Streams
- Transit Center



**CITY OF CANBY**

**CANBY AREA TRANSIT SYSTEM  
ORANGE LINE**

Orange Line (99E) - to Canby or Oregon City									
Northbound on 99E									
Días Laborales Dirección Norte									
	Woodburn <i>Bi-Mart</i>	Hubbard <i>99E &amp; D Street</i>	Aurora <i>99E &amp; Liberty</i>	Canby Square <i>Safeway</i>	Canby Transit Center <i>Thriftway</i>	SE 2nd & S Locust	Canby Market Center <i>Fred Meyer</i>	Oregon City TC <i>Main Street</i>	
X					5:05	-	-	5:25	X
X					5:58	-	-	6:18	X
X					6:30	-	-	6:50	X
X	6:24	6:34	6:43	6:48	6:54	-	-	7:14	X
				7:24	7:30	7:34	7:38	7:54	
				7:54	8:00	8:04	8:08	8:24	
	9:00	9:10	9:19	9:24	9:30	9:34	9:38	9:54	
				9:54	10:00	10:04	10:08	10:24	
	11:30	11:40	11:49	11:54	12:00	12:04	12:08	12:24	
					12:30	12:34	12:38	12:54	
	2:00	2:10	2:19	2:24	2:30	2:34	2:38	2:54	
					3:00	3:04	3:08	3:24	
				3:39	3:45	3:49	3:53	4:09	
					4:30	4:34	4:38	4:54	
	4:30	4:40	4:49	4:54	5:00	5:04	5:08	5:24	
					5:30	5:34	5:38	5:54	
				6:24	6:30	6:34	6:38	6:54	
	7:05	7:15	7:24	7:29	7:35	7:39	7:43	7:59	
Service available Monday - Friday									
¡SERVICIO LOS DÍAS LABORALES SOLMENTE!									

How to read this schedule

- Find the stop where you will board the bus.
- Read top to bottom to find scheduled arrival times at the listed stops.
- Read from left to right to find how long it takes to travel between stops.
- Schedules are subject to change without notice. For the most current schedule check the CAT website [www.canbyareatransit.org](http://www.canbyareatransit.org).

*Fare is \$1.00  
Exact Change Only*

*Tarifa es un dólar  
Solo Cambia Exacto*

**X = Express** no stop at SE 2nd & Locust or Canby Market Center  
**—** = no service  
AM in regular print  
**PM in bold print**

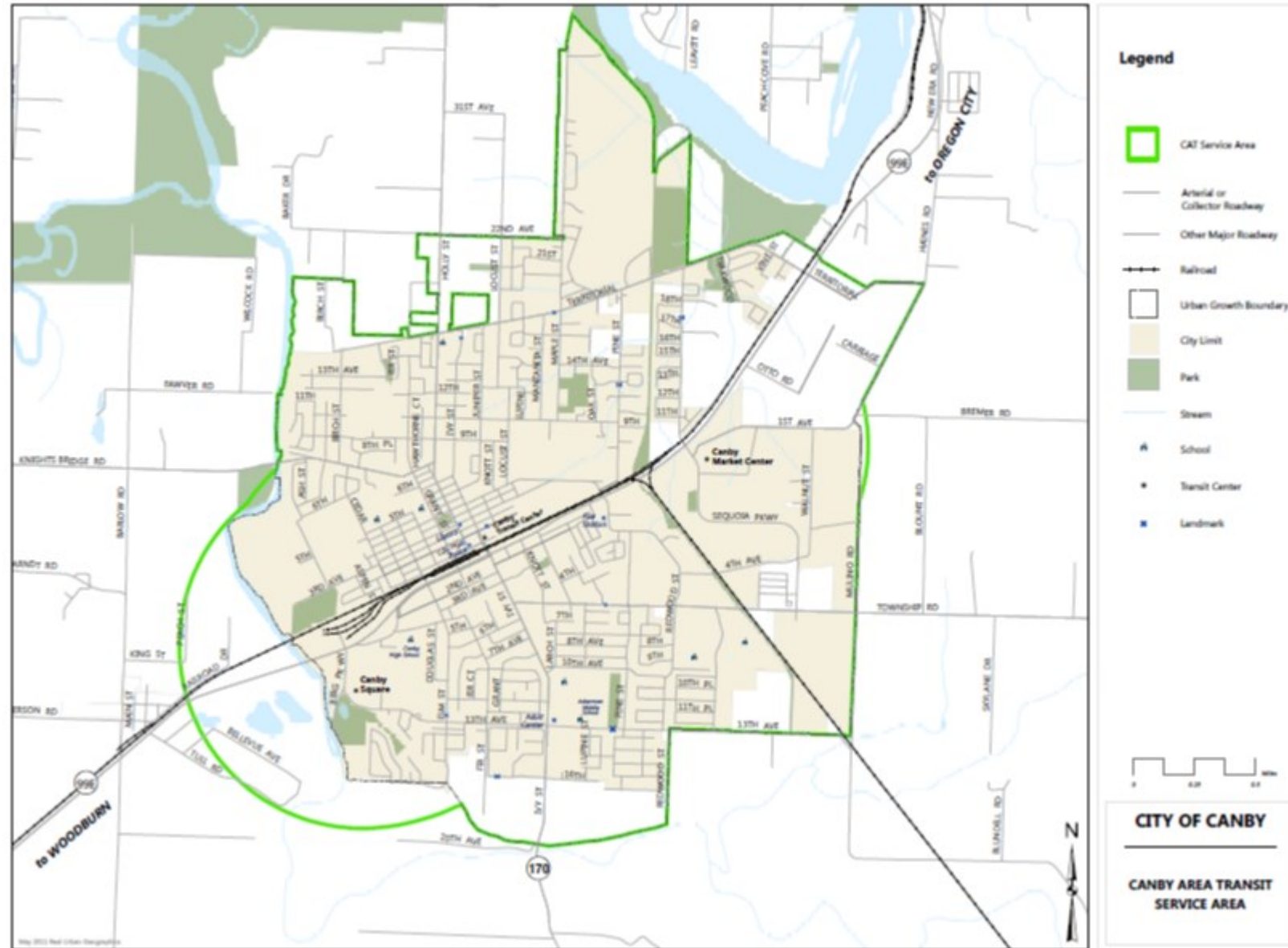
**X = Directo** sin efectuar parada en SE 2nd y Locust o en el Canby Market Center  
**—** = ningún servicio  
AM en fuente normal  
**PM en negrita**

Orange Line (99E) - to Canby or Woodburn									
Southbound on 99E									
Días Laborales Dirección Sur									
	Oregon City TC <i>Main Street</i>	Canby Market Center <i>Fred Meyer</i>	SE 2nd & S Locust	Canby Transit Center <i>Thriftway</i>	Canby Square <i>Safeway</i>	Aurora <i>99E &amp; Liberty</i>	Hubbard <i>99E &amp; D Street</i>	Woodburn <i>Bi-Mart</i>	
	5:28	5:44	5:49	5:55	6:00	6:06	6:13	6:22	
	6:30	6:46	6:51	6:57	7:02				
	6:55	7:11	7:15	7:19	7:24				
	7:25	7:41	7:45	7:49	7:54				
	8:04	8:20	8:25	8:31	8:36	8:42	8:49	8:58	
	8:34	8:50	8:55	9:01	9:06				
	10:04	10:20	10:25	10:31	10:36				
	10:34	10:50	10:55	11:01	11:06	11:12	11:19	11:28	
	12:34	12:50	12:55	1:01	1:06				
	1:04	1:20	1:25	1:31	1:36	1:42	1:49	1:58	
	3:04	3:20	3:25	3:31	3:36				
	3:34	3:50	3:55	4:01	4:06	4:12	4:19	4:28	
X	4:19	-	-	4:39	4:40				X
	5:04	5:20	5:25	5:31					
X	5:38	-	-	5:58	6:03				X
	6:04	6:20	6:25	6:31	6:36	6:42	6:49	6:58	
	7:04	7:20	7:25	7:31					
	8:10	8:26	8:31	8:35	8:40				
Service available Monday - Friday									
¡SERVICIO LOS DÍAS LABORALES SOLMENTE!									

Cómo leer este horario:

- Busque la parada donde va a subir al autobús.
- Lea de arriba hacia abajo para encontrar las horas de llegada programadas para las paradas indicadas.
- Lea de la izquierda a la derecha para encontrar el tiempo de tránsito entre paradas.
- Los horarios están sujetos a modificación sin previo aviso. Para el ultimo horario visite el sitio web de CAT que se encuentra en [www.canbyareatransit.org](http://www.canbyareatransit.org).





503.266.4022  
[www.canbyareatransit.org](http://www.canbyareatransit.org)

Accessibility Features

- Buses are **wheelchair lift** equipped.
- **Priority seating** is available on all buses for senior citizens and people with disabilities.
- Controlled **service animals** are permitted on buses (on a leash or in a pet container) .
- Buses are equipped with **bike racks**.
- **Complementary Paratransit service** is provided to qualified individuals who are unable to use shuttles or fixed route buses.

Holidays

CAT does not operate on the following holidays:

- New Years Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas

Title VI Non Discrimination Policy

Canby Area Transit (CAT) operates equal opportunity programs without regard to race, color, national origin, religion, age, marital status, sexual orientation, or disability in accordance with Title VI of the Civil Rights Act, ORS Chapter 659A or other applicable law.

Canby Area Transit

PO BOX 930  
195 S Hazel Dell Way, Suite. C  
Canby, OR 97013

503.266.4022

Oregon Relay Service 800-735-2900  
email: [cat@ci.canby.or.us](mailto:cat@ci.canby.or.us)  
website: [www.canbyareatransit.org](http://www.canbyareatransit.org)

CAT is supported by Canby Area Businesses

*Alternative formats available upon request.*



Dial-A-Ride  
services for the general public

Bus Fare is \$1.00—Exact Change Only.
Children under 7 years old ride FREE when accompanied by an adult

Updated October 15, 2013  
Actualizado el 15 octubre  
de 2013

Dial-A-Ride

Canby Area Transit offers a Dial-A-Ride service for the general public. Anyone traveling to or from destinations within the Canby Urban Growth Boundary is eligible for this service. The service operates from 8:00 am—6:00 pm Monday through Friday. Reservations are accepted between 8:00 am and 5:00 pm.

How do I register?

- Register by calling us and answering a few questions. Registration only happens one time. After that just let us know if you change your name, address, or phone number.

It’s that easy! We will pick you up and take you anywhere you need to go in Canby.

Reservations

Reservations may be scheduled as early as 14 days in advance or up to 24 hours prior to the trip. Reservations for Mondays or the first day after a holiday must be made on the Friday before the date of the ride request.

Reservations may be placed by calling the dispatcher/scheduler during office hours (Monday through Friday, 8:00am to 5:00pm) or on weekends and holidays by leaving a message on the office answering system. Please call with complete trip information (dates, times, addresses) and a phone number for trip confirmation.

Pick-up time may be negotiated and scheduled within an hour of the requested time.

It is best to pre-schedule return trips with a specific pick-up time. When this is not possible, the return trip is scheduled as a “call back”. When you are ready for your return pick-up, please call Dispatch. At that time an estimated pick-up time will be given based on driver/vehicle availability. Although we will do our best to get to you promptly, during busy times it may take up to 60-minutes for a “call back” ride.

To cancel a Dial-A-Ride reservation please call the office as soon as possible. A trip reservation cancelled with less than one (1) hour notice prior to pick-up time may be considered a no-show.

When a rider is late by more than five (5) minutes past the scheduled pick-up time the trip will be considered a no-show.

A pattern of no-shows could result in a suspension of ridership privileges. Suspended riders will be notified in writing.

Trip Planning

Please plan trips with these points in mind:

- CAT may arrive 10 minutes before or after the scheduled pick-up time.
- Depending on route/passenger needs, CAT may send a bus or mini-van for your pick-up. If possible, make allowances for bus access to the pick-up and delivery addresses.

CAT vehicles are wheelchair accessible. Drivers are trained to assist persons with disabilities in boarding and de-boarding.

Carry-on items such as groceries must be limited to what you can carry. Packages may not block the aisle. No hazardous materials are allowed on the vehicles.

All items found on vehicles will be donated to charity if not claimed within 30 days.

Severe weather may result in a suspension of service.

Children under the age of 5 must be accompanied by a person over the age of 16. Children aged 5-8 may travel alone if adult supervision is arranged at the pick-up and drop-off points. Children aged 9 and older may travel alone. Children under the age of 7 traveling alone pay the fare.

All General Public Dial-A-Ride reservations are made on a space available basis. So make your reservation early.

Fare: \$1 per trip

Accompanied Children 6 years old and younger ride free.

## ORDINANCE NO. 1397

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE-ELSNER, INC. IN THE AMOUNT OF \$471,891.50 FOR N. JUNIPER STREET AND NE 9th AVENUE ROADWAY IMPROVEMENTS; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby has heretofore advertised and received fourteen (14) bids for the N. Juniper Street and NE 9<sup>th</sup> Avenue Roadway Improvements project; and

**WHEREAS**, the notice of call for bids was duly and regularly published in the Oregon Daily Journal of Commerce on February 14, 2014; and

**WHEREAS**, bids were received and opened on March 6, 2014 at 2:00 pm in the City Hall Conference Room of the City of Canby and the bids were read aloud: and

**WHEREAS**, the bidders are as listed below and a detailed tabulation of all items is attached herein as Exhibit "B" and summarized as follows:

1.	Eagle-Elsner, Inc.	\$471,891.50
2.	Lyda Excavating, Inc.	\$480,000.00
3.	Canby Excavating, Inc.	\$489,126.00
4.	Pacific Excavation, Inc.	\$495,793.00
5.	Jeff Kersey Construction, Inc.	\$499,995.00
6.	M.L. Houck Construction Co.	\$521,925.75
7.	GSE, Inc.	\$540,773.00
8.	NW Kodiak Construction, Inc.	\$548,012.06
9.	North Santiam Paving Co.	\$556,510.50
10.	CivilWorks NW, Inc.	\$566,650.00
11.	C.R. Woods Trucking	\$570,886.23
12.	Green Thumb Landscape	\$578,230.98
13.	R&R General Contractors, Inc.	\$584,048.00
14.	Carter & Company, Inc.	\$649,672.33

**WHEREAS**, the Canby City Council, acting as the City's Contract Review Board, met on Wednesday, March 19, 2014, and considered the bids and reports and recommendations of the City staff, including the staff recommendation that the low responsive bid be selected; and

**WHEREAS**, the Canby City Council determined that the low responsive bid was that of Eagle-Elsner, Inc.; now therefore

2nd Reading

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

Section 1. The Mayor and/or City Administrator 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 Eagle-Elsner, Inc. for N. Juniper Street and NE 9<sup>th</sup> Avenue Roadway Improvements, in the amount of \$471,891.50. A copy of the contract with Eagle-Elsner, Inc. is attached hereto and marked as Exhibit "A" and by this reference incorporated herein.

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, March 19, 2014; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, April 2, 2014, after the hour of 7:30 pm at the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 2<sup>nd</sup> day of April, 2012, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Brian Hodson, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder



## MEMORANDUM OF UNDERSTANDING IV

**WHEREAS**, the City of Canby, a Municipal Corporation, hereinafter referred to as “City” and the Canby Livability Coalition, a non-profit corporation, hereinafter referred to as “CLC” wish to enter into a fourth agreement which shall be referred to Memorandum of Understanding IV between the parties, and

**WHEREAS**, Holly Corners, LLC subdivided and developed a single family housing project known as Territorial Estates located at the corner of N. Holly Street and Territorial Road in Canby, Oregon during the spring of 2002. Local neighbors wished to preserve one lot of the subdivision for park and open space purposes and formed a non-profit corporation known as “CLC” to support the City and help raise funds for the purchase and development of this park and open space, and

**WHEREAS**, in June of 2004, the City and CLC entered in a written agreement entitled Memorandum of Understanding setting forth the terms of the relationship between the parties, and on November 1, 2006, CLC paid the sum of \$35,000.00 to the City of Canby pursuant to the Memorandum of Understanding. Thereafter, the City and CLC entered into a second Memorandum of Understanding (MOU II) establishing a timeline and other conditions for the development of the site as a park and open space area. However due to the economic downturn, the financial resources to complete this project has slowed and the CLC will not be able to meet the deadlines for development established in MOU II or those of the subsequent MOU III; and

**WHEREAS**, and the City and the CLC wish to enter into a fourth written agreement, entitled Memorandum of Understanding IV, to set forth conditions and a new timeline to complete the development of the site, **now therefore, the parties to this Memorandum of Understanding agree as follows:**

1. The CLC will continue to operate with a steering committee to oversee the development of the open space to be known as the “Canby Green Space and Art Park”.

That committee will be made up of members of the Canby community and local organizations and will work in conjunction with the Canby Arts & Culture Action Alliance and the Clackamas County Arts Alliance to continue developing the master park design for the Canby Green Space and Art Park.

2. The CLC may develop the Canby Green Space and Art Park in phases under the following conditions:

- a. Phase I shall be commenced no later than May, 2014 and shall be completed no later than October 30, 2014. It shall consist of at least ground preparation and the installation of walkways. The plan for Phase I shall take into account that irrigation will be necessary in the second phase, and shall plan installation of the irrigation system accordingly.
- b. Phase II shall be completed no later than September 30, 2015. It shall consist of an irrigation system, art pieces, structures and plantings.
- c. The entire park shall be completed no later than September 30, 2016.
- d. The CLC shall be responsible for regular maintenance and clean-up of the area beginning upon the date of this agreement. At completion of the project,

future maintenance and clean-up of the park will be the responsibility of the City.

3. The City recognizes the need for flexibility in the development process and will not unreasonably withhold approval of changes in the development blueprint as presented by the CLC and approved by the Parks Board. For instance, if funding becomes available for art pieces during the next two years, they may be installed in Phase I. Questions regarding flexibility issues shall be resolved by the Parks Board.

4. Pursuant to Memorandum of Understanding I, the City will fund the first \$3,000.00 of the budget for Phase I of the development of the Canby Green Space and Art Park. The total cost of each phase of development shall be raised in full in advance of any construction on the site.

5. In the event the CLC fails to complete Phase I and II as set forth above, the City Council may review the project to determine if it is still viable to continue. If the Council determines the project is no longer viable, or if the CLC indicates it does not wish to continue with the development process, the Council may, in its discretion, cancel the project and either complete it itself, or the City can sell the property. The City will not refund any of the \$35,000.00 donated by the CLC, but said funds may only be used for acquisition and development of other park and open space in the Parks Master Plan

Dated this 2<sup>nd</sup> day of April 2014.

IT IS SO UNDERSTOOD AND AGREED:

---

On Behalf of the CLC

---

Brian Hodson  
Mayor



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

**TO:** *Mayor Hodson and Council Members*  
**FROM:** *Matilda Deas, AICP, Senior Planner*  
**THROUGH:** *Bryan Brown, Planning Director*  
**DATE:** *March 24, 2014 for Council Meeting April 2, 2014*

---

**Issue:**

Banners within ODOT Rights-of-Way, specifically on Logging Road Bridge over OR 99E,

**Summary and Background:**

The City of Canby previously hung on average about 10 banners a year from the Logging Road Bridge. The City had a banner permit program managed through the Planning Department. The permit fee as of 2006 (the last year the program was active) was \$100, though non-profits could apply to the City Council to have the fee waived. Applicants were required to have Liability insurance (see Exhibit C). The banners were installed by Public Works, and typically required two employees an hour to install and an hour to remove each banner.

The City received a grant to have the Logging Road Bridge repainted in 2006, and the painting was completed in November of 2007. The banner hanging program was put on hold while the bridge work was in progress, and to date has not been reactivated. Staff has identified the following reasons as to why the program has not resumed, although there may be additional reasons unknown to staff:

- **Liability:** In 2003, prior to the repainting of the bridge, high winds ripped a banner and brackets off the bridge and onto the Highway below. Fortunately they didn't land on a vehicle and no damage was caused. In the past, we've also had vandals rip banners down, although again no vehicle damage has been caused.

In 2005 the City added fencing above the guard rail on the bridge in order to comply with ODOT crossing permit requirements. The new fencing also provides a more secure mounting system for future banners and deters, but does not prevent, vandalism.

Since ODOT issues permits to the City, ODOT holds the City, not the actual banner applicant, accountable for any damages resulting from a banner related accident. The City's Insurance Agent recommends the City require applicants carry insurance naming the City of Canby as an Additional Insured (estimated cost to applicant: \$300).

- **ODOT:** Over the years staff has received conflicting and/or unclear information from ODOT regarding requirements for banners over OR 99E. Staff has contacted ODOT sign, maintenance, and engineering staff and believe we now have clear direction from ODOT (see Exhibit A and Exhibit D).
- **Cost to City:** The City incurs costs for implementing and managing the program. ODOT requires the City to be the permit applicant, and a permit must be issued for each banner. The actual ODOT permit is free, but City staff must track the applications, take the fees, contact the applicant with approved permit, and coordinate with Public Works to schedule employees to hang and remove the banners within the specified time frame.

- Future of Logging Road Bridge: The City adopted the Gateway Plan which identifies potential future improvements to the Logging Road Bridge that would position the bridge as a gateway to Canby. The identified improvements include artwork, lighting, and other architectural elements. If the City successfully identifies funds to implement the improvements, banners may conflict or detract from the gateway features.
- City Code: City Code did not specifically address banners over OR 99E and the existing language relating to banners was difficult to interpret. The City's current sign code has clarified this issue (CMC 16.42.030), although a minor text amendment may be necessary in order to be consistent with current ODOT requirements.

**Recommendation:**

Staff is seeking direction from the Council. Staff believes there is no insurmountable obstacle to permitting banners on the Logging Road Bridge. If the Council decides to move forward with permitting banners on the Logging Road Bridge, staff needs direction regarding fees and timeline. Staff can prepare a banner application packet for Council approval that would clearly define the process, and the roles and responsibilities of the City, the Applicant, and ODOT.

Alternately, the Council may decide not to permit banners on the Logging Road Bridge, in which case the Council can direct staff on how best to proceed regarding information to the public.

**Attachments:**

- Exhibit A: ODOT sign code pertaining to banners over State Hwy ROW
- Exhibit B: ODOT permit
- Exhibit C: City of Canby Banner Permit (outdated)
- Exhibit D: Staff summary of ODOT and City requirements

## Exhibit "A"

### Banners Located on State Highway Right-Of-Way Signing Guidelines

The purpose of these guidelines is to allow for the temporary placement of banners within the state highway right-of-way to inform the travelling public of local event.

1. Definitions:

- "Banner(s)" are flags or pennants made of plastic, cloth, or similar material suspended over or spanning the roadway to provide information to motorists on an event occurring in the general area.
- "Event" is the celebration of a legal holiday, fair, rodeo, roundup, exposition, and other civic event.

2. The District Manager may allow for the placement of banners where the following criteria are met:

- The event is sponsored or endorsed by a city, county, or state agency.
- The event is two weeks or shorter in duration and open to the general public.
- The banner contains no more than the name, logo, date, time and general location of the event.

3. The banner(s) and supports must:

- Be located within a five-mile radius of the event
- Have a vertical clearance of at least 20 feet over the roadway and 8 feet over a sidewalk.
- Be made from a durable material and constructed to withstand wind pressure of 20 pounds per square foot (89N) of exposed surface.

4. The banner(s) and supports must not:

- Be placed on an interstate highway.
- Include any advertising, commercial message, brand or product name, or other information about the event such as cost, directions, or contact information.
- Interfere with, imitate, or resemble any official traffic control device or attempt or appear to attempt to direct the movement of traffic
- Prevent the driver of a motor vehicle from having a clear and unobstructed view of official traffic control devices and approaching or merging traffic.
- Have any lighting, unless such lighting is shielded to prevent light from being directed at the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle.
- Be located such that it is a roadside safety or traffic hazard.
- Be attached to any official sign, post, signal pole, or any other traffic control device or support.

5. If any banner(s) are allowed, the District Manager will determine the number and type, the date of installation and removal, and any other conditions necessary to protect the safety of the roadway and motoring public.



# Exhibit "B"

## APPLICATION AND PERMIT TO OCCUPY OR PERFORM OPERATIONS UPON A STATE HIGHWAY

See Oregon Administrative Rule, Chapter 734, Division 55

PERMIT NUMBER

CLASS :

KEY#

### GENERAL LOCATION

HIGHWAY NAME AND ROUTE NUMBER

HIGHWAY NUMBER

COUNTY

BETWEEN OR NEAR LANDMARKS

HWY. REFERENCE MAP

DESIGNATED FREEWAY

☐ YES ☐ NO

IN U.S. FOREST

☐ YES ☐ NO

APPLICANT NAME AND ADDRESS

### PURPOSE OF APPLICATION (TO CONSTRUCT/OPERATE/MAINTAIN)

☐ POLE  
LINE

TYPE

MIN. VERT. CLEARANCE

☐ BURIED  
CABLE

TYPE

☐ PIPE  
LINE

TYPE

☐ NON-COMMERCIAL  
SIGN

FEE AMOUNT

☐ MISCELLANEOUS OPERATIONS AND/OR FACILITIES AS  
DESCRIBED BELOW

#### FOR ODOT USE ONLY

BOND REQUIRED

☐ YES ☐ NO

REFERENCE:  
OAR 734-55  
035(2)

AMOUNT OF BOND

INSURANCE REQUIRED

☐ YES ☐ NO

REFERENCE:  
OAR 734-55  
035(1)

SPECIFIED COMP. DATE

### DETAIL LOCATION OF FACILITY(For more space attach additional sheets)

MILE POINT	TO	MILE POINT	ENGINEERS STATION	ENGINEERS TO	STATION	SIDE OF HWY OR ANGLE OF CROSSING	DISTANCE FROM		BURIED CABLE OR PIPE		SPAN LENGTH
							CENTER OF PVMT	R/W LINE	DEPTH/VERT.	SIZE AND KIND	

DESCRIPTION AND LOCATION OF NON-COMMERCIAL SIGNS OR MISCELLANEOUS OPERATIONS FACILITIES

### SPECIAL PROVISIONS (FOR MORE SPACE ATTACH ADDITIONAL SHEETS)

TRAFFIC CONTROL REQUIRED

- OPEN CUTTING OF PAVED OR SURFACED AREAS ALLOWED?

◆ ☐ YES [OAR 734-55-025(6)]

☐ NO

◆ ☐ YES [OAR 734-55-100(2)]

☐ NO [OAR 734-55-100(1)]

◆ **AT LEAST 48 HOURS BEFORE BEGINNING WORK, THE APPLICANT OR HIS CONTRACTOR SHALL NOTIFY THE DISTRICT**

**REPRESENTATIVE AT TELEPHONE NUMBER:**

**OR FAX A COPY OF THIS PAGE TO THE DISTRICT OFFICE AT:**

**SPECIFY TIME AND DATE IN**

**THE SPACE BELOW.**

◆ A COPY OF THIS PERMIT AND ALL ATTACHMENTS SHALL BE AVAILABLE AT THE WORK AREA DURING CONSTRUCTION.

◆ **ATTENTION:** Oregon Law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the center at (503) 232-1987.

**CALL BEFORE YOU DIG 1-800-332-2344**

COMMENTS - ODOT USE ONLY

IF THE PROPOSED APPLICATION WILL AFFECT THE LOCAL GOVERNMENT, THE APPLICANT SHALL ACQUIRE THE LOCAL GOVERNMENT OFFICIAL'S SIGNATURE BEFORE ACQUIRING THE DISTRICT MANAGER'S SIGNATURE.

LOCAL GOVERNMENT OFFICIAL SIGNATURE

TITLE

DATE

**X**

APPLICANT SIGNATURE

APPLICATION DATE

TITLE

TELEPHONE NO.

**X**

When this application is approved by the Department, the applicant is subject to, accepts and approves the terms and provisions contained and attached: and the terms of Oregon Administrative Rules, Chapter 734, Division 55, which is by this reference made a part of this permit.

DISTRICT MANAGER OR REPRESENTATIVE

APPROVAL DATE

**X**

MILE POINT	TO	MILE POINT	ENGINEERS STATION	TO	ENGINEERS STATION	SIDE OF HWY OR ANGLE OFCROSSING	DISTANCE FROM		BURIED CABLE OR PIPE		SPAN LENGTH
							CENTER OF PVMT	R/W LINE	DEPTH/VERT.	SIZE AND KIND	

## CITY OF CANBY BANNER PERMIT

PO Box 930, 170 NW 2nd, Canby, OR 97013

503.266.4021 ext. 275, Fax 503.266.1574

**\$100.00**

Application Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Organization: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Event: \_\_\_\_\_

Banner to be installed across Highway 99E on the Logging Road Bridge

Date of Installation: \_\_\_\_\_

Date of Removal:\*

The City of Canby requires Liability insurance. This coverage shall be Comprehensive Personal or General Liability in with a coverage amount of not less than \$500,000 Combined Single Limit covering Bodily Injury and Property Damage. A Certificate of Insurance shall be provided to the City of Canby naming the City as a Certificate Holder and be delivered prior to the scheduled installation date.

**Spacing for the grommets should be forty-eight (48") inches.  
Banner size: Forty (40') feet long and four (4') feet in width**

*Do not write below this line*

Application Received: \_\_\_\_\_

Paid: \_\_\_\_\_

Received by: \_\_\_\_\_

Certificate of Insurance Received: \_\_\_\_\_

Banner Received: \_\_\_\_\_

Received by: \_\_\_\_\_

Banner Returned: \_\_\_\_\_

Picked up by: \_\_\_\_\_

Banner must be delivered to Planning and Building no later than \_\_\_\_\_  
(The Wednesday before the Monday it is to be hung).

\* Canby Municipal Code, Title 16, Chapter 16.42, Section 16.42.040 requires that all temporary signs be removed within forty eight (48) hours after the culmination of the event they were intended to advertise.



## Exhibit "D"

### Staff Summary Of Requirements for Banners on Logging Road Bridge

#### ODOT:

- ODOT issues permits to City, not the applicant. City must submit a permit application for each and every banner to be hung. There is no charge for the permits.
- City must endorse the event listed on the banner
- Duration of event must be 2 weeks or shorter
- Event must be within 5 mile radius of banner
- Banners made of durable material that will withstand wind pressure of 20 pounds per square foot of exposed surface
- Must have vertical clearance of at least 20 feet over the Highway
- Contains no more than the name, logo, date, time and general location of event: NO advertising
- No size restrictions
- ODOT must pre approve content

See Attachment A for complete list of ODOT requirements.

#### City of Canby:

- Banner width : 5ft -35 ft. (increments of 5 ft with grommets spaced at 5 ft intervals )
- Banner maximum height: 2ft 4inches
- Canby Municipal Code(CMC) 16.42.030 Temporary community event sign plan permits banners with City Council and ODOT approval.\*
- Liability insurance required
- Must be removed within 2 days after the conclusion of the event.

See CMC 16.42.030 for complete code

- We may need a minor text amendment to our code to be consistent with ODOT requirements.

## **Management Team Meeting Minutes**

**March 17, 2014**

**2:00 PM**

### **City Hall Conference Room**

In attendance: Amanda Zeiber, Julie Wehling, Kim Scheafer, Bryan Brown, Eric Laitinen, Melissa Kelly, Bret Smith, Haley Fish, Darvin Tramel, Joseph Lindsay, and Renate Mengelberg.

#### Kim Scheafer

- April 2 CC Packet items need to be turned in no later than noon on March 24
- Out of office March 25 & 26

#### Amanda Zeiber

- Management Team Meetings will be held the Monday prior to a CC Meeting
- Ethics Training in June is mandatory
- Voice announce feature is now available on the phone system. Let Amanda know if you are interested.
- Emailed the Council last Thursday and withdrew her name from the City Administrator position. She and Renate Mengelberg will be drafting a job profile for the recruitment. Let her know of any skills you want included.

#### Haley Fish

- Forward copies of all grants or IGA's entered into to Finance
- Need responses to allocation emails

#### Julie Wehling

- Kristie Chilcote is the new MV General Manager
- Out of office Friday morning to attend a meeting in Salem
- Having meetings regarding new parking area for busses

#### Melissa Kelly

- New courier process is going well
- Submitted grant to Target
- Volunteer party and Music in the Stacks will be on April 12

#### Eric Laitinen

- There were 250 swimmers at the swim meet this weekend. Canby Gators took first place.
- Extra swim sessions start on Thursday for spring break

#### Darvin Tramel

- Finished review of Water Pollution Control Facility Permit and sent it back to DEQ
- Working on pretreatment annual report

#### Bret Smith

- Working on accreditation
- New officer testing was done last Friday and Saturday

#### Joe Lindsay

- Will be working on a civic center measure fact sheet

Bryan Brown

- Working on fence issue regarding a pedestrian easement on SE 10th
- Cell phone tower company is looking at previous location instead of property by Police Department

*Minutes taken by Kim Scheafer*