



AGENDA

CANBY CITY COUNCIL REGULAR MEETING

June 15, 2011

7:30 PM

Council Chambers
155 NW 2nd Avenue

Mayor Randy Carson

Council President Walt Daniels
Councilor Richard Ares
Councilor Traci Hensley

Councilor Brian Hodson
Councilor Jason Padden
Councilor Greg Parker

WORK SESSION

6:00 P.M.

City Hall Conference Room
182 N Holly

This Work Session will be attended by the Mayor and City Council to discuss GASB 54 limitations.

CITY COUNCIL REGULAR MEETING

1. CALL TO ORDER

- A. Pledge of Allegiance and Moment of Silence
- B. Canby Livability Day Proclamation Pg. 1
- C. Canby Fire District #62 "Fill-the-Boot" Day Proclamation Pg. 2

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 June 1, 2011 City Council Work Session and Regular Meeting

7. PUBLIC HEARINGS

- A. Noise Variance for Sidewinder, Inc. dba The Wild Hare Saloon & Café Pg. 3
- B. State Revenue Sharing Funds
- C. 2010-2011 Fiscal Year Supplemental Budget
- D. 2011-2012 Fiscal Year Budget

8. RESOLUTIONS & ORDINANCES

- A. Res. 1101, Verifying City has Met Requirements to Receive Revenues from Cigarette, Gas and Liquor Taxes Pg. 6
- B. Res. 1102, Adopting 2010-2011 Supplemental Budget Pg. 8
- C. Res. 1103, Adopting Budget, Making Appropriations and Categorization for the 2011-2012 Fiscal Year Pg. 11
- D. Res. 1104, Extending Workers' Compensation Coverage to Volunteers of the City of Canby and Repealing Resolution 1066 Pg. 16
- E. Res. 1105, Adopting an Interagency Agreement Between the City of Canby and the Canby Swim Club, Inc. Pg. 19
- F. Ord. 1343, Authorizing a Contract with MV Transportation for Transit Services (2nd Reading) Pg. 28
- G. 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 (2nd Reading) Pg. 30
- H. Ord. 1345, Declaring City's Election to Receive State Revenue for 2011-2012 Fiscal Year Pg. 32

9. NEW BUSINESS

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

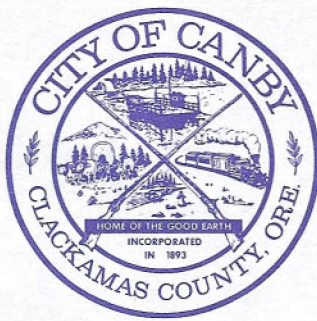
11. CITIZEN INPUT

12. ACTION REVIEW

13. EXECUTIVE SESSION: ORS 192.660(2)(h) Pending Litigation

14. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at www.ci.canby.or.us. 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.



Office of the Mayor

Proclamation

“Canby Livability Day”

WHEREAS, The Canby Livability Coalition is dedicated to maintaining the quality of life in the community of Canby by empowering citizens through educational opportunities and by providing resources to preserve livability for future generations; and

WHEREAS, Citizens, organizations, and neighborhood associations are encouraged to select community service clean-up projects and activities that beautify the City of Canby before summer festivities.

NOW, THEREFORE, I, Randy Carson, by the virtue of the authority vested in me as the Mayor of the City of Canby, hereby proclaim the fourth Sunday in June every year as:

Canby Livability Day

in Canby and encourage all citizens to join in this observance and volunteer on June 26, 2011 at one of the clean-up sites.

Given unto my hand this 15th day of June 2011.



Randy Carson
Mayor



Office of the Mayor

Proclamation

Canby Fire District #62 "Fill-the-Boot" Day

WHEREAS, Canby Fire District #62 has been working with the Muscular Dystrophy Association in their fight against neuromuscular disease; and

WHEREAS, "Fill-the-Boot" is an opportunity for Oregon firefighters to ask community members to drop donations into their fire boots to help local families served by MDA in the state. This year marks the 57th anniversary of the partnership between firefighters and MDA in the fight against muscle wasting diseases; and

WHEREAS, Canby Fire District #62 has spent many hours collecting money on the streets for this campaign; and

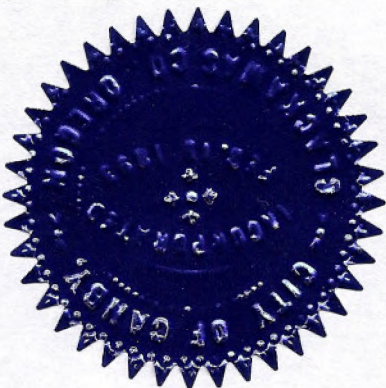
WHEREAS, firefighters, locally and nationally, are the largest contributors to the MDA. Canby Firefighters collected \$11,001.01 in 2010 to help in the fight against the 43 different types of neuromuscular diseases.

NOW, THEREFORE, I, Randy Carson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim Saturday, July 30 2011 as:

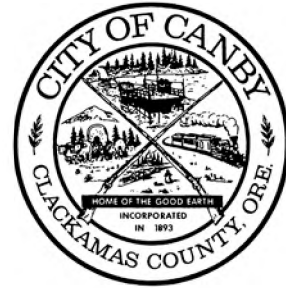
Canby Fire District #62
"Fill-the-Boot" Day for the City of Canby

Given unto my hand this 15th day of June, 2011

Randy Carson
Mayor



MEMORANDUM



TO: *Honorable Mayor Thompson and City Council*
FROM: *Kim Scheafer, CMC, City Recorder*
DATE: *June 6, 2011*
THROUGH: *Greg Ellis, City Administrator*

Issue: Request for Noise Variance

Synopsis: A request has been received from Sidewinder, Inc. dba The Wild Hare Saloon & Café for a noise variance for activities to be held on July 23 and August 19 and 20. The variance on July 23 is being requested to allow live music that will be performed outside between the hours of 7 p.m. and 12:00 a.m. The variance on August 19 and 20 is being requested to allow live music that will be performed outside between the hours of 9 p.m. and 1:00 a.m.

Per Canby Municipal Code Section 9.48.050B 4, at least 20 days prior to the public hearing a notice was mailed to property owners within 200' of the establishment, published in the Canby Herald, and posted in various locations around the City. Section 9.48.050B allows the Council to approve a variance after certain criteria which would apply to the facts of the requested variance are considered by the Council. In granting a variance, the Council shall consider:

- a. The protection of health, safety and welfare of citizens as well as the feasibility and cost of noise abatement.
- b. The past, present and future patterns of land use changes.
- c. The relative timing of land use changes.
- d. The acoustical nature of the sound emitted.
- e. Whether variance from the provision would produce a benefit to the public.

If, after review of the evidence submitted by the applicant and hearing any testimony from the public, the Council chooses to allow the variance as requested, a motion to grant the variance would be appropriate

Recommendation: Staff recommends Council approve the Noise Variance request.

Recommended Motion: *I move to grant a Noise Variance to the Wild Hare Saloon & Café on July 23, 2011 between the hours of 7 p.m. and 12:00 a.m. and on August 19 and 20, 2011 between the hours of 9 p.m. and 1 a.m. to allow them to provide live music outside located at 1190 SW First Avenue.*

TO: Canby City Council

FROM: Joan Monen

DATE: May 17, 2011

SUBJECT: Noise Variance

On Saturday, July 23rd The Wild Hare would like to have an outdoor concert on our property, located at 1190 SW First Ave. It will be called, "Canby 80's Harefest". The three bands that will perform are all Portland based bands that specialize in '80's type music.

Doors open at 5 pm and the first band will start at 7 pm. They are called "Radical Revolution". The second band and the one with the largest draw, is called "Stone in Love" and they are a Journey Tribute Band. The third band is called "Hair Assult" and they will end at approximately midnight. These three bands are performing in Beaverton in June and neighboring Wilsonville for the 4th of July. Their shows usually attract roughly 500 people and the average age of their fan base is 35-45. They are excited to list Canby as one of their destinations for their summer concert series.

The event will have 3-4 food vendors so our guests will have food available from the time the gates open until close. We hire a security company to help with crowd control and get approval from the OLCC for the event.

Thank you for taking the time to consider our request and I look forward to hearing from you.

Sincerely,



Joan Monen, President
Sidewinder, Inc.
DBA, The Wild Hare Saloon and Café

TO: Canby City Council
FROM: Joan Monen
DATE: May 17, 2011
SUBJECT: Noise Variance


For the last 7 years, The Wild Hare Saloon and Café has been a major sponsor of the Clackamas County Fair and Rodeo. Having events such as this in Canby is great for our local vendors and businesses and we want to continue to support it in the future. The rodeo week is a very busy one for The Wild Hare and to keep up with the volume of people that come through our door, we have put up a tent in our parking lot to accommodate the crowd. It is something our Crew looks forward to every year as do all the Cowboys that come into town. We hire a "Security" company to help with crowd control and get approval from the OLCC to increase our parameters.

Sidewinder Inc., would like to ask the Canby City Council for permission to have live music outside on Friday, August 19th and Saturday, August 20th. The music starts at 9 pm and will end no later than 1 am. We are located just south of town on the banks of the Molalla River. Very few people are affected by the noise and we are not in the middle of a residential area.

We enjoy providing entertainment for the community, visiting guests and would greatly appreciate the approval for this Variance.

Thank you for taking the time to consider our request and I look forward to hearing from you.

Sincerely,



Joan Monen, President
Sidewinder, Inc.
DBA, The Wild Hare Saloon and Café

M E M O R A N D U M

DATE: June 15, 2011
TO: Honorable Mayor Carson and City Council
FROM: Sue Engels, Finance Director
CC: Greg Ellis, City Administrator
RE: A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES.

Issue: Annual verification that the City has met the requirements to receive revenues from intergovernmental taxes

Background: ORS 221.760 Prerequisites for cities in counties over 100,000 population to receive revenues from cigarette, gas and liquor taxes. (1) The officer responsible for disbursing funds to cities shall disburse such funds in the case of a city located within a county having more than 100,000 inhabitants, according to the most recent federal decennial census, only if the officer reasonably is satisfied that the city meets the requirements or if the city provides four or more of the following municipal services; (a) Police protection, (b) Fire protection, (c) Street construction, maintenance and lighting, (d) Sanitary sewers, (e) Storm sewers, (f) Planning, zoning and subdivision control, or (g) One or more utility services.

Recommendation: That council adopts Resolution No. 1101 validating that the city has met the requirements to receive revenues from cigarette, gas, and liquor taxes.

Fiscal Impact: The city estimates amounts to be received are \$20,000 for cigarette taxes, \$180,000 for liquor taxes, and \$850,000 for gas taxes.

Attached: Resolution No. 1101

RESOLUTION NO. 1101

A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES.

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820, and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police protection
2. Fire protection
3. Street construction, maintenance, and lighting
4. Sanitary sewer
5. Storm sewers
6. Planning, zoning, and subdivision control
7. One or more utility services and:

WHEREAS, City officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760,

NOW, THEREFORE, BE IT RESOLVED, that the City of Canby, Clackamas County, Oregon hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

1. Police protection
2. Street construction, maintenance and lighting
3. Sanitary sewers
4. Planning, zoning and subdivision control
5. Storm sewers

This Resolution shall take effect on June 15, 2011.

ADOPTED by the Canby City Council at a regular meeting thereof on June 15, 2011.

Randy Carson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

MEMORANDUM



TO: *Honorable Randy Carson and City Council*
FROM: *Sue Engels, Finance Director*
DATE: *June 7, 2011*
THROUGH: *Greg Ellis, City Administrator*

Issue: Adoption of a second Supplemental Budget for the 2010-2011 fiscal year.

Synopsis: A supplemental budget is required when unanticipated revenues are received and the City wants to be able to spend or transfer them in the current fiscal year. Receipts from AAA for the Adult Center are more than anticipated. In order to be able to pass the revenue through to the Adult Center, the estimated additional revenue of \$20,000 and the additional expenditure need to be budgeted.

The other changes in the supplemental budget are changes in appropriations from one budget category to another within the same fund. Such changes can be accomplished by a resolution transfer, but they can also be included in a supplemental budget.

In the General fund, yearly adjustments of fleet costs to actual increased expenses for Parks and Police departments. Administration department experienced higher than expected costs for professional/technical services, OCTS support, Main Street supplies (flower baskets), utilities and the pass through of AAA revenues to the Adult Center. Transfers of appropriations from one category to another within departments will cover some of the shortfall. The balance of \$47,000 is covered by a transfer from Contingency.

Streets fund is increasing the personal services and materials & services categories by reducing appropriations for transfers. Transit fund and the Collections department within the Sewer Combined fund are covering their increased transfers to Fleet Services by reducing expenditures in capital and materials & services categories respectively.

Recommendation: Staff recommends that Council adopt Resolution 1102.

Attached: Resolution 1102

RESOLUTION NO. 1102

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR THE 2010-2011 FISCAL YEAR

WHEREAS, the City of Canby budget for the 2010-2011 fiscal year was adopted by the City Council at a thereof on Wednesday, June 16, 2010; and regular meeting thereof on Wednesday, June 16, 2010; and

WHEREAS, the City of Canby has since received unanticipated revenues and a supplemental budget is required in order to expend those revenues; and

WHEREAS, in order not to overspend appropriations in any category of expenditures, it is necessary to transfer appropriations within several funds from certain expenditure categories to other expenditure categories.

NOW THEREFORE, BE IT RESOLVED THAT:

Section 1. The following Supplemental Budget for the City of Canby for the 2010-2011 fiscal year is hereby adopted.

2010-2011 SUPPLEMENTAL BUDGET SUMMARY

Fund/Department	Resources		Requirements	
GENERAL FUND	AAA revenue	\$ 20,000	Contingency	\$ (47,000)
Administration			Materials & Services	47,000
Parks			Transfers	20,000
Building			Personal Services	3,000
			Materials & Services	(3,000)
Police			Personal Services	(9,642)
			Transfers	9,642
	Total Resources	<u>\$ 20,000</u>	Total Requirements	<u>\$20,000</u>
STREETS FUND			Personal Services	\$ 6,000
			Materials & Services	4,000
			Transfers	10,000
	Total Resources	<u>\$ -</u>	Total Requirements	<u>\$ -</u>
TRANSIT FUND			Capital	\$ (9,500)
			Transfers	9,500
	Total Resources	<u>\$ -</u>	Total Requirements	<u>\$ -</u>
SEWER COMBINED FUND				
Collections			Materials & Services	\$ (1,261)
			Transfers	1,261
	Total Resources	<u>\$ -</u>	Total Requirements	<u>\$ -</u>

This resolution shall take effect on June 15, 2011.

ADOPTED by the Canby City Council at a regular meeting thereof on June 15, 2011.

Randy Carson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

RESOLUTION NO. 1103

A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAX FOR THE 2011-2012 FISCAL YEAR

WHEREAS, a public hearing for the 2011-2012 City Budget was duly and regularly advertised and held on June 15, 2011; and be it resolved that the City Council of the City of Canby hereby adopts the budget approved by the Budget Committee;

WHEREAS, the City Council of Canby proposes to levy the taxes provided for in the adopted budget at the permanent rate of 3.4886 per \$1,000 and a local option levy of .42¢ per \$1000.00 of assessed property value and that these taxes be levied upon all taxable property within the district as of July 1, 2011. The following allocation and categorization subject to the limits of section 11, Article XI of the Oregon Constitution make up the above aggregate levy; now therefore

ADOPTING THE BUDGET

BE IT RESOLVED that the City Council of the City of Canby hereby adopts the budget for fiscal year 2011-12 in the total of \$26,233,203 now on file at City Hall, 182 N. Holly St., Canby, Oregon.

MAKING APPROPRIATIONS

BE IT RESOLVED that the amounts for the fiscal year beginning July 1, 2011, and for the purposes shown below are hereby appropriated:

GENERAL FUND

ADMINISTRATION	1,022,723
COURT	269,098
PLANNING	335,466
PARKS	469,888
BUILDING	216,507
POLICE	3,731,968
CEMETERY	99,856
FINANCE	441,353
TRANSFERS	895,478
CONTINGENCY	174,328
TOTAL	7,656,665

OTHER FUNDS**LIBRARY FUND**

PERSONAL SERVICES	646,396
MATERIALS & SERVICES	193,546
TRANSFERS	221,842
CONTINGENCY	36,764
TOTAL	1,098,548

STREET FUND

PERSONAL SERVICES	448,406
MATERIALS & SERVICES	189,775
CAPITAL OUTLAY	4,500
TRANSFERS	1,445,916
CONTINGENCY	44,234
TOTAL	2,132,831

FLEET SERVICES FUND

PERSONAL SERVICES	319,042
MATERIALS & SERVICES	528,379
CAPITAL OUTLAY	75,450
TRANSFERS	52,866
CONTINGENCY	56,408
TOTAL	1,032,145

911 EMERGENCY

MATERIALS & SERVICES	173,147
TRANSFERS	600
TOTAL	173,747

PARKS DEVELOPMENT FUND

MATERIALS & SERVICES	5,000
CAPITAL OUTLAY	923,358
TRANSFERS	600
TOTAL	928,958

LIBRARY ENDOWMENT FUND

CAPITAL OUTLAY	135,400
TRANSFERS	600
TOTAL	136,000

CEMETERY PERPETUAL CARE

TRANSFERS	600
TOTAL	600

FACILITIES FUND

PERSONAL SERVICES	47,830
MATERIALS & SERVICES	102,000
CAPITAL OUTLAY	89,160
TRANSFERS	2,000
CONTINGENCY	41,701
TOTAL	282,691

FORFEITURE FUND

MATERIALS & SERVICES	14,054
TRANSFERS	600
TOTAL	14,654

TECH SERVICES FUND

PERSONAL SERVICES	99,211
MATERIALS & SERVICES	96,000
CAPITAL OUTLAY	214,854
TRANSFERS	77,173
CONTINGENCY	25,223
TOTAL	512,461

TRANSIT FUND

PERSONAL SERVICES	147,479
MATERIALS & SERVICES	798,578
CAPITAL OUTLAY	274,785
TRANSFERS	475,193
CONTINGENCY	0
TOTAL	1,696,035

SWIM CENTER LEVY FUND

PERSONAL SERVICES	418,301
MATERIALS & SERVICES	121,560
CAPITAL OUTLAY	35,000
TRANSFERS	88,764
CONTINGENCY	43,760
TOTAL	707,385

DEBT SERVICE FUND

MATERIALS & SERVICES	219,453
DEBT SERVICE	74,518
TRANSFERS	58,769
TOTAL	352,740

SEWER COMBINED FUND

PERSONAL SERVICES	1,095,527
MATERIALS & SERVICES	641,975
CAPITAL OUTLAY	1,500,164
DEBT SERVICE	568,265
TRANSFERS	325,685
CONTINGENCY	200,000
TOTAL	4,331,616

STREET RESERVE

CAPITAL OUTLAY	3,009,216
TRANSFERS	600
TOTAL	3,009,816

CAPITAL RESERVE

CAPITAL OUTLAY	24,800
TRANSFERS	61,700
TOTAL	86,500

TOTAL APPROPRIATIONS, ALL FUNDS	\$24,153,392
TOTAL UNAPPROPRIATED AMOUNTS, ALL FUNDS	\$ 2,079,811
TOTAL ADOPTED BUDGET	\$26,233,203

IMPOSING THE TAX

BE IT RESOLVED that the City Council of the City of Canby hereby imposes the taxes provided for in the adopted budget:

- (1) At the rate per \$1,000 of assessed value of \$ 3.4886 for permanent rate tax;
- (2) At the rate per \$1,000 of assessed value of \$ 0.4200 for local option tax; and
- (3) In the amount of \$ 0 for debt service for general obligation bonds;

and that these taxes are hereby imposed and categorized for the tax year 2011-12 upon the assessed value of all taxable property within the district as follows:

CATEGORIZING THE TAX

	General Government Limitation	Excluded from Limitation
Permanent Rate.....	\$ 3.4886/\$1,000	
Local Option Tax.....	\$ 0.4200/\$1,000	
General Obligation Debt Service Fund.....		\$ 0

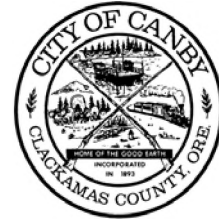
The above resolution statements were approved and declared adopted on this 15th day of June 2011.

Randy Carson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

MEMORANDUM



To: Mayor Carson and Canby City Council
From: Amanda Klock, Human Resource Director
Date: June 6, 2011
Through: Greg Ellis, City Administrator
Re: Resolution No. 1104

Background Summary

The City provides workers compensation coverage to volunteers, elected City officials and City boards and commissions. Coverage is provided through a resolution, which should be updated annually to capture any changes from current or prior year(s). The City's insurance provider, City County Insurance Services, requires the City to have a current volunteer resolution on file. The City of Canby volunteer resolution was previously updated in June 2010.

Recommendation

Staff recommends that the Council approve Resolution 1104, authorizing workers compensation coverage for City volunteers, elected officials and boards and commissions.

Attached

Resolution No. 1104

RESOLUTION NO. 1104

A RESOLUTION EXTENDING THE CITY OF CANBY'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF CANBY AND REPEALING RESOLUTION 1066.

WHEREAS, the Canby City Council elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteer workers listed on the Volunteer Election Form.

1. An assumed monthly wage of \$800 will be used for public safety volunteers; and
2. An aggregate assumed annual wage of \$2,500 will be used per volunteer board, commission and/or council for the performance of administrative duties; and
3. As assumed monthly wage of \$800 per month will be used for public officials for their performance of manual labor above and beyond the administrative duties covered by paragraph 2 above; and
4. Non-public safety volunteers will keep track of their hours and have their assumed payroll reported in the correct class code for the type of work being performed using Oregon minimum wage; and
5. Court-mandated community service workers/inmates on work release who are sentenced by the City of Canby's municipal court will keep track of their hours and have their assumed payroll reported in Class Code 7720V using Oregon minimum wage; and
6. A roster of active volunteers will be kept monthly for reporting purposes. It is acknowledged that CIS may request copies of these rosters during year-end audit; and
7. Unanticipated volunteer projects or exposure not addressed herein will be added onto the City of Canby's coverage agreement (1) by endorsement, (2) with advance notice to CIS, and (3) allowing two weeks for processing. It is hereby acknowledged that coverage of this type cannot be backdated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canby to provide for workers' compensation insurance coverage as indicated above. This resolution will be updated annually.

This resolution shall take effect July 1, 2011.

ADOPTED this 15th day of June 2011, by the Canby City Council.

Randy Carson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

M E M O R A N D U M

DATE: May 31, 2011
TO: Honorable Mayor Carson and City Council
FROM: Eric Laitinen, Aquatic Program Manager
CC: Greg Ellis, City Administrator
RE: A RESOLUTION FOR ANNUAL CONTRACT BETWEEN THE
CANBY SWIM CENTER AND THE CANBY SWIM CLUB.

Issue: Annual renewal of contract

Background: The Canby Swim Center and the Canby Swim Club has had a contract for pool space and we would like to continue this agreement for 2011-2012.

Recommendation: Staff recommends that the council approve Resolution 1105, which formally adopts the contract between the Canby Swim Center and the Canby Swim Club with no changes this year. As we have not changed any of our other fees for the 2011-2012 year, we would like to continue the contract at the same rate.

Fiscal Impact: The Canby Swim Center will receive \$15,885 for rental of pool space, \$200 for use of the copy machine and will pay for lifeguards during any swimming meets or other events.

Attached: Resolution No. 1105

RESOLUTION NO. 1105

A RESOLUTION ADOPTING AN INTERAGENCY AGREEMENT BETWEEN THE CITY OF CANBY AND THE CANBY SWIM CLUB, INC.

WHEREAS, the City of Canby and the Canby Swim Club, Inc., wish to enter into an Interagency Agreement for the purpose of establishing terms and conditions between the two entities to provide to Canby area competitive swimmers a service utilizing the Canby Swim Center, a City owned facility, and

WHEREAS, the Canby City Council believes it is in the best interests of the citizens of Canby to enter into such an Agreement, now therefore

IT IS HEREBY RESOLVED by the City of Canby Council as follows:

1. That the attached Interagency Agreement, marked as Exhibit "A" and by this reference incorporated herein, by and between the City of Canby and the Canby Swim Club, Inc. is hereby adopted. The Mayor is authorized to sign the Interagency Agreement on behalf of the City.
2. This resolution shall take effect on June 15, 2011.

ADOPTED this 15th day of June, 2011, by the Canby City Council.

Randy Carson
Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

CITY OF CANBY

INTERAGENCY AGREEMENT

This agreement is entered into between the CITY OF CANBY, hereinafter referred to as "CITY", a municipal corporation, and Canby Swim Club, Inc., hereinafter called "SERVICE AGENCY". This agreement is made and entered into between these parties on the date of the latest of the signatures hereto.

The purpose of this Agreement is to enable the SERVICE AGENCY to provide services for CITY citizens as described below:

I. SCOPE OF SERVICES:

A. SERVICE AGENCY SHALL:

1. Provide training and coaching of competitive swimming to Canby area youth, utilizing the Canby Swim Center, a CITY owned facility, in accordance with the SERVICE AGENCY by-laws, written policies and this AGREEMENT.
2. Compensate the CITY for use of the Canby Swim Center to offset facility maintenance costs and loss of pool time for other revenue-producing activities according to the addendum "Attachment A". Attachment A is provided annually at the conclusion of the City budget process and may be amended by the City upon sixty (60) days notice only in the event of a serious budget crisis; otherwise it is in effect unless and until the budget process amends it.
3. Honor all Canby Swim Center written rules and policies regarding the use of the Canby Swim Center office and facility during practices and meets.
4. Compensate the CITY for half of the maintenance contract for the copier in the Swim Center office. See "Attachment A" for the current cost.
5. Compensate the CITY for any extra times beyond what is described in this agreement when the SERVICE AGENCY will use the Canby Swim Center. Such extra time will only be available when the Swim Center is not already scheduled for public use. See "Attachment A" for current rates.
6. Provide two lifeguards at every swim meet, either by hiring the guards privately or compensating the CITY for said guards. All lifeguards are subject to approval by Swim Center staff. Wage information for the guards is determined through the annual budget process. See "Attachment A" for the current wage information.

a) At no time shall SERVICE AGENCY representatives be in the facility without a member of the Swim Center Staff.

7. Provide Canby Swim Center staff with a schedule of SERVICE AGENCY events sixty (60) days in advance.

B. CITY SHALL:

1. Maintain and schedule the Canby Swim Center facility in such a fashion that the broadest spectrum of the community can use and enjoy its programs.

2. Guarantee SERVICE AGENCY use of the facility for practices and competitions as detailed in "Attachment A". The cost for running meets will be the cost of two lifeguards and any resulting clean-up costs. All events must be scheduled with Swim Center management staff sixty (60) days in advance. Any and all pool time beyond the above schedule will be purchased by the SERVICE AGENCY at rates described in "Attachment A", which is updated with each budget year to cover CITY costs.

3. Allow authorized SERVICE AGENCY personnel use of the pool office during Swim Meets only.

4. Provide storage and display space as outlined in "Attachment A".

5. Maintain the facility in a safe, professional, and healthful fashion.

6. Meet monthly with SERVICE AGENCY members to ensure that any problems are resolved quickly, to effect the best possible communication, and to address common concerns and work together to improve the ability of both parties to serve their constituents.

7. Make every effort to schedule Canby Swim Center programs in such a way that the SERVICE AGENCY program can be successful without jeopardizing the financial health of the Canby Swim Center operation or causing undue disruption of the facility's availability to the general public.

II. INDEMNITY: The SERVICE AGENCY shall indemnify, save, and hold harmless the CITY and all of its agents and employees from any and all claims for losses, injuries, damages and liabilities to persons involved in sanctioned SERVICE AGENCY activities occasioned wholly or in part by the acts or omissions of the SERVICE AGENCY, its agents, officers, and employees while using CITY facilities or otherwise while performing its activities in agreement with the CITY.

III. INSURANCE: If required by the CITY, the SERVICE AGENCY shall provide a public liability insurance policy naming the CITY as an additional insured in an amount of one million dollars (\$1,000,000), combined single limit including bodily injury and property damage. Such insurance provided by the SERVICE AGENCY, and naming the CITY

as an additional insured, is for coverage during SERVICE AGENCY activities, occasioned wholly or in part by the acts or omission of the SERVICE AGENCY, its agents, officers, participants, and employees while using CITY facilities or otherwise performing its activities in agreement with the CITY.

IV. BREACH OF CONTRACT: In the event of any breach of any of the terms or provisions of this AGREEMENT, the CITY will notify the SERVICE AGENCY of the breach. The SERVICE AGENCY will be given thirty (30) days to remedy the breach. If the breach is not remedied within thirty (30) days the CITY shall have the right, in addition to any other recourse, to immediately terminate this AGREEMENT, to enter and obtain possession of any CITY owned facilities being utilized by the SERVICE AGENCY under this AGREEMENT, to remove and exclude any and all persons from said facilities and to remove and exclude all property of the SERVICE AGENCY therefrom, all without service of notice or resort to legal process and without any legal liability on its part.

V. In the event the breach of the AGREEMENT creates a risk of serious harm to either persons or property, the CITY may immediately terminate this AGREEMENT and enter and take possession of any CITY owned facilities being utilized by the SERVICE AGENCY under this AGREEMENT, remove and exclude any and all persons from said facilities and remove and exclude all property of the SERVICE AGENCY therefrom.

VI. INSPECTION BY CITY: The CITY shall have the right to make inspections of its facilities and equipment at any reasonable time with prior reasonable notice to ensure compliance with this AGREEMENT.

VII. SAVINGS: Should any provision of this AGREEMENT be found to be in conflict with any Federal law, State statute, or final decision of any court of competent jurisdiction, said provision shall be modified to comply with said law or decision, but all other provisions of this AGREEMENT shall remain in full force and effect.

VIII. AMENDMENT BY MUTUAL AGREEMENT: The parties hereto may, upon mutual agreement, amend the terms and conditions herein.

IX. TERMINATION: Either party may terminate this AGREEMENT upon ninety (90) days prior written notice, with or without cause. The SERVICE AGENCY agrees that it will deliver any CITY facilities or property including any permanently attached accessories or improvements to the CITY at the termination of this AGREEMENT in as good a condition and state of repair as when received, except for ordinary wear and tear or loss or damage caused by an act of God. CITY acknowledges that the timing system display is the property of the SERVICE AGENCY.

IN TESTIMONY of which, this AGREEMENT has been executed on behalf of the CITY by its Mayor and attested by its City Administrator and has been executed by or on behalf of the above named SERVICE AGENCY on this ____ day of _____, 2011.

SERVICE AGENCY:

CITY OF CANBY

Name

Mayor

Title

Date

Date

City Administrator

Date

ATTACHMENT "A"
CITY OF CANBY INTERAGENCY AGREEMENT
CANBY SWIM CLUB, INC.

I. For the year commencing September 1, 2011 and ending August 31, 2012 the SERVICE AGENCY will be charged \$15,885 for use of the Canby Swim Center as scheduled:

A. The SERVICE AGENCY is entitled to six (6) lanes for two and one-half hours (2 ½) hours each P.M., Monday-Friday.

B. The SERVICE AGENCY has use of one (1) lane for two (2) hours during the facility's normal Monday-Friday A.M. lap swim.

C. The SERVICE AGENCY may conduct eight (8) full-day events each year that will affect the Swim Center public schedule. The cost for running meets will be the cost of two lifeguards and any resulting clean-up costs. All events must be scheduled with Swim Center management staff sixty (60) days in advance.

II. The base fee of \$15,885 will be due in three equal payments December 15, 2011; February 15, 2012; and May 15, 2012.

A. Pool maintenance: Each year the pool closes for extensive maintenance. The Club may elect to provide up to four adults, each subject to the facility manager's approval, to assist with this maintenance. Each man-hour worked will deduct \$10 from the above total (max. \$1,600).

III. Any and all pool time beyond the above schedule will be purchased by the SERVICE AGENCY at the rate of \$64.00 per hour, which is the base operating hourly cost for the Swim Center.

IV. The Canby Swim Club will pay \$200.00 annually to offset the annual copier maintenance contract and paper use.

V. The current charge for lifeguards is \$11.00 per hour.

VI. Storage and Display:

A. The CITY will provide the following storage space for the SERVICE AGENCY:

1. The CITY will offer a storage shed of approximately 200 square feet located outside the Swim Center building.

2. The CITY will allow the locked cabinet at the northwest Corner of the facility.

3. The CITY will allow the use of the base cabinet in the staff changing room at southwest corner of the building.
4. The CITY will allow the touch pad caddy and Announcer and Timing Podiums at northeast corner of Facility.
5. All storage areas will be kept neat and orderly by the SERVICE AGENCY. Nothing flammable or of an unsafe nature will be stored.
6. No structural changes can be made to the storage facility, cabinets or podiums without permission of the CITY.

B. The CITY will provide display space for the SERVICE AGENCY as follows:

1. The CITY will allow those portions of the north and west walls currently covered w/ bulletin board and record boards.
2. The SERVICE AGENCY will maintain these spaces to a presentable standard.
3. No structural modifications to these boards can be made without the consent of the CITY.
4. The CITY will allow the hanging of sponsor banners along the East air system. Banner design and dimensions must be approved by Swim Center staff.

C. Should the CITY require the storage or display area for CITY purposes, the SERVICE AGENCY will be notified at least 90 days in advance of the change. The CITY will endeavor to work with the SERVICE AGENCY to find alternative storage and display space.

VII. SHARED EQUIPMENT:

A. The CITY and SERVICE AGENCY share equipment whenever it makes sense to do so. Shared equipment is purchased and maintained on a 50-50 basis. The parties will meet annually during September to discuss the shared equipment and plan for maintenance and replacement so that both parties can budget the needed funds. A list of shared equipment will be maintained by both the CITY and the SERVICE AGENCY and updated annually.

SERVICE AGENCY:

CITY OF CANBY

Name

Mayor

Title

Date

Date

City Administrator

Date

ORDINANCE NO. 1343

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MV TRANSPORTATION, INC OF FAIRFIELD, CALIFORNIA FOR PROVIDING TRANSIT OPERATIONS FOR CANBY AREA TRANSIT (CAT); AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby on behalf of Canby Area Transit (CAT) heretofore issued Request for Proposal (RFP) CAT2011 on March 18, 2011 requesting proposals from qualified companies for Canby Area Transit Operations; and

WHEREAS, the City of Canby received proposals from four (4) potential companies as follows on or before 5:00 pm on April 15, 2011:

Company Name:

MV Transportation, Inc.
Oregon Housing & Associated Services (OHAS)
First Transit, Inc.
Marson Transit, Inc.

WHEREAS, following an interview process, a four (4) member Selection Committee met on April 21, 2011, to score the proposals in accordance with the Evaluation Criteria detailed in the RFP.

WHEREAS, MV Transportation, Inc. received the top score of 94% and was identified unanimously by the Selection Committee as the most able, experienced and cost efficient proposer; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and the 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 MV Transportation, Inc. of Fairfield, California to provide transit operations for the City's Transit System. A copy of said contract is attached hereto as Exhibit "A" and by this reference incorporated herein.

Section 2. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to implement this ordinance in order to be able to provide its transit service to local citizens without further delay, 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 thereof on Wednesday, June 1, 2011, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, June 15, 2011 commencing at the hour of 7:30 P.M. in the City Council Chambers located at 155 NW 2nd 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 June 15, 2011, by the following vote:

YEAS _____

NAYS _____

Randy Carson
Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

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.

2nd Reading

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 2nd 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

2nd Reading

M E M O R A N D U M

DATE: June 15, 2011
TO: Honorable Mayor Carson and City Council
FROM: Sue Engels, Finance Director
CC: Greg Ellis, City Administrator
RE: ORDINANCE DECLARING THE CITY'S ELECTION TO
RECEIVE REVENUE FOR FISCAL YEAR 2011-2012.

Issue: An ordinance declaring the City's election to receive state revenues for fiscal year 2011-2012.

Background: State Revenue Sharing Law, ORS 221.770, requires cities to annually pass an ordinance or resolution requesting state revenue sharing money. The law mandates public hearings be held by the city, both before the budget committee to discuss possible uses of the funds and before the city council on the proposed uses of the funds in relation to the entire budget. Certification of these hearings are required this has to be done and filed with the Office of Business Administration prior to July 31.

Recommendation: That council adopt Ordinance No. 1345 declaring the city's election to receive state revenue for fiscal year 2011-2012.

Fiscal Impact: The amount estimated by the city to receive is approximately \$100,000.

Attached: Ordinance No. 1345

ORDINANCE NO. 1345

AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2011-2012.

WHEREAS, a public hearing for the use of state revenue sharing funds was held before the Budget Committee on May 11, 2011, and before City Council on June 15, 2011; now therefore,

THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1 Pursuant to ORS 221.770, the City of Canby hereby elects to receive state revenues for fiscal year 2011-2012.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, June 15, 2011, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, July 6, 2011, commencing at the hour of 7:30 pm at the Council Meeting Chambers located at 155 N.W. 2nd Avenue, Canby, Oregon.

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 6th of July 2011, by the following vote:

YEAS _____ NAYS _____

Randy Carson
Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

Management Team Meeting Minutes

May 31, 2011

2:00 PM

City Hall Conference Room

In attendance: Greg Ellis, Bryan Brown, Amanda Klock, Eric Laitinen, Renate Mengelberg, and Kim Scheafer.

Kim Scheafer

- No new applicants applied for CC vacancy
- Deputy City Recorder position closes on June 3
- Will be at training on Friday with Erin Burckhard and Kathy Mashek

Amanda Klock

- Working on AFSCME negotiations
- Urban Renewal Special Project Manager position closes June 9

Renate Mengelberg

- Attended Main Street Conference last week
- She and Ami Keiffer met with some local business owners about launching First Friday starting June 3
- Working on having a site selector come to Canby in July

Greg Ellis

- Speaking about Urban Renewal at a joint neighborhood association meeting on June 30 at Hope Village
- Sewer rate presentation will be done at City Council Meeting tomorrow night
- Stormwater Committee met this morning. Collections for wastewater and stormwater will be under the Street Department. Public Works Director will supervise all departments located at the City Shops and Wastewater Treatment Plant.

Eric Laitinen

- Summer swim schedule starts June 13

Bryan Brown

- Today is the end of appeal period for Shimadzu
- Was told that the Police Department would be submitting pre-construction plans this week
- A Special Planning Commission meeting is being held on June 6 for approval of the Police Department Final Order
- June 13 Planning Commission meeting has been cancelled
- Workshop to discuss the design of the future Otto Rd./99E Access will be held on June 2, 6:30 PM at Hope Village

Minutes taken by Kim Scheafer

Management Team Meeting Minutes

June 6, 2011

9:00 AM

City Hall Conference Room

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

Kim Scheafer

- Reviewed Agendas for June 15 City Council and URA meetings.

Each Department Director reviewed their Five Year Departmental Goals/Action Plans. Staff will work on compiling Departmental Goals under each City Council Goal. The document will be presented to the Council in early fall.

Minutes taken by Kim Scheafer