



## AGENDA

### CANBY CITY COUNCIL REGULAR MEETING

June 1, 2011

7:30 PM

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

*Mayor Randy Carson*

*Council President Walt Daniels*  
*Councilor Richard Ares*  
*Councilor Traci Hensley*

*Councilor Brian Hodson*  
*Councilor Jason Padden*  
*Councilor Greg Parker*

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### WORK SESSION

6:30 P.M.

City Hall Conference Room  
182 N Holly

This Work Session will be attended by the Mayor and City Council to discuss a request for a social gaming ordinance.

Pg. 1

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### CITY COUNCIL REGULAR MEETING

#### 1. CALL TO ORDER

- A. Pledge of Allegiance and Moment of Silence
- B. Plaque Presentation to John Henri
- C. Sewer Rate Increase Presentation

Pg. 41

#### 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 May 3, 2011 City Council Special Meeting
- B. Approval of Minutes of the May 18, 2011 City Council Regular Meeting
- C. Reappointment to Bike & Pedestrian Committee
- D. Reappointment to the Parks & Recreation Advisory Board

Pg. 53

Pg. 54

**7. PUBLIC HEARINGS**

- A. Sewer Rate Increase
- B. Update to City of Canby Master Fee Schedule

**8. RESOLUTIONS & ORDINANCES**

- A. Res. 1099, Setting Fees for Services Including Updated Fees for Sanitary and Storm Sewer Service Pg. 55
- B. Res. 1100, Codifying and Compiling Certain Existing General Ordinances for the City of Canby Pg. 77
- C. Ord. 1343, Authorizing a Contract with MV Transportation, Inc. for Transit Services **(TO BE FINALIZED ON 5/31/11)**
- D. Ord. 1344, Authorizing a Contract with Eagle-Elsner, Inc. in the Amount of \$709,768.00 For Construction of the 2011 Street Maintenance and Resurfacing Program Pg. 97

**9. NEW BUSINESS**

- A. Discussion Regarding Appointment of City Councilor

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

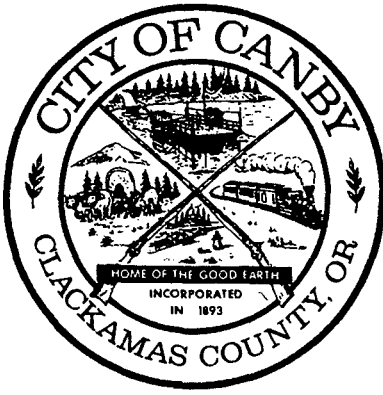
**11. CITIZEN INPUT**

**12. ACTION REVIEW**

**13. EXECUTIVE SESSION:** ORS 192.660(2)(h) Pending Litigation, ORS 192.660(2)(i) Performance Evaluation of Public Official, and ORS 192.660(3) Labor Negotiations

**14. ADJOURN**

\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at [www.ci.canby.or.us](http://www.ci.canby.or.us). City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.



# City of Canby

Office of the City Attorney

May 23, 2011

Memo to: Mayor/City Council

From: John H. Kelley, City Attorney

Re: Request for Social Gaming Ordinance

Donald Smith has sent in another letter to the City Council requesting that the City adopt an Ordinance pursuant to ORS 167.121 authoring social gaming at public places in Canby. He specifically is asking for authorization for social gaming at the American Legion, Senior Center or restaurants on behalf of his group, a local Cribbage Club. A copy of his letter is attached. A similar request from Mr. Smith was directed to the Council in November of 2008. The Council reviewed his request and held a workshop session in April of 2009 wherein it declined to authorize a social gaming ordinance. There is a substantial history of social gaming in Canby and at one time many years ago, the City did have an ordinance authorizing gaming. I have included in this packet documentation of the history of "social gaming" in Canby, as well as my previous memos and letters to Mr. Smith, letters from Mr. Smith and a highlighted version of ORS 167.108-167.121.

Currently, under Oregon law, private gambling is generally prohibited by statute. However, "social gaming" is an exception under the definition of "gambling". See ORS 167.117(7) (c). ORS 167.117(21) defines a social game as:

"(a) A game, other than a lottery, between players **in a private residence** where no house player, house bank or house odds exist and there is no house income from the operation of the social game"; and

"(b) **If authorized pursuant to ORS 167.121**, a game, other than lottery, between players **in a private business, private club or place of public**

Page 1 of 2

**accommodation** where no house player, house bank or house odds exist and there is no house income from the operation of the social game.”

This section means that the local Saturday night poker party at the Mayor’s house is legal, but if the City wishes to authorize social gaming in private businesses, clubs or hotels/motels, it must first pass an ordinance pursuant to ORS 167.121.

ORS 167.121 provides that cities “may, by ordinance, authorize the playing or conducting of a social game in a private business, private club or in a place of public accommodation” and provides that the city may regulate and license such social gaming. This would authorize social games played for money in local bars, taverns and restaurants, private clubs, such as the WVCC and possibly the Legion (not sure if that is considered a “private club” but I think it would probably fit under that definition). Without the authorizing ordinance in place, however, social gaming in places other than private residences is illegal.

You should note that although Mr. Smith indicates that the Adult Center bingo and “Monte Carlo” nights are illegal without an authorizing ordinance, that is not accurate. Bingo and Monte Carlo nights are governed under a separate section of the gambling statutes and are allowed if properly permitted through the DOJ.

We have scheduled this as a work shop session to discuss the issues raised in Mr. Smith’s letter. I have not included material from other jurisdictions that currently have social gaming ordinances in place at this time. My recommendation is that if the Council wants to consider establishing an ordinance that authorizes social gaming in Canby, I will prepare a packet of information with various examples from cities that do allow it (approximately 15 cities in Oregon) and we can further discuss how you want your ordinance to look.

February 23, 2011

Canby City Council

Dear Sirs:

I have not received any response from my enclosed request dated September 21, 2010.

This my final request to get the Canby City Council to provide an Ordinance to allow "Social Gaming" at public places. This would allow citizens to support businesses where they could play cards and spend money on food and drinks. Public places like the American Legion, Senior Center, or restaurants.

I do not feel like Seniors in Canby should have to drive to Oregon City, Wilsonville, or some other distant location to participate in a National Organized Card Game. I believe that the citizens of Canby deserves to know that their "City Council" does not believe in helping Veteran Organizations, the Senior Center, or other public places who need the extra business income.

If I don't hear from the City Council within two weeks you leave me no other choice. I believe as a Veteran and an American Citizen I should let the people around Canby know how the Canby City Council is affecting their lives. You will be able to read the information in the Canby Newspaper.

I do not believe I am the only person that am confused about why you allow the gambling with Oregon State Slot Machines and the Lottery in Canby but won't allow "Social Gaming", which by definition is not gambling.

I am trying to get Canby to be Veteran and Senior friendly just like other Cities all across the United States.

I am still willing to attend a Council meeting to answer any questions members may have.

Sincerely,



Donald D. Smith  
Club Director

For American Cribbage Congress (ACC) Club 191  
Phone (503) 650-6485

**RECEIVED**

**FEB 23 2011**

**CITY OF CANBY**

## John Kelley

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**From:** John Kelley  
**Sent:** Thursday, November 04, 2010 4:09 PM  
**To:** Greg Ellis  
**Subject:** RE: Social gambling

Greg:

The state law, ORS 167.108-167-167, governs all aspects of gambling or gaming. It generally prohibits gambling (games of chance) for the most part, but carves out an exception for "social games" which is defined as "a game, other than a lottery, between players **in a private home** where no house player, house bank or house odds exist and there is no house income from the operation of the social game; and if authorized pursuant to **ORS 167.121**, a game, other than a lottery, between players **in a private business, private club or place of public accommodation** where no house player, house bank or house odds exist and there is no house income from the operation of the social game. **ORS 167.121** provides that cities may, by ordinance, authorize the playing or conduction of a social game in a private business, private club or in a place of public accommodation. Such ordinance may provide for regulation or licensing of the social games authorized.

In other words, state law prohibits gambling generally, and only allows limited gaming if you can meet the qualifications of the definition of "social games" and if its outside of a private home, only if there is an authorizing ordinance in place. Canby does not have such an ordinance authorizing "social gaming". The Council visited this issue last in April of 2009 and decided against an enabling ordinance...following a previous request from Mr. Smith. I have a very extensive file that I can share with you if you want to review the history.

Regarding Kathy's question, I do not believe Texas Hold'em is allowed with actual money exchanged between the players without an authorizing ordinance in place. Under ORS 167.118, Monte Carlo type games, including Texas Hold'em, (no actual money on the table) would be allowable without an ordinance. However, that is licensed directly by the DOJ for charitable, fraternal or religious organizations. I believe that is the provision under the law that authorizes the Adult Center to offer bingo.

Hope this helps. JHK

John H. Kelley  
Canby City Attorney  
P. O. Box 930  
Canby, OR 97013  
(503) 266-4021  
(503) 266-8635 fax  
[kellyj@ci.canby.or.us](mailto:kellyj@ci.canby.or.us)

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**From:** Greg Ellis  
**Sent:** Tuesday, November 02, 2010 4:02 PM  
**To:** John Kelley  
**Subject:** FW: Social gambling

Hi John:

Another inquiry about 'social gaming' from Kathy Robinson. I've attached the most recent letter from Mr. Smith who wants to play cribbage at the American Legion building(?). I believe Mr. Smith contacted members of the City Council and Robert Bitter (?) or Rich Ares (?), I can't remember who, suggested that maybe it should come back to the Council for them to look at again.

In regards to Kathy's question, if a local ordinance doesn't specifically prohibit social gaming, wouldn't it be allowed? Do we have a specific ordinance that does not allow social gaming (or gambling)?

Thanks,  
Greg

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**From:** Kathy Robinson [mailto:cacdir@canby.com]  
**Sent:** Tuesday, November 02, 2010 2:18 PM  
**To:** Greg Ellis  
**Subject:** Social gambling

Hi Greg,

I have a light question for you: We've had a request to host weekly Texas Hold 'em here at the center. The players would like to include a \$5 pay in every week, which would qualify this as social gambling. We would only provide the venue for the games, we wouldn't collect any \$\$.

The document I have from the State of Oregon Department of Justice refers me to local ordinances to determine whether this is allowable or not.

Do Canby's ordinances allow for this type of gambling or no?

Thank you –

Kathy Robinson  
Director, Canby Adult Center

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#### 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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September 21, 2010

Canby City Council

Dear Sirs:

This is an official request to attend the next meeting of the Canby City Council to present my case to have an ordinance for Canby to permit Social Gaming. This is permitted by the State of Oregon and they do not consider it "Gambling" by their definition in ORS 167.117 to 167.164.

State Law does not prevent us from playing Cribbage in Canby. The Canby City Council is what is preventing us from supporting local businesses and the American Legion. Other Cities across the United States allow Cribbage Clubs like ours to play at the VFW, American Legion, Eagles, Elks Lodges, Restaurants, Pizza Parlors, Churches, Senior Centers or any other establishment they choose.

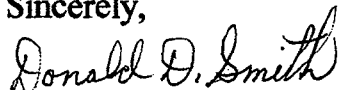
This is a National Organization and we have strict Policies and Procedures to follow to make sure everything we do is within all State Laws.

The reason I did not pursue this request over a year ago is because we had a person playing that was on oxygen tanks and could not have played in our club if we had been playing at the American Legion. His health prevents him from playing at this time. I am a Veteran and I believe in supporting places like the American Legion and the VFW.

Because the Canby City Council refuses to provide an ordinance for "Social Gaming", there are places that are in violation of State Law. That includes the Senior Center. I believe that Senior Citizens and Veterans have a right to enjoy playing card games with others at businesses instead of only in their homes.

I desire to be at the next City Council meeting to provide documentation and answer questions. Currently we will continue to play at a private residence in Canby until we get permission from the City Council to play at the American Legion or some other business that is struggling.

Sincerely,



Donald D. Smith  
Club Director

For American Cribbage Congress (ACC) Club 191  
Phone: (503) 650-6485

Enclosure 1

## Organized Cribbage

The American Cribbage Congress (ACC) is a National Nonprofit Organization that has been around for about 30 years. There are currently over 7,000 members in the U.S. and Canada.

Another Organization called Grass Roots Cribbage is regulated by the ACC. The purpose of Grass Roots Cribbage is for people who love to play cribbage weekly or monthly at a location close to where they live. Each Grass Roots Club is Chartered by the Grass Roots Organization. Our Local Club in Canby, Oregon is Charter 191. There is a Procedures and Policy Manual that each Grass Roots Cribbage Club must abide by. There are close to 400 Grass Roots clubs in the U.S. and Canada. These cribbage clubs normally play at Pizza Parlors, Elks Lodges, Senior Centers, Hotels, and Veteran Clubs.

There are Membership Fees for the ACC and Grass Roots Clubs. There is a monthly publication for members, as well as Awards for certain accomplishments. If a person earns 12 or more points during weekly play, they are awarded those points by the National Organization. To make this happen, the club Statistician must enter the results of all scorecards for Weekly Tournaments on the Grass Roots Website or mail them to the Regional Statistician. The points are accumulated for each year to determine a Club Champion. These points also accumulate towards a lifetime total. A person receives awards when they reach 1000 and 2500 lifetime points. Awards are given each year to the Club Champion. Certificates are received from the National Organization for other individual accomplishments.

The Grass Roots Cribbage Clubs are allowed by the ACC to have their own rules as far as where they play, how they handle Club expenses, additional prizes awarded, etc. Cribbage members, Club Director, nor the Statistician are allowed to profit in any way for duties they perform. It is 100% volunteer work. The ACC would never allow or encourage breaking any State, or local laws or ordinances.

The expenses for our Cribbage Club include the coffee, pens, playing cards, and expenses for printing the forms and scorecards. Extra money in the expense fund is used to purchase assorted candy for members while playing and miscellaneous prizes.

Most Cribbage Clubs all over the U.S. charge a small entry fee. 100% of the entry fee is paid back to the top 25% of the players each week. It is believed that this particular type of play would fall under "Social Gaming". Oregon's definition of "Social Gaming" is in Chapter 228 Oregon Laws 2001, Section 1.ORS 167.117 amended, item (20).

Enclosure 2

## **Chapter 228 Oregon Laws 2001**

**SECTION 1.** ORS 167.117 is amended to read:

167.117. As used in ORS 167.117 to 167.164 and 464.270 to 464.530, unless the context requires otherwise:

(6) "Contest of chance" means any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(7) "Gambling" means that a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of the person, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome. "Gambling" does not include:

(c) Social games.

### **Social Gaming**

A "social game" is one in which **all** the money wagered is returned to the players in the form of prizes. The house cannot take a "cut" or percentage of the money or otherwise profit in any manner from the operation of a game. Social games in businesses, private clubs, or places of public accommodation can be conducted **only** if there is an enabling ordinance (usually a social gaming ordinance) by the local jurisdiction. Social games that are conducted in private residences are permissible.

April 9, 2009

John H. Kelley  
Canby City Attorney  
122 North Holly  
Canby, Oregon 97013

Re: Response to your letter of April 6, 2009

Dear Mr. Kelley:

In regards to your letter of April 6, 2009, in which you appear to be representing and speaking for the Canby City Council. Either the Canby City Council did not see the written details in my request for an ordinance allowing "social gaming" in Canby, or you misinformed them on the definition of "social gaming" and Oregon State Laws on "social gaming".

Throughout your letter you kept using the words "gambling" and "social gambling". In my request for an ordinance on "social gaming" I referenced parts of Oregon State Law and definitions. You did not make reference to where your new term "social gambling" appears in Oregon State Law. What is the connection between "gambling" and "social gaming"?

Please refer again to "Chapter 228 Oregon Laws 2001, Section 1. ORS 167.117 amended" that I included in my request. The last sentence in paragraph (7) specifically states that "Gambling" does not include: "(c) Social games."

Your reference that an ordinance on "social gaming" would authorize "gambling" in Canby is a total misunderstanding or misinterpretation of Oregon State Law. "Social Games" are not considered gambling in Oregon or hundreds of other cities all across the United States where over 7,000 American Cribbage Congress members play in local cribbage clubs.

The purpose of the City ordinance is to permit "Social Gaming" in public places like the American Legion, Senior Center, restaurants, etc. My only purpose in requesting the ordinance from the Canby City Council was to help the American Legion and all the veterans that the American Legion helps. When we play cribbage at the American Legion we purchase food and drinks. Veteran clubs are struggling and every little bit helps. They still have to rely on donations from members to survive.

You or the Canby City Council cannot prevent our club from playing cribbage in Canby. Read again the last sentence in the "Social Gaming" definition. We can continue to play in a private residence. But, as I stated before, it is crowded and the acoustics are bad, which has resulted in the loss of about 5 players. And, we are unable to help the American Legion or any other public business in Canby.

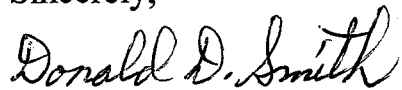
Your references to 1975, 1981, and 1992 are totally irrelevant. Any good decisions or bad decisions made by the Council members at that time has nothing to do with the decisions made by the current Council members. Decisions made should be based on current law and decisions that are in the best interest of the residents of Canby in 2009. The Oregon State Law amended in 2001 is what I referenced.

As I mentioned before, we have players from Molalla, Oregon City, Milwaukie, Wilsonville, Woodburn and Canby. We could not play at any other city without losing some of those players.

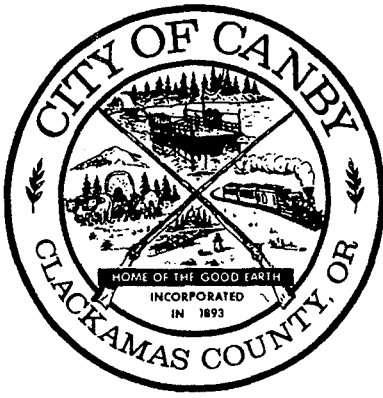
Since gambling is not the issue, I would like to know the real reason you don't want to help our Club and the American Legion, as well as the Senior Center, Lions Club, and others.

Also, I believe it was totally irresponsible for you and the Canby City Council to take 6 months to respond to my request.

Sincerely,

A handwritten signature in cursive script that reads "Donald D. Smith".

Donald D. Smith  
Cribbage Club 191 Director



# City of Canby

Office of the City Attorney

April 6, 2009

Donald D. Smith  
15092 S. Brunner Road  
Oregon City, OR 97045

Re: Request for social gaming ordinance in Canby

Dear Mr. Smith:

I am writing to advise that following a workshop conducted by the Canby City Council on April 1, 2009, it was the consensus of the Council not to go forward with a social gaming ordinance to authorize gambling in Canby.

For your information, there is substantial history surrounding this issue beginning in 1975 when an ordinance was passed by the Council to authorize social gambling in Canby. In 1981, that ordinance was repealed following discussion and public testimony in three Council meetings prior to its repeal in February, 1981.

The matter was brought up again at the request of the Canby American Legion in 1992. After a workshop conducted by the Council in March of 1992, it was determined not to approve an ordinance authorizing social gambling in Canby.

Obviously, the Council's reluctance to authorize social gambling in Canby is not directed at Cribbage Club 191 or at cribbage players in general, but with an ordinance authorizing gaming in place, other types of gambling could become a regulation and enforcement issue that the City does not have the desire to deal with.

I did note that during my investigation of other jurisdictions authorizing gaming, Oregon City and Wilsonville, along with Salem and Portland do have ordinances in effect. Hopefully, you will be able to find some accommodation in one of those cities for your club members.

Very truly yours,

John H. Kelley  
Canby City Attorney

JHK/me  
Cc: Mayor and Council

**CANBY CITY COUNCIL  
WORK SESSION MINUTES  
April 1, 2009**

**Presiding:** Mayor Melody Thompson.

**Council Present:** John Henri, Walt Daniels, Robert Bitter, and Tony Helbling. Councilors Wayne Oliver and Jason Padden were absent.

**Staff Present:** Mark Adcock, City Administrator; John Kelley, City Attorney; and Kim Scheafer, City Recorder Pro-Tem.

**Others Present:** None.

Mayor Thompson called the Work Session to order at 6:30 p.m. in the City Hall Conference Room. **The Council met to receive information regarding social gaming.**

John Kelley, City Attorney, said the Council had received a request from Donald Smith who was in a cribbage club. The club had been playing at the American Legion but was told by the Legion they could not continue to play there until the City passed a social gaming ordinance.

Mr. Kelley reviewed ordinance language from several cities that had social gaming ordinances. The jurisdictions that had a gaming ordinance in the past but no longer had one said the reason was it was too difficult to enforce and too hard to police.

**Council thought there was not a strong community desire for this and they should hold off until such time that there was.**

Council consensus was to not go forward with a social gaming ordinance at this time.

Mayor Thompson adjourned the Work Session at 7:28 p.m.

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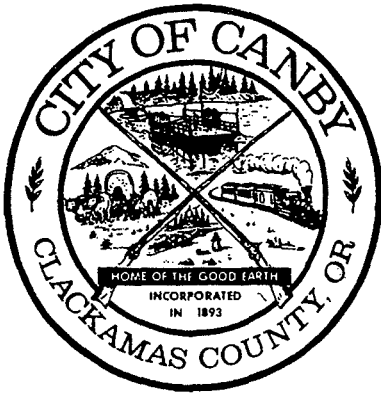
**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
April 1, 2009**

**Presiding:** Mayor Melody Thompson.

**Council Present:** John Henri, Walt Daniels, Robert Bitter, and Tony Helbling. Councilors Wayne Oliver and Jason Padden were absent.

**Staff Present:** John Kelley, City Attorney; Catherine Comer, Economic Development Manager; Dwayne Barnes, Public Works Director; Matilda Deas, Project Planner; and Kim Scheafer, City Recorder Pro-Tem.

**Others Present:** Robin Adcock, Bob Cornelius, Curt McLeod, and Randy Carson.



# City of Canby

Office of the City Attorney

March 24, 2009

Memo to: Mayor/City Council

From: John H. Kelley, City Attorney

Re: Social Gaming Ordinance

Back in November of 2008, the City Council received a letter from Donald Smith, Director of Club 191, a Cribbage Club that was playing cribbage at the American Legion hall in Canby. Apparently, an issue arose as to the legality of the club being hosted by the Legion under the state's gambling laws and the Legion therefore, asked them not to play there until the City authorized "social gaming" in Canby with an Ordinance as required by law. Mr. Smith's letter (included with the material) requested the City to authorize "social gaming" by passing such an ordinance. The Council directed me to look into this matter and therefore, we have scheduled this workshop to discuss it in more detail.

Basically, ORS 167.108-167.167 governs gambling in the state of Oregon. It prohibits gambling generally, but ORS 167.121 does allow local regulation of social games in a private business, private club or in a place of public accommodation if the local jurisdiction approves it by ordinance.

As I was preparing the information for this workshop, I remembered we had discussed this issue before and went back to an old file I had from 1992. We had a similar request from the American Legion to implement an authorizing ordinance at that time. I am including my memo to the Council dated March 10, 1992 and a copy of Canby Ordinance #591 which allowed social gaming in Canby in June of 1975, the minutes of three council meetings in January and February, 1981 and copy of Canby Ordinance #692 which repealed social gaming allowed by Ord #591. I'm including this information to give you some history of the issue that many of you might not remember.

With respect to current "social gaming" ordinances throughout the state, there are several cities that allow various types of gambling. Baker City, Coos Bay, Corvallis, Port Orford, Portland, Redmond and Troutdale are some jurisdictions that authorize and

June 6, 2008

Dear Sir:

As Club Director for a Cribbage Club that has been playing in Canby, Oregon, I am making this inquiry to ensure we are not doing anything in violation of ORS 167.108 – 167.167. We would like to play weekly at the American Legion Post in Canby. Since there is a small amount of money collected and redistributed, the American Legion Post requested that I obtain something in writing that shows we are not doing anything that would be considered gambling by Oregon Law or Canby City Ordinances.

I have contacted the Canby City Council and submitted information to the Canby City Attorney, John Kelley. Mr. Kelley stated in his response that the City of Canby relies on ORS 167.108 – 167.167 of the state law to define and regulate gambling within the City. ORS 167.121 authorizes the City to regulate social gaming, but Canby does not attempt to regulate it.

Mr. Kelley's recommendation was to check with the Attorney General's office at the Department of Justice and then with the District Attorney's office in Clackamas County.

Attachment 1 was copied from the Internet because it appears to cover applicable Oregon law on gambling and social gaming. Attachment 2 provides information about the American Cribbage Congress (ACC), the affiliated Grass Roots Cribbage Organization, and how our Cribbage Club functions on a Weekly basis.

**Section 1.** ORS 167.117 (6) and (7) defines "Contest of Chance" and "Gambling". The end of the definition of "Gambling" in (7) states that it "does not include": Following that includes 4 separate items listed as (a), (b), (c), and (d).

Item (c) is "Social Games". The definition of "Social Gaming" is included in Attachment 1.

I believe our Cribbage Club abides by the Social Gaming definition because of the following:

1. 100% of all money collected from the players is used for expenses or returned to the players as prizes. Expenses include coffee, snacks, playing cards, paper and printing for scorecards and necessary forms. \$3 and \$5 prizes are for certain combinations of cards a person is holding during the game.

2. Another small amount, usually \$5, is collected from the players. 100% of this fund is returned to the players with the best scores.
3. The Officers and Members of the Cribbage Club do not receive anything of monetary value for their work. All the work to keep the Club functioning is 100% volunteer.
4. The American Legion does not furnish any of the supplies we use for playing cribbage. Nobody at the American Legion receives anything of monetary value from the Cribbage Club except for the food and drinks we purchase and consume on the premises just like all the other customers.

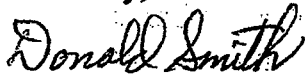
If any of the four items above includes anything that would not be considered "Social Gaming" or is in violation of Oregon Laws, please let me know what it is. We will change whatever is necessary so that we can play Cribbage every week in Clackamas County.

I also need to know in writing if our Cribbage Club is in compliance with Oregon Law and is not considered to be gambling. We will not be permitted to return to the American Legion Post until we can show that we are not in violation of Oregon gambling law.

Social games in private residences are permissible, but with over 30 members, that is not really an option.

I can be reached by phone at (503) 650-6485, the return address on the envelope, or email at [ddsbarbwire29@msn.com](mailto:ddsbarbwire29@msn.com). Please put something about Cribbage in the Subject line so I will know it isn't Spam.

Sincerely,



Donald Smith  
Cribbage Club 191 Director

### **Social Gaming**

A "social game" is one in which all the money wagered is returned to the players in the form of prizes. The house cannot take a "cut" or percentage of the money or otherwise profit in any manner from the operation of a game. Social games in businesses, private clubs, or places of public accommodation can be conducted only if there is an enabling ordinance (usually a social gaming ordinance) by the local jurisdiction. Social games that are conducted in private residences are permissible.

### **Door Prize Drawings**

A door prize drawing is defined as a drawing that is conducted at a regular meeting of the nonprofit organization where both the sale of tickets and the drawing occur, and the total value of all the prizes does not exceed \$500.

### **Chapter 228 Oregon Laws 2001**

#### **SECTION 1. ORS 167.117 is amended to read:**

167.117. As used in ORS 167.117 to 167.164 and 464.270 to 464.530, unless the context requires otherwise:

(6) "Contest of chance" means any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(7) "Gambling" means that a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of the person, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome. "Gambling" does not include:

(a) Bona fide business transactions valid under the law of contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance.

(b) Engaging in contests of chance under the following conditions:

(A) The contest is played for some token other than money;

(B) An individual contestant may not purchase more than \$100 worth of tokens for use in the contest during any 24-hour period;

(C) The tokens may be exchanged only for property other than money;

(D) Except when the tokens are exchanged for a beverage or merchandise to be consumed on the premises, the tokens are not redeemable on the premises where the contest is conducted or within 50 miles thereof; and

(E) Except for charitable, fraternal or religious organizations, no person who conducts the contest as owner, agent or employee profits in any manner from operation of the contest.

(c) Social games.

(d) Bingo, lotto or raffle games or Monte Carlo events operated in compliance with ORS 167.118, by a charitable, fraternal or religious organization licensed pursuant to ORS 167.118, 464.250 to 464.380 and 464.420 to 464.530 to operate such games.

(10) "Handle" means the total amount of money and other things of value bet on the bingo, lotto or raffle games, the value of raffle chances sold or the total amount collected from the sale of imitation money during Monte Carlo events.

(11) "Lottery" or "policy" means an unlawful gambling scheme in which:

(a) The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones; and

(b) The winning chances are to be determined by a drawing or by some other method; and

(c) The holders of the winning chances are to receive something of value.

*Attachment 1*

(15) "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein is a person who does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor and supplying cards or other equipment used therein. A person who engages in bookmaking is not a player.

(16) "Profits from unlawful gambling" means that a person, acting other than solely as a player, accepts or receives money or other property pursuant to an agreement or understanding with another person whereby the person participates or is to participate in the proceeds of unlawful gambling.

(17) "Promotes unlawful gambling" means that a person, acting other than solely as a player, engages in conduct that materially aids any form of unlawful gambling. Conduct of this nature includes, but is not limited to, conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases or toward any other phase of its operation. A person promotes unlawful gambling if, having control or right of control over premises being used with the knowledge of the person for purposes of unlawful gambling, the person permits the unlawful gambling to occur or continue or makes no effort to prevent its occurrence or continuation.

(18) "Raffle" means a lottery operated by a charitable, fraternal or religious organization wherein the players pay something of value for chances, represented by numbers or combinations thereof or by some other medium, one or more of which chances are to be designated the winning ones or determined by a drawing and the player holding the winning chance is to receive something of value.

(20) "Social game" means:

- (a) A game, other than a lottery, between players in a private home where no house player, house bank or house odds exist and there is no house income from the operation of the social game; and
- (b) If authorized pursuant to ORS 167.121, a game, other than a lottery, between players in a private business, private club or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the social game.

(21) "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein.

(23) "Unlawful" means not specifically authorized by law.

## Organized Cribbage

The American Cribbage Congress (ACC) is a National Nonprofit Organization that has been around for about 30 years. There are currently over 7,000 members in the U.S. and Canada.

Another Organization called Grass Roots Cribbage is regulated by the ACC. The purpose of Grass Roots Cribbage is for people who love to play cribbage weekly or monthly at a location close to where they live. Each Grass Roots Club is Chartered by the Grass Roots Organization. Our Local Club in Canby, Oregon is Charter 191. There is a Procedures and Policy Manual that each Grass Roots Cribbage Club must abide by. There are close to 400 Grass Roots clubs in the U.S. and Canada. These cribbage clubs normally play at Pizza Parlors, Elks Lodges, Senior Centers, Hotels, and Veteran Clubs.

There are Membership Fees for the ACC and Grass Roots Clubs. There is a monthly publication for members, as well as Awards for certain accomplishments. If a person earns 12 or more points during weekly play, they are awarded those points by the National Organization. To make this happen, the club Statistician must enter the results of all scorecards for Weekly Tournaments on the Grass Roots Website or mail them to the Regional Statistician. The points are accumulated for each year to determine a Club Champion. These points also accumulate towards a lifetime total. A person receives awards when they reach 1000 and 2500 lifetime points. Awards are given each year to the Club Champion. Certificates are received from the National Organization for other individual accomplishments.

The Grass Roots Cribbage Clubs are allowed by the ACC to have their own rules as far as where they play, how they handle Club expenses, additional prizes awarded, etc. Cribbage members, Club Director, nor the Statistician are allowed to profit in any way for duties they perform. It is 100% volunteer work. The ACC would never allow or encourage breaking any State, or local laws or ordinances.

The expenses for our Cribbage Club include the coffee, pens, playing cards, and expenses for printing the forms and scorecards. Extra money in the expense fund is used to purchase assorted candy for members while playing and miscellaneous prizes.

Most Cribbage Clubs all over the U.S. charge a small entry fee. 100% of the entry fee is paid back to the top 25% of the players each week. It is believed that this particular type of play would fall under "Social Gaming". Refer to Attachment 1 for Oregon's definition of "Social Gaming".

Attachment 2

RECEIVED

NOV 06 2008

November 4, 2008

CITY OF CANBY

City Council, City of Canby, Oregon

I am the Director of Cribbage Club 191 currently playing in Canby. Enclosure 1 describes organized cribbage in the United States and parts of Canada. We were playing at the American Legion, which was a great benefit to them as well as convenient for us.

When the American Legion found out the City of Canby did not specifically authorize "Social Gaming", as required by Oregon Laws, they refused to let our Cribbage Club play there any longer. We had to move to a Private Residence to continue to play in Canby and not break the State Social Gaming Law. I have included Enclosure 2 to specifically point out the part of the "Social Gaming" definition in Chapter 228 of Oregon Laws that will require some action by the Canby City Council. I am sure you have access to Oregon Laws that cover everything from Gambling to Bingo to Fund Raisers.

A sentence in the definition states, "Social games in businesses, private clubs, or places of public accommodation can be conducted **only** if there is an enabling ordinance (usually a social gaming ordinance) by the local jurisdiction." I have talked to the Canby City Attorney, John Kelley, about what I should do. He recommended that I check with the District Attorney's office in Oregon City. I went to the District Attorney's office in Oregon City and was informed that they only prosecute those charged with a crime and cannot state what "is" or "is not" within the law. They also informed me that the Canby City Attorney would not be able to authorize Social Gaming in Canby. It has to be done through the Canby City Council.

Since we have club members coming from all areas surrounding Canby, a move to any other location would reduce our membership because of the distance they would have to travel. For example, we have members from Wilsonville, Woodburn, Molalla, Colton, Oregon City, Milwaukie, and Canby. Also, as a Veteran, I believe in helping the American Legion any way we can. The extra patrons to buy food and drink one night each week will help them. At the American Legion we averaged almost 24 players per week for two years. In the first 10 weeks of this Cribbage Season we have averaged 18 players per week.

We have lost some members due to playing at a Private Residence because of the limited space and acoustics. We will also not be able to increase our membership for the same reasons.

Besides our Club playing in Canby, other Grass Roots Cribbage Clubs play in St. Johns, Beaverton, Northeast Portland and Salem. They play in Pizza Parlors and a Family Restaurant. A Club in Central Oregon plays in the basement of a Church.

I have played other card games at Senior Centers in other Cities that are conducted similar to the way we handle expenses and prizes in our Cribbage Club. I have not been to the Senior Center in Canby, but I would hope the City of Canby would want people to enjoy themselves the same as in other Senior Centers in cities all over Oregon.

I am including a copy of the November 2007 monthly publication by the American Cribbage Congress. It is a year old but a good example of what is going on in the organization. The 10 All Americans starting on page 10 was for the Cribbage year that ended July 31, 2007. August 1 starts the new Season.

I urge the City of Canby to recognize Social Gaming as being important to Seniors. Allowing Social Gaming in Canby will help the Senior Center, our Cribbage Club, and places like the American Legion. We lost two members over a year ago that was past 90 years of age. We currently have a member of our club that is a World War II Veteran.

Donald D. Smith  
Club 191 Director  
(503) 650-6485

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Enclosure 1

*Council Packet Page 4 of 36*

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**CANBY CITY COUNCIL  
REGULAR MEETING MINUTES  
November 19, 2008**

**Presiding:** Mayor Melody Thompson.

**Council Present:** Paul Carlson, Teresa Blackwell, Wayne Oliver, Walt Daniels, Randy Carson and Tony Helbling.

**Staff Present:** Mark Adcock, City Administrator; John Kelley, City Attorney; Jorge Tro, Acting Police Chief; and Kim Scheafer, City Recorder Pro-Tem.

**Others Present:** Jason Padden, John Henri, Bob Cornelius, John Baker, Ray Hughey, Leonard Walker, Greg Perez, Bob Backstrom, Bev Doolittle, Clint Coleman, Mark & Dawn Depner, Mary Depner, Eric & Kaye Baldwin, Rick & Melissa Reid, and Ron & Gail Gamble.

**CALL TO ORDER:** Mayor Thompson called the Regular Meeting to order at 7:30 p.m. followed by the opening ceremonies.

**COMMUNICATIONS:** None.

**MAYOR'S BUSINESS:** Mayor Thompson read a statement regarding an *Oregonian* article that alleged criminal violations and misconduct of two members of the Canby Police Department. There were two separate allegations. One was the alleged criminal activities of a former Canby Police Officer that was being investigated by the FBI. The other was the alleged misconduct of Chief Kroeplin. If citizens had information regarding the on-going FBI investigation they should contact the FBI. The Council could and should not comment on an on-going Federal investigation. The City Attorney had been directed to obtain an independent investigator who was unaffiliated with the Canby Police Department or City Administrative staff to conduct the investigation into the misconduct allegations against Chief Kroeplin. A thorough and expeditious investigation was their goal. The facts were not always as they appeared in the newspaper. The Canby Police Department had enough information about the alleged activity of the former police officer in question that on February 21, 2008, Chief Kroeplin contacted the FBI. This fact was reported to the *Oregonian* prior to their article on Sunday. She did not know why this information was not reported. It was inappropriate for them to comment any further on the other allegations that were made regarding Chief Kroeplin and they needed to let the City investigation take its course. If and when, now or in the future, they discovered malfeasance or corruption it would be dealt with under the law accordingly.

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** Dawn Depner said she was Bill Traverso's neighbor. She read a statement on behalf of the residents on N. Vine Street. When they called 911 they expected a police officer to come to their neighborhood. They were requesting a meeting with all City Council members so they could discuss their concerns.

Mayor Thompson asked for them to provide information ahead of time so they could have the appropriate people at the meeting to answer questions. A staff person would contact Ms. Depner with a date.

Greg Perez handed Council a map. He said that sidewalks needed to be completed from the new Cutsforth parking lot to the Fairgrounds. There were several people who visited the Fairgrounds throughout the year, and it needed to be a priority because it was a major part of the infrastructure of Canby.

Mr. Adcock said that he would meet with Mr. Barnes and Mr. Perez to discuss the issue.

**COUNCILOR COMMENTS & LIAISON REPORTS:** Councilor Carlson said the Canby Adult Center was sending out letters for contributions and he hoped people would consider it.

Councilor Blackwell thanked citizens for supporting the library levy and the OSU Extension Agency which provided several children's programs.

Councilor Daniels said the Historical Society was selling calendars highlighting then and now pictures of Canby. They were continuing to work on the transit routes.

Councilor Helbling said the Planning Commission was still working on the Sign Ordinance and they would have a commission opening at the beginning of January.

Mayor Thompson read an email from Pat Johnson, the Principal at Canby High School, regarding homeless youth and Operation Snuggle. The annual Planning and Building Customer Survey would be on the City's website tomorrow.

Dawn Depner said that \$1,150 had been raised for Operation Snuggle. One hundred eighty six students in the Canby School District were homeless.

**CONSENT AGENDA: \*\*Councilor Daniels moved to approve the minutes of the November 5, 2008 City Council Regular Meeting; reappointment of Jan Milne to the Planning Commission for a term to expire on December 31, 2011; and appointment of Cathleen Whiting to the Library Board for a term to expire on June 30, 2012. Motion was seconded by Councilor Carson and passed 6-0.**

**RESOLUTIONS & ORDINANCES:** Ordinance 1298 –

**\*\*Councilor Carson moved to approve Ordinance 1298, AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE MAILING SERVICES OF SALEM OREGON TO PROVIDE SEWER AND STREET MAINTENANCE FEE PRINTING AND MAILING SERVICES; AND DECLARING AN EMERGENCY to come up for second reading on December 3, 2008. Motion was seconded by Councilor Daniels and passed 6-0 on first reading.**

**NEW BUSINESS:** Request for Social Gaming Ordinance – Mr. Adcock said the Council had received a letter from Donald Smith requesting the ordinance.

John Kelley, City Attorney, named several cities that had such an ordinance. The definition of social gaming was a game other than the lottery between players in private businesses, private clubs, or place of public accommodation where no house player, bank, or odds exist and there

was no house income from the operation of the game. He said that Mr. Smith was asking to be able to play at the Legion Hall.

Councilor Helbling said he would like to see other city ordinances and what limits could be placed on this kind of gaming.

Jorge Tro, Acting Police Chief, said that the State Police did not monitor social gaming so it would mean more time for the local law enforcement to make sure the ordinance was being followed.

Councilor Oliver said he would like information about licensing and limiting the types of games.

Bob Cornelius asked what happened if the City didn't have an ordinance and people did it anyway.

Mr. Kelley said citizens could still have games in private homes but not in private businesses. Other than that it was illegal.

Community Mini Grants Program – Mr. Adcock said staff had prepared an application and criteria for the mini grant program.

Councilor Helbling thought it made sense and was fair. His only concern was once they opened it up, the applicants would come in quickly and people who came in later would not get it.

Ms. Kim Scheafer, City Recorder Pro-Tem, said half of the grant funds would be awarded in each cycle, half in November and half in April. Those who received the funds would have to report back about how they used it. The Council would approve each application. The first applications would be due in March and be awarded in April 2009.

Councilor Carson brought up purchasing Historical Society calendars.

Mayor Thompson thought they bought those to be gifts not necessarily as part of a grant.

**\*\*Councilor Carson asked to have \$500 taken from the Contingency Fund to purchase Canby Historical Society calendars. Motion was seconded by Councilor Daniels and passed 6-0.**

Mr. Adcock said he would bring back a transfer resolution at the time they did the supplemental budget.

Councilor Blackwell said the Council needed to think about giving the Historical Society money in next year's budget.

Councilor Carson said they could apply for mini grant money for specific projects.

**\*\*Councilor Helbling moved to adopt the mini grant program as submitted by staff. Motion was seconded by Councilor Blackwell and passed 6-0.**

**CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS:** None.

**CITIZEN INPUT:** None.

**ACTION REVIEW:**

1. Approved the Consent Agenda.
2. Approved Ordinance 1298 to come up for second reading on December 3, 2008.
3. The City Attorney would bring back additional information regarding the proposal for a social gaming ordinance.
4. Approval of mini-grant program.
5. Authorized \$500 to be spent for Historical Society calendars.
6. Staff would set up a special meeting with the Council and citizens from N. Vine Street

**\*\*Councilor Daniels moved to go into Executive Session pursuant to ORS 192.660(2)(e) Real Property and ORS 192.660 (2)(h) Pending Litigation. Motion was seconded by Councilor Carson and passed 6-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 8:31 p.m.

Mayor Thompson reconvened the Regular Meeting at 9:02 p.m. and immediately adjourned.

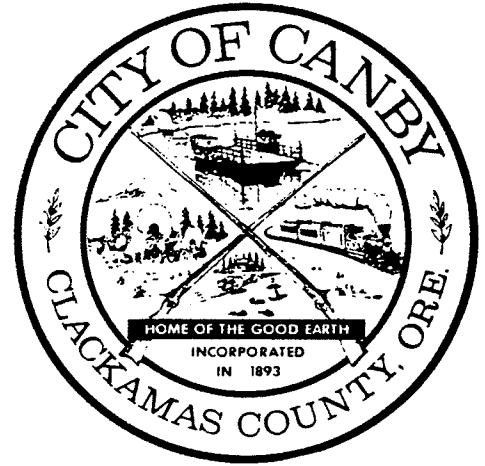


Kimberly Scheafer, CMC  
City Recorder Pro-Tem



Melody Thompson  
Mayor

Assisted with Preparation of Minutes – Susan Wood



## N O T I C E

The Canby City Council will hold a workshop session on **WEDNESDAY, MARCH 18, 1992, 7:00 P.M.**

The purpose of the session is to discuss a request to implement an ordinance to allow "social gaming" in the City of Canby.

*Shawn Carroll*  
Mayor Shawn P. Carroll

Posted in 3 places  
Canby Herald  
Oregonian  
ST. Patrick's Church ✓  
Chamber of Commerce  
Cougar Booster Club  
Canby Kids ✓  
Adult Center ✓  
American Legion ✓

MEMO TO:           Honorable Mayor Carroll & City Council  
FROM:             John H. Kelley, City Attorney  
SUBJECT:          Social Gaming Ordinance  
DATE:             March 10, 1992

Since the request from the American Legion to implement a "social gaming" ordinance, I have looked at several municipal ordinances provided us by the League of Oregon Cities as examples from other jurisdictions. I am including copies of them for your information.

As you can see, there are two categories of examples provided. The first category allows card rooms open to the public, as well as "social" gambling. Examples of this type are from Coos Bay and Prineville. The second category of ordinances allows only "social" gambling or gaming and includes examples from Oregon City, Estacada and Lincoln City.

I have spoken with the City Attorney from Oregon City, as well as their City Recorder, and they both indicated they have had no problems with their ordinance as it's written.

The Ordinance from Lincoln City is pretty "bare bones" and straight forward, no licensing required. The City Attorney indicated no problems with the ordinance there.

Estacada's ordinance contains the most detail, but as you may know, it has been repealed. Their City Attorney indicated that problems with illegal activity and lack of enforcement capabilities led to the repeal.

I have spoken with Dennis Miller, Chief Deputy District Attorney for Clackamas County, responsible for dealing with the gambling sting operation in Estacada. He expressed concerns regarding social gambling ordinances in general, and indicated he would like to personally address the Council to answer questions concerning the issues involved based upon his years of experience. Unfortunately, he will be out of town March 18th. He would be available for the next Council meeting on April 1st. My suggestion, if you wish to hear from Mr. Miller, is to hold the workshop as scheduled on March 18th, but continue it through April 1st to give him an opportunity to speak.

Finally, I'm including a copy of Ordinance # 591, which allowed social gaming in Canby dated June 2, 1975; the minutes of three Council meetings in January and February, 1981; and a copy of Ordinance # 692, an ordinance repealing Ordinance # 591.

If, after the workshop sessions, the Council wishes a new ordinance allowing social gaming, I will put a draft together to review.

ORDINANCE NO. 591

AN ORDINANCE TO PERMIT SOCIAL GAMBLING GAMES.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Social games for gambling purposes as defined by Oregon Revised Statutes 167.117 are permitted in the City of Canby.


Passed on first reading of the Canby City Council at a regular meeting thereof held on the 5th day of May, 1975; ordered posted in three (3) public and conspicuous places in the City of Canby for a period of two full calendar weeks as required by the Canby City Charter; and to come up for final reading and action of the Council at a regular meeting thereof to be held on the 2nd day of June, 1975, at the hour of 8:00 o'clock P.M. at the Canby City Hall.

  
\_\_\_\_\_  
PAUL N. ROTH - Mayor

ATTEST:

  
\_\_\_\_\_  
HAROLD A. WYMAN, Acting City Recorder

Passed on final reading at a regular meeting of the Canby City Council this 2nd day of June, 1975 by the following vote:  
Yeas 4. Nays 0.

  
\_\_\_\_\_  
HOWARD GIGER - Acting Mayor

ATTEST:

  
\_\_\_\_\_  
HAROLD A. WYMAN, Acting City Recorder

OTHER REPORTS AS REQUIRED OR NEEDED: Administrator Wyman informed the Council that the budget would go to the printers on Friday, January 9, and we should have them back by January 16th. It was decided to hold the first Budget Meeting on Monday, January 26th.

Mr. Wyman informed the Council that Lucile Pepper, former City Librarian, had passed away in mid-December and felt the City should do something in her memory. \*\*Councilman Pulver moved that the Council donate \$50.00 to The Friends of the Library in Memory of Lucile Pepper. Seconded by Councilman Knight. Attorney Bettis also suggested that we also donate a "memory plaque" in Mrs. Pepper's honor as she was a very dedicated Librarian. Mr. Bettis' idea was amended to the motion and the motion passed unanimously.

At this point in the meeting, Mayor Swayze congratulated Deputy City Attorney Roger Reif on the birth of his first child, a daughter.

Discussion of Ordinance No. 591 came before the Council. Mayor Swayze noted that this Ordinance was initially introduced to protect the "local men's club, church bingo, etc., however, due to problems some communities in the area have had with gambling they suggested we reconsider this Ordinance. Attorney Bettis commented briefly on the ORS on Social Gambling, noting that the City does permit it, however, in a recent communication from the State Attorney General he noted that the ORS law is difficult to understand and enforce. Mr. Bettis suggested repealing our present Ordinance and preparing a new one which would permit limited type of social gambling such as church bingo, bunco groups, men's clubs, etc and this would prevent social gambling in public establishments. \*\*Councilman Knight moved that the City Attorney prepare an Ordinance to repeal Ordinance No. 591, An Ordinance to Permit Social Gambling Games, and also the Attorney prepare a new Ordinance to reflect the Council consensus of limited social gambling for private organizations such as church bingo's. Seconded by Councilman Pulver and approved 6-0.

Council discussed Ordinance No. 594, which defines the salaries of the Mayor and Council. Salaries for the Mayor and Council was raised on July 1, 1980. The salary of the Mayor was raised from \$100.00 per month to \$200.00 per month and each Councilperson salary was raised from \$7.50 per meeting to \$15.00 per meeting. Attorney Bettis will prepare the proper Ordinance for this matter.

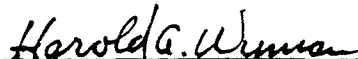
\*\*Councilman Pulver moved to go into Executive Session under ORS 192.660, Subsection 1, b, to consider dismissal or disciplining of a city employee. Seconded by Councilwoman Brown and carried 6-0 by roll call vote.

Mayor Swayze recessed the Regular Meeting at 9:10 p.m. to go into Executive Session. The Regular Meeting was reconvened at 9:29 p.m. Councilman Knight commented on the success of the procedure of Mayor Swayze's first meeting as Mayor. Mayor Swayze also was pleased with the willingness of the Council, especially new members, and felt a good working relationship would be forthcoming.

Mayor Swayze adjourned the meeting at 9:30 p.m.



Robert A. Swayze, Mayor



Harold A. Wyman, Administrator/Recorder

CANBY CITY COUNCIL

SPECIAL MEETING

JANUARY 14, 1981

Mayor Robert A. Swayze presiding. Councilmembers present: Beryl Brown, Lee Funrue, Michael Gabrion, Beauford Knight, William Pulver and Gary Sowles.

Also present: Administrator Harold Wyman, City Attorney Wade Bettis, Chief of Police Richard Seigler, Secretary Marilyn Perrett, Oregonian Reporter Pat Jeffries, Canby Herald Editor Steve Fredrick, Phil Colbaugh, Miriam E. Bettis, Frances Amundson, Jack Howay, Howard Barlow, Kenneth Stuart, Carl Plesants, David Bury, Mr. and Mrs. Gordon Christiansen, Mr. and Mrs. Richard Flower, David Lowe, John Beckham, William Garmire, Carl Menkel, James Renner, Annette Tatone, Jean Pierce, Maggie Hubbard, Bev Williams, George and Leona Julian, Sharon Imholt, George and Opal Ray, Ted Ellingboe, Antonio Seco, Marine Garmire, Lyle and Joyce Read, Curt Johnson, David Gustafson, Vern and Deborah Walker, Ron Chase, Burnell Vernon and Others.

Mayor Swayze called the Special Meeting to order at 7:32 p.m., followed by the flag salute and roll call of Council.

Mayor Swayze asked the City Attorney to explain the necessary action for Special Meetings to the audience. Attorney Bettis read Chapter 3, Section 7, of the City Charter and also pointed out certain state laws on notice requirements for public meetings. Attorney Bettis asked Mr. Wyman who called the meeting and what notices were given. Administrator Wyman replied that Mayor Swayze called the meeting and Mr. Wyman hand delivered the notices to the Councilmembers on Monday, morning, January 12th and also posted notices of the meeting at the Post Office, City Hall outside and inside bulletin boards and also notified the local newspaper on Monday morning, January 12th. Attorney Bettis noted that we did meet the requirements for the Special Meeting.

Mayor Swayze explained to the audience that the reason for the meeting was that in surrounding communities there is a large group of people involved in gambling and the movement is trying to come to Canby and he felt it was up to the Council to decide if the citizens wanted this type of "store-front gambling" in the community. Mayor Swayze noted that he was willing to hear anyone who wanted to address the Council, however, if the meeting became disorderly he would close it. Citizens wishing to address the Council were instructed to first state their name and address for the records. Mayor Swayze noted that there were two options: do nothing, and leave Ordinance No. 591 in affect; or appeal Ordinance No. 591 and prepare a new Ordinance to better define gambling in the City of Canby. At this time citizens were asked to address the Council.

LYLE READ, 580 N. Juniper, Canby - Mr. Read spoke in support of changing the Ordinance, to not allow "store-front gambling". He is an owner of a business, 334 N.W. 1st Avenue, located half a block away from the proposed area and felt this would cause traffic problems and bring in undesirable people to the community. As a businessman he was concerned about the welfare of downtown Canby and as a citizen, of over 20 years, he was also in favor of changing the Ordinance.

CARL PLESANTS, 7227 Comer Creek, Molalla - Representing the Canby Christian Church, and noting about 30 members of the congregation were present, spoke in favor of appealing the Ordinance to abolish gambling.

GORDON CHRISTIANSEN, 2165 Country Club Drive, Canby - A citizen for about six years and member of Canby Christian Church, seconded what Mr. Read and Mr. Pleasants said.

TED ELLINGBOE, 1245 N. Lupine Court, Canby - Speaking as Pastor of the Christo Fellowship, and noting that he met with 8 or 10 fellow Pastor's on Tuesday, and they were in support of an Ordinance to abolish gambling.

BURNELL VERNON, 20718 S. End Road, Canby - Asked to have the Ordinance clarified.

Mayor Swayze said the Council could take no action at all on the present Ordinance or on first reading of the proposed Ordinance, instructed the Attorney to prepare a new one. Mr. Vernon then inquired if gambling could take place if no action was taken on the present Ordinance. Attorney Bettis explained that Ordinance No. 591 briefly defines that social gambling is permitted in the City of Canby in accordance with ORS 167.117. Mr. Bettis explained that the state law is, "difficult to read, difficult to understand, difficult to interpret, and almost impossible to enforce." Under the Ordinance we now have, it is a question of defining social games. Mr. Bettis read an advertisement from ElGazebo Saloon, downtown Canby, promoting "Black Jack" with "Reno Rules". Attorney Bettis recommended appealing Ordinance No 591 and if the Council would like to redefine "social gambling" with smaller confines and a greater limit, then they could start over with a new Ordinance.

KENNETH STUART, 603 N.W. 13th Ave., Canby - He pointed out that he had heard negative attitudes in surrounding communities and as a businessman and citizen was recommending support of changing the present Ordinance.

Lyle Read questioned that if the old Ordinance is appealed tonight, does this allow gambling to move in until another Ordinance is passed? Mayor Swayze commented, "I am not convinced that even with the Ordinance we have, that it will allow store-front gambling such as we see in the neighboring cities around us, and that's a personal opinion." Attorney Bettis said, "The Mayor's comment is a correct interpretation and evaluation of the Ordinance." "The type of gambling that we hear, know about, and have seen is not permitted in Canby under our Ordinance that now exists, no way!" Mr. Bettis felt we should eliminate the possible court challenge on social gaming and appeal the Ordinance. Attorney Bettis pointed out that it would be February 4, 1981, before the final passage of the proposed Ordinance, due to posting provisions of the City Charter. Mr. Read questioned if we anticipate a two or three week move-in to try and get it going? Mr. Bettis replied, "No, I don't anticipate that." Councilman Knight questioned that if we repeal Ordinance No. 591 and replace it with an Ordinance that "spells-out" what we want in Canby, this would be the action to take. Mr. Bettis noted that he was correct.

At this point, someone in the audience asked, "What happens to the rights of a person to decide whether he gambles or not?" Mayor Swayze asked the gentleman to state his name and address, the unidentified person refrained.

RON CHASE, 20606 Butteville, N.E., Hubbard - Mr. Chase is the Chairman of the Elders at the Canby Christian Church and on their behalf spoke out as being totally against the gambling.

At this point, the same unidentified gentleman again tried to address the Council. Mayor Swayze again asked the citizen to please state his name and address which he refused to do and therefore was not acknowledged.

January 14, 1981

Mayor Swayze then instructed the City Attorney to read Ordinance No. 692 in full for first reading for the Council action. Attorney Bettis read in full Ordinance No. 692. \*\*Councilman Pulver moved that Ordinance No. 692 AN ORDINANCE REPEALING SOCIAL GAMBLING ORDINANCE NO. 591 AND DECLARING AN EMERGENCY be properly posted and second and final reading be on February 4, 1981, after 7:30 p.m. in the Council Chambers. Seconded by Councilwoman Funrue and roll call vote was 6 yeas and zero nays.

At this point Attorney Bettis read a "Press Release" (a copy is attached to the minutes of this meeting), which gave notice that all who would-be-participants in the activity of gambling will be arrested, citations will be issued and violators will be prosecuted and the City Police Department has been alerted to the fact of the action that may occur.

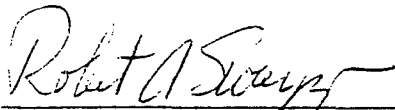
Mayor Swayze then requested Attorney Bettis to prepare an Ordinance that will define what exactly will be allowed in the City of Canby under social gambling.


The unidentified gentleman (who twice spoke before) asked when this would be effective. Mayor Swayze replied, noting that the gentleman was to embarrassed to state his name, that the Ordinance No. 692 would become effective February 4, 1981, on final reading. The unidentified person then stated, "then it can go on until that meeting?" He was told, "No." Mayor Swayze reminded him of the "Press Release" that Attorney Bettis read, and it was the Attorney's opinion that it is an illegal activity.

Approval Bonds. For other business, Mayor Swayze noted that former Councilman Westcott had in the past been overseeing the transactions on the water bond and signing his signature to the bonds. Due to fact Mr. Westcott is most knowledgeable on this issue, Mayor Swayze suggested he be appointed to continue, noting that he had discussed this with the City Attorney. \*\*Councilman Pulver moved that the Council appoint Mr. Robert Westcott as a committee of one, to handle the transactions of water bonds for the City of Canby and that he report to the Mayor on these bonds. Seconded by Councilwoman Brown and approved unanimously.

Mayor Swayze thanked the audience for coming to the meeting and invited them back at anytime, including the February 4th meeting.

Mayor Swayze adjourned the Special Meeting at 8:00 p.m.

  
Robert A. Swayze, Mayor

  
Harold A. Wyma, Administrator/Recorder

WADE P. BETTIS  
RAYMOND R. REIF  
R. ROGER REIF  
MICHAEL J. CLANCY

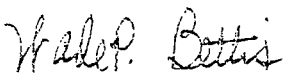
BETTIS & REIF  
ATTORNEYS AT LAW  
160 N.W. THIRD AVENUE  
CANBY OREGON 97013

TELEPHONE  
266-1113  
AREA CODE 503

January 14, 1981

From what I have seen, heard and read I am of the opinion there is a plan to introduce gambling into the City of Canby, which is not permitted by our "Social Gambling" Ordinance No. 591 (now planned for repeal) and which would clearly constitute "gambling offenses" as defined in ORS 167.117 et seq.

If such gambling should occur I give notice now to all would-be-participants in that activity that arrests will be made, citations will be issued and violations will be prosecuted vigorously and to the fullest extent of the law for imposition of maximum penalties. Furthermore, civil suits or actions will be commenced as may be required to enjoin such illegal activities, and wherever they may occur within the City. This matter has been discussed with our Police Chief Richard Seigler and Deputy City Attorney and Chief Prosecutor Michael J. Clancy, and all of us are alert to the threatened violations and potential problems and we are ready to act promptly as the situation may require.

  
WADE P. BETTIS  
City Attorney for City of Canby

At this time I wish each of you would join me in honoring our departed Councilman Beauford Knight.

Beauford was a native son who spent the last four years as a valued member of the Canby City Council.

Even though Beauford did not always agree with the majority, his actions and advice were without a doubt in Canby's best interests.

His expertise, guidance, and hard work will be missed by all who knew him.

The Council knew Beauford as a dedicated individual who strived for perfection - yet his humor could lighten the heaviest of burdens.

Our departed Councilman will be long remembered and sincerely missed.

Please join me in silent tribute to - WILLIAM BEAUFORD KNIGHT."

Following Mayor Swayze's eulogy, \*\*Councilwoman Funrue moved to donate \$250.00 to the Oregon Lung Association in Memory of Councilman Beauford Knight. Seconded by Councilwoman Brown and approved unanimously.

\*\*Councilwoman Brown moved to approve as distributed the minutes of the REGular Meeting of January 21, 1981. Seconded by Counbilman Gabrion and approved 4-0.

CITIZENS INPUT ON NON-AGENDA ITEMS: None was voiced.

ORIDINANCES & RESOLUTIONS: Attorney Bettis read in full Resolution No. 290.

\*\*Councilwoman Funrue moved to approve Resolution No. 290, A RESOLUTION APPROVING ANNEXATION TO CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF F. MARION GARMIRE FOR A PARCEL OF LAND IN TRACT 60, CANBY GARDENS). Seconded by Councilwoman Brown and approved 4-0 by roll call vote.

Attorney Bettis read by title only for second reading Ordinance No. 692 and City Administrator Wyman presented the affidavit of posting. \*\*Councilwoman Brown moved that Ordinance No. 692, AN ORDINANCE REPEALING SOCIAL GAMBLING ORDINANCE NO. 591 AND DECLARING AN EMERGENCY be approved and become part of the laws of the City of Canby. Seconded by Councilman Gabrion and approved 4-0 by roll call vote.

February 4, 1981

George Anderson, from the audience, questioned if this allowed gambling. Mayor Swayze explained that this did not allow gambling in Canby.

COMMUNICATIONS: Administrator Wyman read a staff report from City Planner Stephan Lashbrook regarding a proposed water line extension on the southeastern edge of the city. Mr. Lashbrook pointed out that this project would have to be approved by the Portland Metropolitan Boundary Commission because of the chance of increased development in the unincorporated area. Fred Egger, Utility Board Manager, indicated on a map the area for the proposed water line, down S. Pine to S.W. 13th Avenue. He noted that on Township they now have an 8 inch line and this would essentially be looping the city with a 12 inch line. Mr. Lashbrook noted that all property involved was in the UGB "priority A" area and the proposed water line would be in the best interest as far as future growth needs, fire protection and for the schools in the area. He also expressed that it shouldn't induce premature development. City staff met last week with many of the property owners, their main concern was the construction affect regarding crops. The Council consensus was for approval on this issue and Mayor Swayze directed staff to be sure and contact all property owners and the City Attorney to prepare the proper Resolution or Ordinance for the matter to be sent on to the Portland Boundary Commission.

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NEW BUSINESS: \*\*Councilwoman Funrue moved to approve payment of accounts payable in the amount of \$37,274.11. Seconded by Councilman Swayze and approved 4-0.

ORDINANCE NO. 692

AN ORDINANCE REPEALING SOCIAL GAMBLING ORDINANCE NO. 591 AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Ordinance No. 591 entitled "AN ORDINANCE TO PERMIT SOCIAL GAMBLING GAMES" enacted June 2, 1975, is hereby repealed; and such repeal shall be effective immediately upon final reading and enactment of this ordinance; and in view of an emergency which is hereby declared to exist, this ordinance shall take effect immediately upon its enactment after final reading.

Submitted to the Council and read the first time at a special meeting thereof on Wednesday, January 14, 1981; ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the City Council at a regular meeting thereof to be held on February 4, 1981, at the hour of 7:30 o'clock P.M., at the Council Meeting Chambers at the Canby City Hall in Canby, Oregon.

Harold A. Wyman  
Harold A. Wyman, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on the 4th day of February, 1981, by the following vote: YEAS 4 NAYS 0

Robert A. Swayze  
Robert A. Swayze, Mayor

ATTEST:

Harold A. Wyman  
Harold A. Wyman, City Recorder

**GAMBLING OFFENSES**

**167.108 Definitions for ORS 167.109 and 167.112.** As used in ORS 167.109 and 167.112:

(1) "Credit" and "credit card" have the meaning given those terms under the federal Consumer Credit Protection Act (P.L. 90-321, 82 Stat. 146, 15 U.S.C. 1601).

(2) "Electronic funds transfer" has the meaning given that term in ORS 293.525.

(3) "Financial institution" has the meaning given that term in ORS 706.008.

(4) "Money transmission" has the meaning given that term in ORS 717.200. [2001 c.502 §4]

**167.109 Internet gambling.** (1) A person engaged in an Internet gambling business may not knowingly accept, in connection with the participation of another person in unlawful gambling using the Internet:

(a) Credit, or the proceeds of credit, extended to or on behalf of such other person, including credit extended through the use of a credit card;

(b) An electronic funds transfer or funds transmitted by or through a money transmission business, or the proceeds of an electronic funds transfer or money transmission service, from or on behalf of the other person;

(c) Any check, draft or similar instrument that is drawn by or on behalf of the other person and is drawn on or payable at or through any financial institution; or

(d) The proceeds of any other form of financial transaction that involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the other person.

(2) Violation of subsection (1) of this section is a Class C felony. [2001 c.502 §2]

**167.110** [Repealed by 1971 c.743 §432]

**167.112 Liability of certain entities engaged in certain financial transactions.** Notwithstanding any other provision of law, a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic funds transfer may be initiated, money transmission business or any national, regional or local network utilized to effect a credit transaction, electronic funds transfer or money transmission service that is not liable under ORS 167.109:

(1) May collect on any debt arising out of activities that are illegal under ORS 167.109;

(2) Shall not be deemed to be participating in any activities that are illegal under ORS 167.109 by reason of their processing transactions arising out of such activities or

collecting debts arising out of such activities; and

(3) Shall not be liable under any provision of ORS 166.715 to 166.735 or 646.605 to 646.652 by reason of their processing transactions arising out of activities that are illegal under ORS 167.109 or collecting debts arising out of such activities. [2001 c.502 §3]

**167.114 Application of ORS 167.109 and 167.112 to Oregon Racing Commission.** ORS 167.109 and 167.112 do not apply to activities licensed and regulated by the Oregon Racing Commission under ORS chapter 462. [2001 c.502 §5]

**167.115** [Repealed by 1971 c.743 §432]

**167.116 Rulemaking.** (1) The Oregon State Lottery Commission shall adopt rules to carry out the provisions of ORS 167.117 (9)(c)(E) and (20)(b).

(2) Devices authorized by the Oregon State Lottery Commission for the purposes described in ORS 167.117 (9)(c)(E) and (20)(b) are exempted from the provisions of 15 U.S.C. 1172. [1999 c.193 §2; 2001 c.502 §6]

**Note:** 167.116 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 167 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**167.117 Definitions for ORS 167.108 to 167.164 and 464.270 to 464.530.** As used in ORS 167.108 to 167.164 and 464.270 to 464.530, unless the context requires otherwise:

(1) "Bingo or lotto" means a game, played with cards bearing lines of numbers, in which a player covers or uncovers a number selected from a container, and which is won by a player who is present during the game and who first covers or uncovers the selected numbers in a designated combination, sequence or pattern.

(2) "Bookmaker" means a person who unlawfully accepts a bet from a member of the public upon the outcome of a future contingent event and who charges or accepts a percentage, fee or vigorish on the wager.

(3) "Bookmaking" means promoting gambling by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcomes of future contingent events.

(4) "Casino game" means any of the traditional gambling-based games commonly known as dice, faro, monte, roulette, fan-tan, twenty-one, blackjack, Texas hold-'em, seven-and-a-half, big injun, klondike, craps, poker, chuck-a-luck, Chinese chuck-a-luck (dai shu), wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panquinqui, red dog, acey-deucey, or any other gambling-based game similar in form or content.

(5)(a) "Charitable, fraternal or religious organization" means any person that is:

(A) Organized and existing for charitable, benevolent, eleemosynary, humane, patriotic, religious, philanthropic, recreational, social, educational, civic, fraternal or other non-profit purposes; and

(B) Exempt from payment of federal income taxes because of its charitable, fraternal or religious purposes.

(b) The fact that contributions to an organization profiting from a contest of chance do not qualify for a charitable deduction for tax purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1986, as amended, constitutes prima facie evidence that the organization is not a bona fide charitable, fraternal or religious organization.

(6) "Contest of chance" means any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

\* (7) "Gambling" means that a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of the person, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome. "Gambling" does not include:

(a) Bona fide business transactions valid under the law of contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance.

(b) Engaging in contests of chance under the following conditions:

(A) The contest is played for some token other than money;

(B) An individual contestant may not purchase more than \$100 worth of tokens for use in the contest during any 24-hour period;

(C) The tokens may be exchanged only for property other than money;

(D) Except when the tokens are exchanged for a beverage or merchandise to be consumed on the premises, the tokens are not redeemable on the premises where the contest is conducted or within 50 miles thereof; and

(E) Except for charitable, fraternal or religious organizations, no person who conducts the contest as owner, agent or

employee profits in any manner from operation of the contest.

(c) Social games.

(d) Bingo, lotto or raffle games or Monte Carlo events operated in compliance with ORS 167.118, by a charitable, fraternal or religious organization licensed pursuant to ORS 167.118, 464.250 to 464.380 and 464.420 to 464.530 to operate such games.

(8) "Gambling device" means any device, machine, paraphernalia or equipment that is used or usable in the playing phases of unlawful gambling, whether it consists of gambling between persons or gambling by a person involving the playing of a machine. Lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices within this definition. Amusement devices other than gray machines, that do not return to the operator or player thereof anything but free additional games or plays, shall not be considered to be gambling devices.

(9)(a) "Gray machine" means any electrical or electromechanical device, whether or not it is in working order or some act of manipulation, repair, adjustment or modification is required to render it operational, that:

(A) Awards credits or contains or is readily adaptable to contain, a circuit, meter or switch capable of removing or recording the removal of credits earned by a player, other than removal during the course of continuous play; or

(B) Plays, emulates or simulates a casino game, bingo or keno.

(b) A device is no less a gray machine because, apart from its use or adaptability as such, it may also sell or deliver something of value on the basis other than chance.

(c) "Gray machine" does not include:

(A) Any device commonly known as a personal computer, including any device designed and marketed solely for home entertainment, when used privately and not for a fee and not used to facilitate any form of gambling;

(B) Any device operated under the authority of the Oregon State Lottery;

(C) Any device manufactured or serviced but not operated in Oregon by a manufacturer who has been approved under rules adopted by the Oregon State Lottery Commission;

(D) A slot machine;

(E) Any device authorized by the Oregon State Lottery Commission for:

(i) Display and demonstration purposes only at trade shows; or

(ii) Training and testing purposes by the Department of State Police; or

(F) Any device used to operate bingo in compliance with ORS 167.118 by a charitable, fraternal or religious organization licensed to operate bingo pursuant to ORS 167.118, 464.250 to 464.380 and 464.420 to 464.530.

(10) "Handle" means the total amount of money and other things of value bet on the bingo, lotto or raffle games, the value of raffle chances sold or the total amount collected from the sale of imitation money during Monte Carlo events.


(11) "Internet" means an interactive computer service or system or an information service, system or access software provider that provides or enables computer access by multiple users to a computer server and includes, but is not limited to, an information service, system or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to a World Wide Web page, newsgroup, message board, mailing list or chat area on any interactive computer service or system or other online service.

(12) "Lottery" or "policy" means an unlawful gambling scheme in which:

(a) The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones;

(b) The winning chances are to be determined by a drawing or by some other method; and

(c) The holders of the winning chances are to receive something of value.

 (13) "Monte Carlo event" means a gambling event at which wagers are placed with imitation money upon contests of chance in which players compete against other players or against the house. As used in this subsection, "imitation money" includes imitation currency, chips or tokens.

(14) "Numbers scheme or enterprise" means a form of lottery in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme, but upon the basis of the outcome of a future contingent event otherwise unrelated to the particular scheme.

(15) "Operating expenses" means those expenses incurred in the operation of a bingo, lotto or raffle game, including only the following:

(a) Salaries, employee benefits, workers' compensation coverage and state and federal employee taxes;

(b) Security services;

(c) Legal and accounting services;

(d) Supplies and inventory;

(e) Rent, repairs, utilities, water, sewer and garbage;

(f) Insurance;

(g) Equipment;

(h) Printing and promotions;

(i) Postage and shipping;

(j) Janitorial services and supplies; and

(k) Leasehold improvements.

(16) "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein is a person who does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor and supplying cards or other equipment used therein. A person who engages in bookmaking is not a player.

(17) "Profits from unlawful gambling" means that a person, acting other than solely as a player, accepts or receives money or other property pursuant to an agreement or understanding with another person whereby the person participates or is to participate in the proceeds of unlawful gambling.

(18) "Promotes unlawful gambling" means that a person, acting other than solely as a player, engages in conduct that materially aids any form of unlawful gambling. Conduct of this nature includes, but is not limited to, conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases or toward any other phase of its operation. A person promotes unlawful gambling if, having control or right of control over premises being used with the knowledge of the person

for purposes of unlawful gambling, the person permits the unlawful gambling to occur or continue or makes no effort to prevent its occurrence or continuation.

(19) "Raffle" means a lottery operated by a charitable, fraternal or religious organization wherein the players pay something of value for chances, represented by numbers or combinations thereof or by some other medium, one or more of which chances are to be designated the winning ones or determined by a drawing and the player holding the winning chance is to receive something of value.

(20)(a) "Slot machine" means a gambling device that as a result of the insertion of a coin or other object operates, either completely automatically, or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value or otherwise entitle the player to something of value. A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot machine because apart from its use or adaptability as such it may also sell or deliver something of value on the basis other than chance.

(b) "Slot machine" does not include any device authorized by the Oregon State Lottery Commission for:

(A) Display and demonstration purposes only at trade shows; or

(B) Training and testing purposes by the Department of State Police.

(21) "Social game" means:

(a) A game, other than a lottery, between players in a private home where no house player, house bank or house odds exist and there is no house income from the operation of the social game; and

(b) If authorized pursuant to ORS 167.121, a game, other than a lottery, between players in a private business, private club or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the social game.

(22) "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein.

(23) "Trade show" means an exhibit of products and services that is:

(a) Not open to the public; and

(b) Of limited duration.

(24) "Unlawful" means not specifically authorized by law. [1971 c.669 §3a; 1971 c.743 §263; 1973 c.788 §1; 1974 c.7 §1; 1975 c.421 §1; 1977 c.850 §1; 1983 c.813 §1; 1987 c.914 §1; 1991 c.962 §7; 1995 c.577 §2; 1997 c.867 §1; 1999 c.193 §1; 2001 c.228 §1; 2001 c.502 §7; 2005 c.57 §1; 2005 c.355 §2]

**167.118 Bingo, lotto or raffle games or Monte Carlo events conducted by charitable, fraternal or religious organizations; rules.**

(1) When a charitable, fraternal or religious organization is licensed by the Department of Justice to conduct bingo, lotto or raffle games or Monte Carlo events, only the organization itself or an employee thereof authorized by the department shall receive money or property or otherwise directly profit from the operation of the games, except that:

(a) The organization operating the games may present a prize of money or other property to any player not involved in the administration or management of the games.

(b) An organization licensed to conduct Monte Carlo events may contract with a licensed supplier of Monte Carlo event equipment to operate the event, including the provision of equipment, supplies and personnel, provided that the licensed supplier is paid a fixed fee to conduct the event and the imitation money is sold to players by employees or volunteers of the licensed charitable, fraternal or religious organization.

(c) A person may sell, rent or lease equipment, including electronic equipment, proprietary computer software and real property to a licensed charitable, fraternal or religious organization. Rent or lease payments must be made in compliance with the provisions of ORS 464.510.

(d) An organization licensed by the department may act as an escrow agent to receive money or property to be awarded as prizes.

(2) A charitable, fraternal or religious organization may not operate bingo, lotto or raffle games or Monte Carlo events except at such locations and upon such days and for such periods of time as the department authorizes pursuant to this section and ORS 464.250 to 464.380, 464.420 and 464.450 to 464.530.

(3)(a) An organization licensed by the department to operate bingo or lotto games may not award a prize exceeding \$2,500 in value in any one game. An organization licensed by the department to operate a Monte Carlo event may not present any prize of money, or a cash equivalent, to any player.

(b) Notwithstanding any provision of this chapter to the contrary, a bingo licensee may operate two games per year with a prize not

to exceed \$10,000 per game and, if approved by the department, may also participate in a linked progressive game involving only Oregon licensees, without regard to the number of games or the size of the prize awarded.

(4) Each charitable, fraternal or religious organization that maintains, conducts or operates any bingo, lotto or raffle game or Monte Carlo event under license of the department must operate such games in accordance with rules adopted by the department.

(5) It is unlawful for a licensee to permit the operating expenses of the games to exceed 18 percent of the annual handle of its bingo, lotto and raffle operation.

(6) It is unlawful for a charitable, fraternal or religious organization licensed by the department to operate bingo, lotto or raffle games if:

(a) The handle of the games and events exceeds \$250,000 in a year; and

(b) The games and events do not generate for the organization's purposes, after the cost of prizes and operating expenses are deducted from the handle, an amount that equals or exceeds five percent of the handle. [1987 c.914 §3; 1991 c.274 §2; 1995 c.331 §1; 1997 c.867 §2; 1999 c.218 §1; 2001 c.228 §2; 2003 c.417 §1]

167.119 [1973 c.788 §3; repealed by 1974 c.7 §2]

167.120 [Amended by 1955 c.514 §1; 1969 c.404 §1; repealed by 1971 c.743 §432]

**167.121 Local regulation of social games.** Counties and cities may, by ordinance, authorize the playing or conducting of a social game in a private business, private club or in a place of public accommodation. Such ordinances may provide for regulation or licensing of the social games authorized. [1974 c.7 §3]

**Note:** 167.121 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 167 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**167.122 Unlawful gambling in the second degree.** (1) A person commits the crime of unlawful gambling in the second degree if the person knowingly:

(a) Places a bet with a bookmaker; or

(b) Participates or engages in unlawful gambling as a player.

(2) Unlawful gambling in the second degree is a Class A misdemeanor. [1971 c.743 §264; 1997 c.867 §21]

167.125 [Amended by 1969 c.404 §2; repealed by 1971 c.743 §432]

**167.127 Unlawful gambling in the first degree.** (1) A person commits the crime of unlawful gambling in the first degree if the person knowingly promotes or profits from unlawful gambling.

(2) Unlawful gambling in the first degree is a Class C felony. [1971 c.743 §265; 1997 c.867 §22]

167.130 [Repealed by 1971 c.743 §432]

**167.132 Possession of gambling records in the second degree.** (1) A person commits the crime of possession of gambling records in the second degree if, with knowledge of the contents thereof, the person possesses any writing, paper, instrument or article:

(a) Of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise; or

(b) Of a kind commonly used in the operation, promotion or playing of a lottery or numbers scheme or enterprise.

(2) Possession of gambling records in the second degree is a Class A misdemeanor. [1971 c.743 §266]

167.135 [Repealed by 1971 c.743 §432]

**167.137 Possession of gambling records in the first degree.** (1) A person commits the crime of possession of gambling records in the first degree if, with knowledge of the contents thereof, the person possesses any writing, paper, instrument or article:

(a) Of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise, and constituting, reflecting or representing more than five bets totaling more than \$500; or

(b) Of a kind commonly used in the operation, promotion or playing of a lottery or numbers scheme or enterprise, and constituting, reflecting or representing more than 500 plays or chances therein.

(2) Possession of gambling records in the first degree is a Class C felony. [1971 c.743 §267]

167.140 [Repealed by 1971 c.743 §432]

**167.142 Defense to possession of gambling records.** In any prosecution under ORS 167.132 or 167.137 it is a defense if the writing, paper, instrument or article possessed by the defendant is neither used nor intended to be used in the operation or promotion of a bookmaking scheme or enterprise, or in the operation, promotion or playing of a lottery or numbers scheme or enterprise. [1971 c.743 §268]

167.145 [Repealed by 1971 c.743 §432]

**167.147 Possession of a gambling device; defense.** (1) A person commits the crime of possession of a gambling device if, with knowledge of the character thereof, the person manufactures, sells, transports, places or possesses, or conducts or negotiates a transaction affecting or designed to affect ownership, custody or use of:

(a) A slot machine; or

City of Canby, Oregon

## **SEWER & STORMWATER RATES ANALYSIS & FINANCIAL PLAN**

Prepared by:

### **ECONOMIC & FINANCIAL ANALYSIS**

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23 May 2011

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## SUMMARY

The City of Canby's sewer utility consists of both sewer and stormwater functions, and is financially self-sufficient. The City is planning improvements to each system, and retained Economic & Financial Analysis to develop a financial plan that provides the revenue necessary to cover the increased annual cost of operations and maintenance, as well as a plan for financing improvements to each system.

### Financial Plan

Through fiscal year 2009-10, the sewer and stormwater systems were combined in the sewer utility's financial records. This fiscal year (2010-11) the City began tracking expenditures associated with each system separately in order to determine the proportion of annual costs that can be attributed to each. EFA used this data to develop a financial plan that breaks out the cost of operating and maintaining the stormwater system separately from the sewer system and more accurately projects the utility's revenue requirements from user rates. This provided the basis for updating the utility rates, which will include both a sewer fee and a stormwater fee to cover the costs of operating and maintaining both systems.

The financial plan presented here recommends an initial rate increase of 25% percent in FY 2011-12, followed by an annual rate increase of 4 percent for the next 5 years. After that, the City will have to re-evaluate its financial condition. These rate increases, along with an annual growth rate between .2 percent and .75 percent, will provide sufficient revenue from user charges and SDCs to cover the annual cost of operations and maintenance, complete the improvements identified in the sewer and stormwater capital improvements plans, pay off the utility's debts, and maintain a cash reserve sufficient to cover unexpected problems.

Table 1 shows the progression of monthly single-family sewer rates from 1999 through 2010, as well as proposed rates through 2016. The complete rate schedule by customer class can be found in Table 10.

**Table 1 Residential Sewer Rates Summary (Past & Proposed)**

	Year	% Increase	Single-family Combined Sewer/Stormwater Rates	\$ Increase
History	1999	4.3%	\$24.25	\$1.00
	2005	4.0%	\$25.22	\$0.97
	2006	4.0%	\$26.23	\$1.01
	2007	4.0%	\$27.28	\$1.05
	2009	5.0%	\$28.64	\$1.36
Current	2010	6.1%	\$30.39	\$1.75
Proposed	2011	25.0%	\$38.00	\$7.61
	2012	4.0%	\$39.60	\$1.60
	2013	4.0%	\$41.20	\$1.60
	2014	4.0%	\$42.90	\$1.70
	2015	4.0%	\$44.70	\$1.80
	2016	4.0%	\$46.50	\$1.80

## Capital Improvements

The City updated the capital improvement plans for the sewer and stormwater systems in February 2011. Improvements during the 5-year forecast period are estimated at \$2.647 million in 2010 dollars. The financial plan uses cash from reserves, net income from operations, and systems development charge revenues. No additional borrowing will be required unless the proposed schedule of capital improvements changes.

## INTRODUCTION

This analysis provides a review of the combined sewer and stormwater financial history, followed by a financial forecast and proposed rate increases. We evaluate the current combined rate and estimate the portions that are attributable to the sanitary sewer and stormwater systems for the current fiscal year. We also project the cost of scheduled capital improvements and provide a financing plan to complete the improvements.

## FINANCIAL HISTORY

Table 2 shows the recent financial history of the combined sewer and stormwater fund. During the past 6 years the City has limited annual increases in operating costs to 0.5% per year, while revenues have increased 5.2% per year. The City had sufficient funds to make over \$6 million of capital improvements to the system and pay off an outstanding bond. These capital expenditures resulted in cash reserves decreasing from \$3.5 million to \$1.3 million over the 6-year period.

**Table 2 Cash Flow History—Combined Sewer & Stormwater Systems**

	Audited History					Estimate	Avg
	2005 2006	2006 2007	2007 2008	2008 2009	2009 2010	2010 2011	Annual % Δ
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>							
Operating Revenues							
Customer Receipts	1,940,291	2,064,487	2,174,773	2,339,706	2,392,212	2,537,820	5.2%
Miscellaneous						3,587	
Total Revenues	1,940,291	2,064,487	2,174,773	2,339,706	2,392,212	2,541,407	5.2%
Operating Expenditures							
Personal Services	687,129	665,064	702,244	754,495	848,416	829,100	5.3%
Materials & Services	393,568	365,351	609,832	533,852	253,187	437,589	-11.0%
Total Expenditures	1,080,697	1,030,415	1,312,076	1,288,347	1,101,603	1,266,689	0.5%
Net Cash From Operating Activities	\$859,594	\$1,034,072	\$862,697	\$1,051,359	\$1,290,609	\$1,274,718	10.2%
<b>CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES</b>							
Interfund Loan Payments	37,735	29,820	10,609			8,624	
Transfers In (Out)	(185,245)	(261,929)	(297,613)	(312,978)	(358,550)	(295,070)	
Net Cash From Noncapital Activities	(\$147,510)	(\$232,109)	(\$287,004)	(\$312,978)	(\$358,550)	(\$286,446)	

	Audited History					Estimate	Avg
	2005 2006	2006 2007	2007 2008	2008 2009	2009 2010	2010 2011	Annual % Δ
<b>CASH FLOWS FROM CAPITAL &amp; RELATED FINANCING ACTIVITIES</b>							
System Development Charges	550,736	319,814	174,935	39,484	5,711	20,700	
Capital Expenditures	(433,925)	(534,579)	(161,963)	(782,579)	(1,261,234)	(1,799,642)	
Long-term Obligations							
Bond Proceeds	25,435		2,505,000				
Amortization of Bond Issue Costs	21,734		23,894	8,928			
Bond Premium			54,244				
Amortization of Bond Premium			(1,356)	(5,424)			
Principal	1,600	(250,000)	(3,695,000)	(240,000)	(210,000)	(225,000)	
Interest	(456,250)	(192,611)	(184,064)	(88,431)	(80,194)	(71,872)	
Costs			(86,301)				
Net Cash From Capital Activities	(\$290,670)	(\$657,376)	(\$1,370,611)	(\$1,068,022)	(\$1,545,717)	(\$2,075,814)	
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>							
Interest	\$127,903	\$191,754	\$182,170	\$61,369	\$20,166	\$8,000	
Net Change in Cash & Investments	\$549,317	\$336,341	(\$612,748)	(\$268,272)	(\$593,492)	(\$1,079,542)	
CASH BALANCE, Beginning	2,994,626	3,543,943	3,880,284	3,267,536	2,999,264	2,405,772	
CASH BALANCE, Ending	\$3,543,943	\$3,880,284	\$3,267,536	\$2,999,264	\$2,405,772	\$1,326,230	

Table 3 shows a breakdown of costs between the sanitary sewer and stormwater functions. This year, stormwater expenditures amounted to about 30% of the total operating expenditures, 23% of transfers, and 25% of capital and related financing activities.

**Table 3 Cash Flow Forecast by System, FY 2011-12**

	2011-12 Forecast		
	Sewer	Stormwater	Combined
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Operating Revenues			
Customer Receipts	2,435,000	769,000	3,204,000
Miscellaneous	2,500	2,500	5,000
Total Revenues	2,437,500	771,500	3,209,000
Operating Expenditures			
Personal Services	858,844	222,710	1,081,554
Materials & Services	456,575	79,900	536,475
Total Expenditures	1,315,419	302,610	1,618,029
Net Cash From Operating Activities	\$1,122,081	\$468,890	\$1,590,971
<b>CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES</b>			
Interfund Loan Payments			0
Transfers In (Out)	(215,000)	(64,400)	(279,400)
Net Cash From Noncapital Activities	(\$215,000)	(\$64,400)	(\$279,400)

	2011-12 Forecast		
	Sewer	Stormwater	Combined
<b>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES</b>			
System Development Charges (SDC)^			0
Capital Expenditures	(83,500)	(124,500)	(208,000)
Long-term Obligations			
Principal	(235,000)		(235,000)
Interest	(63,265)		(63,265)
Net Cash From Capital Financing Activities	(\$381,765)	(\$124,500)	(\$506,265)
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Interest	\$6,000	\$6,000	\$12,000
Net Change in Cash & Investments	\$531,316	\$285,990	\$817,306
CASH & INVESTMENTS, Beginning	1,602,402	197,309	1,799,711
CASH & INVESTMENTS, Ending	\$2,133,718	\$483,299	\$2,617,017

^ SDC revenues have been omitted to calculate capital expenditure requirements

## FINANCIAL FORECAST

### Forecast Assumptions

Two forecasts are presented—one for the sewer system and one for the stormwater system. Both systems will be affected by the same rates of growth and inflation, as presented in Table 4.

**Table 4 Forecast Assumptions & Rate Increases**

	Estimated 2010 2011	2011 2012	2012 2013	2013 2014	2014 2015	2015 2016
Growth Rate		0.2%	0.3%	0.4%	0.5%	0.75%
Number of EDUs	6,959	6,973	6,994	7,022	7,057	7,110
New	8	14	21	28	35	53
SDCs						
Sewer	\$2,489	\$2,489	\$2,489	\$2,489	\$2,489	\$2,489
Stormwater	\$100	\$100	\$104	\$108	\$112	\$116
% Rate Increase (effective July 1)		25.0%	4.0%	4.0%	4.0%	4.0%
Residential Flat Fee (Sewer & Stormwater)	\$38.00	\$39.52	\$41.10	\$42.74	\$44.45	\$44.45
Capital	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%
Operating Expenditures						
Personal Services		7.5%	7.5%	7.5%	7.5%	7.5%
Materials & Services		4.5%	4.5%	4.5%	4.5%	4.5%
Return on Investments	0.4%	0.3%	0.3%	0.5%	0.5%	1.0%

The City also plans capital improvements during the forecast period to both the sewer system and the stormwater system. We assume that the 5-year capital improvements in Tables 5 and 6 will be constructed. Construction costs in 2011 \$'s are estimated at \$2.040 million for sewer and \$670,000 for stormwater. However, we assume a 4% per year increase in costs, which will result in total capital costs of approximately \$4.19 million—\$2.71 million for sewer \$1.48 million for stormwater. The City has enough in current cash plus net revenues and future SDC revenues to complete the improvements without financing. However, if projects have to be expedited, the City may consider borrowing to construct some or all of the projects. Financing would spread the cost over several years, but the added burden of interest would be incurred.

**Table 5 Capital Improvements Plan—Sewer System**

		Capacity (mgd)	Years 1-5 (2012-2016)		Years 6-10 (2017-2021)		Years 11-20 (2022-2031)	
No.	Description	ADWF	Cost Estimate	\$/gal	Cost Estimate	\$/gal	Cost Estimate	\$/gal
1	Secondary Scum Pump Station	2.8	\$60,000	\$0.02				
2	Effluent Filtration	2.8	\$350,000	\$0.13				
3	Odor Control Improvements	2.8	\$600,000	\$0.21				
4	Sludge Conditioning Basin, 600,000g	2.8	\$800,000	\$0.29				
5	SCADA System Improvements	2.8	\$150,000	\$0.05				
6	RV Septic Receiving Station	2.8			\$125,000	\$0.04		
7	Headworks Screening	2.8			\$750,000	\$0.27		
8	Outfall Diffuser Improvements	2.8			\$250,000	\$0.09		
9	Dried Sludge Storage Building	2.8	\$80,000	\$0.03				
10	New Lab Building Construction	2.8			\$600,000	\$0.21		
11	Employee Support Building	2.8			\$420,000	\$0.15		
12	Additional Primary Clarifier	2.8					\$800,000	\$0.29
13	Effluent Irrigation System	2.8			\$450,000	\$0.16		
14	Power Distribution System Upgrades	2.8					\$600,000	\$0.21
15	Collection System Upsizing/Oversizing							
15(a)	South 2nd Trunk, MH R-26 to O-39	2.8					\$160,000	\$0.06
15(b)	NW Territorial Road Trunk Oversizing	2.8					\$20,000	\$0.01
15(c)	Mulino Pump Station & Force Main	2.8					\$360,000	\$0.13
15(d)	North 22nd Pump Station & Force Main	2.8					\$280,000	\$0.10
15(e)	North Birch Pump Station & Force Main	2.8					\$280,000	\$0.10
15(f)	System Oversizing	2.8					\$50,000	\$0.02
16	System Planning, SDC & Rates	2.8					\$250,000	\$0.09
Subtotal by Improvement Year			\$2,040,000	\$0.73	\$2,595,000	\$0.92	\$2,800,000	\$1.01
TOTAL COST OF ALL IMPROVEMENTS (2011 \$'s)							\$7,435,000	
\$ / gallon (combined)							\$2.66	

Source: City of Canby, Public Works Department, February 2011

**Table 6 Capital Improvements Plan—Stormwater System**

No.	Description	Years 1-5 (2012-2016)	Years 6-10 (2017-2021)
1	WPCF / NPDES Permitting	\$50,000	
2(a)	Stormwater Master Planning	\$40,000	
2(b)	UIC Decommissioning Plan	\$40,000	
2(c)	Stormwater Management Plan	\$40,000	
3	UIC Decommissioning/BMP Implementation	\$500,000	
4	Regional Detention Facility - NW 3rd & Baker		\$1,200,000
5	Regional Detention Facility - NE Territorial Rd		\$1,200,000
6	System Oversizing		\$100,000
Subtotal by Improvement Year		\$670,000	\$2,500,000
TOTAL COST OF ALL IMPROVEMENTS (2011 \$'s)			\$3,170,000

Source: City of Canby, Public Works Department, February 2011

## Sewer System Forecast

In Table 7, we determine the revenue required in FY 2011-12 from sewer rates alone (excluding the stormwater system) in order for the sewer utility to meet all of its financial obligations. Using the sewer system's portion of operating costs in Table 3, we also assume the operating fund needs working capital equal to 25% of the operating costs. The existing combined sewer/stormwater utility has outstanding debt that has a claim on all sewer rate revenues. The bondholder, Mellon Bank, requires that sewer rate revenues be maintained at a level that pays all operating costs plus 125% of debt service. With these assumptions, the sewer utility has to maintain about 76% of the revenues from the current combined sewer/stormwater rate.

**Table 7 Sewer Utility Revenue Requirements**

	2011-12	% Forecast Revenue
Personnel	858,844	
Materials & Services	456,575	
Working Capital, 25%	329,000	
Total O&M	\$1,644,419	51%
Debt Service	298,534	
Coverage, 25%	74,634	
Total Debt Service	\$373,168	12%
Capital Expenditures	430,000	13%
Revenue Needed From Rates	\$2,447,587	76%
Forecast Revenues	\$3,204,000	100%
Balance Available for Stormwater	\$756,413	24%

Table 8 shows the financial forecast for sewer only. Revenue from the rate increases is split 76% to the sewer system, and 24% to the stormwater system. Even though the combined sewer/stormwater rate increase is 25% next fiscal year (2011-12), the amount allocated to sewer is lower than total revenues from the previous year. Operating expenditures increase due to additional staff. The sewer utility makes all debt service payments. The *Net Change in Cash & Investments* varies from positive to negative depending upon the amount of capital expenditures each year. *Cash & Investments* is attributable to sewer rates and sewer SDCs.

**Table 8 Cash Flow Forecast—Sewer System**

	Combined 2010	Forecast				
	2011	2011 2012	2012 2013	2013 2014	2014 2015	2015 2016
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
Operating Revenues						
Customer Receipts	2,537,820	2,416,000	2,520,000	2,631,000	2,750,000	2,881,000
Miscellaneous	3,587	2,500				
Total Revenues	2,541,407	2,418,500	2,520,000	2,631,000	2,750,000	2,881,000
Operating Expenditures						
Personal Services	829,100	858,844	923,300	992,500	1,066,900	1,146,900
Materials & Services	437,589	456,575	477,100	498,600	521,000	544,400
Total Expenditures	1,266,689	1,315,419	1,400,400	1,491,100	1,587,900	1,691,300
Net Cash From Operating Activities	\$1,274,718	\$1,103,081	\$1,119,600	\$1,139,900	\$1,162,100	\$1,189,700
<b>CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES</b>						
Interfund Loan Payments	8,624					
Transfers In (Out)	(295,070)	(215,000)	(231,100)	(248,400)	(267,000)	(287,000)
Net Cash From Noncapital Activities	(\$286,446)	(\$215,000)	(\$231,100)	(\$248,400)	(\$267,000)	(\$287,000)
<b>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES</b>						
System Development Charges	20,700	35,000	52,300	69,700	87,100	131,900
Capital Expenditures	(1,523,470)	(135,750)	(233,400)	0	(1,146,500)	(1,192,300)
Long-term Obligations						
Principal	(225,000)	(235,000)	(240,000)	(250,000)	(255,000)	(275,000)
Interest	(71,872)	(63,265)	(54,925)	(46,044)	(36,891)	(27,284)
Costs						
Net Cash From Capital Activities	(\$1,799,642)	(\$399,015)	(\$476,025)	(\$226,344)	(\$1,351,291)	(\$1,362,684)
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>						
Interest	\$8,000	\$6,000	\$15,000	\$28,700	\$30,100	\$51,800
Net Change in Cash & Investments	(\$803,370)	\$495,066	\$427,475	\$693,856	(\$426,091)	(\$408,184)
CASH & INVESTMENTS, Beginning	2,405,772	1,602,402	2,097,468	2,524,943	3,218,799	2,792,709
CASH & INVESTMENTS, Ending	\$1,602,402	\$2,097,468	\$2,524,943	\$3,218,799	\$2,792,709	\$2,384,524

## Stormwater System Forecast

Table 9 shows a similar forecast for the stormwater utility. The Stormwater utility begins with a *Cash & Investments, Beginning* of \$197,309 which is the accumulated stormwater SDCs that have been held in the transportation fund. Using the assumptions in Table 4, the cash flow shown in Table 9 remains positive. However, several financial risks make this forecast less reliable than the forecast for the sewer system.

The revenue generated by the stormwater rate is initially based on sewage usage. Eventually the City may have to shift its rates from a sewage usage criteria to one more appropriate for stormwater—square footage of impervious surface or street frontage. This shift in the next few years may affect rate revenues. Also, this forecast only completes \$670,000 (in 2011 \$'s) of the \$3.17 million in identified capital improvements. The regulation of stormwater quality is just beginning, and more extensive treatment than currently required may be needed in the future. The City may have to accelerate the improvements to meet federal and state collection and discharge requirements.

**Table 9 Cash Flow Forecast—Stormwater**

	Combined 2010 2011	2011 2012	2012 2013	Forecast 2013 2014	2014 2015	2015 2016
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
Operating Revenues						
Customer Receipts	2,537,820	763,000	796,000	831,000	869,000	911,000
Miscellaneous	3,587	2,500				
Total Revenues	2,541,407	765,500	796,000	831,000	869,000	911,000
Operating Expenditures						
Personal Services	829,100	222,710	239,400	257,400	276,700	297,500
Materials & Services	437,589	79,900	83,500	87,300	91,200	95,300
Total Expenditures	1,266,689	302,610	322,900	344,700	367,900	392,800
Net Cash From Operating Activities	\$1,274,718	\$462,890	\$473,100	\$486,300	\$501,100	\$518,200
<b>CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES</b>						
Interfund Loan Payments	8,624					
Transfers In (Out)	(295,070)	(64,400)	(69,200)	(74,400)	(80,000)	(86,000)
Net Cash From Noncapital Activities	(\$286,446)	(\$64,400)	(\$69,200)	(\$74,400)	(\$80,000)	(\$86,000)
<b>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES</b>						
System Development Charges	20,700	1,400	2,200	3,000	3,900	6,100
Capital Expenditures	(1,523,470)	(124,500)	(808,668)	(173,368)	(187,500)	(195,000)
Long-term Obligations						
Principal	(225,000)					
Interest	(71,872)					
Net Cash From Capital Activities	(\$1,799,642)	(\$123,100)	(\$806,468)	(\$170,368)	(\$183,600)	(\$188,900)
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>						
Interest	\$8,000	\$6,000	\$10,000	\$2,100	\$4,500	\$14,000
Net Change in Cash & Investments	(\$803,370)	\$281,390	(\$392,568)	\$243,632	\$242,000	\$257,300
CASH & INVESTMENTS, Beginning	2,405,772	197,309	478,699	86,131	329,763	571,763
CASH & INVESTMENTS, Ending	\$1,602,402	\$478,699	\$86,131	\$329,763	\$571,763	\$829,063

## RATES ANALYSIS

The above forecasts for the sewer system and stormwater system are based on a combined rate of \$38 per dwelling unit, effective July 1, 2011. The breakdown of this rate by system is based on each system's percent of total expenditures in 2010-11, as described above—76% sewer and 24% stormwater. The sewer rate is therefore \$28.88 (76% of the combined rate) and stormwater is \$9.12 (24%). Table 10 shows the current and forecast combined sewer/stormwater rates by customer class. Table 11 shows the rate schedule for sewer alone. Table 12 shows the stormwater rate schedule.

**Table 10 Combined Sewer/Stormwater Rates**

Customer Class	Current	Rate Increases, effective July 1					
		2011	2012	2013	2014	2015	2016
% Increase		25%	4%	4%	4%	4%	0%
Residential Single-family	\$30.39	\$38.00	\$39.52	\$41.10	\$42.74	\$44.45	\$44.45
Residential Apartment, per unit	\$30.39	\$38.00	\$39.52	\$41.10	\$42.74	\$44.45	\$44.45
Mobile Home	\$30.39	\$38.00	\$39.52	\$41.10	\$42.74	\$44.45	\$44.45
Nursing Home (1st two beds)	\$30.39	\$38.00	\$39.52	\$41.10	\$42.74	\$44.45	\$44.45
each additional bed	\$15.96	\$19.96	\$20.76	\$21.59	\$22.45	\$23.35	\$23.35
Transient Housing (Hotel), per bed	\$30.39	\$38.00	\$39.52	\$41.10	\$42.74	\$44.45	\$44.45
each additional bed	\$15.96	\$19.96	\$20.76	\$21.59	\$22.45	\$23.35	\$23.35
Senior Discount	\$21.66	\$27.08	\$28.16	\$29.29	\$30.46	\$31.68	\$31.68
Elementary School, per student	\$1.20	\$1.50	\$1.56	\$1.62	\$1.68	\$1.75	\$1.75
Middle/High School, per student	\$1.58	\$1.98	\$2.06	\$2.14	\$2.23	\$2.32	\$2.32
Commercial Retail	\$30.39	\$38.00	\$39.52	\$41.10	\$42.74	\$44.45	\$44.45
per 100 cf water use (Nov-Mar)	\$3.80	\$4.75	\$4.94	\$5.14	\$5.35	\$5.56	\$5.56
Commercial Gov't	\$30.39	\$38.00	\$39.52	\$41.10	\$42.74	\$44.45	\$44.45
per 100 cf water use (Jan & Dec)	\$3.80	\$4.75	\$4.94	\$5.14	\$5.35	\$5.56	\$5.56
Industrial (minimum)	\$30.39	\$38.00	\$39.52	\$41.10	\$42.74	\$44.45	\$44.45
per 100 cf water use	\$3.80	\$4.75	\$4.94	\$5.14	\$5.35	\$5.56	\$5.56

**Table 11 Sewer Rates (76% of Combined Rate)**

Customer Class	Rate Increases, effective July 1					
	2011	2012	2013	2014	2015	2016
Residential Single-family	\$28.88	\$30.04	\$31.24	\$32.49	\$33.79	\$33.79
Residential Apartment, per unit	\$28.88	\$30.04	\$31.24	\$32.49	\$33.79	\$33.79
Mobile Home	\$28.88	\$30.04	\$31.24	\$32.49	\$33.79	\$33.79
Nursing Home (1st two beds)	\$28.88	\$30.04	\$31.24	\$32.49	\$33.79	\$33.79
each additional bed	\$15.17	\$15.78	\$16.41	\$17.07	\$17.75	\$17.75
Transient Housing (Hotel), per bed	\$28.88	\$30.04	\$31.24	\$32.49	\$33.79	\$33.79
each additional bed	\$15.17	\$15.78	\$16.41	\$17.07	\$17.75	\$17.75
Senior Discount	\$20.58	\$21.40	\$22.26	\$23.15	\$24.08	\$24.08
Elementary School, per student	\$1.14	\$1.19	\$1.24	\$1.29	\$1.34	\$1.34
Middle/High School, per student	\$1.50	\$1.56	\$1.62	\$1.68	\$1.75	\$1.75
Commercial Retail	\$28.88	\$30.04	\$31.24	\$32.49	\$33.79	\$33.79
per 100 cf water use (Nov-Mar)	\$3.61	\$3.75	\$3.90	\$4.06	\$4.22	\$4.22
Commercial Gov't	\$28.88	\$30.04	\$31.24	\$32.49	\$33.79	\$33.79
per 100 cf water use (Jan & Dec)	\$3.61	\$3.75	\$3.90	\$4.06	\$4.22	\$4.22
Industrial (minimum)	\$28.88	\$30.04	\$31.24	\$32.49	\$33.79	\$33.79
per 100 cf water use	\$3.61	\$3.75	\$3.90	\$4.06	\$4.22	\$4.22

**Table 12 Stormwater Rates (24% of Combined Rate)**

Customer Class	Rate Increases, effective July 1					
	2011	2012	2013	2014	2015	2016
Residential Single-family	\$9.12	\$9.48	\$9.86	\$10.25	\$10.66	\$10.66
Residential Apartment, per unit	\$9.12	\$9.48	\$9.86	\$10.25	\$10.66	\$10.66
Mobile Home	\$9.12	\$9.48	\$9.86	\$10.25	\$10.66	\$10.66
Nursing Home (1st two beds)	\$9.12	\$9.48	\$9.86	\$10.25	\$10.66	\$10.66
each additional bed	\$4.79	\$4.98	\$5.18	\$5.39	\$5.61	\$5.61
Transient Housing (Hotel), per bed	\$9.12	\$9.48	\$9.86	\$10.25	\$10.66	\$10.66
each additional bed	\$4.79	\$4.98	\$5.18	\$5.39	\$5.61	\$5.61
Senior Discount	\$6.50	\$6.76	\$7.03	\$7.31	\$7.60	\$7.60
Elementary School, per student	\$0.36	\$0.37	\$0.38	\$0.40	\$0.42	\$0.42
Middle/High School, per student	\$0.47	\$0.49	\$0.51	\$0.53	\$0.55	\$0.55
Commercial Retail	\$9.12	\$9.48	\$9.86	\$10.25	\$10.66	\$10.66
per 100 cf water use (Nov-Mar)	\$1.14	\$1.19	\$1.24	\$1.29	\$1.34	\$1.34
Commercial Gov't	\$9.12	\$9.48	\$9.86	\$10.25	\$10.66	\$10.66
per 100 cf water use (Jan & Dec)	\$1.14	\$1.19	\$1.24	\$1.29	\$1.34	\$1.34
Industrial (minimum)	\$9.12	\$9.48	\$9.86	\$10.25	\$10.66	\$10.66
per 100 cf water use	\$1.14	\$1.19	\$1.24	\$1.29	\$1.34	\$1.34

Table 13 compares Canby's sewer, stormwater, and combined rates with 14 nearby jurisdictions, including the City of Portland and Oaks Lodge Sanitary District. Sewer and stormwater rates are ranked separately. By this measure Canby's proposed sewer rate ranks 13<sup>th</sup> of the 15 cities. Canby's combined sewer/stormwater rates rank 11<sup>th</sup>.

**Table 13 2010-11 Comparison of Sewer & Stormwater Rates in Area Municipalities**

City / District	Population	Sewer		Stormwater		Combined Bill	
		\$ / Mo	Rank	\$ / Mo	Rank	\$ / Mo	Rank
Aurora^	970	\$92.37	1			\$92.37	1
Portland	583,835	\$55.36	4	\$21.79	1	\$77.15	2
Newberg	22,645	\$64.45	2	\$4.48		\$68.93	3
Lake Oswego	36,590	\$58.97	3	\$8.38	4	\$67.35	4
Wilsonville	17,940	\$51.50	6	\$3.72	11	\$55.22	5
Silverton	9,585	\$55.11	5			\$55.11	6
Milwaukie	20,915	\$44.43	8	\$9.90	2	\$54.33	7
Woodburn	23,355	\$49.06	7			\$49.06	8
Tigard	47,150	\$34.46	10	\$6.75	5	\$41.21	9
Oak Lodge Sanitary District†	30,000	\$35.08	9	\$6.00		\$41.08	10
<b>Canby, proposed</b>	<b>14,705</b>	<b>\$28.88</b>	<b>13</b>	<b>\$9.12</b>	<b>3</b>	<b>\$38.00</b>	<b>11</b>
Tualatin	26,040	\$33.03	11	\$4.86	8	\$37.89	12
Oregon City	30,405	\$28.10	14	\$5.80	7	\$33.90	13
Sherwood	16,640	\$31.46	12			\$31.46	14
West Linn	24,400	\$25.74	15	\$4.57	9	\$30.31	15
Average		\$45.87		\$7.76		\$51.56	

Source: Economic & Financial Analysis, 2010-11 Survey

^ Average monthly bill includes pro-rated property tax for GO Bonds

† Population estimated by District

CITY OF CANBY  
APPLICATION  
BOARD/COMMITTEES/COMMISSIONS/COUNCIL CITY OF CANBY

MAY 12 2011

Date: 9 May 2011  
Name: Liz Belz-Templeman Occupation: Educator  
Home Address: \_\_\_\_\_  
Employer: Canby School District Position: Bike & Ped. Com.  
Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_  
For which position are you applying? underscore ALTERNATIVE ED.

What are your community interests (committees, organizations, special activities)?  
Biking & pedestrian issues; Safe Routes to School

Experience and educational background: I have been on the committee for two previous terms served on the TSP Community Advisory Committee & currently serve on the 99E Beautification/Renewal Community Committee

Reason for your interest in this position: continued interest in the above mentioned activities.

List any other City or County positions on which you serve or have served: see above

Information on any special membership requirements: none

Referred by (if applicable): N/A

Feel free to attach a copy of your resume and use additional sheets if necessary

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

Please return to: City of Canby  
Attn: City Recorder  
182 N Holly Street  
PO Box 930  
Canby, OR 97013

Phone: 503.266.4021 Fax: 503.266.7961 Email: [Scheaferk@ci.canby.or.us](mailto:Scheaferk@ci.canby.or.us)

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

12-4-07

**CITY OF CANBY  
APPLICATION  
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

Date: 5/15/11  
 Name: MARK TRIEBWASSER Occupation: NURSERY Mgr  
 Home Address: \_\_\_\_\_, CANBY  
 Employer: Weyerhaeuser NR Position: Nursery mgr  
 Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_  
 For which position are you applying? PARK & Rec

What are your community interests (committees, organizations, special activities)?  
Swimming - 5x/week - 10 months/yr

Experience and educational background: BS Forestry - Univ of  
California, Berkeley ; MFS - Yale Univ,  
New Haven CT  
38 YRS. WITH WEYERHAEUSER

Reason for your interest in this position: WOULD LIKE TO CONTINUE  
TO PROVIDE INPUT TO CITY DURING THIS TIME  
OF TRANSITION FOR RECREATIONAL SERVICES.

List any other City or County positions on which you serve or have served:  
Canby Park & Rec, Swim Center Advisory  
board

Information on any special membership requirements: none

Referred by (if applicable): \_\_\_\_\_

Feel free to attach a copy of your resume and use additional sheets if necessary

**THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY**

Please return to: City of Canby  
Attn: City Recorder  
182 N Holly Street  
PO Box 930  
Canby, OR 97013

Phone: 503.266.4021 Fax: 503.266.7961 Email: [Scheaferk@ci.canby.or.us](mailto:Scheaferk@ci.canby.or.us)

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

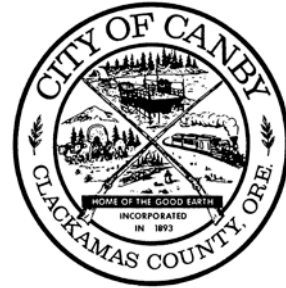
**RECEIVED**

**MAY 18 2011**

**CITY OF CANBY**

12-4-07

# MEMORANDUM



**TO:** *Honorable Mayor Carson and City Council*  
**FROM:** *Sue Engels, Finance Director*  
**DATE:** *May 23, 2011*  
**THROUGH:** *Greg Ellis, City Administrator*

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Issue: Adoption of an updated Master Fee Schedule.

Synopsis: In May of 2010 at the request of the City Council, Finance Department staff compiled a master schedule of fees for services being charged by departments of the City. The departments also provided proposed fee increases and some new fee requests. It was determined to be beneficial to review the fee schedule each year to incorporate needed adjustments.

Departments have done that review and proposed revised fees for the coming year with Resolution 1099. A narrative summary of changes is attached as well as "Exhibit A" showing a comparison of current fees versus proposed changes. "Exhibit B" reflects the actual schedule if all changes are adopted.

Recommendation: Staff recommends Council adopt Resolution 1099.

Recommended motion: ***"I move to adopt Resolution 1099, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY, OREGON, SETTING FEES FOR SERVICES"***

Attached: Narrative Summary, Resolution 1099 and Exhibits "A" & "B"

## **PROPOSED FEE CHANGES – NARRATIVE SUMMARY**

### **GENERAL**

#### Lien Search Fee: Increase to \$25

The current \$20 fee pre-dates the use of Net Assets for on-line searches. Initially, the charge we paid Net Assets was \$8.00 per search. Over time, that has increased to \$10.00 per search. We use the Net Assets reports to bill the title companies. In addition, since we have added utilities to the process, the number of inquiries for information and payoffs has increased dramatically. The \$5 increase would help offset the costs and would still be in line with rates in other communities (as researched last year): Woodburn-\$25, Milwaukie-\$27, Newberg-\$22, Sherwood-\$25.

#### Franchise Fees-Solid Waste: Increase to 5%

This increase is required by Ordinance 1328 to be increased from 3% to 5% on 7/1/2011.

### **POLICE**

#### Police Reports: Adjustment

All reports will be \$15 (reduction for archived reports).

#### Background Verification Letter: New fee

This fee pays for time and materials related to research of police records databases at the individual's request, and the production of a letter indicating the results obtained from our files. Individuals make these requests for a variety of reasons including employment and the adoption process.

### **LIBRARY**

#### Interlibrary Loan Request: Eliminate

This fee is no longer applicable because interlibrary loans are handled by LINCC.

### **PUBLIC WORKS**

#### Labor and Equipment Rates Added and Adjusted

Public Works staff has researched comparable industry costs for equipment and Finance developed an average salary/benefit rate of current staff to arrive at these rates which can be used to bill out exceptional services provided to citizens as well as for insurance claims.

#### Railroad Parking Lot Event Fee: Clarification

This is being added as a separate item as a point of clarification. The fee was formerly charged under the authority of the Street Closure Request fee.

### Fleet Service Labor Rate: Correction

The internal rate which is used to calculate Fleet charges is actually \$75 per hour. The current schedule has a typographical error of \$70.

### **SEWER/STORMWATER**

#### Combined Sewer/Stormwater Rates (monthly)

New monthly rates as recommended by formal fee study. (Table 10, page 9)

### **PLANNING**

The proposed changes better reflect the land use review procedures identified in the Canby Municipal Code. According to TABLE 16.89.020, there is a Type II Site Plan Review (which does not require a public hearing). There was no existing fee for a type II Site Plan Review which is corrected in the proposed Schedule.

According to the Municipal Code 16.89.090.D, Modifications are required to be evaluated based on the criteria pertaining to the original application being modified. The Modification fees are removed and will, with this Type II review fee, be charged according to the Modification's corresponding review procedure. Under the existing Fee Schedule, an Intermediate Modification to add a new 35,000 square-foot warehouse to an existing development would only pay \$720 in review fees. However, the application is evaluated under Type II or III criteria and receives City Engineer, City Traffic Engineer and City Planning and Public Works Staff time well in excess of that fee amount. The proposed Fee Schedule would more equitably charge fees based on the size and complexity of the modification being proposed.

Both the Type II and III Site Plan Review and Subdivision Reviews now have an equitable mechanism to recoup costs for the City Engineer to review public infrastructure design to assure it meets City standards. Currently, the Engineer costs are being absorbed by the Planning Department. Most other cities that have contract staff have a system to recover costs for their services. The proposed method is the most equitable as it is respective to the project's size.

The Traffic Engineering Scope changes are to reflect recent procedural changes to recoup City Traffic Engineer work.

### **BUILDING**

#### Prescriptive Flat Fee Solar Installation: New fee

This is a fee for installations that comply with OSISC Sections 304.9 and 305.4 for review and one inspection.

**EXHIBIT "A"**

<b>Department</b>	<b>Fee Description</b>	<b>Current Amount</b>	<b>Authority</b>	<b>Date</b>	<b>Proposed change</b>
<b>General</b>					
	Photocopies or Printouts-Black and White, sizes to 8 1/2 x 14, single or double-sided	25¢ per sheet	Res 1059	6/1/2010	no change
	Photocopies or Printouts-Color, sizes to 8 1/2 x 14, single or double-sided	75¢ per sheet	Res 1059	6/1/2010	no change
	Photocopies or Printouts-Black and White, size 11x17, single sided only	\$1.00 per sheet	Res 1059	6/1/2010	no change
	Photocopies or Printouts-Color, size 11x17, single sided only	\$1.25 per sheet	Res 1059	6/1/2010	no change
	Plotter prints (8 1/2 x 11)	\$2	Res 1059	6/1/2010	no change
	Plotter prints (11 x 17)	\$4	Res 1059	6/1/2010	no change
	Plotter prints (17 x 22)	\$6	Res 1059	6/1/2010	no change
	Plotter prints (24 x 36)	\$8	Res 1059	6/1/2010	no change
	Plotter prints (36 x 48)	\$10	Res 1059	6/1/2010	no change
	Audio Cassette copy	\$10	Res 1059	6/1/2010	no change
	Videotape copy	\$25	Res 1059	6/1/2010	no change
	Records on CD	\$10 plus staff time costs	Res 1059	6/1/2010	no change
	Public Records-Transcription	\$20/hr	Res 1059	6/1/2010	no change
	Public Records-Clerical Research	\$20/hr	Res 1059	6/1/2010	no change
	Public Records-Admin Research	\$35/hr	Res 1059	6/1/2010	no change
	Public Records-Legal Research	\$80/hr	Res 1059	6/1/2010	no change
	Public Records-Faxing	50¢ per page sent	Res 1059	6/1/2010	no change
	Public Records-Mailing costs	Actual costs + \$1.00 handling fee	Res 1059	6/1/2010	no change
	Returned check fee	\$25	Res 1059	6/1/2010	no change
	<b>Lien Search fee</b>	<b>\$20</b>	<b>Res 1059</b>	<b>6/1/2010</b>	<b>\$25</b>
<b>Administration</b>					
	Business License Annual Renewal	\$50 annual	Res 1059	6/1/2010	no change
	Business License Past Due	\$10/mo up to \$50	Res 1059	6/1/2010	no change
	Business License-Transfer or Assign	\$50	Res 1059	6/1/2010	no change
	Liquor License Application New	\$100	Res 1059	6/1/2010	no change
	Liquor License Change of Ownership, Location, or Privilege	\$75	Res 1059	6/1/2010	no change
	Liquor License Annual Renewal or Temporary Sales License	\$35	Res 1059	6/1/2010	no change
	Small Animal Permit	\$10	Res 1059	6/1/2010	no change
	Impounded Animal Redemption Fee	\$50	Res 1059	6/1/2010	no change
	Sidewalk Vending Permit	\$10	Res 1059	6/1/2010	no change
	Franchise Fees-Cable	5% gross revenue	Res 1059	6/1/2010	no change
	Franchise Fees-Natural Gas	5% gross revenue	Res 1059	6/1/2010	no change
	Franchise Fees-Telephone	7% gross revenue	Res 1059	6/1/2010	no change
	<b>Franchise Fees-Solid Waste</b>	<b>3% gross revenue</b>	<b>Ord 1328</b>	<b>7/1/2010</b>	<b>5% gross revenue</b>
<b>Police</b>					
	Special Event Security	\$60/hr	Res 1059	6/1/2010	no change
	Alarm Permits	\$20 annual (waived over 65)	Res 1059	6/1/2010	no change
	Alarm Permit Delinquent Fee	25	Res 1059	6/1/2010	no change
	False Alarm Response	Third alarm \$50; fourth alarm \$75, fifth & up \$100 each	Res 1059	6/1/2010	no change
	Vehicle Release	\$125	Res 1059	6/1/2010	no change
	<b>Police Reports</b>	<b>\$15 from Records Room/\$25 from Archives</b>	<b>Res 1059</b>	<b>6/1/2010</b>	<b>\$15</b>
	Background inspection fee - firearm purchaser	\$50	Res 1059	6/1/2010	no change
	Vehicle Booting Charge	\$75	Res 1059	6/1/2010	no change
	Fingerprinting	\$25 per card/\$10 each add'l card	Res 1067	6/16/2010	no change
	<b>Background Verification Letter</b>				<b>\$5</b>
<b>Court</b>					
	Payment Plan Fee	\$15 per \$100 of fine, not to exceed \$150 (waived if paid within 60 days)	Res 1059	6/1/2010	no change
	Show Cause Fee	\$25 certified letter/\$10 regular letter	Res 1059	6/1/2010	no change
	Warrant Costs	\$50	Res 1059	6/1/2010	no change
	Late Fee	\$15 if more than 10 days late	Res 1059	6/1/2010	no change
	FTA Fee	\$25	Res 1059	6/1/2010	no change
	Appeal Transcript Fee	\$35	Res 1059	6/1/2010	no change
	City Cost Assessment	\$7 per offense	Res 1059	6/1/2010	no change

**EXHIBIT "A"**

<b>Department</b>	<b>Fee Description</b>	<b>Current Amount</b>		<b>Authority</b>	<b>Date</b>	<b>Proposed change</b>
<b>Library</b>						
	Lost item replacement	Cost plus \$5.00		Res 1059	6/1/2010	no change
	Damaged item	Cost		Res 1059	6/1/2010	no change
	<b>Interlibrary Loan Request (out of County)</b>	<b>\$3.50</b>		<b>Res 1059</b>	<b>6/1/2010</b>	<b>delete</b>
	Printing Charge for Internet, Black & White	15¢/page		Res 1059	6/1/2010	no change
	Printing Charge for Internet, Color	50¢		Res 1059	6/1/2010	no change
	Microform reader/printer	15¢/page		Res 1059	6/1/2010	no change
	Out of District Library Card Fee	\$95.00		Res 1059	6/1/2010	no change
	Fines	\$5-\$25		Res 1059	6/1/2010	no change
<b>Parks</b>		In City	Out of City			
	Rental of Gazebo in Wait Park (waived for non-profits)	\$110	\$220	Res 1059	6/1/2010	no change
	Rental of Wait Park (waived for non-profits)	\$375	\$750	Res 1059	6/1/2010	no change
	Park Event Permit (to include all parks, Logging Rd.) to ensure insurance and rule compliance (assuming non-profit and/or community events, walks, etc.)	\$10		Res 1059	6/1/2010	no change
<b>Public Works</b>						
	<b>Public Works Labor Rate</b>					<b>\$40/hr</b>
	<b>Equipment Rates (include 1 operator):</b>					
	<b>Vector Truck</b>					<b>\$125/hr</b>
	<b>Street Sweeper</b>	<b>\$100/hr</b>		<b>Res 1059</b>	<b>6/1/2010</b>	<b>\$75/hr</b>
	<b>TV Van</b>					<b>\$100/hr</b>
	<b>High Ranger</b>	<b>\$100/hr</b>		<b>Res 1059</b>	<b>6/1/2010</b>	<b>\$90/hr</b>
	<b>Dump Truck</b>					<b>\$90/hr</b>
	<b>Backhoe</b>					<b>\$90/hr</b>
	Street Closure Request	\$50 (waived for non-profits)		Res 1059	6/1/2010	no change
	<b>Railroad Parking Lot Event Fee</b>					<b>\$50 (waived for non-profits)</b>
	Street Barricade Delivery Fee	\$25 + \$250 refundable deposit with approved street closure permit		Res 1059	6/1/2010	no change
	Map Copying and Research on Easements	\$60/hr+ printing charge		Res 1059	6/1/2010	no change
	Banner Installation	\$100 (waived for non-profits)		Res 1059	6/1/2010	no change
	Plan Review, Inspections, and Witnessing for Construction Projects	\$60/hr		Res 1059	6/1/2010	no change
	Street Excavation (Construction) Permit Fee	\$100		Res 1059	6/1/2010	no change
	Encroachment Application Permit Fee	\$50		Res 1059	6/1/2010	no change
	Building Number Installation Charge	\$50		Res 1059	6/1/2010	no change
	Advance Finance Public Improvement Application Fee	\$150		Res 1059	6/1/2010	no change
	Erosion Control	Without ESPC Certification	With ESPC Certification			
	Single Family (Up to 1 acre)					
	Base Rate, to 4 inspections	\$110	\$85	Res 1059	6/1/2010	no change
	Each additional inspection	\$40	\$35	Res 1059	6/1/2010	no change
	All Other Lots					
	Base Rate, 1 acre	\$184	\$145	Res 1059	6/1/2010	no change
	Each additional acre	\$80	\$42	Res 1059	6/1/2010	no change
	Each inspection over 9	\$40	\$35	Res 1059	6/1/2010	no change
	Plan Review	50% of Inspection Base Rate		Res 1059	6/1/2010	no change
	Violations	\$100 per Violation per Day		Res 1059	6/1/2010	no change
	Street Maintenance Fee, Monthly					
	Residential Single Family	\$5		Res 1059	6/1/2010	no change
	Multi-Family Residences	\$3.34/unit		Res 1059	6/1/2010	no change
	Detached Senior Housing and Mobile Home Parks	\$2.09/unit		Res 1059	6/1/2010	no change
	Attached Senior Housing and Congregate Care Facilities	\$1.04/unit		Res 1059	6/1/2010	no change

**EXHIBIT "A"**

Department	Fee Description	Current Amount	Authority	Date	Proposed change
	Non-residential	Varies: \$0.522 x trip value x units (\$5 min)	Res 1059	6/1/2010	no change
	Street Tree Removal Permit	\$25	Res 1059	6/1/2010	no change
	Sewer Tap Fee (on-site connection)	\$100	Res 1059	6/1/2010	no change
	House Move Permit	\$50	Res 1059	6/1/2010	no change
	<b>Fleet Services Labor Rate</b>	<b>\$70/hr</b>	<b>Res 1059</b>	<b>6/1/2010</b>	<b>\$75/hr</b>
<b>Sewer/Stormwater</b>					
	<b>Combined Sewer/Stormwater Rates (monthly):</b>				
	<b>Residential Single Family</b>	<b>\$30.39</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$38.00</b>
	<b>Residential , apartment, per unit</b>	<b>\$30.39</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$38.00</b>
	<b>Mobile home</b>	<b>\$30.39</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$38.00</b>
	<b>Senior discount</b>	<b>\$21.66</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$27.08</b>
	<b>Elementary school, per student</b>	<b>\$1.20</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$1.50</b>
	<b>Middle &amp; High school, per student</b>	<b>\$1.58</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$1.98</b>
	<b>Transient housing (1st unit)</b>	<b>\$30.39</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$38.00</b>
	<b>Each additional bed</b>	<b>\$15.96</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$19.96</b>
	<b>Nursing home (1st two beds)</b>	<b>\$30.39</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$38.00</b>
	<b>Each additional bed</b>	<b>\$15.96</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$19.96</b>
	<b>Commercial retail, minimum</b>	<b>\$30.39</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$38.00</b>
	<b>per 100 cf of water use Nov-Mar</b>	<b>\$3.80</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$4.75</b>
	<b>Commercial government, minimum</b>	<b>\$30.39</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$38.00</b>
	<b>per 100 cf of water use Dec &amp; Jan</b>	<b>\$3.80</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$4.75</b>
	<b>Industrial, minimum</b>	<b>\$30.39</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$38.00</b>
	<b>per 100 cf of water use</b>	<b>\$3.80</b>	<b>Res 1065</b>	<b>7/1/2010</b>	<b>\$4.75</b>
	Industrial Wastewater Discharge Permit	\$500	Res 1059	6/1/2010	no change
	Industrial Wastewater Discharge Permit application review fee	\$45/hr	Res 1059	6/1/2010	no change
<b>Construction Excise Tax</b>					
	Residential, per dwelling unit				
	First 1,000 square feet	\$0.25/sq ft	Res 1059	6/1/2010	no change
	Next 500 square feet	\$0.50/sq ft	Res 1059	6/1/2010	no change
	Next 500 square feet	\$0.75/sq ft	Res 1059	6/1/2010	no change
	Above 2,000 square feet	\$1.00/sq ft	Res 1059	6/1/2010	no change
<b>System Development Charges</b>					
	Stormwater		Res 1072	9/15/2010	
	Residential: Single Family	\$100/Dwelling			no change
	Residential: Multi-Family	\$100/Dwelling			no change
	Commercial/Downtown and Highway	Varies by Use			no change
	Commercial/Manufacturing	Varies by Use			no change
	Industrial	Varies by Use			no change
	Transportation	Estimated SDA per unit	Res 1072	9/15/2010	
	Single-Family per unit	\$2,603			no change
	Multi-Family	\$1,738			no change
	Commercial/Industrial	Varies by Use - \$272 per trip end			no change
	Wastewater		Res 1072	9/15/2010	
	3 /4" Water meter	\$2,571			no change
	1" Water meter	\$5,142			no change
	1 1/2" Water meter	\$12,855			no change
	2" Water meter	\$25,710			no change
	3" Water meter	\$64,275			no change
	4" Water meter	\$89,985			
	Parks		Res 1072	9/15/2010	
	Single Family	\$4,725/Dwelling			no change
	Multi-Family	\$3,869/Dwelling			no change
	Manufactured Housing	\$3,874/Dwelling			no change
	Commercial/Industrial	\$129/per employee; varies by use			no change
<b>Planning</b>					
	Annexation – Less than 1 acre	\$1,850 - (Base Fee)	Res 1059	6/1/2010	no change
	Annexation – 1 – 10 Acres	Plus \$105 per Acre	Res 1059	6/1/2010	no change
	Annexation – 11 – 50 Acres	Plus \$55 per Acre	Res 1059	6/1/2010	no change
	Annexation – 51+ Acres	Plus \$10 per Acre	Res 1059	6/1/2010	no change

**EXHIBIT "A"**

<b>Department</b>	<b>Fee Description</b>	<b>Current Amount</b>	<b>Authority</b>	<b>Date</b>	<b>Proposed change</b>
	Annexation Legal Review – Development Agreement or Development Concept Plan	Applicant pays actual costs	Res 1059	6/1/2010	no change
	Annexation Election Deposit (Does not include County Elections Costs which will be billed separately)	\$2,500	Res 1059	6/1/2010	no change
	Appeal - Interpretation or type II decision to Planning Commission	\$1,600	Res 1059	6/1/2010	no change
	Appeal - Planning Commission decision to City Council	\$1,920	Res 1059	6/1/2010	no change
	Building Permit Site Plan Review		Res 1059	6/1/2010	no change
	Single Family House	\$45 per application	Res 1059	6/1/2010	no change
	Duplex (including conversions of single family to duplex	\$60 per application	Res 1059	6/1/2010	no change
	Non-Living Space addition (garage, carport, porch, etc)	\$25 per application	Res 1059	6/1/2010	no change
	Living Space addition (expansion and/or creation of accessory dwelling	\$35 per application	Res 1059	6/1/2010	no change
	Multifamily - based on valuation	\$30 per unit (first 20 units)/\$10 per unit (each additional)	Res 1059	6/1/2010	no change
	Demolitions (Residential)	\$10	Res 1059	6/1/2010	no change
	Demolitions (Commercial or Industrial)	\$30	Res 1059	6/1/2010	no change
	Signs, commercial tenant improvements and remodels not involving additional square footage	\$50	Res 1059	6/1/2010	no change
	All other commercial and industrial based on building square footage:				
	0 to 2,000 square feet	\$100	Res 1059	6/1/2010	no change
	2,001 to 5,000 square feet	\$100 for the first 2,000 sq. ft. and \$1.75 for each additional 100 Sq. ft. or fraction thereof	Res 1059	6/1/2010	no change
	5,001 to 10,000 square feet	\$152.50 for the first 5,000 sq. ft and \$1.50 for each additional 100 sq. ft. or fraction thereof	Res 1059	6/1/2010	no change
	10,001 to 50,000 square feet	\$160 for the first 10,000 sq. ft. and \$1.25 for each additional 100 sq. ft. or fraction thereof	Res 1059	6/1/2010	no change
	50,001 to 100,000 square feet	\$210 for the first 50,000 sq. ft. and \$1.00 for each additional 500 sq. ft. or fraction thereof	Res 1059	6/1/2010	no change
	100,001 square feet and up	\$260 for the first 100,000 sq. ft. and \$0.75 for each additional 1,000 sq. ft or fraction thereof	Res 1059	6/1/2010	no change
	Comprehensive Plan Amendment	\$3,220	Res 1059	6/1/2010	no change
	Conditional Use Permit	\$2,040	Res 1059	6/1/2010	no change
	Condominium Construction, less than six units	\$280	Res 1059	6/1/2010	no change
	Interpretation	\$580	Res 1059	6/1/2010	no change
	Lot Line Adjustment	\$520	Res 1059	6/1/2010	no change
	<b>Modification - Minor</b>	<b>\$100</b>	<b>Res 1059</b>	<b>6/1/2010</b>	<b>delete</b>
	<b>Modification - Intermediate</b>	<b>\$720</b>	<b>Res 1059</b>	<b>6/1/2010</b>	<b>delete</b>
	<b>Modification - Major</b>	<b>\$720</b>	<b>Res 1059</b>	<b>6/1/2010</b>	<b>delete</b>
	<b>Modification Public Hearing (additional charge)</b>	<b>\$460</b>	<b>Res 1059</b>	<b>6/1/2010</b>	<b>delete</b>
	Non-conforming Structure/Use	\$520	Res 1059	6/1/2010	no change
	Parking Lot/Paving Projects	\$300	Res 1059	6/1/2010	no change
	Partition - Major	\$1,360	Res 1059	6/1/2010	no change
	Partition - Minor	\$1,280	Res 1059	6/1/2010	no change
	Planned Unit Development	\$1,480	Res 1059	6/1/2010	no change
	Plat (Final) Review	\$100	Res 1059	6/1/2010	no change
	<b>Pre-Application Conference</b>				
	<b>Type II (Administrative Review)</b>				<b>\$300</b>
	<b>Types III or IV (Quasi-Judicial Review)</b>				<b>\$700</b>

**EXHIBIT "A"**

Department	Fee Description	Current Amount	Authority	Date	Proposed change
	Preconstruction Conference	\$100 (+\$60 per hr. over 2 hrs)	Res 1059	6/1/2010	no change
	Sidewalk Café Annual Permit Fee	\$25	Res 1059	6/1/2010	no change
	Sidewalk Café Annual Right of Way Rental Fee	\$1	Res 1059	6/1/2010	no change
	Sign Permit for Design Reviews	\$280	Res 1059	6/1/2010	no change
	<b>Site and Design Review (Type II)</b>				
	First 0.5 Acres				<b>\$950 (Base Fee)</b>
	From 0.5 Acres up to 2.5 Acres				<b>\$100 for each additional .1 acres</b>
	From 2.5 acres up to 8.0 Acres				<b>\$100 for each additional .5 acres</b>
	From 8.0 Acres up to 13 Acres				<b>\$100 for each additional 1.0 acres</b>
	13 Acres and above				<b>\$5,000 maximum</b>
	<b>Engineering Plan Review</b>				<b>4% of Construction Cost</b>
	Site and Design Review (Type III)				
	First 0.5 Acres	\$1,500 (Base Fee)	Res 1059	6/1/2010	no change
	From 0.5 Acres up to 2.5 Acres	\$100 for each additional 0.1 acres	Res 1059	6/1/2010	no change
	From 2.5 acres up to 8.0 Acres	\$100 for each additional 0.5 acres	Res 1059	6/1/2010	no change
	From 8.0 Acres up to 13 Acres	\$100 for each additional 1.0 acres	Res 1059	6/1/2010	no change
	13 Acres and above	\$5,000 maximum	Res 1059	6/1/2010	no change
	<b>+ Public Improvement Component</b>	<b>.03% of total estimated cost</b>	<b>Res 1059</b>	<b>6/1/2010</b>	<b>delete</b>
	<b>Engineering Plan Review</b>				<b>4% of Construction Cost</b>
	Special Permit (hardship)	\$100	Res 1059	6/1/2010	no change
	Special Permit Public Hearing (additional charge)	No fee	Res 1059	6/1/2010	no change
	Subdivision – 4 Lots	\$1,700 (Base Fee)	Res 1059	6/1/2010	no change
	Subdivision – 5 – 10 Lots	\$95 per Lot	Res 1059	6/1/2010	no change
	Subdivision – 11+ Lots	\$130 per Lot	Res 1059	6/1/2010	no change
	<b>Subdivision Engineering Plan Review</b>				<b>4% of Construction Cost</b>
	Temporary Vendor Permit	\$100 (\$50 non-profit)	Res 1059	6/1/2010	no change
	Temporary Vendor Permit Renewal	\$80 (\$40 non-profit)	Res 1059	6/1/2010	no change
	Text Amendment	\$2,880	Res 1059	6/1/2010	no change
	<b>Traffic Engineering Analysis, On-Site</b>	<b>Applicant pays actual costs</b>	<b>Res 1059</b>	<b>6/1/2010</b>	<b>delete</b>
	<b>Traffic Engineering Scope</b>				<b>\$500 min. \$1,000 max. deposit</b>
	<b>Trip Generation Study</b>	<b>Applicant pays actual costs</b>	<b>Res 1059</b>	<b>6/1/2010</b>	<b>delete</b>
	Traffic Impact Study	Applicant pays actual costs	Res 1059	6/1/2010	no change
	Variance - Major	\$2,120	Res 1059	6/1/2010	no change
	Variance - Minor	\$520	Res 1059	6/1/2010	no change
	Withdrawal of Territory < 1 acre	\$1,388 (base fee)	Res 1085	2/2/2011	no change
	Withdrawal of Territory - 1-10 acres	Plus \$79 per acre	Res 1085	2/2/2011	no change
	Withdrawal of Territory 11-50 acres	Plus \$41 per acre	Res 1085	2/2/2011	no change
	Withdrawal of Territory 51+ acres	Plus \$8 per acre	Res 1085	2/2/2011	no change
	Zoning Map Amendment	\$2,640	Res 1059	6/1/2010	no change
<b>Building</b>					
	Building Permit Fee				
	\$0 to \$3,000 valuation	\$80	Res 1059	6/1/2010	no change
	\$3,001 to \$25,000 valuation	\$80 for the first \$3,000 and \$12 for each additional \$1,000 or fraction thereof	Res 1059	6/1/2010	no change
	\$25,001 to \$50,000 valuation	\$344 for the first \$25,000 and \$9 for each additional \$1,000 or fraction thereof	Res 1059	6/1/2010	no change
	\$50,001 to \$100,000 valuation	\$569 for the first \$50,000 and \$6 for each additional \$1,000 or fraction thereof	Res 1059	6/1/2010	no change
	\$100,001 and up	\$869 for the first \$100,000 and \$5 for each additional \$1,000 or fraction thereof	Res 1059	6/1/2010	no change
	Plan Review Fee	100% of Building Permit fee	Res 1059	6/1/2010	
	Temporary Certificate of Occupancy	\$250	Res 1059	6/1/2010	no change

**EXHIBIT "A"**

Department	Fee Description	Current Amount	Authority	Date	Proposed change
	Deferred submittal processing and reviewing fee	Equal to the building permit fee for the valuation of the particular deferred portion or portions of the project, with a set minimum fee of \$300	Res 1059	6/1/2010	no change
	Phased or Partial Building Permit plan review fee	\$300 plus 10% of the total project building permit fee not to exceed \$2,000 for each phase in addition to above fees	Res 1059	6/1/2010	no change
	Inspections outside of normal business hours	\$160/hr (minimum charge – two hours)	Res 1059	6/1/2010	no change
	Re-inspection Fees	\$80	Res 1059	6/1/2010	no change
	Inspections for which no fee is specifically indicated	\$160/hr (minimum charge – 1/2 hour)	Res 1059	6/1/2010	no change
	Additional plan review required by changes, additions or revisions to proposed or approved plans	\$160/hr (minimum charge – 1/2 hour)	Res 1059	6/1/2010	no change
	Residential Fire Suppression Systems Combined Plan Permit and Plan Check Fees:				
	0 sq. ft to 2,000 sq. ft	\$160	Res 1059	6/1/2010	no change
	2001 sq. ft. to 3600 sq. ft.	\$210	Res 1059	6/1/2010	no change
	3601 sq. ft. to 7200 sq. ft.	\$269	Res 1059	6/1/2010	no change
	7201 sq. ft. and greater	\$377	Res 1059	6/1/2010	no change
	Mechanical Fee Schedule for New and Additions or Alterations, to One and Two Family Dwellings:				
	Install/Replace Furnace: Up to 100,000btu	\$24.75 per appliance	Res 1059	6/1/2010	no change
	Install/Replace Furnace: Over 100,000btu	\$31.50 per appliance	Res 1059	6/1/2010	no change
	Install/Replace/Relocate Heaters: Suspended, Wall or Floor Mounted.	\$24.75 per appliance	Res 1059	6/1/2010	no change
	Appliance Vent	\$12.50 per appliance	Res 1059	6/1/2010	no change
	Alteration Of Existing HVAC System	\$24.75	Res 1059	6/1/2010	no change
	Air Handling Units	\$18.75 per appliance	Res 1059	6/1/2010	no change
	Air Conditioning under 100,000btu	\$24.75 per appliance	Res 1059	6/1/2010	no change
	Air Conditioning over 100,000btu	\$46.50 per appliance	Res 1059	6/1/2010	no change
	Dryer Exhaust	\$18.75 per appliance	Res 1059	6/1/2010	no change
	Hood	\$18.75 per appliance	Res 1059	6/1/2010	no change
	Exhaust Fan Connected To A Single Duct	\$12.50 per appliance	Res 1059	6/1/2010	no change
	Gas Piping: 1 To 4 Outlets	\$8.25	Res 1059	6/1/2010	no change
	Gas Piping: Each Additional Outlet	\$2.25 per outlet	Res 1059	6/1/2010	no change
	Fireplace	\$18.75 per appliance	Res 1059	6/1/2010	no change
	Wood Stove	\$18.75 per appliance	Res 1059	6/1/2010	no change
	Other	\$18.75 per appliance	Res 1059	6/1/2010	no change
	Minimum Permit Fee	\$80	Res 1059	6/1/2010	no change
	Plan Review Fee (Mechanical)	100% of Mechanical Permit fee	Res 1059	6/1/2010	no change
	Mechanical Fee Schedule for New and Additions or Alterations to Commercial, Multi-Family and Industrial Projects		Res 1059	6/1/2010	no change
	\$0.00 to \$5000.00 valuation	\$80	Res 1059	6/1/2010	no change
	\$5001.00 to \$10,000.00 valuation	\$80 for the first \$5000 and \$3 for each additional \$100 or fraction thereof	Res 1059	6/1/2010	no change
	\$10,001.00 to \$100,000 valuation	\$230.00 for the first \$10,000.00 and \$12.00 for each additional \$1,000.00 or fraction thereof	Res 1059	6/1/2010	no change
	\$100,001.00 and up	\$1,310 for the first \$100,000 and \$10 for each additional \$1,000 or fraction thereof	Res 1059	6/1/2010	no change
	Plan Review Fee (Mechanical)	37% of Mechanical Permit fee	Res 1059	6/1/2010	no change
	Grading Permit Fee Schedule		Res 1059	6/1/2010	no change

**EXHIBIT "A"**

Department	Fee Description	Current Amount		Authority	Date	Proposed change
	50 cubic yards or less	\$80		Res 1059	6/1/2010	no change
	51 to 100 cubic yards	\$117		Res 1059	6/1/2010	no change
	101 to 1,000 cubic yards	\$117 for the first 100 cubic yards, plus \$55 for each additional 100 cubic yards or fraction thereof		Res 1059	6/1/2010	no change
	1,001 to 10,000 cubic yards	\$612 for the first 1,000 cubic yards, plus \$46 for each additional 1,000 cubic yards or fraction thereof		Res 1059	6/1/2010	no change
	10,001 to 100,000 cubic yards	\$1026 for the first 10,000 cubic yards, plus \$210 for each additional 10,000 cubic yards or fraction thereof		Res 1059	6/1/2010	no change
	100,001 cubic yards and up	\$2916 for the first 100,000 cubic yards, plus \$115 for each additional 10,000 cubic yards or fraction thereof		Res 1059	6/1/2010	no change
	Plan Review Fee (Grading)	65% of Grading Permit fee		Res 1059	6/1/2010	no change
	Manufactured Dwelling Installation					
	Installation and set up	\$350		Res 1059	6/1/2010	no change
	Earthquake bracing when not part of original installation	\$280		Res 1059	6/1/2010	no change
	<b>Prescriptive Flat Fee Solar Installation</b>					<b>\$240</b>
<b>Swim Center</b>		In City	Out of City			Proposed Resident / Non-Resident
	Daily Admission - Youth	\$2.50	\$3.75	Res 1059	6/1/2010	no change
	Daily Admission - Senior	\$2.50	\$3.75	Res 1059	6/1/2010	no change
	Daily Admission - Adult	\$3.25	\$4.50	Res 1059	6/1/2010	no change
	Daily Admission - Family	\$8.25	\$12.00	Res 1059	6/1/2010	no change
	Tickets - 10 Swims Youth/Senior	\$25.00	\$37.50	Res 1059	6/1/2010	no change
	Tickets - 10 Swims Adult	\$32.50	\$45.00	Res 1059	6/1/2010	no change
	Pass 3 month - Youth	\$50.00	\$75.00	Res 1059	6/1/2010	no change
	Pass 3 month - Senior	\$50.00	\$75.00	Res 1059	6/1/2010	no change
	Pass 3 month - Adult	\$65.00	\$90.00	Res 1059	6/1/2010	no change
	Pass 3 month - 1 + 1	\$97.50	\$135.00	Res 1059	6/1/2010	no change
	Pass 3 month - Family	\$130.00	\$180.00	Res 1059	6/1/2010	no change
	Pass 12 month - Youth	\$137.50	\$206.25	Res 1059	6/1/2010	no change
	Pass 12 month - Senior	\$137.50	\$206.25	Res 1059	6/1/2010	no change
	Pass 12 month - Adult	\$178.75	\$247.50	Res 1059	6/1/2010	no change
	Pass 12 month - 1 + 1	\$268.00	\$371.25	Res 1059	6/1/2010	no change
	Pass 12 month - Family	\$357.50	\$495.00	Res 1059	6/1/2010	no change
	Water Exercise - Youth	\$2.50	\$3.75	Res 1059	6/1/2010	no change
	Water Exercise - Senior	\$2.50	\$3.75	Res 1059	6/1/2010	no change
	Water Exercise - Adult	\$3.25	\$4.50	Res 1059	6/1/2010	no change
	Lessons - Public Lessons	\$3.50	\$5.25	Res 1059	6/1/2010	no change
	Lessons - Spring Penguin	\$50.00	\$70.00	Res 1059	6/1/2010	no change
	Lessons - Summer Penguin	\$80.00	\$100.00	Res 1059	6/1/2010	no change
	Lessons - School Programs	by contract		Res 1059	6/1/2010	no change
	Rentals - Public	\$45.00 per hr	\$62.50 per hr	Res 1059	6/1/2010	no change
	Rentals - Canby Gators	by contract		Res 1059	6/1/2010	no change
<b>Cemetery</b>						
	Grave Lots	Property	Perpetual Care Fee			
	Standard Grave Lot	\$450	\$700	Res 1059	6/1/2010	no change
	Child Grave Lot (1/2 sp)	\$150	\$350	Res 1059	6/1/2010	no change
	Baby Grave Lot (1/4 sp)	\$125	\$350	Res 1059	6/1/2010	no change
	Cremains Lot	\$300	\$100	Res 1059	6/1/2010	no change
	Grave Opening, Closing & Recording Fee:			Res 1059	6/1/2010	
	Standard					
	Opening & Closing	\$650		Res 1059	6/1/2010	no change
	Disinterment	\$1,000		Res 1059	6/1/2010	no change
	Disinterment/Reinterment	\$1,250		Res 1059	6/1/2010	no change
	Child					

## EXHIBIT "A"

Department	Fee Description	Current Amount	Authority	Date	Proposed change
	Opening & Closing	\$275	Res 1059	6/1/2010	no change
	Disinterment	\$400	Res 1059	6/1/2010	no change
	Disinterment/Reinterment	\$600	Res 1059	6/1/2010	no change
	Baby				
	Opening & Closing	\$200	Res 1059	6/1/2010	no change
	Disinterment	\$370	Res 1059	6/1/2010	no change
	Disinterment/Reinterment	\$470	Res 1059	6/1/2010	no change
	Cremains				
	Opening & Closing	\$300	Res 1059	6/1/2010	no change
	Disinterment	\$350	Res 1059	6/1/2010	no change
	Disinterment/Reinterment	\$400	Res 1059	6/1/2010	no change
	Grave Liners:				
	Wholesale to Funeral Home	\$360	Res 1059	6/1/2010	no change
	Standard	\$420	Res 1059	6/1/2010	no change
	Child	\$240	Res 1059	6/1/2010	no change
	Baby	\$240	Res 1059	6/1/2010	no change
	Cremains Vault	\$155	Res 1059	6/1/2010	no change
	Monument Installation:				
	24" or less in all dimensions	\$160	Res 1059	6/1/2010	no change
	36" & Over	\$190	Res 1059	6/1/2010	no change
	48" & Over	\$225	Res 1059	6/1/2010	no change
	3' x 7' Grave Ledger	\$255	Res 1059	6/1/2010	no change
	24" Bronze Military	\$160	Res 1059	6/1/2010	no change
	Upright Monuments	\$260	Res 1059	6/1/2010	no change
	Mausoleum Phase I				
	Exterior Single Crypts (1 space)				
	Sixth Level F	\$1,650	Res 1059	6/1/2010	no change
	Fifth Level E	\$1,980	Res 1059	6/1/2010	no change
	Fourth Level D	\$2,365	Res 1059	6/1/2010	no change
	Third Level C	\$2,830	Res 1059	6/1/2010	no change
	Second Level B	\$2,830	Res 1059	6/1/2010	no change
	First and Westminster Level A (2 spaces)	\$3,350	Res 1059	6/1/2010	no change
	Exterior Tandem Crypts (2 spaces)				no change
	Sixth Level F	\$2,805	Res 1059	6/1/2010	no change
	Fifth Level E	\$3,115	Res 1059	6/1/2010	no change
	Fourth Level D	\$3,465	Res 1059	6/1/2010	no change
	Third Level C	\$3,915	Res 1059	6/1/2010	no change
	Second Level B	\$3,915	Res 1059	6/1/2010	no change
	First and Westminster Level A (4 spaces)	\$4,880	Res 1059	6/1/2010	no change
	Exterior Side by Side Crypts (2 Sp)				
	Sixth Level F	\$2,905	Res 1059	6/1/2010	no change
	Fifth Level E	\$3,255	Res 1059	6/1/2010	no change
	Fourth Level D	\$3,610	Res 1059	6/1/2010	no change
	Third Level C	\$4,335	Res 1059	6/1/2010	no change
	Second Level B	\$4,335	Res 1059	6/1/2010	no change
	First and Westminster Level A (4 spaces)	\$5,280	Res 1059	6/1/2010	no change
	Niche Spaces				
	Level 1 through 6	\$420	Res 1059	6/1/2010	no change
	Level 7 through 10	\$350	Res 1059	6/1/2010	no change
	Level 11 through 12	\$330	Res 1059	6/1/2010	no change
	Mausoleum Phase II				
	Exterior Single Crypts (1 space)		Res 1059	6/1/2010	no change
	Sixth Level F	\$2,047	Res 1059	6/1/2010	no change
	Fifth Level E	\$2,436	Res 1059	6/1/2010	no change
	Fourth Level D	\$2,890	Res 1059	6/1/2010	no change
	Third Level C	\$3,439	Res 1059	6/1/2010	no change
	Second Level B	\$3,439	Res 1059	6/1/2010	no change
	First and Westminster Level A (2 spaces)	\$4,053	Res 1059	6/1/2010	no change
	Exterior Tandem Crypts (2 spaces)				
	Sixth Level F	\$3,409	Res 1059	6/1/2010	no change
	Fifth Level E	\$3,775	Res 1059	6/1/2010	no change

## EXHIBIT "A"

Department	Fee Description	Current Amount	Authority	Date	Proposed change
	Fourth Level D	\$4,359	Res 1059	6/1/2010	no change
	Third Level C	\$5,215	Res 1059	6/1/2010	no change
	Second Level B	\$5,215	Res 1059	6/1/2010	no change
	First and Westminster Level A (4 spaces)	\$5,858	Res 1059	6/1/2010	no change
	Exterior Side by Side Crypts (2 Sp)				
	Sixth Level F	\$3,527	Res 1059	6/1/2010	no change
	Fifth Level E	\$3,940	Res 1059	6/1/2010	no change
	Fourth Level D	\$4,359	Res 1059	6/1/2010	no change
	Third Level C	\$5,215	Res 1059	6/1/2010	no change
	Second Level B	\$5,215	Res 1059	6/1/2010	no change
	First and Westminster Level A (4 spaces)	\$6,330	Res 1059	6/1/2010	no change
	Opening & Closing for Crypts				
	Each Entombment	\$350	Res 1059	6/1/2010	no change
	Disinterment from Westminster Crypt	\$525	Res 1059	6/1/2010	no change
	Disinterment/Reinterment	\$400	Res 1059	6/1/2010	no change
	Opening & Closing for Niches				
	Each Inurnment	\$190	Res 1059	6/1/2010	no change
	Disinterment	\$290	Res 1059	6/1/2010	no change
	Disinterment/Reinterment	\$300	Res 1059	6/1/2010	no change
	Crypt Name Bar Installation	\$364	Res 1059	6/1/2010	no change
	Niche Name Bar Installation	\$294	Res 1059	6/1/2010	no change
	Emblems (Elks, Rotary, Cross, etc)	\$90	Res 1059	6/1/2010	no change
	Extra Plastic Vase & Holder	\$90	Res 1059	6/1/2010	no change
	Replace Plastic Vase	\$45	Res 1059	6/1/2010	no change
	Weekend & Holiday Services (additional fee)	\$300	Res 1059	6/1/2010	no change
	Cemetery Title Transfer	\$75	Res 1059	6/1/2010	no change

## EXHIBIT "B"

<b>CITY OF CANBY MASTER FEE SCHEDULE</b> <b>Fees and charges in effect as of 7/1/2011</b> <b>Authorized by Resolutions No. 1099</b>	
<b>Fee Description</b>	<b>Fee Amount</b>
<b>GENERAL</b>	
Photocopies or Printouts-Black and White, sizes to 8 1/2 x 14, single or double-sided	25¢ per sheet
Photocopies or Printouts-Color, sizes to 8 1/2 x 14, single or double-sided	75¢ per sheet
Photocopies or Printouts-Black and White, size 11x17, single sided only	\$1.00 per sheet
Photocopies or Printouts-Color, size 11x17, single sided only	\$1.25 per sheet
Plotter prints (8 1/2 x 11)	\$2
Plotter prints (11 x 17)	\$4
Plotter prints (17 x 22)	\$6
Plotter prints (24 x 36)	\$8
Plotter prints (36 x 48)	\$10
Audio Cassette copy	\$10
Videotape copy	\$25
Records on CD	\$10 plus staff time costs
Public Records-Transcription	\$20/hr
Public Records-Clerical Research	\$20/hr
Public Records-Admin Research	\$35/hr
Public Records-Legal Research	\$80/hr
Public Records-Faxing	50¢ per page sent
Public Records-Mailing costs	Actual costs + \$1.00 handling fee
Returned check fee	\$25
Lien Search fee	\$25
<b>ADMINISTRATION</b>	
Business License Annual Renewal	\$50
Business License Past Due	\$10/mo up to \$50
Business License-Transfer or Assign	\$50
Liquor License Application New	\$100
Liquor License Change of Ownership, Location, or Privilege	\$75
Liquor License Annual Renewal or Temporary Sales License	\$35
Small Animal Permit	\$10
Impounded Animal Redemption Fee	\$50
Sidewalk Vending Permit	\$10
Franchise Fees-Cable	5% gross revenue
Franchise Fees-Natural Gas	5% gross revenue
Franchise Fees-Telephone	7% gross revenue
Franchise Fees-Solid Waste	5% gross revenue
<b>POLICE</b>	
Special Event Security	\$60/hr
Alarm Permits	\$20 annual (waived over 65)
Alarm Permit Delinquent Fee	\$25

**EXHIBIT "B"**

False Alarm Response	Third alarm \$50; fourth alarm \$75, fifth & up \$100 each	
Vehicle Release	\$125	
Police Reports	\$15	
Background inspection fee - firearm purchaser	\$50	
Vehicle Booting Charge	\$75	
Fingerprinting	\$25 per card/\$10 each addtl card	
Background Verification Letter	\$5	
COURT		
Payment Plan Fee	\$15 per \$100 of fine, not to exceed	
Show Cause Fee	\$25 certified letter/\$10 regular letter	
Warrant Costs	\$50	
Late Fee	\$15 if more than 10 days late	
FTA Fee	\$25	
Appeal Transcript Fee	\$35	
City Cost Assessment	\$7 per offense	
LIBRARY		
Lost item replacement	Cost plus \$5.00	
Damaged item	Cost	
Printing Charge for Internet, Black & White	15¢/page	
Printing Charge for Internet, Color	50¢/page	
Microform reader/printer	15¢/page	
Out of District Library Card Fee	\$95	
Fines	10¢ per day	
PARKS		
	In City	Out of City
Rental of Gazebo in Wait Park (waived for non-profits)	\$110	
Rental of Wait Park (waived for non-profits)	\$375	
Park Event Permit (to include all parks, Logging Rd.) to ensure insurance and rule compliance (assuming non-profit and/or community events, walks, etc.)	\$10	
PUBLIC WORKS		
Public Works Labor Rate	\$40/hr	
Equipment Rates (include 1 operator):		
Vactor Truck	\$125/hr	
Street Sweeper	\$75/hr	
TV Van	\$100/hr	
High Ranger	\$90/hr	
Dump Truck	\$90/hr	
Backhoe	\$90/hr	
Street Closure Request	\$50 (waived for non-profits)	
Railroad Parking Lot Event Fee	\$50 (waived for non-profits)	
Street Barricade Delivery Fee	\$25 + \$250 refundable deposit with	
Map Copying and Research on Easements	\$60/hr+ printing charge	
Banner Installation	\$100 (waived for non-profits)	
Plan Review, Inspections, and Witnessing for Construction Projects	\$60/hr	
Street Excavation (Construction) Permit Fee	\$100	
Encroachment Application Permit Fee	\$50	

**EXHIBIT "B"**

Building Number Installation Charge	\$50	
Advance Finance Public Improvement Application Fee	\$150	
Erosion Control	Without ESPC Certification	With ESPC Certification
Single Family (Up to 1 acre)		
Base Rate, to 4 inspections	\$110	
Each additional inspection	\$40	
All Other Lots		
Base Rate, 1 acre	\$184	
Each additional acre	\$80	
Each inspection over 9	\$40	
Plan Review	50% of Inspection Base Rate	
Violations	\$100 per Violation per Day	
Street Maintenance Fee, Monthly		
Residential Single Family	\$5	
Multi-Family Residences	\$3.34/unit	
Detached Senior Housing and Mobile Home Parks	\$2.09/unit	
Attached Senior Housing and Congregate Care Facilities	\$1.04/unit	
Non-residential	Varies: \$0.522 x trip value x units	
Street Tree Removal Permit	\$25	
Sewer Tap Fee (on-site connection)	\$100	
House Move Permit	\$50	
Fleet Services Labor Rate	\$75/hr	
<b>SEWER/STORMWATER</b>		
Combined Sewer/Stormwater Rates (monthly):		
Residential Single Family	\$38.00	
Residential , apartment, per unit	\$38.00	
Mobile home	\$38.00	
Senior discount	\$27.08	
Elementary school, per student	\$1.50	
Middle & High school, per student	\$1.98	
Transient housing (1st unit)	\$38.00	
Each additional bed	\$19.96	
Nursing home (1st two beds)	\$38.00	
Each additional bed	\$19.96	
Commercial retail, minimum	\$38.00	
per 100 cf of water use Nov-Mar	\$4.75	
Commercial government, minimum	\$38.00	
per 100 cf of water use Dec & Jan	\$4.75	
Industrial, minimum	\$38.00	
per 100 cf of water use	\$4.75	
Industrial Wastewater Discharge Permit	\$500	
Industrial Wastewater Discharge Permit application review fee	\$45/hr	
<b>CONSTRUCTION EXCISE TAX</b>		
Residential, per dwelling unit		

**EXHIBIT "B"**

First 1,000 square feet	\$0.25/sq ft
Next 500 square feet	\$0.50/sq ft
Next 500 square feet	\$0.75/sq ft
Above 2,000 square feet	\$1.00/sq ft
<b>SYSTEMS DEVELOPMENT CHARGES</b>	
Stormwater	
Residential: Single Family	\$100/Dwelling
Residential: Multi-Family	\$100/Dwelling
Commercial/Downtown and Highway	Varies by Use
Commercial/Manufacturing	Varies by Use
Industrial	Varies by Use
Transportation	Estimated SDA per unit
Single-Family per unit	\$2,603
Multi-Family	\$1,738
Commercial/Industrial	Varies by Use - \$272 per trip end
Wastewater	
3 /4" Water meter	\$2,571
1" Water meter	\$5,142
1 1/2" Water meter	\$12,855
2" Water meter	\$25,710
3" Water meter	\$64,275
4" Water meter	\$89,985
Parks	
Single Family	\$4,725/Dwelling
Multi-Family	\$3,869/Dwelling
Manufactured Housing	\$3,874/Dwelling
Commercial/Industrial	\$129/per employee; varies by use
<b>PLANNING</b>	
Annexation – Less than 1 Acre	\$1,850 - (Base Fee)
Annexation – 1 – 10 Acres	Plus \$105 per Acre
Annexation – 11 – 50 Acres	Plus \$55 per Acre
Annexation – 51+ Acres	Plus \$10 per Acre
Annexation Legal Review – Development Agreement or Development Concept Plan	Applicant pays actual costs
Annexation Election Deposit (Does not include County Elections Costs which will be billed separately)	\$2,500
Appeal - Interpretation or type II decision to Planning Commission	\$1,600
Appeal - Planning Commission decision to City Council	\$1,920
Building Permit Site Plan Review	
Single Family House	\$45 per application
Duplex (including conversions of single family to duplex)	\$60 per application
Non-Living Space addition (garage, carport, porch, etc)	\$25 per application
Living Space addition (expansion and/or creation of accessory dwelling)	\$35 per application
Multifamily - based on valuation	\$30 per unit (first 20 units)/\$10 per unit (each additional)
Demolitions (Residential)	\$10

**EXHIBIT "B"**

Demolitions (Commercial or Industrial)	\$30
Signs, commercial tenant improvements and remodels not involving additional square footage	\$50
All other commercial and industrial based on building square footage:	
0 to 2,000 square feet	\$100
2,001 to 5,000 square feet	\$100 for the first 2,000 sq. ft. and \$1.75 for each additional 100 Sq. ft. or fraction thereof
5,001 to 10,000 square feet	\$152.50 for the first 5,000 sq. ft and \$1.50 for each additional 100 sq. ft. or fraction thereof
10,001 to 50,000 square feet	\$160 for the first 10,000 sq. ft. and \$1.25 for each additional 100 sq. ft. or fraction thereof
50,001 to 100,000 square feet	\$210 for the first 50,000 sq. ft. and \$1.00 for each additional 500 sq. ft. or fraction thereof
100,001 square feet and up	\$260 for the first 100,000 sq. ft. and \$0.75 for each additional 1,000 sq. ft or fraction thereof
Comprehensive Plan Amendment	\$3,220
Conditional Use Permit	\$2,040
Condominium Construction, less than six units	\$280
Interpretation	\$580
Lot Line Adjustment	\$520
Non-conforming Structure/Use	\$520
Parking Lot/Paving Projects	\$300
Partition - Major	\$1,360
Partition - Minor	\$1,280
Planned Unit Development	\$1,480
Plat (Final) Review	\$100
Pre-Application Conference	
Type II (Administrative Review)	\$300
Types III or IV (Quasi-Judicial Review)	\$700
Preconstruction Conference	\$100 (+\$60 per hr. over 2 hrs)
Sidewalk Café Annual Permit Fee	\$25
Sidewalk Café Annual Right of Way Rental Fee	\$1
Sign Permit for Design Reviews	\$280
Site and Design Review (Type II)	
First 0.5 Acres	\$950 (Base Fee)
From 0.5 Acres up to 2.5 Acres	\$100 for each additional 0.1 acres
From 2.5 acres up to 8.0 Acres	\$100 for each additional 0.5 acres
From 8.0 Acres up to 13 Acres	\$100 for each additional 1.0 acres
13 Acres and above	\$5,000 maximum
Engineering Plan Review	4% of Construction Cost
Site and Design Review (Type III)	
First 0.5 Acres	\$1,500 (Base Fee)
From 0.5 Acres up to 2.5 Acres	\$100 for each additional 0.1 acres
From 2.5 acres up to 8.0 Acres	\$100 for each additional 0.5 acres
From 8.0 Acres up to 13 Acres	\$100 for each additional 1.0 acres

**EXHIBIT "B"**

13 Acres and above	\$5,000 maximum
Engineering Plan Review	4% of Construction Cost
Special Permit (hardship)	\$100
Special Permit Public Hearing (additional charge)	No fee
Subdivision – 4 Lots	\$1,700 (Base Fee)
Subdivision – 5 – 10 Lots	\$95 per Lot
Subdivision – 11+ Lots	\$130 per Lot
Subdivision Engineering Plan Review	4% of Construction Cost
Temporary Vendor Permit	\$100 (\$50 non-profit)
Temporary Vendor Permit Renewal	\$80 (\$40 non-profit)
Text Amendment	\$2,880
Traffic Engineering Scope	\$500 min. \$,000 max. deposit
Traffic Impact Study	Applicant pays actual costs
Variance - Major	\$2,120
Variance - Minor	\$520
Withdrawal of Territory – Less then 1 acre	\$1,388 - (Base Fee)
Withdrawal of Territory – 1 – 10 Acres	Plus \$79 per Acre
Withdrawal of Territory – 11 – 50 Acres	Plus \$41 per Acre
Withdrawal of Territory – 51+ Acres	Plus \$8 per Acre
Zoning Map Amendment	\$2,640
<b>BUILDING</b>	
Building Permit Fee	
\$0 to \$3,000 valuation	\$80
\$3,001 to \$25,000 valuation	\$80 for the first \$3,000 and \$12 for each additional \$1,000 or fraction thereof
\$25,001 to \$50,000 valuation	\$344 for the first \$25,000 and \$9 for each additional \$1,000 or fraction thereof
\$50,001 to \$100,000 valuation	\$569 for the first \$50,000 and \$6 for each additional \$1,000 or fraction thereof
\$100,001 and up	\$869 for the first \$100,000 and \$5 for each additional \$1,000 or fraction thereof
Plan Review Fee	100% of Building Permit fee
Temporary Certificate of Occupancy	\$250
Deferred submittal processing and reviewing fee	Equal to the building permit fee for the valuation of the particular deferred portion or portions of the project, with a set minimum fee of \$300
Phased or Partial Building Permit plan review fee	\$300 plus 10% of the total project building permit fee not to exceed \$2,000 for each phase in addition to above fees
Inspections outside of normal business hours	\$160/hr (minimum charge – two hours)
Re-inspection Fees	\$80

**EXHIBIT "B"**

Inspections for which no fee is specifically indicated	\$160/hr (minimum charge – 1/2 hour)
Additional plan review required by changes, additions or revisions to proposed or approved plans	\$160/hr (minimum charge – 1/2 hour)
Residential Fire Suppression Systems Combined Plan Permit and Plan Check Fees:	
0 sq. ft to 2,000 sq. ft	\$160
2001 sq. ft. to 3600 sq. ft.	\$210
3601 sq. ft. to 7200 sq. ft.	\$269
7201 sq. ft. and greater	\$377
Mechanical Fee Schedule for New and Additions or Alterations, to One and Two Family Dwellings:	
Install/Replace Furnace: Up to 100,000btu	\$24.75 per appliance
Install/Replace Furnace: Over 100,000btu	\$31.50 per appliance
Install/Replace/Relocate Heaters: Suspended, Wall or Floor Mounted.	\$24.75 per appliance
Appliance Vent	\$12.50 per appliance
Alteration Of Existing HVAC System	\$24.75
Air Handling Units	\$18.75 per appliance
Air Conditioning under 100,000btu	\$24.75 per appliance
Air Conditioning over 100,000btu	\$46.50 per appliance
Dryer Exhaust	\$18.75 per appliance
Hood	\$18.75 per appliance
Exhaust Fan Connected To A Single Duct	\$12.50 per appliance
Gas Piping: 1 To 4 Outlets	\$8.25
Gas Piping: Each Additional Outlet	\$2.25 per outlet
Fireplace	\$18.75 per appliance
Wood Stove	\$18.75 per appliance
Other	\$18.75 per appliance
Minimum Permit Fee	\$80
Plan Review Fee (Mechanical)	100% of Mechanical Permit fee
Mechanical Fee Schedule for New and Additions or Alterations to Commercial, Multi-Family and Industrial Projects	
\$0.00 to \$5000.00 valuation	\$80
\$5001.00 to \$10,000.00 valuation	\$80 for the first \$5000 and \$3 for each additional \$100 or fraction thereof
\$10,001.00 to \$100,000 valuation	\$230.00 for the first \$10,000.00 and \$12.00 for each additional \$1,000.00 or fraction thereof
\$100,001.00 and up	\$1,310 for the first \$100,000 and \$10 for each additional \$1,000 or fraction thereof
Plan Review Fee (Mechanical)	37% of Mechanical Permit fee
Grading Permit Fee Schedule	
50 cubic yards or less	\$80
51 to 100 cubic yards	\$117

**EXHIBIT "B"**

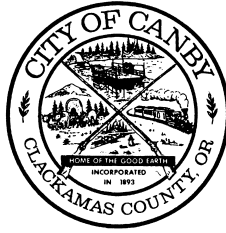
101 to 1,000 cubic yards	\$117 for the first 100 cubic yards, plus \$55 for each additional 100 cubic yards or fraction thereof	
1,001 to 10,000 cubic yards	\$612 for the first 1,000 cubic yards, plus \$46 for each additional 1,000 cubic yards or fraction thereof	
10,001 to 100,000 cubic yards	\$1026 for the first 10,000 cubic yards, plus \$210 for each additional 10,000 cubic yards or fraction thereof	
100,001 cubic yards and up	\$2916 for the first 100,000 cubic yards, plus \$115 for each additional 10,000 cubic yards or fraction thereof	
Plan Review Fee (Grading)	65% of Grading Permit fee	
Manufactured Dwelling Installation		
Installation and set up	\$350	
Earthquake bracing when not part of original installation	\$280	
Prescriptive Flat Fee Solar Installation	\$240	
SWIM CENTER		
	In City	Out of City
Daily Admission - Youth	\$2.50	\$3.75
Daily Admission - Senior	\$2.50	\$3.75
Daily Admission - Adult	\$3.25	\$4.50
Daily Admission - Family	\$8.25	\$12.00
Tickets - 10 Swims Youth/Senior	\$25.00	\$37.50
Tickets - 10 Swims Adult	\$32.50	\$45.00
Pass 3 month - Youth	\$50.00	\$75.00
Pass 3 month - Senior	\$50.00	\$75.00
Pass 3 month - Adult	\$65.00	\$90.00
Pass 3 month - 1 + 1	\$97.50	\$135.00
Pass 3 month - Family	\$130.00	\$180.00
Pass 12 month - Youth	\$137.50	\$206.25
Pass 12 month - Senior	\$137.50	\$206.25
Pass 12 month - Adult	\$178.75	\$247.50
Pass 12 month - 1 + 1	\$268.00	\$371.25
Pass 12 month - Family	\$357.50	\$495.00
Water Exercise - Youth	\$2.50	\$3.75
Water Exercise - Senior	\$2.50	\$3.75
Water Exercise - Adult	\$3.25	\$4.50
Lessons - Public Lessons	\$3.50	\$5.25
Lessons - Spring Penguin	\$50.00	\$70.00
Lessons - Summer Penguin	\$80.00	\$100.00
Lessons - School Programs	by contract	
Rentals - Public	\$45.00/hr	\$62.50/hr
Rentals - Canby Gators	by contract	
CEMETERY		
Grave Lots	Property	Perpetual Care Fee
Standard Grave Lot	\$450	\$700

**EXHIBIT "B"**

Child Grave Lot (1/2 sp)	\$150	\$350
Baby Grave Lot (1/4 sp)	\$125	\$350
Cremains Lot	\$300	\$100
Grave Opening, Closing & Recording Fee:		
Standard		
Opening & Closing	\$650	
Disinterment	\$1,000	
Disinterment/Reinterment	\$1,250	
Child		
Opening & Closing	\$275	
Disinterment	\$400	
Disinterment/Reinterment	\$600	
Baby		
Opening & Closing	\$200	
Disinterment	\$370	
Disinterment/Reinterment	\$470	
Cremains		
Opening & Closing	\$300	
Disinterment	\$350	
Disinterment/Reinterment	\$400	
Grave Liners:		
Wholesale to Funeral Home	\$360	
Standard	\$420	
Child	\$240	
Baby	\$240	
Cremains Vault	\$155	
Monument Installation:		
24" or less in all dimensions	\$160	
36" & Over	\$190	
48" & Over	\$225	
3' x 7' Grave Ledger	\$255	
24" Bronze Military	\$160	
Upright Monuments	\$260	
Mausoleum Phase I		
Exterior Single Crypts (1 space)		
Sixth Level F	\$1,650	
Fifth Level E	\$1,980	
Fourth Level D	\$2,365	
Third Level C	\$2,830	
Second Level B	\$2,830	
First and Westminster Level A (2 spaces)	\$3,350	
Exterior Tandem Crypts (2 spaces)		
Sixth Level F	\$2,805	
Fifth Level E	\$3,115	
Fourth Level D	\$3,465	
Third Level C	\$3,915	
Second Level B	\$3,915	
First and Westminster Level A (4 spaces)	\$4,880	
Exterior Side by Side Crypts (2 Sp)		
Sixth Level F	\$2,905	
Fifth Level E	\$3,255	

EXHIBIT "B"

Fourth Level D	\$3,610
Third Level C	\$4,335
Second Level B	\$4,335
First and Westminster Level A (4 spaces)	\$5,280
Niche Spaces	
Level 1 through 6	\$420
Level 7 through 10	\$350
Level 11 through 12	\$330
Mausoleum Phase II	
Exterior Single Crypts (1 space)	
Sixth Level F	\$2,047
Fifth Level E	\$2,436
Fourth Level D	\$2,890
Third Level C	\$3,439
Second Level B	\$3,439
First and Westminster Level A (2 spaces)	\$4,053
Exterior Tandem Crypts (2 spaces)	
Sixth Level F	\$3,409
Fifth Level E	\$3,775
Fourth Level D	\$4,359
Third Level C	\$5,215
Second Level B	\$5,215
First and Westminster Level A (4 spaces)	\$5,858
Exterior Side by Side Crypts (2 Sp)	
Sixth Level F	\$3,527
Fifth Level E	\$3,940
Fourth Level D	\$4,359
Third Level C	\$5,215
Second Level B	\$5,215
First and Westminster Level A (4 spaces)	\$6,330
Opening & Closing for Crypts	
Each Entombment	\$350
Disinterment from Westminster Crypt	\$525
Disinterment/Reinterment	\$400
Opening & Closing for Niches	
Each Inurnment	\$190
Disinterment	\$290
Disinterment/Reinterment	\$300
Crypt Name Bar Installation	\$364
Niche Name Bar Installation	\$294
Emblems (Elks, Rotary, Cross, etc)	\$90
Extra Plastic Vase & Holder	\$90
Replace Plastic Vase	\$45
Weekend & Holiday Services (additional fee)	\$300
Cemetery Title Transfer	\$75



## MEMORANDUM

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**DATE:** MAY 23, 2011  
**TO:** MAYOR CARSON AND CANBY CITY COUNCIL  
**FROM:** KIM SCHEAFER, CMC, CITY RECORDER  
**RE:** RESOLUTION #1100

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**Issue:**

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

**Background:**

The last supplement that was codified for the Canby Municipal Code was for ordinances passed through July 2010. Since that time, several ordinances have passed that affect the municipal code. In order to keep the code up-to-date, these ordinances were sent to American Legal Publishing who prepared a 2011 supplement for ordinances passed through March 2, 2011 (Ordinances 1334-1341).

**Recommendation:**

Staff recommends approval of Resolution 1100, which formally adopts the 2011 supplement pages to the Canby Municipal Code.

**Attached:**

Resolution 1100

## **RESOLUTION NO. 1100**

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

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

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

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

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

**NOW THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Canby that the City hereby authorizes a general compilation, revision and codification of the ordinances of the City of a general and permanent nature and publication of such ordinances in book form, at a cost according to the standard rates and billing procedures for services under the program. A copy of the 2011 S-5 Supplement (codifying ordinances 1334-1341) is attached hereto as Exhibit “A”.

This resolution will take effect on June 1, 2011.

ADOPTED this 1st day of June 2011, by the Canby City Council.

---

Randy Carson  
Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder

# **CITY OF CANBY, OREGON**

## **CODE OF ORDINANCES**

2011 S-5 Supplement contains:  
Local legislation current through Ord. 1341, passed 3-2-2011

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## **Canby - Administration and Personnel**

city-wide concern related to the Canby Comprehensive Plan or the Canby Planning and Development Code. (Ord. 1109, passed 11-20-2002)

## CHAPTER 2.80: PUBLIC ART MURAL PROGRAM

### Section

2.80.010	Purpose.
2.80.020	Definitions.
2.80.030	Guidelines.
2.80.040	Ownership.
2.80.050	Implementation.

#### § 2.80.010 Purpose.

The purpose of this Title and the policy of the City of Canby are to permit and encourage Public Art Murals located within Canby's Urban Renewal District for acquisition by the Urban Renewal Agency. Public Art Murals are to be placed on public wall space and paid for in full or in part with Urban Renewal Funds administered by Canby's Urban Renewal Director. The City Council recognizes that public murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion. (Ord. 1341, passed 3-2-2011)

#### § 2.80.020 Definitions.

A public art mural means an original, two-dimensional work of visual art comprised of paint, executed by hand directly upon an exterior wall of a building, which is accessible to the public, and which has been approved by the Canby Urban Renewal Agency Director upon recommendation by the Public Mural Advisory Committee (PMAC).

Public Art Mural Advisory Committee (PMAC) means a group responsible for reviewing proposed public art murals and making recommendations to the Canby Urban Renewal Agency Director on the selection of Public Art Murals. Committee

membership shall include artists, art advocates and professionals, business owners, city staff, and a representative from Canby's Main Street Design Committee. (Ord. 1341, passed 3-2-2011)

#### § 2.80.030 Guidelines.

The Canby Urban Renewal Agency Director in consultation with the Public Mural Advisory Committee and staff shall adopt guidelines to:

- A. Provide for annual reporting to the Agency;
- B. Provide a method for the appointment of representatives to the Public Mural Advisory Committee;
- C. Determine a method or methods of selecting and contracting with artists for the design, execution and siting of Public Art Murals;
- D. Determine a process for the ongoing care, maintenance and conservation of public art murals;
- E. Determine a process to deaccession public art murals;
- F. Set forth any other matter appropriate to the administration of this Chapter.

(Ord. 1341, passed 3-2-2011)

#### § 2.80.040 Ownership.

All Public Art Murals acquired pursuant to this Chapter shall be acquired in the name of the City of Canby Urban Renewal Agency, and title shall vest in the City of Canby Urban Renewal Agency. (Ord. 1341, passed 3-2-2011)

#### § 2.80.050 Implementation.

The Canby Urban Renewal Agency Director in consultation with the Public Mural Advisory Committee and Mural Program Staff shall implement the provisions of this Chapter, in cooperation with all participating city departments. (Ord. 1341, passed 3-2-2011)

## **Canby - Administration and Personnel**

- 12.36.030 Definitions.
- 12.36.040 Registration of carriers.
- 12.36.050 Construction standards.
- 12.36.060 Location of facilities.
- 12.36.070 Telecommunications franchise.
- 12.36.080 General franchise terms.
- 12.36.090 General provisions.

**§ 12.36.010 Jurisdiction and management of the public rights-of-way.**

A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law.

B. Public rights-of-way include but are not limited to streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and airspace over these areas.

C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

F. The city retains the right and privilege to cut or move any telecommunications facilities located within the public rights-of-way of the city, as the city may determine to be necessary, appropriate or useful in response to a public health or safety emergency. (Ord. 1036, passed 11-3-1999)

**§ 12.36.020 Regulatory fees and compensation not a tax.**

A. The fees and costs provided for in this chapter, and any compensation charged and paid for use of the public rights-of-way provided for in this chapter, are separate from and in addition to any and all federal, state, local and city charges as may be levied, imposed or due from a telecommunications carrier, its customers or subscribers, or on account of the lease, sale, delivery or transmission of telecommunications services.

B. The city has determined that any fee provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees are not imposed on property or property owners, and these fees are not new or increased fees.

C. The fees and costs provided for in this chapter are subject to applicable federal and state laws.

(Ord. 1036, passed 11-3-1999)

**§ 12.36.030 Definitions.**

A. For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein.

1. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

2. The words "shall" and "will" are mandatory and "may" is permissive.

B. Words not defined herein shall be given the meaning set forth in the Communications Policy Act of 1934, being 47 USC §§ 201 and 521 *et seq.* as amended, the Cable Communications Policy Act of 1984, being 47 USC § 521 *et seq.*, the Cable Television Consumer Protection and Competition Act of 1992, being 47 USC §§ 201 and 521 *et seq.*, and the Telecommunications Act of 1996, being 47 USC § 151 *et seq.* If not defined there, the words shall be given their common and ordinary meaning.

Aboveground Facilities, see overhead facilities.

Affiliated Interest shall have the same meaning as O.R.S. 759.010.

Cable Act shall mean the Cable Communications Policy Act of 1984, 47 U.S.C. § 521 *et seq.*, as now and hereafter amended.

Cable Service is to be defined consistent with federal laws and means the 1-way transmission to subscribers of video programming or other programming service; and subscriber interaction, if any, which is required for the selection or use of the video programming or other programming service.

City means the City of Canby, an Oregon municipal corporation, and individuals authorized to act on the city's behalf.

City Council means the elected governing body of the city.

City Property means and includes all real property owned by the city, other than public rights-of-way and utility easements as those are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way franchising as provided in this chapter.

Conduit means any structure, or portion thereof, containing 1 or more ducts, conduits, manholes, handholes, bolts or other facilities used for any telegraph, telephone, cable television, electrical or communications conductors, or cable right-of-way, owned or controlled, in whole or in part, by 1 or more public utilities.

Construction means any activity in the public rights-of-way resulting in physical change thereto, including excavation or placement of structures, but excluding routine maintenance or repair of existing facilities.

Control or Controlling Interest means actual working control in whatever manner exercised.

Days means calendar days unless otherwise specified.

Duct means a single enclosed raceway for conductors or cable.

Emergency has the meaning provided for in O.R.S. 401.025.

Federal Communications Commission or FCC means the federal administrative agency or its lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

Franchise means an agreement between the city and a grantee which grants a privilege to use public right-of-way and utility easements within the city for a dedicated purpose and for specific compensation.

Grantee means the person to whom or which a franchise is granted by the city.

Oregon Public Utilities Commission or OPUC means the statutorily created state agency in the State of Oregon responsible for licensing, regulation and administration of certain telecommunications carriers as set forth in state law, or its lawful successor.

Overhead or Aboveground Facilities means utility poles, utility facilities and telecommunications facilities above the surface of the ground, including the underground supports and foundations for the facilities.

Person means an individual, corporation, company, association, joint stock company or association, firm, partnership or limited liability company.

Private Telecommunications Network means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for his, her or its use and not for resale, directly or indirectly. Private Telecommunications Network includes services provided by the state pursuant to O.R.S. 190.240 and 283.140.

Public Rights-of-Way include but are not limited to streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and airspace over these areas. This definition applies only to the extent of the city's right, title, interest or authority to grant a franchise to occupy and use the areas for telecommunications facilities. Public Rights-of-Way shall also include utility easements as defined below.

State means the State of Oregon.

Telecommunications Act means the Communications Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996 (47 U.S.C. 151 *et seq.*) and as hereafter amended.

Telecommunications Carrier means any provider of telecommunications services and includes every person that directly or indirectly owns, controls, operates or manages telecommunications facilities within the city.

Telecommunications Facilities means the plant and equipment, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services.

Telecommunications Service means any service provided for the purpose of the transmission of information, including, but not limited to voice, video or data, regardless of the transmission medium and whether or not the transmission medium is owned by the provider itself. Telecommunication service includes all forms of telephone services and voice, video, data or information transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) private communications system services provided without using the public rights-of-way; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act; and (6) commercial mobile radio services as defined in 47 C.F.R. 20.

Telecommunications System, see telecommunications facilities above.

Telecommunications Utility has the same meaning as O.R.S. 759.005(1).

Underground Facilities means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities.

Usable Space means all the space on a pole, except the portion below ground level, the 20 feet of safety clearance space above ground level, and the safety clearance space between communications and power circuits. There is a rebuttable presumption that 6 feet of a pole is buried below ground level.

Utility Easement means any easement granted to or owned by the city and acquired, established, dedicated or devoted for public utility purposes.

Utility Facilities means the plant, equipment and property, including but not limited to the poles, pipes,

mains, conduits, ducts, cable, wires, plant and equipment located under, on or above the surface of the ground within the public right-of-way of the city and used or to be used for the purpose of providing utility or telecommunications services.

(Ord. 1036, passed 11-3-1999; Am. Ord. 1336, passed 11-3-2010)

#### § 12.36.040 Registration of carriers.

A. Purpose. The purpose of registration is:

1. To assure that all telecommunications carriers who have facilities and/or provide services within the city comply with the ordinances, rules and regulations of the city;

2. To provide the city with accurate and current information concerning the telecommunications carriers who offer to provide telecommunications services within the city, or that own or operate telecommunications facilities within the city; and

3. To assist the city in the enforcement of this code and the collection of any city franchise fees or charges that may be due the city.

B. Registration Required. Except as provided in division D. of this section, all telecommunications carriers having telecommunications facilities within the corporate limits of the city and all telecommunications carriers that offer or provide telecommunications service to customer premises within the city shall register. The appropriate application and license from either the Oregon Public Utility Commission (PUC) or the Federal Communications Commission (FCC) qualify as necessary registration information. Applicants also have the option of providing the following information:

1. The identity and legal status of the registrant, including the name, address and telephone number of the duly authorized officer, agent or employee responsible for the accuracy of the registration information;

2. The name, address and telephone number for the duly authorized officer, agent or employee to be contacted in case of an emergency;

3. A description of the registrant's existing or proposed telecommunications facilities within the city, a description of the telecommunications facilities

that the registrant intends to construct, and a description of the telecommunications service that the registrant intends to offer or provide to persons, firms, businesses or institutions within the city; and

4. Information sufficient to determine whether the transmission, origination or receipt of the telecommunications services provided or to be provided by the registrant constitutes an occupation or privilege subject to any business license requirements. A copy of the business license or the license number must be provided.

C. Registration Fee. Each application for registration as a telecommunications carrier shall be accompanied by a nonrefundable registration fee in the amount of \$35, or as otherwise established by resolution of the City Council.

D. Exceptions to Registration. The following telecommunications carriers are excepted from registration:

1. Telecommunications carriers that are owned and operated exclusively for its own use by the state or a political subdivision of this state; and

2. A private telecommunications network, provided that the network does not occupy any public rights-of-way of the city.

(Ord. 1036, passed 11-3-1999)

#### § 12.36.050 Construction standards.

A. General. No person shall commence or continue with the construction, installation or operation of telecommunications facilities within a public right-of-way except as provided in this code and in compliance with all applicable codes, rules and regulations.

B. Construction Codes. Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including the National Electrical Code and the National Electrical Safety Code.

C. Construction Permits. No person shall construct or install any telecommunications facilities within a public right-of-way without first obtaining a construction permit and paying the construction permit fee. No permit shall be issued for the construction or installation of telecommunications facilities within a public right-of-way:

1. Unless the telecommunications carrier has first filed a registration statement with the city pursuant to § 12.36.040B. of this code; and, if applicable,

2. Unless the telecommunications carrier has first applied for and been granted a franchise pursuant to § 12.36.070 of this code.  
(Ord. 1036, passed 11-3-1999)

#### § 12.36.060 Location of facilities.

A. Location of Facilities. All facilities located within the public right-of-way shall be constructed, installed and located in accordance with the following terms and conditions, unless otherwise specified in a franchise agreement:

1. Whenever all existing electric utilities, cable facilities or telecommunications facilities are located underground within a public right-of-way of the city, a grantee with permission to occupy the same public right-of-way must also locate its telecommunications facilities underground.

2. Whenever all new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public right-of-way of the city, a grantee that currently occupies the same public right-of-way shall relocate its facilities underground concurrently with the other affected utilities to minimize disruption of the public right-of-way, absent extraordinary circumstances or undue hardship as determined by the city and consistent with applicable state and federal law.

B. Interference with the Public Rights-of-Way. No grantee may locate or maintain its telecommunications facilities so as to unreasonably interfere with the use of the public rights-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the public rights-of-way. All use of public rights-of-way shall be consistent with city codes, ordinances and regulations.

C. Relocation or Removal of Facilities. Except in the case of an emergency, within 90 days following written notice from the city a grantee shall, at no expense to grantor, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public rights-of-way whenever the city shall have determined that the removal, relocation, change or alteration is reasonably necessary for:

## References to Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1292 § 5.8	9-3-2008	13.16.082
1292 § 6.1	9-3-2008	13.16.090
1292 § 6.2	9-3-2008	13.16.091
1292 § 6.3	9-3-2008	13.16.092
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1292 § 6.6	9-3-2008	13.16.095
1292 § 6.7	9-3-2008	13.16.096
1292 § 6.8	9-3-2008	13.16.097
1292 § 6.9	9-3-2008	13.16.098
1292 § 6.10	9-3-2008	13.16.099
1292 § 6.11	9-3-2008	13.16.100
1292 § 6.12	9-3-2008	13.16.101
1292 § 6.13	9-3-2008	13.16.102
1292 § 6.14	9-3-2008	13.16.103
1292 § 6.15	9-3-2008	13.16.104
1292 § 7.1	9-3-2008	13.16.115
1292 § 7.2	9-3-2008	13.16.116
1292 § 8	9-3-2008	13.16.130
1292 § 9	9-3-2008	13.16.140
1292 § 10	9-3-2008	13.16.150
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1292 § 10.3	9-3-2008	13.16.153
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1292 § 11.4	9-3-2008	13.16.178
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1292 § 12.3	9-3-2008	13.16.192
1292 § 12.4	9-3-2008	13.16.193
1292 § 12.5	9-3-2008	13.16.194
1292 § 13.1	9-3-2008	13.16.210
1292 § 13.2	9-3-2008	13.16.211

### Canby - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1292 § 13.3	9-3-2008	13.16.212
1292 § 13.4	9-3-2008	13.16.213
1292 § 14.1	9-3-2008	13.16.230
1292 § 14.2	9-3-2008	13.16.231
1292 § 14.3	9-3-2008	13.16.232
1292 § 14.4	9-3-2008	13.16.233
1292 § 14.5	9-3-2008	13.16.234
1292 § 14.6	9-3-2008	13.16.235
1296	10-15-2008	12.12.010 - 12.12.040
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1327	5-19-2010	3.20.070, 4.12.030, 5.04.210, 5.16.030, 6.04.060, 6.08.070, 8.20.040, 8.20.070, 8.20.105, 9.08.030, 10.04.090, 10.04.095, 10.12.010, 10.12.020, 15.08.060
1328	6-16-2010	T.S.O. I
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CURRAN-McLEOD, INC.  
CONSULTING ENGINEERS

6655 SW HAMPTON, SUITE 210  
PORTLAND, OR 97223

**TO:** Honorable Mayor and City Council  
CITY OF CANBY  
ATTN: Mr. Greg Ellis, City Administrator

**FROM:** Hassan Ibrahim, P.E.  
CURRAN-McLEOD, INC.

**DATE:** May 19, 2011

**ISSUE:** 2011 STREET MAINTENANCE AND SURFACING PROGRAM  
APPROVAL OF CONSTRUCTION CONTRACT ORDINANCE 1344

**SYNOPSIS:** On May 18th, 2011, the City of Canby solicited and received six bids for the 2011 Street Maintenance and Resurfacing Program. This staff report is to request Council approval for award of the contract to the low responsive bidder.

**RECOMMENDATION:**

That the Council approve Ordinance 1344 authorizing the Mayor and City Administrator to execute a contract with Eagle-Elsner, Inc. in the amount of \$709,768.00 for the 2011 Street Maintenance and Resurfacing Program; and declaring an emergency.

**RATIONALE:**

Competitive bids were solicited in compliance with the City of Canby's Rules for Public Purchasing and the requirements of Oregon Revised Statutes. Of the bids received, all were deemed to be responsible and responsive, with Eagle-Elsner, Inc. submitting the low responsible and responsive bid.

The low responsive bid is approximately \$50,000 under the amount of available funds budgeted for the 2011-2012 fiscal year, which will allow the City to expand the work scope to other streets that are in immediate need of maintenance. City staff can provide a list of the additional streets to be included in the scope of work at the next scheduled Council meeting.

THIS HAS BEEN REVIEWED  
BY THE FINANCE DIRECTOR  
*Sue Engels*

Honorable Mayor & City Council  
May 19, 2011  
Page 2

OAR 137-049-0910 gives the City the authority to extend the scope of similar work at the bid unit prices and without new procurement. The performance period may be extended for up to a total five (5) year contract, with an escalation factor to each unit price item based on the engineering news record (ENR) construction cost index or other mutually agreed adjustment.

**BACKGROUND:**

This project is part of the Street Maintenance Program funded through the street maintenance fee.

**FISCAL IMPACT:**

Attached are Ordinance 1344 and the proposed contract for execution. Our recommendation is to accept the low responsive bid from Eagle-Elsner, Inc. and execute a contract for construction in the bid amount of \$709,768.00 with authorization to expand the performance period for up to a total five (5) year contract if the City is satisfied with the contractor's performance.

The low responsive bid of \$709,768.00 is below the amount of available funds budgeted in the 2011 - 2012 fiscal year in anticipation of this project.

**ENCLOSURES:**

- Ordinance Number 1344
- Exhibit 'A' Construction Contract
- Exhibit 'B' Bid Tabulation

CC: Ms. Amanda Klock, Acting Public Works Director

## **ORDINANCE NO. 1344**

### **AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE-ELSNER, INC. IN THE AMOUNT OF \$709,768.00 FOR CONSTRUCTION OF THE 2011 STREET MAINTENANCE AND RESURFACING PROGRAM; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby has heretofore advertised and received six (6) bids for the 2011 Street Maintenance and Resurfacing Program; and

**WHEREAS**, the notice of call for bids was duly and regularly published in the Oregon Daily Journal of Commerce on May 2, 2011; and

**WHEREAS**, bids were received and opened on May 18, 2011 at 2:00 pm in the Planning Department Conference Room of the City of Canby and the bids were read aloud:

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

Eagle-Elsner, Inc.	\$709,768.00
Roy L. Houck Construction, LLC	\$771,061.25
Knife River	\$823,520.85
North Santiam Paving Company	\$829,678.60
Granite Northwest, Inc.	\$838,838.00
Brix Paving Company	\$903,716.80

**WHEREAS**, the Canby City Council, acting as the City's Contract Review Board, met on Wednesday, June 1, 2011, 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

### **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 the 2011 Street Maintenance and Resurfacing Program in the amount of \$709,768.00. 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, June 1, 2011; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, June 15, 2011, 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, CMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 15th day of June 2011, by the following vote:

YEAS\_\_\_\_\_

NAYS\_\_\_\_\_

---

Randy Carson  
Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder

**CONTRACT FOR CONSTRUCTION**

THIS AGREEMENT is dated as of the \_\_\_\_ day of \_\_\_\_\_ in the year 2011 by and between

**City of Canby**

(hereinafter called OWNER) and

**Eagle-Elsner, Inc.**

(hereinafter called CONTRACTOR)

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

**The performance period may be extended for up to a total five (5) year contract, with an escalation factor to each unit price item based on the engineering news record (ENR) construction cost index or other mutually agreed adjustment.**

**ARTICLE 1 - WORK**

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents:

**City of Canby**

**2011 Street Maintenance and Resurfacing Program**

The scope of work consists of the following:

- Approximately 9,100 tons of asphaltic concrete pavement at 1.5", 2" and 4" thickness.
- Approximately 350 lineal feet of pervious pavement (8' wide section).
- Approximately 1,500 lineal feet of pavement grinding (6' wide panel).
- Approximately 11,700 square yard of Petromat geotextile fabric.
- Approximately 725 lineal feet of concrete curb, sidewalks and ADA ramps.
- Approximately 5,200 square yard of asphalt removal, rototilling and repaving.
- Approximately 5,600 lineal feet of 4" and 12" thermoplastic striping and ADA legends.

**ARTICLE 2 - ENGINEER**

The Project has been designed by CURRAN-McLEOD, INC., Consulting Engineers, who is hereinafter called ENGINEER and who will assume all duties and responsibilities and will have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

### ARTICLE 3 - CONTRACT TIME

- 3.1 The Work will be substantially completed within 45 calendar days after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions within 30 days after the date when the issuance of the Certificate of Substantial Completion including punch list items.
- 3.2 Liquidated Damages: OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not substantially complete within the time specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving in a legal proceeding the actual loss suffered by OWNER if the Work is not substantially complete on time.

Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER or the OWNER may withhold from amounts due the CONTRACTOR Four Hundred Dollars (\$400.00) for each day that expires after the time specified in paragraph 3.1. for Substantial Completion until the Work is substantially complete AND/OR for each day of delay beyond the deadline for Final Completion.

### ARTICLE 4 - CONTRACT PRICE

- 4.1 OWNER shall pay CONTRACTOR for performance of the Work in accordance with the Contract Documents in current funds by check, an amount totaling

**Seven Hundred Nine Thousand Seven Hundred Sixty Eight-----**Dollars

**(\$709,768.00)** as shown in the attached Bid Proposal.

### ARTICLE 5 - PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

- 5.1 Progress Payments: OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR'S Applications for Payment as recommended by ENGINEER, on or about the 25th day of each month during construction as provided below. All progress payments will be on the basis of the progress of the Work measured by the schedule of values provided for in paragraph 14.01 of the General Conditions.

5.1.1 Prior to Substantial Completion progress payments will be in an amount equal to:

- (a) 95 % of the Work completed; and
- (b) 95 % of materials and equipment not incorporated in the Work but delivered and suitably stored, less in each case the aggregate of payments previously made.

5.1.2 Upon Substantial Completion, OWNER shall pay an amount sufficient to increase total payments to CONTRACTOR to 95% of the value of the Contract Work completed, less such amounts as ENGINEER shall determine in accordance with paragraph 14.02 of the General Conditions.

5.2 Final Payment: Upon final completion and acceptance of the Work in accordance with paragraph 14.07 of the General Conditions, OWNER shall pay the remainder of the value of the Contract Work completed, as recommended by ENGINEER as provided in said paragraph 14.07.

## **ARTICLE 6 - INTEREST**

All monies not paid when due hereunder shall bear interest at the maximum rate allowed by law at the place of the Project, when requested in accordance with ORS 279C.570

## **ARTICLE 7 - CONTRACTOR'S REPRESENTATIONS**

In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

- 7.1 CONTRACTOR has familiarized himself with the nature and extent of the Contract Documents, Work, locality, and with all local conditions and federal, state and local laws, ordinances, rules and regulations that in any manner may affect cost, progress or performance of the Work.
- 7.2 CONTRACTOR has studied carefully all reports of investigations and tests of subsurface and latent physical conditions at the site or otherwise affecting cost, progress or performance of the Work which were relied upon by ENGINEER in the preparation of the Drawings and Specifications and which have been identified in the Supplementary Conditions.
- 7.3 CONTRACTOR has made or caused to be made examinations, investigations and tests and studies of such reports and related data in addition to those referred to in paragraph 7.2 as he deems necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract

Documents; and no additional examinations, investigations, tests, reports or similar data are or will be required by CONTRACTOR for such purposes.

- 7.4 CONTRACTOR has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents.
- 7.5 CONTRACTOR has given ENGINEER written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

## **ARTICLE 8 - CONTRACT DOCUMENTS**

- 8.1 This Agreement
- 8.2 Exhibits to this Agreement.
- 8.3 Performance and other Bonds
- 8.4 Notice of Award.
- 8.5 General Conditions of the Construction Contract
- 8.6 Supplementary Conditions
- 8.7 Technical Specifications as listed in the Table of Contents.
- 8.8 Specifications bearing the following general title:

### **City of Canby 2011 Street Maintenance and Resurfacing Program**

- 8.9 Addenda numbers 1-2.
- 8.10 CONTRACTOR'S Bid
- 8.11 Any Modification, including Change Orders, duly delivered after execution of Agreement.

There are no Contract Documents other than those listed above in this ARTICLE 8. The Contract Documents may only be altered, amended or repealed by a Modification (as defined in Article 1 of the General Conditions).

## **ARTICLE 9 - MISCELLANEOUS**

- 9.1 Terms used in this Agreement which are defined in Article 1 of the General Conditions shall have the meanings indicated in the General Conditions.

- 9.2 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically by without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.
- 9.3 OWNER and CONTRACTOR each binds himself, his partners, successors, assigns and legal representatives to the other party hereto, his partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.
- 9.4 In the event a suit, arbitration or other legal action is required by either the OWNER or the CONTRACTOR to enforce any provisions of this Agreement, the prevailing parties shall be entitled to all reasonable costs and reasonable attorney's fees upon trial or subsequent appeal.

IN WITNESS WHEREOF, the parties hereto have signed three counterparts of this Agreement.

This Agreement will be effective on \_\_\_\_\_, 2011.

OWNER:

**City of Canby  
111 NW 2<sup>nd</sup> Avenue  
Canby, OR 97013**

CONTRACTOR:

**Eagle-Elsner, Inc.  
P.O. Box 23294  
Tigard, OR 97281**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Address for giving notices:  
\_\_\_\_\_

## Project: 2011 Street Maintenance and Resurfacing Project

Bid Date: 5/18/11

1

2

3

4

5

6

**BID TABULATION**

Basic Bid		Eagle-Eisner, Inc.		Roy Houck Construction, LLC		Knife River		North Santiam Paving Co.		Granite Construction		Brix Paving Company	
	Units	Unit / Total		Unit / Total		Unit / Total		Unit / Total		Unit / Total		Unit / Total	
1 Mobilization	1 LS	\$ 42,519.75	\$	51,500.00	\$	94,925.00	\$	50,000.00	\$	80,929.80	\$	61,868.75	\$
2 1/2" Dense Mix Asphalt Concrete Prelevel	50 Tons	\$ 42,519.75	\$	51,500.00	\$	94,925.00	\$	50,000.00	\$	80,929.80	\$	61,868.75	\$
		\$ 85.00	\$	78.75	\$	75.70	\$	115.00	\$	95.00	\$	75.21	\$
3 1.5" Lift, 1/2" Dense Mix Asphalt Concrete Pavement Overlay	1500 Tons	\$ 4,250.00	\$	3,937.50	\$	3,785.00	\$	5,750.00	\$	4,750.00	\$	3,812.50	\$
		\$ 53.10	\$	62.00	\$	64.10	\$	69.00	\$	67.00	\$	72.89	\$
4 2" Lift, 1/2" Dense Mix Asphalt Concrete Pavement Overlay	6425 Tons	\$ 79,650.00	\$	93,000.00	\$	96,150.00	\$	103,500.00	\$	100,500.00	\$	113,835.00	\$
		\$ 53.70	\$	62.00	\$	57.65	\$	66.00	\$	66.00	\$	75.41	\$
5 4" Lift, 1/2" Dense Mix Asphalt Concrete Pavement Overlay	1170 Tons	\$ 345,022.50	\$	398,350.00	\$	370,401.25	\$	424,050.00	\$	424,050.00	\$	458,809.25	\$
		\$ 54.30	\$	62.00	\$	60.50	\$	66.00	\$	66.00	\$	69.77	\$
6 3/4" Crushed Rock Prelevel	5 Tons	\$ 63,531.00	\$	72,540.00	\$	70,785.00	\$	77,220.00	\$	77,220.00	\$	81,630.90	\$
		\$ 55.00	\$	115.00	\$	62.75	\$	105.00	\$	50.00	\$	50.00	\$
7 Grind Existing Pavement (6" Wide Panel, 2" Max. Depth)	1500 LF	\$ 4.10	\$	4.75	\$	8.70	\$	525.00	\$	4.30	\$	250.00	\$
		\$ 6.150.00	\$	7,125.00	\$	13,050.00	\$	6,450.00	\$	6,000.00	\$	340.90	\$
8 Existing Pavement Removal (Grinding/Milling/All Depths)	5200 SY	\$ 3.00	\$	1.85	\$	2.05	\$	2.25	\$	2.00	\$	4.00	\$
		\$ 15,600.00	\$	9,620.00	\$	10,660.00	\$	11,700.00	\$	2.00	\$	6,010.00	\$
9 Rotofill 6% In-Place Cement Treated Base Mixture, 10" Depth into Subgrade	5200 SY	\$ 3.75	\$	5.35	\$	5.35	\$	5.80	\$	10,400.00	\$	19,760.00	\$
		\$ 19,500.00	\$	27,820.00	\$	27,820.00	\$	30,160.00	\$	5.00	\$	4.97	\$
10 Pavement Reconstruction	45 SY	\$ 64.00	\$	36.75	\$	40.00	\$	44.00	\$	135.00	\$	92.36	\$
		\$ 2,430.00	\$	1,653.75	\$	1,800.00	\$	1,980.00	\$	6,075.00	\$	4,156.20	\$
11 Pervious Pavement Panel (8" Wide)	355 LF	\$ 70.50	\$	34.30	\$	39.00	\$	39.00	\$	47.00	\$	35.64	\$
		\$ 25,027.50	\$	12,176.50	\$	13,845.00	\$	13,845.00	\$	16,685.00	\$	12,652.20	\$
12 Petronat Geo-Technical Fabrick (12.5' width)	11667 SY	\$ 2.45	\$	1.50	\$	2.05	\$	1.80	\$	1.40	\$	2.00	\$
		\$ 28,584.15	\$	17,500.50	\$	23,917.35	\$	21,000.60	\$	16,333.80	\$	23,334.00	\$
13 12" Wide Stop Bars & Crosswalk Bars	220 LF	\$ 5.25	\$	5.25	\$	5.20	\$	5.00	\$	5.00	\$	5.00	\$
		\$ 1,155.00	\$	1,155.00	\$	1,144.00	\$	1,100.00	\$	1,100.00	\$	1,210.00	\$
14 4" Wide Yellow Centerline Stripe	3960 LF	\$ 1.20	\$	1.20	\$	1.20	\$	1.15	\$	1.15	\$	1.27	\$
		\$ 4,752.00	\$	4,752.00	\$	4,752.00	\$	4,554.00	\$	4,554.00	\$	5,029.20	\$
15 4" Wide White Parking Stripe	1420 LF	\$ 1.30	\$	1.30	\$	1.30	\$	1.25	\$	1.25	\$	1.38	\$
		\$ 1,846.00	\$	1,846.00	\$	1,846.00	\$	1,775.00	\$	1,775.00	\$	1,959.60	\$
16 2" Wide x 8' Long Continental Crosswalk	1536 SF	\$ 4.10	\$	4.00	\$	4.00	\$	4.00	\$	3.90	\$	4.29	\$
		\$ 6,297.60	\$	6,144.00	\$	6,144.00	\$	6,144.00	\$	5,990.40	\$	6,589.44	\$
17 ADA Legend	3 Ea	\$ 230.00	\$	210.00	\$	205.00	\$	200.00	\$	200.00	\$	220.07	\$
		\$ 690.00	\$	630.00	\$	615.00	\$	600.00	\$	600.00	\$	660.21	\$
18 Concrete Curb Type "C"	725 LF	\$ 39.70	\$	35.00	\$	41.50	\$	41.00	\$	25.00	\$	43.37	\$
		\$ 28,782.50	\$	25,375.00	\$	30,087.50	\$	29,725.00	\$	18,125.00	\$	31,443.25	\$
19 4" Concrete Sidewalk	390 SY	\$ 69.50	\$	68.50	\$	110.00	\$	88.00	\$	75.00	\$	72.69	\$
		\$ 27,105.00	\$	26,715.00	\$	42,900.00	\$	34,320.00	\$	29,250.00	\$	28,349.10	\$
20 Truncated Dome Detectable Warning Cast-In-Place	33 Ea	\$ 200.00	\$	262.00	\$	260.00	\$	160.00	\$	250.00	\$	437.10	\$
		\$ 6,600.00	\$	8,646.00	\$	8,580.00	\$	5,280.00	\$	8,250.00	\$	14,424.30	\$
<b>TOTAL BASIC BID</b>		<b>\$ 709,768.00</b>	<b>\$</b>	<b>771,061.25</b>	<b>\$</b>	<b>823,520.85</b>	<b>\$</b>	<b>829,678.60</b>	<b>\$</b>	<b>838,838.00</b>	<b>\$</b>	<b>903,716.80</b>	<b>\$</b>

\* Bold Numbers Indicate a math error

## **Management Team Meeting Minutes**

**May 9, 2011**

**2:00 PM**

### **City Hall Conference Room**

In attendance: Greg Ellis, Bryan Brown, Bret Smith, Renate Mengelberg, Amanda Klock, Sue Engels, Eric Laitinen, Penny Hummel, and Julie Wehling.

#### Julie Wehling

- Working on budget scenarios – need to cut \$250,000. Will recommend cutting service and not increasing the payroll tax at this time
- Need to purchase two buses in order not to lose the \$250k in funding (with a \$28k City match)

#### Amanda Klock

- New Council member being sworn in on May 18<sup>th</sup>
- Currently in AFSCME negotiations
- 2011-2012 insurance increase was quoted at 19.56%. Will be working with the insurance provider to get that rate reduced
- Will be advertising again for a PW Director

#### Bret Smith

- Attending a planning workshop tonight for the new police facility
- New officer will be sworn in May 18 and attending the police academy on May 23<sup>rd</sup>
- Suggested that budget committee members, or sub-committees, meet with department heads in advance of budget meetings to ask questions and understand budgets prior to public meetings

#### Penny Hummel

- Working on pairing Library Spanish speakers with English speakers

#### Greg Ellis

- IGA's passed for police funding
- City of Molalla was interested in sharing planning services with Canby. Now they're planning a presentation from the County
- Analysis done on URD was better than expected

#### Sue Engels

- Providing information to budget committee members, including changes to proposed numbers

#### Eric Laitinen

- Gator Grinder Triathlon was a success – Canby Police and CC Sheriff's office assisted
- Should have the ballot results in 9 days

#### Bryan Brown

- Shimadzu application came in last week and planning will start the review and move forward with a pre-app meeting
- Metro releasing 2010 employment data to communities soon

Renate Mengelberg

- Product Manufacturing is coming to Canby in September
- Papa Al's Greasy Spoon opens early June in the previous Tres Café location
- Will move forward with the GIS proposal/agreement that was presented previously

Minutes taken by Amanda Klock

## **Management Team Meeting Minutes**

**May 16, 2011**

**2:00 PM**

### **City Hall Conference Room**

In attendance: Greg Ellis, Bret Smith, Renate Mengelberg, Amanda Klock, Sue Engels, Eric Laitinen, Penny Hummel, John Kelley, Julie Wehling, and Kim Scheafer.

#### Greg Ellis

- Union Pacific Railroad is offering an opportunity to ride an UPCARES train in Canby on Wednesday May 18 at 9 AM

#### Renate Mengelberg

- Out of office May 17 – 25. Attending the Main Street Conference.
- Met with insurance company about relocating to Canby
- BOWCO is looking at making an improvement to their building
- Ami Keiffer is presenting the Main Street annual report to the Agency on Wednesday

#### John Kelley

- The railroad parking lot fence needs to be installed by September 27

#### Eric Laitinen

- Out of office next week

#### Sue Engels

- Need additions to fee schedule by May 23
- Budget and supplemental budget are going to Council on June 15
- Out of office the rest of the week

#### Julie Wehling

- Out of office May 19-23
- Working out contract issues with MV Transportation
- Need to work on details on where to park buses when railroad fence is installed

#### Amanda Klock

- Handed out evaluation schedules
- Working on AFSCME negotiations
- Met with Mayor and has scheduled an executive session for May 18

Minutes taken by Kim Scheafer

## **Management Team Meeting Minutes**

**May 23, 2011**

**2:00 PM**

### **City Hall Conference Room**

In attendance: Greg Ellis, Bryan Brown, Amanda Klock, Sue Engels, Penny Hummel, and Kim Scheafer.

#### Kim Scheafer

- Reviewed Agenda for June 1 CC Meeting
- CC vacancy notice has been published. Deadline for candidates is May 27.
- Deputy City Recorder position closes on June 3
- Will be on vacation May 26 & 27
- Dana Wipff is out of the office until May 26
- Kathy Mashek will be out of the office May 27

#### Amanda Klock

- Working on AFSCME negotiations
- Posting Urban Renewal Special Projects Manager position this week

#### Bryan Brown

- Shimadzu is having a ground breaking ceremony on June 3
- Planning Commission public hearing is tonight regarding the new police department
- Front door at new building needs to be ADA accessible
- Will be out Friday morning

#### Greg Ellis

- Meeting with public works candidate before work on Tuesday. Will be in late.
- Out of office Thursday at various meetings
- Spoke at Kiwanis today regarding Urban Renewal
- Will speak at Lions Club tonight regarding Urban Renewal
- There was a PERS article in today's *Oregonian*
- Out of office Friday afternoon

#### Penny Hummel

- Out of office May 27
- Working on performance evaluations

#### Sue Engels

- Working on Preliminary Official Statement for police department
- Consultants will be on-site Tuesday-Thursday to help with fixed assets, risk analysis, and GASB 54
- Please place all orders by June 15 for yearend paperwork
- Out of office May 27 & 31

Minutes taken by Kim Scheafer