



## AGENDA

### CANBY CITY COUNCIL REGULAR MEETING

February 2, 2011

7:30 PM

Council Chambers

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

*Mayor Randy Carson*

*Council President Walt Daniels*

*Councilor Richard Ares*

*Councilor John Henri*

*Councilor Brian Hodson*

*Councilor Jason Padden*

*Councilor Greg Parker*

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### WORK SESSION

6:00 PM

City Hall Conference Room

182 N Holly

This Work Session will be attended by the Mayor and City Council to receive a mid-year budget review.

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### CITY COUNCIL REGULAR MEETING

**1. CALL TO ORDER**

A. Pledge of Allegiance and Moment of Silence

**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 January 19, 2011 City Council Regular Meeting

B. Appointment to the Bike & Pedestrian Committee

Pg. 1

C. Annual Liquor License Renewals

Pg. 2

**7. PUBLIC HEARING**

A. 2010-2011 Supplemental Budget

**8. RESOLUTIONS & ORDINANCES**

- A. Res. 1083, Supporting the Submission of Safe Routes to School Grant Application Pg. 6
- B. Res. 1084, Adopting a Supplemental Budget for the 2010-2011 Fiscal Year Pg. 18
- C. Res. 1085, Establishing an Application Fee for a Withdrawal of Territory Application from the City of Canby Pg. 21
- D. Res. 1086, Adopting an IGA with Clackamas County for Design and Construction of Sidewalk and Drainage Improvements Along NE 3<sup>rd</sup> and NE 4<sup>th</sup> Avenues Pg. 31

**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](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  
APPLICATION  
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

*Instructions: By using either your tab key or arrow keys, navigate to each field and type in your information. When complete, save the document to your computer and either mail, fax or email to the addresses listed below.*

Date: January 16, 2011

Name: Sharon R. Trimble

Occupation: teacher

Home Address:

Employer: none

Position:

Daytime Phone:

Evening Phone:

E-Mail Address:

For which position are you applying? Bike and Pedestrian Committee

What are your community interests (committees, organizations, special activities)? We are new to Canby. My daughter is a girl scout and we attend the Canby United Methodist Church.

Experience and educational background: I have been a bicycle tour leader in Vermont and in WA state. I am a licensed teacher (resigned a position to move to Canby with my family).

Reason for your interest in this position: My family is interested in walking, biking, all things active. One reason we chose the house we bought was sidewalks! We can walk on sidewalks all the way to town or school. A town safe for walking and biking is very important.

List any other City or County positions on which you serve or have served: none

Information on any special membership requirements: none

Referred by (if applicable): Canby Herald

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

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

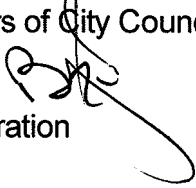
*Please return to:*      *City of Canby*  
*Attn: City Recorder*  
*182 N Holly Street*  
*PO Box 930*  
*Canby, OR 97013*

*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*

# Memo

To: Mayor Randy Carson & Members of City Council  
From: Bret J. Smith, Chief of Police   
CC: Kim Scheafer, General Administration  
Date: January 21, 2011  
Re: Annual Liquor License Renewals

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I have reviewed the OLCC list of businesses located within the City of Canby that are eligible for liquor license renewal. Please see the attached list of businesses that have been identified by OLCC.

I recommend the Canby City Council approve these requests for renewal to the Oregon Liquor Control Commission (OLCC).

License No./ Expiration	Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
136167 3/31/2011	<b>76 OF CANBY</b> RBS PETROLEUM LLC O - OFF-PREMISES SALES	453 SE 1ST AVE CANBY, OR 97013 503-475-0355	30085 SW PARKWAY AVE WILSONVILLE, OR 97070
136754 3/31/2011	<b>7-ELEVEN STORE #2363-17845C</b> JOLENE BAIRD O - OFF-PREMISES SALES	109 SE 1ST CANBY, OR 97013 503-266-5111	10220 SW GREENBURG RD # PORTLAND, OR 97223
134759 3/31/2011	<b>AMERICAN LEGION POST #122 CANBY</b> AMERICAN LEGION #122, CANBY F-CLU - FULL ON-PREMISES SALES	424 NW 1ST CANBY, OR 97013 503-266-9235	PO BOX 121 CANBY, OR 97013
134945 3/31/2011	<b>BLACKJACK DELI &amp; MORE</b> BLACKJACK DELI & MORE LLC L - LIMITED ON-PREMISES SALES	1110 SW 1ST AVE CANBY, OR 97013 503-651-9000	14924 SE LOSTINE DR CLACKAMAS, OR 97015
137836 3/31/2011	<b>CANBY GRAND CENTRAL STATION</b> CANBY GRAND CENTRAL STATION LLC F-COM - FULL ON-PREMISES SALES	101 N ELM ST CANBY, OR 97013 503-266-3805	
136652 3/31/2011	<b>CANBY LANES</b> CANBY LANES INC L - LIMITED ON-PREMISES SALES	145 SW 1ST CANBY, OR 97013 503-887-5217	
134097 3/31/2011	<b>CANBY PUB &amp; GRILL</b> BUTLER INVESTMENTS INC F-COM - FULL ON-PREMISES SALES	211 N GRANT CANBY, OR 97013 503-263-6606	211 N GRANT CANBY, OR 97013
122375 3/31/2010	<b>CANBY SHELL</b> CANBY SHELL LLC O - OFF-PREMISES SALES	293 SW 1ST CANBY, OR 97013 503-266-8579	
137580 3/31/2011	<b>CUTSFORTH THRIFTWAY</b> GEF INC O - OFF-PREMISES SALES	225 NE 2ND CANBY, OR 97013 503-266-2016	
137579 3/31/2011	<b>DENNY'S RESTAURANT</b> CANBY-DENN INC F-COM - FULL ON-PREMISES SALES	1369 SE 1ST AVE CANBY, OR 97013 503-421-6957	
148233 3/31/2011	<b>EL TORITO MEAT MARKET</b> EL TORITO MEAT MARKET #3 LLC O - OFF-PREMISES SALES	23300 S 99 HWY E CANBY, OR 97013 503-263-4866	2158 LANCASTER DR SALEM, OR 97305
148234 3/31/2011	<b>EL TORITO MEAT MARKET</b> EL TORITO MEAT MARKET #3 LLC L - LIMITED ON-PREMISES SALES	23300 S 99 HWY E CANBY, OR 97013 503-263-4866	2158 LANCASTER DR SALEM, OR 97305
133820 3/31/2011	<b>FISHER'S MEATS</b> WILLARD J. STONE O - OFF-PREMISES SALES	272 N GRANT CANBY, OR 97013 503-266-5678	
135936 3/31/2011	<b>FRED MEYER</b> FRED MEYER STORES INC O - OFF-PREMISES SALES	1401 SE 1ST CANBY, OR 97013 503-797-7134	PO BOX 42121 PORTLAND, OR 97242
135573 3/31/2011	<b>FULTANO'S PIZZA</b> ROMINE PIZZA CO L - LIMITED ON-PREMISES SALES	715 SE 1ST CANBY, OR 97013 503-266-1444	

License No./ Expiration	Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
137298 3/31/2011	<b>GODFATHER'S PIZZA</b> ARCADIA PIZZA COMPANY INC L - LIMITED ON-PREMISES SALES	1477 SE 1ST AVE #101 CANBY, OR 97013 503-263-2000	1905 NW 169TH PL # 201 BEAVERTON, OR 97006
135312 3/31/2011	<b>GOLD DRAGON</b> LAM P. PHAN F-COM - FULL ON-PREMISES SALES	204 SW 2ND CANBY, OR 97013 503-263-1877	
133638 3/31/2011	<b>HWY 99 SOUTH CANBY QUIK MART</b> HWY 99 SOUTH CANBY QUIK MART LLC O - OFF-PREMISES SALES	1120 SW 1ST CANBY, OR 97013 503-266-9515	
148254 3/31/2011	<b>JOY KITCHEN</b> JOY KITCHEN INC L - LIMITED ON-PREMISES SALES	314 NW 1ST AVE CANBY, OR 97013 503-266-8898	14986 SE SIEBEN CR DR CLACKAMAS, OR 97015
142252 3/31/2011	<b>LA CONASUPER</b> ALFREDO L. LOPEZ O - OFF-PREMISES SALES	733 SE 1ST AVE CANBY, OR 97013 503-830-2977	
137422 3/31/2011	<b>LA MIXTECA MARKET</b> RUFINO ZURITA O - OFF-PREMISES SALES	205 SW 1ST CANBY, OR 97013 503-266-6757	PO BOX 251 CANBY, OR 97013
137512 3/31/2011	<b>LOS DORADOS MEXICAN RESTAURANT</b> LOS DORADOS INC F-COM - FULL ON-PREMISES SALES	1011 SW 1ST AVE CANBY, OR 97013 503-263-3940	
133605 3/31/2011	<b>MARVEL'S LONE ELDER PIZZA</b> MARVEL Y. ELLIS L - LIMITED ON-PREMISES SALES	207 SW 1ST CANBY, OR 97013 503-819-6701	922 N MAPLE LN CANBY, OR 97013
136307 3/31/2011	<b>MIKE'S PLACE</b> CHRS INC O - OFF-PREMISES SALES	404 NW 1ST AVE CANBY, OR 97013 503-407-1240	2005 CONESTOGA LN WEST LINN, OR 97068
136462 3/31/2011	<b>MIKE'S PLACE</b> CHRS INC F-COM - FULL ON-PREMISES SALES	404 NW 1ST AVE CANBY, OR 97013 503-407-1240	2005 CONESTOGA LN WEST LINN, OR 97068
134113 3/31/2011	<b>NUEVO VALLARTA RESTAURANT</b> PUERTO VALLARTA RESTAURANTS INC F-COM - FULL ON-PREMISES SALES	1385 SE 1ST AVE #104 CANBY, OR 97013 503-266-1782	
136297 3/31/2011	<b>PUDDIN RIVER CHOCOLATES &amp; WINE BAR</b> PUDDIN RIVER CHOCOLATES & CONFECTIONS INC O - OFF-PREMISES SALES	332 NW 1ST AVE CANBY, OR 97013 503-263-2626	1440 S IVY ST CANBY, OR 97013
136386 3/31/2011	<b>PUDDIN RIVER CHOCOLATES &amp; WINE BAR</b> PUDDIN RIVER CHOCOLATES & CONFECTIONS INC L - LIMITED ON-PREMISES SALES	332 NW 1ST AVE CANBY, OR 97013 503-263-2626	1440 S IVY ST CANBY, OR 97013
137539 3/31/2011	<b>RESTAURANTE URUAPAN</b> ESTEBAN M. LOPEZ L - LIMITED ON-PREMISES SALES	851 SW FIRST AVE CANBY, OR 97013 503-263-4482	
133991 3/31/2011	<b>RITE AID #5325</b> THRIFTY PAYLESS INC O - OFF-PREMISES SALES	891 SE 1ST AVE CANBY, OR 97013 503-266-6381	PO BOX 3165 HARRISBURG, PA 17105

License No./ Expiration	Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
136909 3/31/2011	<b>ROUNDERS</b> ROUNDERS LLC L - LIMITED ON-PREMISES SALES	224 NW 1ST AVE CANBY, OR 97013 503-705-0588	11416 NE HALSEY PORTLAND, OR 97220
135646 3/31/2011	<b>SAFEWAY STORE #2604</b> SAFEWAY INC O - OFF-PREMISES SALES	1055 SW 1ST AVE CANBY, OR 97013 503-266-5535	PO BOX 29096 PHOENIX, AZ 85038
136293 3/31/2011	<b>SMOKE 4 LESS</b> PRABEZ LLC O - OFF-PREMISES SALES	1021 SW 1ST AVE # A CANBY, OR 97013 503-651-2642	
133842 3/31/2011	<b>THAI DISH</b> THAI DISH INC L - LIMITED ON-PREMISES SALES	108 N IVY ST CANBY, OR 97013 503-263-9898	
133829 3/31/2011	<b>THE WILD HARE SALOON &amp; CAFE</b> SIDEWINDER INC F-COM - FULL ON-PREMISES SALES	1190 SW FIRST CANBY, OR 97013 503-651-4273	
133865 3/31/2011	<b>TNT MARKET</b> WHK INC O - OFF-PREMISES SALES	164 SE 1ST AVE CANBY, OR 97013 503-266-2020	
134686 3/31/2011	<b>WALGREENS #10893</b> WALGREEN CO O - OFF-PREMISES SALES	1080 SW 1ST AVE CANBY, OR 97013 503-263-1600	PO BOX 901 DEERFIELD, IL 60015
134761 3/31/2011	<b>WILLAMETTE VALLEY COUNTRY CLUB</b> WILLAMETTE VALLEY CNTRY CLUB INC F-CLU - FULL ON-PREMISES SALES	900 COUNTRY CLUB PL CANBY, OR 97013 503-266-4066	PO BOX 988 CANBY, OR 97013

Count for CANBY

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## **RESOLUTION NO. 1083**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY SUPPORTING THE SUBMISSION OF SAFE ROUTES TO SCHOOL GRANT APPLICATION**

**WHEREAS**, Safe Routes to School programs are recognized nationally and internationally as effective tools to enable and encourage students to walk and bicycle safely to school; and

**WHEREAS**, having safer routes to and from schools aims to decrease pedestrian and bicycling related injuries, not just for students, but for the entire community; and

**WHEREAS**, the Oregon Safe Routes to School Program has reimbursement funds available, and

**WHEREAS**, the local Safe Routes to School application (via the Canby Bicycle and Pedestrian Citizen Committee) has expressed a desire for pedestrian improvements as described in Exhibit A: Oregon Department Of Transportation Safe Routes To School Program Infrastructure Application Form Federal Program Year 2012, and

**WHEREAS**, the proposed Oregon Safe Routes to School Program reimbursement application will request funds totaling 284,580 for construction and design of projects listed in Exhibit A: Oregon Department Of Transportation Safe Routes To School Program Infrastructure Application Form Federal Program Year 2012, and

**WHEREAS**, on November 16, 2010 the Committee successfully applied to be a Safe Routes to School district for five of the eight schools eligible for the program: Knight, Eccles, Lee, Baker Prairie, and Ackerman, and

**WHEREAS**, the listed improvements are generally consistent with the City's Transportation System Plan, and

**WHEREAS**, a letter of support and resolution is required showing support from the City of Canby.

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

1. Endorses the submittal of an application to the Oregon Safe Routes to School Program for the projects listed in Exhibit A: Oregon Department Of Transportation Safe Routes To School Program Infrastructure Application Form Federal Program Year 2012.



This resolution will take effect on February 2, 2011.

ADOPTED this 2<sup>nd</sup> day of February 2011 by the Canby City Council.

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Randy Carson  
Mayor

ATTEST:

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Kimberly Scheafer, CMC  
City Recorder

**Oregon Department of Transportation**  
**Safe Routes to School Program**

**INFRASTRUCTURE APPLICATION  
FORM**

**Federal Program Year 2012**

- |                          |                           |                       |
|--------------------------|---------------------------|-----------------------|
| <input type="checkbox"/> | SRTS Action Plan Template | Due: 16 November 2010 |
| <input type="checkbox"/> | SRTS Notice of Intent     | Due: 16 November 2010 |
| <input type="checkbox"/> | Application Form          | Due: 14 January 2011  |

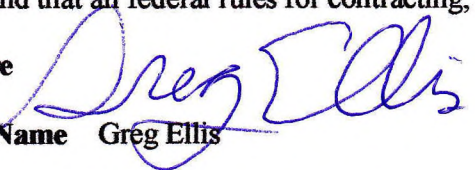
**Before completing these forms,  
read attached Applicant Information and Instructions  
or available at:**

**[www.oregon.gov/ODOT/HWY/LGS](http://www.oregon.gov/ODOT/HWY/LGS)**

**Submit forms to:**

**ODOT Safe Routes to School Program  
David A. Galati, Program Manager  
3930 Fairview Industrial Drive SE – MS#2  
Salem OR 97302-1166**

**PART 1****Section 1: Project Summary and Certification**Use this page or replica. Keep this section on one page.

<b>APPLICANT</b>	
Agency	City of Canby
Address	182 N. Holly St. Canby, OR 97013
Contact	Greg Ellis
Title	City Administrator
Telephone	(503) 266-4021
Email	ellisg@ci.canby.or.us
<b>CO-APPLICANT (if any)</b>	
Name	Contact
Address	Title
	Telephone
<b>PROJECT NAME:</b> Canby Safe Routes to School	
<b>LOCATION:</b> Canby, Oregon	
<b>PROJECT DESCRIPTION (one line):</b> This proposed project aims to improve the crossing areas immediately surrounding and within 0.5 miles of the schools in Canby by installing flashing lights at the most vulnerable crossings for children, re-painting existing, less vulnerable crossing areas, adding signage, and providing increased speed enforcement via feedback signs.	
<b>LENGTH / QUANTITY:</b> Project component implementations are expected to take between six to twelve months. Total crosswalk improvements are sixteen current and distinct crossing areas and one new crossing area, eight speed feedback signs for the four schools on the busiest roads, and eight new signs.	
<b>COST SUMMARY</b>	<b>RIGHT-OF-WAY ISSUES</b>
TOTAL Project Cost (from cost estimate page) \$ 284,580	Project site owned by applicant/co-applicant?
Non-SRTS Project Costs \$ 0	[ X ] yes [ ] no [ ] partly [ ] N/A
Matching funds (not required for SRTS funding) \$ 0	
SRTS Funds Requested \$ 284,580	Property to be purchased? [ ] yes [X] no
	Easements or donated property? [ ] yes [X] no
<b>CERTIFICATION</b>	
I certify that the City of Canby supports the proposed project, has the legal authority to pledge matching funds, and has the legal authority to apply for Safe Routes to School funds. I understand that this is not a grant application, that it is a request for reimbursement through the federal aid system, and that all federal rules for contracting, auditing, and payment will apply to this project.	
Signature 	Date 01-14-2011
Printed Name Greg Ellis	Title City Administrator



## PART 1, Section 2: Project Funding Information

### Cost Estimate

Use this form or equivalent. **Refer to Appendix C** before beginning. Change line spacing and headings to reflect relevant items of work for proposed project.

**Quantity (Q)                      Unit Price (UP)                      Cost (Q x UP)**

**PRELIMINARY ENGINEERING(PE)**

#### Project Administration

1. Sponsor's administrative costs
2. ODOT administrative costs

		\$ 10,000
		10,000

#### Environmental Process

(suggested minimum \$5,000)

		5,000

#### **RIGHT-OF-WAY (ROW)**

1. Appraisal – certification fees
2. Purchase – easement cost
3. Other

	<b>Total PE</b>	25,000
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		0
		0

	<b>Total ROW</b>	0
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#### **CONSTRUCTION (CONST)**

Mobilization and Traffic control/TP&DT (10%)

1	19,665	19,665
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#### Rectangular Rapid Flash Beacon (RRFB) Flashing Crosswalk Signs, equipment and installation

SE 13th Ave. and S. Lupine St. (crossing 13th)

1	15,000	15,000
---	--------	--------

SW 11th Ave. and S. Ivy St. (crossing Ivy)

1	15,000	15,000
---	--------	--------

S. 9th Ave. and S. Redwood St. (crossing Redwood)

1	15,000	15,000
---	--------	--------

N. 5th Ave. and N. Ivy St. (crossing Ivy)

1	15,000	15,000
---	--------	--------

NW 5th Ave. and N. Holly St. (crossing Holly)

1	15,000	15,000
---	--------	--------

NW 5th Ave. and N. Grant St. (crossing Grant)

1	15,000	15,000
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**Cost Estimate (continued)**NW 5th Ave. and N. Douglas St.  
(crossing 5th)NW 5th Ave. and N. Cedar St.  
(crossing Cedar)**Speed Feedback Signage,  
mobile attachment to existing  
poles with data collection  
software**

Baker Prairie, S. Township Rd.

Knight School, N. Grant St.

Lee Elementary, S. Ivy St.

Ackerman, SE 13th Ave.

Software, including installation

**Signage**

No unloading/loading signs

No parking signs, custom

Stop signs

School pedestrian crossing signs

Breakaway poles

Installation materials: concrete  
and miscellaneous

Installation labor

**Painting, materials and  
installation**S. 9th Ave. and S. Redwood St. -  
crossing RedwoodS. Township Rd. and S.  
Redwood St. - crossing S.  
Township Rd. (west side)S. Township Rd. and S.  
Redwood St. - crossing S.  
Redwood St. (south side)S. Township Rd. and S. Ivy St. -  
crossing TownshipNW 5th Ave. and N. Ivy St. -  
crossing IvyNW 5th Ave. and N. Holly St. -  
crossing Holly

1	15,000	15,000
1	15,000	15,000
2	4,480	8,960
2	4,480	8,960
2	4,480	8,960
2	4,480	8,960
8	756.25	6,050
2	18	36
2	18	36
2	55	110
2	55	110
6	445	2,670
1	650	650
1	2,250	2,250
1	2,220	2,220
1	2,580	2,580
1	2,580	2,580
1	2,580	2,580
1	2,380	2,380
1	2,220	2,220

*Safe Routes to School Program**2010 Application for FY 2012*

NW 5th Ave. and N. Grant St. -  
crossing 5th

NW 5th Ave. and N. Cedar St. -  
crossing 5th

NW 5th Ave. and N. Cedar St. -  
crossing Cedar

NW 6th Ave. and N. Cedar St. -  
4 sides

1	2,020	2,020
1	2,220	2,220
1	2,020	2,020
4	2,020	8,080

***Subtotal***

216,317

**Contingency**

20-30% of total construction costs above

43,263

**Construction Engineering**Approx. 15%-20% of construction with  
contingency added in

N/A

***Total CONST***

259,580

***Total Cost:  
PE + ROW +  
CONST***

284,580



**PART 1, Section 2: Project Funding (continued)****Matching Funds (optional)**

Match funds are NOT required for SRTS projects, but community efforts and additional resources demonstrate community-wide support. List any local contributions (monetary contributions, donated materials, property, staff time, or volunteer labor or services), including prior or planned local investments related to proposed project.

As noted in Canby's most recently approved TSP 2010, the City has stated that with future revenues it will allocate \$200,000 toward Safe Routes to School projects. However, due to current governmental budget constraints, revenues that would provide this funding are unrealized and cannot be predicted with complete reliability. However, should these amounts become realized, this funding will become available.

**PART 1, Section 3: Project Site Information**

Expand each box as needed, but do not exceed this page for this section.

**If proposed project is located on school property, what is age of school building(s)?**

Not Applicable

**Identify any wetlands or waterways located on or near proposed project site:**

Not Applicable

**Identify any archaeological sites located on or near proposed project site:**

Not Applicable

**Identify any anticipated right-of-way impacts (number of parcels, easements, acreage, improvements that might need to be moved):**

Not Applicable



## PART 1, Section 4: Narrative

Use this form or equivalent. Expand each box as needed, but **do not exceed 3 pages total for this section.** See **page 14** for specific instructions.

### PROJECT DESCRIPTION

The *flashing crosswalks*, *crosswalk enhancements*, and *signage projects* will enable and encourage students to safely walk and ride bicycles to school. The *flashing crosswalks* will alert drivers to pedestrians needing to cross busy commute collector and arterial streets. One of the flashing crosswalks and another crosswalk enhancement location are located on South Ivy Street, (Canby-Marquam State Highway 170). All of the flashing crosswalk sites are within one-half mile of one or more schools. The *crosswalk enhancements* will further improve what already exists but is in need of refurbishing and improvement. The enhancements will increase driver awareness of pedestrians thus making desirable and safe routes for pedestrians and bicyclists. The *signage* will be used as a visual reminder to drivers of the students who walk and bike to school and improve the flow of traffic during student travel times. Increased awareness is a key to creating a safe walking and biking environment.

The requested SRTS funds will be used for the purchase of materials/equipment and installation, environmental process, mobilization and traffic control, contingency, and administration for the city.

Proposed projects are on city property and a county road managed by the city. Thus no easements or property will be purchased or donated.

### PURPOSE AND NEED

These projects emerged as needed and desirable through discussion and Action Plan development for Knight, Eccles, Lee, Ackerman and Baker Prairie Schools. Students safely crossing busy streets is a major concern expressed in many of the surveys received in the process. Recent installation of a flashing crosswalk along the Forest Trail has received high regard from many users both publicly at City of Canby Council meetings and in private conversations.

An example of the need for these projects comes from Knight Elementary. These results are similar to the other schools. Of the families surveyed 32% responded that they live within one-half to one mile of the school and either ride the bus (Arr.50%, 43%) or use the family vehicle (Dpt.63%, 33%). Safety of intersections and crossing was in the top five of the concerns parents selected in their decision to allow a child to walk or bike to/from school.

If our project does not receive funding the proposed sites will have no change; they will remain as they are today and the number of students walking and biking to school will remain as low as at the time of our surveys. Any increase would be solely the result of encouragement and education within the school and locally sponsored events.

### BENEFIT

The flashing crosswalks proposed are solar-powered and will reduce energy consumption while creating safe havens for children crossing busy streets. They will attract the attention of drivers who often cannot see children crossing during dark hours in the early morning and evening. The flashing crosswalks will also be a feature that may attract students to actually use a crosswalk rather than cut across a busy road by judging there is enough time before the car reaches where the



child wants to cross. The improved crosswalks will enable the students to arrive to school and home, safely. If students cross within the bounds of a crosswalk they are more likely to be seen by vehicles therefore reducing the risk of injury and fatality.

Of the parents who completed the survey at Knight Elementary and do not let their child walk or bike, 62% said it was due to the speed of traffic, 53% said it was safety of intersections and crossings and 55%, the amount of traffic along routes. The Canby-Marquam Highway and Township Road are also truck routes. All the safety features we add to these routes will help students go to and from school in a transportation design with safety enhancements. The immediate feedback speed signs will help reduce speed and bring drivers into the more-alert beta state, becoming more aware of their surroundings.

We believe that Canby is an ideal place to promote increased walking and biking. With the implementation of Safe Routes to School, we are not only providing increased safety and ability to walk and bike to school, but are reaching out to the community as well through the encouragement given to the children. Because of the small radius of the city limits, the supermajority of residents live within walking and biking distance of schools and major commerce locations. We believe that Safe Routes to School will provide us with the opportunity to apply the benefits of reduced pollution, traffic, and increased safety the children will receive to our community as a whole.

#### **TECHNICAL MERIT**

The project conforms to current City standards by maintaining compliance with stated government standards regarding length and width of crosswalk paint, type of materials used, style of acceptable crosswalk appearance and by following the recommendations of Clackamas County ODOT staff regarding flashing crosswalk lights that are included in Federal Highway Administration materials.

The City has chosen flashing crosswalk lights that are solar-powered, which will reduce energy consumption, thereby reducing pollution. City standard for crosswalk paint is thermoplastic material, which lasts up to eight times longer than latex traffic paint. The efficiency of the material provides lower maintenance costs and increased safety value through its durability. All costs are based on quotes received from suppliers, documented costs and historical cost of the City's Public Works department. In each case, alternatives were reviewed and the best solution was chosen with respect to maintenance, safety, reliability and effectiveness, and cost-effectiveness.

Solutions were chosen based on the vulnerability of strategic crossing areas. The most vulnerable and highly used crosswalks were treated with flashing crosswalks. A flashing crosswalk in one new location enables the completion of a safe route to school for children from large residential areas to and from school. Less vulnerable and peripheral crosswalks are treated with improvements that include painting or re-painting and in some cases, new signage.

Preparation and planning for the project included discussions with the City planning department, county ODOT staff and City Public Works personnel. All components of the project are acceptable to all of the parties involved and are the results of those discussions regarding the best solutions available. Solutions are the result of information gathered from school assessments and discussions with school staff and parents.



**SUPPORT AND READINESS**

Each school's Principal, PTA, and Action Plan team members support these projects. They have actively participated in the discussions regarding the results of the data and the identification of the projects. Liz Belz-Templeman has met with School Superintendent Jeff Rose who gave his full support, endorsement and encouragement, and was willing to relay results of the surveys and any summary information we had, to his board and monthly meeting with the city leaders. Ms. Belz-Templeman also met with First Student, the company that contracts with the district for its transportation needs. They were most helpful and are willing to support our work in any way knowing that the safety of the school's children is their number one priority. Therese Carson, the other author of this proposal, has had multiple conversations with the city administrator, the planning department and attended numerous city council meetings to explain and ask for support of the SRTS program. Ms. Carson has succeeded. The Action Plan shows community support with the number of responses received from families. All schools met or exceeded the 15% requirement on returns. The students were enthusiastic participants in the annual Walk/Bike to school day held on October 6, 2010, and the schools plan to participate in the month long challenge slated for May 2011. Some schools have begun to encourage 'Walking Wednesdays' because it is the weekly late start morning. Most of these activities have been implemented by community volunteers.

The City of Canby Transportation System Plan (TSP) was recently adopted. Within the plan is the provision for SRTS. \$200,000 is available annually to go toward these projects. The City is in support of such projects because they understand the importance for all the pedestrians and bicyclists of the community. The concerns of speed of traffic and safe crossings at the intersection of Redwood and Township have been noted in prior TSP notes as a future safety issue to address.

Canby Public Works is able to complete all of the installation work itself. There will no need for training or outside contracting, as they are familiar with all of the devices proposed. If funding is approved the City will be ready to have these projects completed in 2012 as it will only need to procure the materials and equipment in order to begin implementation.

The project will be completed in a timely manner with the available resources through the management of the City of Canby. With the provision of funds in the TSP, long-term management and maintenance of the proposed projects will be fulfilled. The city plan has designated these funds for such a use.

**BONUS INFORMATION**

The flashing crosswalk on the South side of 5<sup>th</sup> Ave and North Ivy Street will connect with the rest of the walkway to Knight School.

Schools can request the portable speed radar unit from the Canby Police Department and they are regularly seen near the schools. If we are funded for the speed radar signs this will provide more consistent reduction in traffic speed near schools, and feedback data that will be used to document the effectiveness of these solutions.

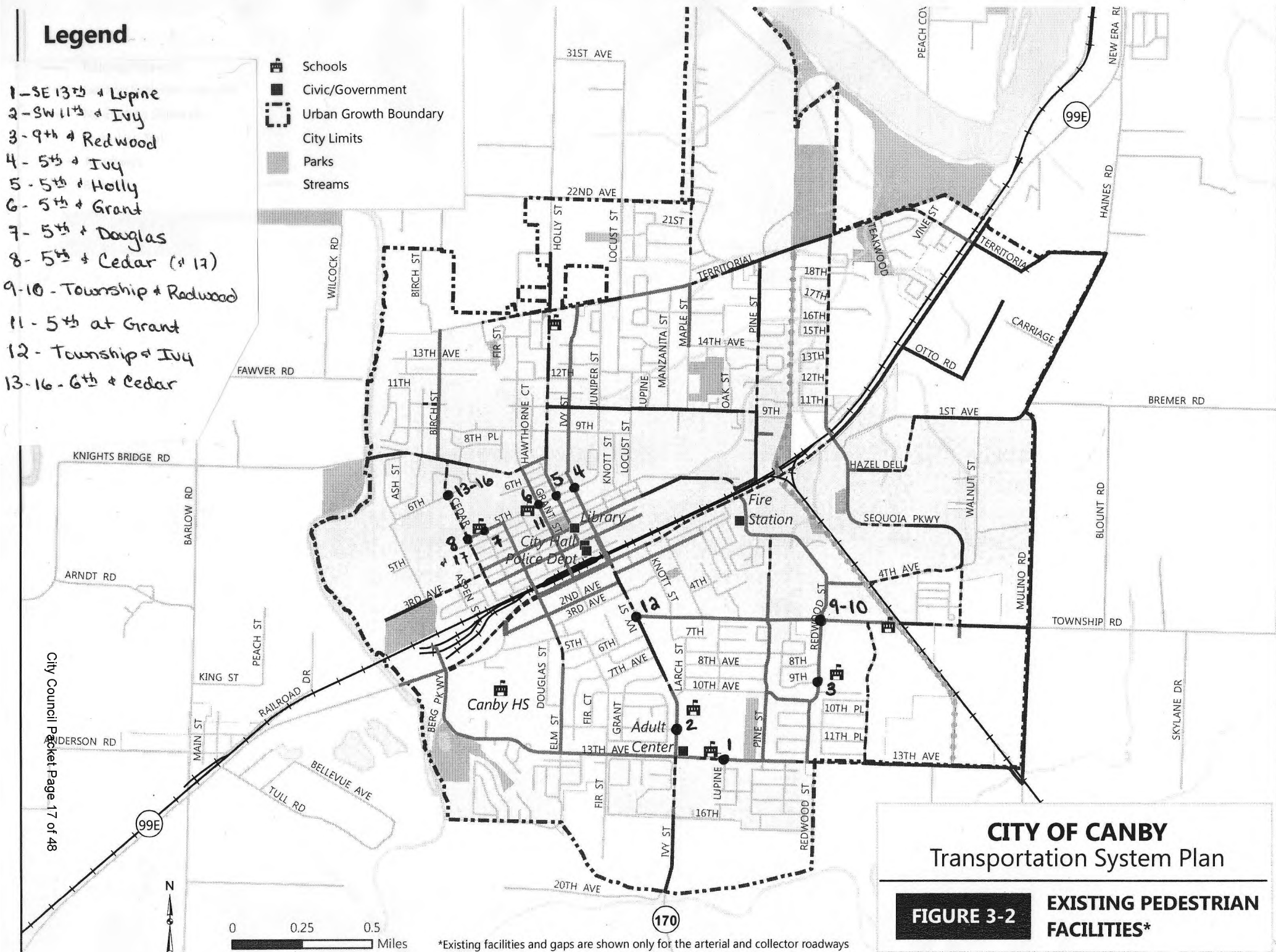
These projects will enable students to use the safety skills promoted during yearly educational events: International Walk to School Day, the month-long May Challenge, Safety Town and Bicycle Rodeo.



# Legend

- 1-SE 13th & Lupine
- 2-SW 11th & Ivy
- 3-9th & Redwood
- 4-5th & Ivy
- 5-5th & Holly
- 6-5th & Grant
- 7-5th & Douglas
- 8-5th & Cedar (#17)
- 9-10-Township & Redwood
- 11-5th at Grant
- 12-Township & Ivy
- 13-16-6th & Cedar

- Schools
- Civic/Government
- Urban Growth Boundary
- City Limits
- Parks
- Streams



## CITY OF CANBY Transportation System Plan

FIGURE 3-2

EXISTING PEDESTRIAN  
FACILITIES\*

\*Existing facilities and gaps are shown only for the arterial and collector roadways

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



***TO: Honorable Randy Carson and City Council***  
***FROM: Sue Engels, Finance Director***  
***DATE: January 24, 2011***  
***THROUGH: Greg Ellis, City Administrator***

---

Issue: Adoption of a 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. Cash carryover-FB was higher than anticipated in Library, Streets, Fleet Services, Sewer Combined and Capital Reserve funds.

When revenues as not as much as expected, which was the case with General and Street Reserve funds' cash carryover-FB, the shortfall is made up with changes to appropriations amounts within the funds. In the General fund, most of the shortfall was taken from Contingency and Reserve for Future Expenditures. In Street Reserve fund, Capital appropriations were reduced.

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 can be accomplished by a resolution transfer, but they can also be included in a supplemental budget.

At the mid-year budget review workshop on February 2, the details of the supplemental budget changes will be discussed.

Recommendation: Staff recommends that Council adopt Resolution 1084.

Attached: Resolution 1084

**RESOLUTION NO. 1084**

**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 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 to increase transfers from one fund to another fund a supplemental budget is required; 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**

<b><u>Fund/Department</u></b>	<b><u>Resources</u></b>	<b><u>Requirements</u></b>
<b>GENERAL FUND</b>		
	Cash Carryover-FB    \$    (719,739)	Contingency                      \$    (426,980)
		Res For Future Expend.                      (332,625)
Administration		Personal Services                      63,076
		Materials & Services                      (46,712)
Court		Personal Services                      (431)
Planning		Materials & Services                      8,400
Finance		Personal Services                      2,003
		Materials & Services                      13,500
	<b>Total Resources</b> <u>\$    (719,739)</u>	<b>Total Requirements</b> <u>\$    (719,769)</u>
<b>LIBRARY FUND</b>		
	Cash Carryover-FB    \$    96,332	Personal Services                      \$    8,000
		Materials & Services                      88,000
		Contingency                      332
	<b>Total Resources</b> <u>\$    96,332</u>	<b>Total Requirements</b> <u>\$    96,332</u>

<b>STREETS FUND</b>	Cash Carryover-FB	\$ 271,558	Materials & Services	\$ 11,800
			Transfers	117,195
			Contingency	142,563
	<b>Total Resources</b>	<u>\$ 271,558</u>	<b>Total Requirements</b>	<u>\$ 271,558</u>
<b>FLEET SERVICES FUND</b>	Cash Carryover-FB	\$ 68,117	Materials & Services	\$ 68,117
	<b>Total Resources</b>	<u>\$ 68,117</u>	<b>Total Requirements</b>	<u>\$ 68,117</u>
<b>TRANSIT FUND</b>	Grant Revenue	\$ 50,198	Capital	\$ 50,198
	<b>Total Resources</b>	<u>\$ 50,198</u>	<b>Total Requirements</b>	<u>\$ 50,198</u>
<b>SWIM CENTER LEVY FUND</b>	Cash Carryover	\$ (11,352)	Materials & Services	\$ 7,200
			Contingency	\$ (18,552)
		<u>\$ (11,352)</u>		<u>\$ (11,352)</u>
<b>SEWER COMBINED FUND</b>	Cash Carryover	\$ 1,090,091	Materials & Services	\$ 2,500
			Capital	92,000
			Contingency	995,591
	<b>Total Resources</b>	<u>\$ 1,090,091</u>	<b>Total Requirements</b>	<u>\$ 1,090,091</u>
<b>STREET RESERVE FUND</b>	Cash Carryover-FB	\$ (720,371)	Capital	\$ (603,176)
	Reserve Transfers	\$ 117,195		
	<b>Total Resources</b>	<u>\$ (603,176)</u>	<b>Total Requirements</b>	<u>\$ (603,176)</u>
<b>CAPITAL RESERVE FUND</b>	Cash Carryover-FB	\$ 15,873	Capital	\$ 15,873
	<b>Total Resources</b>	<u>\$ 15,873</u>	<b>Total Requirements</b>	<u>\$ 15,873</u>

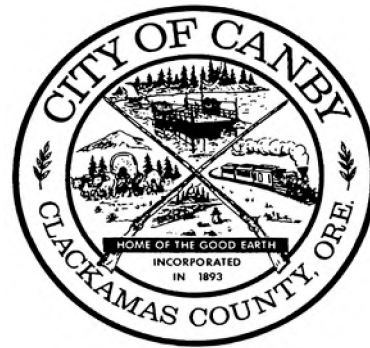
This resolution shall take effect on February 2, 2011.

**ADOPTED** by the Canby City Council at a regular meeting thereof on February 2, 2011.

\_\_\_\_\_  
Randy Carson, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, CMC  
City Recorder



# MEMORANDUM

**TO:** *Honorable Mayor Carson and City Council*  
**FROM:** *Bryan C. Brown, Planning Director*  
**DATE:** *January 20, 2011 for February 2, 2011 CC Agenda*  
**THROUGH:** *Greg Ellis, City Administrator*

Issue: Withdrawal of Territory (Detachment of Territory) Fee Resolution in anticipation of pending application as authorized by ORS 222.460 (Misc. 11-02).

Synopsis: A local property owner with land at the edge of the city limits has approached the City with a request to remove their property from the City limits. Staff research revealed that State Statute provides a process for the Withdrawal of Territory from the City. The city has no precedent, application form, process, or adopted fee associated with this kind of authorized request. We desire to establish those at this time, including the passage of a Resolution to authorize the establishment of an application fee.

Recommendation: City staff recommends that the City Council establish a Withdrawal of Territory application fee in a manner and amount that equals 75% of that established for annexation applications.

Rationale: Review of the City Charter has determined that it does not expressly prohibit the Withdrawal of Territory from the City. Staff has discussed the unusual nature of such a request with the applicant and reasons why the City might not choose to support such a request and that the City Council has a great deal of latitude in deciding such a matter. They do wish to move forward on this matter and staff felt it best that the City establish an application process and fee for such a request.

A Withdrawal of Territory application is different from an annexation request but there are many processing similarities and commonalities in consideration of relevant future growth and development thought processes that lead staff to use our established annexation fee as a starting point for deciding on a fee amount. The established review criterion is greater for annexations making the difficulty of the annexation submittal greater for an applicant and therefore subsequent review by staff somewhat more involved than that anticipated for a withdrawal of territory application. Staff welcomes suggestions from the Council on a possible suitable fee amount. Staff has proposed that the fee be 75% of that charged for annexation applications and that amount is reflected in the accompanying resolution. The provisions of state statute and a City of Canby application form with the processing procedures has been created and attached to this report.

Attached:

1. Withdrawal of Territory ORS 222.460 & 222.120(3) Procedures
2. Resolution 1085
3. City of Canby Withdrawal of Territory Application Form & Process

## Withdrawal of Territory ORS 222.460 & 222.120(3) Procedures

**Staff Summary:** The Statute provides the governing legislative body of the City (the Council) in which the parcel (territory) lays considerable discretion to determine that the public interest will be furthered by a withdrawal of the territory from the city.

### WITHDRAWAL OF TERRITORY

**222.460 Procedures for withdrawal of territory; content of resolution; hearing; election; taxes and assessments.** (1) Except as expressly prohibited by the city charter, when the legislative body of a city determines that the public interest will be furthered by a withdrawal or detachment of territory from the city, the legislative body of the city, on its own motion, may order the withdrawal of territory as provided in this section.

(2) A withdrawal of territory from the city shall be initiated by a resolution of the legislative body of the city.

(3) The resolution shall:

(a) Name the city and declare that it is the intent of the legislative body of the city to change the boundaries of the city by means of a withdrawal of territory;

(b) Describe the boundaries of the affected territory; and

(c) Have attached a county assessor's cadastral map showing the location of the affected territory.

(4) Not later than 30 days after adoption of the resolution, the legislative body of the city shall hold a public hearing at which the residents of the city may appear and be heard on the question of the withdrawal of territory. The legislative body of the city shall cause notice of the hearing to be given in the manner required under ORS 222.120 (3).

(5) After receiving testimony at the public hearing, the legislative body of the city may alter the boundaries described in the resolution to either include or exclude territory. If the legislative body of the city still favors the withdrawal of territory pursuant to the resolution, as approved or modified, it shall enter an order so declaring. The order shall set forth the boundaries of the area to be withdrawn. The order shall also fix a place, and a time not less than 20 nor more than 50 days after the date of the order, for a final hearing on the resolution. The order shall declare that if written requests for an election are not filed as provided by subsection (6) of this section, the legislative body of the city, at the time of the final hearing, will adopt a resolution or ordinance detaching the territory from the city.

(6) An election shall not be held on the question of withdrawal of the affected territory from the city unless written requests for an election are filed at or before the hearing by not less than 15 percent of the electors or 100 electors, whichever is the lesser number, registered in the territory proposed to be withdrawn from the city.

(7) At the time and place set for the final hearing upon the resolution for withdrawal, if the required number of written requests for an election on the proposed withdrawal has not been filed, the legislative body of the city shall, by resolution or ordinance, declare that the territory is detached from the city.



(8) If the required number of requests for an election is filed on or before the final hearing, the legislative body of the city shall call an election in the city upon the question of the withdrawal of the affected territory.

(9) If an election is called and a majority of the votes cast at the election is in favor of the withdrawal of the designated area from the city, the legislative body of the city shall, by resolution or ordinance, declare that the territory is detached from the city. If the majority of the votes cast are against the withdrawal, the legislative body of the city shall enter an order declaring the results of the election and that no withdrawal shall occur.

(10) The described area withdrawn shall, from the date of entry of the order, be free from assessments and taxes levied thereafter by the city. However, the withdrawn area shall remain subject to any bonded or other indebtedness existing at the time of the order. The proportionate share shall be based on the assessed valuation, according to the assessment roll in the year of the levy, of all the property contained in the city immediately prior to the withdrawal. [1985 c.702 §2; 1989 c.1063 §13]

**Note:** 222.460 and 222.465 were added to and made a part of ORS chapter 222 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**222.120 Procedure without election by city electors; hearing; ordinance subject to referendum.**

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

## RESOLUTION NO. 1085

### A RESOLUTION ESTABLISHING AN APPLICATION FEE FOR A WITHDRAWAL OF TERRITORY APPLICATION FROM THE CITY OF CANBY

**WHEREAS**, ORS 222.460 authorizes procedures for the withdrawal of territory from the city; and

**WHEREAS**, the City of Canby wishes to provide an application process to citizens that complies with state law; and

**WHEREAS**, the City of Canby desires to establish a reasonable fee for the processing of a withdrawal of territory application for cost of service recovery purposes; and

**WHEREAS**, it has been determined that the processing and evaluation process for a withdrawal of territory applications have commonalities but somewhat less impactful results and analysis needs to that of an annexation application; and

**WHEREAS**, the fee amount for a withdrawal of territory application has been agreed to be set at 75% of that established for annexation applications for the City of Canby.

**NOW THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Canby, as follows:

To adopt the following fee amount for a Withdrawal of Territory application:

Withdrawal of Territory Application Fee: Based on the following formula -				Base Fee of \$1,388 for less than one acre, plus			
				\$79 per acre for 1-10 acres,			
				\$41 per acre for 11-50 acres,			
				\$8 per acre for 51+ acres.			
Application Fee Based on Acreage:							
Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee
<1	\$1,388	15-16	\$2383	30-31	\$2998	45-46	\$3613
1-2	\$1,467	16-17	\$2424	31-32	\$3039	46-47	\$3654
2-3	\$1546	17-18	\$2465	32-33	\$3080	47-48	\$3695
3-4	\$1625	18-19	\$2506	33-34	\$3121	48-49	\$3736
4-5	\$1704	19-20	\$2547	34-35	\$3162	49-50	\$3777
5-6	\$1783	20-21	\$2588	35-36	\$3203	50-51	\$3818
6-7	\$1862	21-22	\$2629	36-37	\$3244	51-52	\$3826
7-8	\$1941	22-23	\$2670	37-38	\$3285	52-53	\$3834
8-9	\$2020	23-24	\$2711	38-39	\$3326	53-54	\$3842
9-10	\$2099	24-25	\$2752	39-40	\$3367	54-55	\$3850
10-11	\$2178	25-26	\$2793	40-41	\$3408	55-56	\$3858
11-12	\$2219	26-27	\$2834	41-42	\$3449	56-57	\$3866
12-13	\$2260	27-28	\$2875	42-43	\$3490	57-58	\$3874
13-14	\$2301	28-29	\$2916	43-44	\$3531	58-59	\$3882
14-15	\$2342	29-30	\$2957	44-45	\$3572	59-60	\$3890

This resolution will take effect on February 2, 2011

ADOPTED this 2<sup>nd</sup> day of February 2011 by the Canby City Council.

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Randy Carson - Mayor

ATTEST:

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Kimberly Scheafer, CMC  
City Recorder



City of Canby  
Planning Department  
170 N. 2<sup>nd</sup> Avenue  
P.O. Box 930  
Canby, OR 97013  
Ph: 503-266-7001  
Fax: 503-266-1574

## LAND USE APPLICATION:

# Withdrawal of Territory

### APPLICANT INFORMATION:

(Check ONE box below for designated contact person regarding this application)

☐ Applicant Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

☐ Representative Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

☐ Property Owner Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

☐ Property Owner Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

❶ All property owners represent that they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.

❷ All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations and ORS 222.460 requirements.

❸ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

### PROPERTY INFORMATION:

\_\_\_\_\_  
(Street Address or Location of Subject Property)

\_\_\_\_\_  
(Total Size of Property)

\_\_\_\_\_  
(Assessor Tax Lot Numbers)

\_\_\_\_\_  
(Existing Use, Structures, Other Improvements on Site)

\_\_\_\_\_  
(Zoning)

\_\_\_\_\_  
(Comp Plan Designation)

### PROPOSED PROJECT INFORMATION:

\_\_\_\_\_  
(Describe the Planned Use or Objective for the Subject Property)

STAFF USE ONLY – DO NOT WRITE BELOW – STAFF USE ONLY

STAFF USE ONLY – DO NOT WRITE BELOW – STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

## WITHDRAWAL OF TERRITORY APPLICATION

### Instructions to Applicants

**NOTE: All required application submittals detailed below must also be submitted in electronic .pdf format on a CD. Required application submittals include the following -**

Applicant City  
Check Check

- ☐ ☐ One (1) copy of pages 1, and 2 of this application packet. Pages 2 includes a checklist; this checklist should be included in the application with all relevant items checked by the applicant in the "applicant" column. If any items are considered to be not applicable, the omissions should be explained on a separate sheet. The City may request further information at any time before deeming the application complete.
- ☐ ☐ Payment of appropriate fees – cash, check, or credit card only. Checks should be made out to the *City of Canby*.

Withdrawal of Territory Application Fee: Based on the following formula -				Base Fee of \$1,388 for less than one acre, plus			
				\$79 per acre for 1-10 acres,			
				\$41 per acre for 11-50 acres,			
				\$8 per acre for 51+ acres.			
Application Fee Based on Acreage:							
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14-15	\$2342	29-30	\$2957	44-45	\$3572	59-60	\$3890

- ☐ ☐ Twenty (20) copies of a written statement, on 8-1/2" x 11" paper, describing the property to be withdrawn, including all existing improvements on the land. The City Council has considerable discretion to determine if the public interest will be furthered by a withdrawal of the territory from the city. The narrative should contain your findings of how the withdrawal of the territory will further the public interest.
- ☐ ☐ One (1) copy of a written statement, signed by the property owners residing in the territory to be withdrawn, giving consent to the withdrawal of the territory
- ☐ ☐ One (1) copy of an area vicinity map with the subject property outlined.
- ☐ ☐ One (1) copy of a county cadastral map with the subject property boundaries outlined.
- ☐ ☐ One (1) copy of the legal description of the property to be withdrawn, and a boundary survey certified by a registered engineer or surveyor.
- ☐ ☐ One (1) copy in written format of the minutes of the pre-application meeting.

## **WITHDRAWAL OF TERRITORY APPLICATION Application Process**

### **Summary of Procedure:**

- Applicant makes application with necessary fee, county cadastral map of territory to be withdrawn and narrative containing findings that would support a Council determination that the public interest will be furthered by the requested withdrawal.
- At a scheduled Council meeting under new business after review of application submittal and upon hearing a presentation by the applicant, a motion by the Council is needed to order withdrawal of the requested territory from the City which would be formally documented by the subsequent passing and 1<sup>st</sup> Reading of a Resolution after holding a “Public Hearing”.
- Within 30-days, Council shall hold a “Public Hearing” after staff provided newspaper notice to citizens. If Council still favors withdrawal, or a modification of the withdrawal, they enter an order so declaring the boundaries of the area to be withdrawn within a Resolution.
- In not less than 20 days or more than 50 days after the date of the order, a final “Hearing” on the Resolution shall be held. If no written requests for an election are filed by the time the final hearing is held, the final Resolution shall be adopted detaching the territory from the City. If the necessary number of requests for an election is received then the Council shall call for an election in the city on the question of the withdrawal.

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and preliminary property materials to the City Planner, and after receiving the Planner's initials, must then make and take 16 copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The City does not charge a fee for a pre-application meeting.

2. Prior to submitting an application, an applicant may choose to hold a neighborhood meeting with surrounding property owners and any recognized neighborhood association representative, pursuant to the procedures described in Canby Municipal Code Section 16.89.070 for other land use matters to inform them of your pending plans.

3. At the time an application is submitted to the City, payment of required application processing fees is required. An application will not be accepted without payment of the required fee. City Staff can provide you with information concerning application fees. As provided by State Statute, if the required number of property owners of the territory to be withdrawn request an election during the withdrawal public hearing process an election deposit will also be required equal to that for annexation elections.

4. Staff will check the application, making sure that all components are submitted and fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return a written list of omissions or additional information needed within thirty (30) calendar days of the submittal.

5. Staff investigates the application, writes a staff report, and makes all facts relating to the request available to the City Council and all parties known to be interested seven (7) days prior to the first Council meeting.

6. At a scheduled Council meeting under new business after staff review of your application submittal and upon hearing a presentation or testimony by the applicant, a motion by the Council is needed to order withdrawal of the requested territory from the City.

7. Within 30-days, Council shall hold a "Public Hearing" after city staff provides notice to citizens by preparing materials to be published in the local newspaper for two consecutive weeks prior to the public hearing.
8. At the public hearing, if Council still favors withdrawal, or a modification of the withdrawal, they enter an order so declaring the boundaries of the area to be withdrawn within a Resolution.
9. In not less than 20 days or more than 50 days after the date of the order, a final "Hearing" on the Resolution shall be held. If no written requests for an election are filed by the required number of property owners in the territory requested to be withdrawn by time the final hearing is held, the final Resolution shall be adopted detaching the territory from the City. If the necessary number of requests for an election is received then the Council shall call for an election in the city on the question of the withdrawal. If the annexation is placed on an election ballot, all costs related to the election are recorded and charged to the applicant's election deposit. If the deposit exceeds the election costs, the City will refund any unspent amount back to the applicant after the election is complete. If election costs exceed the deposit, the City will bill the applicant for the additional costs.

Election Costs Deposit:	For a General/Primary Election - \$2,500	For a Special Election - \$4,500
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## WITHDRAWAL OF TERRITORY APPLICATION PROCESS AS DESCRIBED IN STATE LAW

### **222.460 Procedures for withdrawal of territory; content of resolution; hearing; election; taxes and assessments.**

(1) Except as expressly prohibited by the city charter, when the legislative body of a city determines that the public interest will be furthered by a withdrawal or detachment of territory from the city, the legislative body of the city, on its own motion, may order the withdrawal of territory as provided in this section.

(2) A withdrawal of territory from the city shall be initiated by a resolution of the legislative body of the city.

(3) The resolution shall:

- (a) Name the city and declare that it is the intent of the legislative body of the city to change the boundaries of the city by means of a withdrawal of territory;
- (b) Describe the boundaries of the affected territory; and
- (c) Have attached a county assessor's cadastral map showing the location of the affected territory.

(4) Not later than 30 days after adoption of the resolution, the legislative body of the city shall hold a public hearing at which the residents of the city may appear and be heard on the question of the withdrawal of territory. The legislative body of the city shall cause notice of the hearing to be given in the manner required under ORS 222.120 (3).

(5) After receiving testimony at the public hearing, the legislative body of the city may alter the boundaries described in the resolution to either include or exclude territory. If the legislative body of the city still favors the withdrawal of territory pursuant to the resolution, as approved or modified, it shall enter an order so declaring. The order shall set forth the boundaries of the area to be withdrawn. The order shall also fix a place, and a time not less than 20 nor more than 50 days after the date of the order, for a final hearing on the resolution. The order shall declare that if written requests for an election are not filed as provided by subsection (6) of this section, the legislative body of the city, at the time of the final hearing, will adopt a resolution or ordinance detaching the territory from the city.

(6) An election shall not be held on the question of withdrawal of the affected territory from the city unless written requests for an election are filed at or before the hearing by not less than 15 percent of the electors or 100 electors, whichever is the lesser number, registered in the territory proposed to be withdrawn from the city.

(7) At the time and place set for the final hearing upon the resolution for withdrawal, if the required number of written requests for an election on the proposed withdrawal has not been filed, the legislative body of the city shall, by resolution or ordinance, declare that the territory is detached from the city.

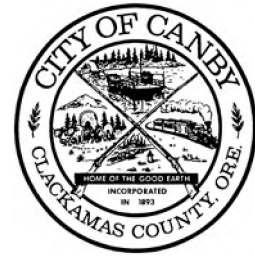
(8) If the required number of requests for an election is filed on or before the final hearing, the legislative body of the city shall call an election in the city upon the question of the withdrawal of the affected territory.

(9) If an election is called and a majority of the votes cast at the election is in favor of the withdrawal of the designated area from the city, the legislative body of the city shall, by resolution or ordinance, declare that the territory is detached from the city. If the majority of the votes cast are against the withdrawal, the legislative body of the city shall enter an order declaring the results of the election and that no withdrawal shall occur.

(10) The described area withdrawn shall, from the date of entry of the order, be free from assessments and taxes levied thereafter by the city. However, the withdrawn area shall remain subject to any bonded or other indebtedness existing at the time of the order. The proportionate share shall be based on the assessed valuation, according to the assessment roll in the year of the levy, of all the property contained in the city immediately prior to the withdrawal. [1985 c.702 §2; 1989 c.1063 §13]



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



**TO:** *Honorable Mayor Carson and City Council*  
**FROM:** *Greg Ellis*  
**DATE:** *February 2, 2011*  
**THROUGH:**

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Issue: Matilda Deas applied for a Community Development Block Grant (CDBG), for the purpose of design and construction of sidewalk and drainage improvements along NE 3<sup>rd</sup> and NE 4<sup>th</sup> Avenues in Canby, and has been informed that her grant request will be funded. As a condition of approval the City of Canby is required to enter into an Intergovernmental Agreement (IGA) with Clackamas County (CDBG Administrator).

Recommendation: Staff recommends Option #1 below that Council adopt resolution No. 1086, adopting an IGA between Clackamas County and the City of Canby in order for staff to proceed with this project as quickly as possible.

Options:

1. Adopt Resolution 1086
2. Revise and adopt Resolution 1086
3. Take no action on Resolution 1086

Fiscal Impact: The project is estimated to cost \$405,000 which includes a 15% contingency. The Community Development Block Grant is \$190,000. The additional funds would come from the Street Reserve Fund, Federal Fund Exchange line item which is estimated to be \$300,000.

Attachments: Resolution 1086 – Recommended IGA

**RESOLUTION NO. 1086**

**A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF CANBY (CITY) AND CLACKAMAS COUNTY DEPARTMENT OF HEATH, HOUSING AND HUMAN RESOURCES COMMUNITY DEVELOPMENT DIVISION FOR THE PURPOSE OF DESIGN AND CONSTRUCTION OF SIDEWALK AND DRAINAGE IMPROVEMENTS ALONG NE 3<sup>rd</sup> AND NE 4<sup>TH</sup> AVENUES IN CANBY.**

**WHEREAS**, the City has applied for, and received, Community Development Block Grant funding for the design and construction of sidewalk and drainage improvements along NE 3<sup>rd</sup> and NE 4<sup>th</sup> Avenues; and

**WHEREAS**, Clackamas County administers the Community Development Block Grant funds and the City of Canby will provide matching funds; and

**WHEREAS**, Clackamas County has proposed a form of IGA that is acceptable to the City; now therefore

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

1. That the attached IGA, marked as Exhibit "A" and by this reference incorporated herein, by and between Clackamas County and the City of Canby is hereby adopted. The Mayor is authorized to sign the IGA on behalf of the City.

This resolution shall take effect on February 2, 2011.

ADOPTED this 2nd day of February 2011, by the Canby City Council.

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Randy Carson  
Mayor

ATTEST:

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Kimberly Scheafer, CMC  
City Recorder

**INTERGOVERNMENTAL AGREEMENT**  
**BETWEEN**  
**CLACKAMAS COUNTY DEPARTMENT OF**  
**HEALTH, HOUSING AND HUMAN RESOURCES**  
**COMMUNITY DEVELOPMENT DIVISION**  
**AND**  
**THE CITY OF CANBY**

**I. Purpose**

- A. This Agreement is entered into between Clackamas County, acting by and through its Community Development Division (COUNTY) and the City of Canby (CITY) for the cooperation of units of local government under the authority of ORS 190.010.
- B. This Agreement provides for the design and construction of sidewalk and drainage improvements along 3<sup>rd</sup> and 4<sup>th</sup> Avenues in Canby. These improvements are herein referred to as the PROJECT.
- C. The COUNTY has determined that the PROJECT is eligible for Community Development Block Grant (CDBG) funds as a Low-Mod Area Benefit Activity. The service area for the PROJECT is defined on the map included in Attachment A.

**II. Scope of Responsibilities**

- A. Under this agreement the responsibilities of the CITY shall be as follows:
  - 1. The CITY shall provide all necessary supervisory and administrative support to assist the COUNTY with the completion of the PROJECT.
  - 2. The CITY shall obtain any easements or approvals necessary to allow access onto private property. Acquisition of any easement shall be obtained pursuant to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).
  - 3. The CITY shall provide engineering services for the design and construction oversight of the PROJECT. Such services shall be provided at no cost to the COUNTY. The CITY shall assume responsibility for ensuring the following:

- a. The CITY shall hire a registered professional engineer (herein after referred to as Engineer) to prepare all plans and specifications necessary to publicly bid the PROJECT for award to a construction contractor (herein after referred to as Contractor) and provide construction oversight including staking and surveying of the PROJECT.
- b. The CITY shall require the Engineer to indemnify, save harmless and defend the COUNTY, its officers, agents, commissioners and employees from and against all claims and actions, and all expenses incidental to the investigation and defense thereof, arising out of or based upon damage or injuries to persons or property caused by the negligent acts, errors or omissions of the Engineer or the Engineer's employees.
- c. The CITY shall require the Engineer to furnish the COUNTY evidence of commercial general liability insurance in the amount of not less than \$1,000,000 combined single limit per occurrence / \$2,000,000 general annual aggregate for personal injury and property damage for the protection of the COUNTY, its officers, commissioners and employees against liability for damages because of personal injury, bodily injury, death or damage to property, including loss of use thereof, in any way related to this contract. The COUNTY, at its option, may require a complete copy of the above policy.
- d. If the Engineer has the assistance of other persons in the performance of this contract, and the Engineer is a subject employer, the CITY shall require that the Engineer agrees to qualify and remain qualified for the term of this contract as an insured employer under ORS 656. The Engineer shall maintain employer's liability insurance with limits of \$100,000 each accident, \$100,000 disease each employee, and \$500,000 each policy limit.
- e. If any other required liability insurance is arranged on a "claims made" basis, "tail" coverage will be required at the completion of this contract for a duration of thirty-six (36) months or the maximum time period the Engineer's insurer will provide "tail" coverage as subscribed, or continuous "claims made" liability coverage for thirty-six (36) months following the contract completion. Continuous "claims made" coverage will be acceptable in lieu of "tail" coverage provided its retroactive date is on or before the effective date of this contract.

- f. The CITY shall require the Engineer to furnish the COUNTY evidence of business automobile liability insurance in the amount of not less than \$500,000 combined single limit for bodily injury and property damage for the protection of the COUNTY, its officers, commissioners, and employees against liability for damages because of bodily injury, death or damage to property, including loss of use thereof in any way related to this contract. The COUNTY, at its option, may require a complete copy of the above policy.
- g. The CITY shall require the Engineer to furnish the COUNTY evidence of professional liability insurance in the amount of not less than \$1,000,000 combined single limit per occurrence / \$2,000,000 general annual aggregate for malpractice or errors and omissions coverage for the protection of the COUNTY, its officers, commissioners and employees against liability for damages because of personal injury, bodily injury, death or damage to property, including loss of use thereof, and damages because of negligent acts, errors and omissions in any way related to this contract. The COUNTY, at its option, may require a complete copy of the above policy.
- h. The insurance, other than the professional liability insurance, shall include the COUNTY as an expressly scheduled additional insured. Proof of insurance must include a copy of the endorsement showing the COUNTY as a scheduled insured. Such insurance shall provide sixty (60) days written notice to the COUNTY in the event of a cancellation or material change and include a statement that no act on the part of the insured shall affect the coverage afforded to the COUNTY under this insurance. This policy(s) shall be primary insurance as respects to the COUNTY. Any insurance or self-insurance maintained by the COUNTY shall be excess and shall not contribute to it.
- i. The CITY shall ensure that the Responsibilities of the Engineer include, but not be limited to, the following:
  - (i) During construction the Engineer shall endeavor to guard the COUNTY against apparent defects and deficiencies in the permanent work constructed by the Contractor.
  - (ii) All reports and recommendations concerning construction shall be submitted to the COUNTY for their approval. The COUNTY agrees that no decisions affecting construction shall be made without CITY approval.

- (iii) In the event modifications to the construction contract, which result in an increase in the contract amount, are made without the prior approval of the COUNTY, CITY shall be solely responsible for these modifications.
- 4. The CITY shall operate and maintain the improvements for public purposes for their useful life subject to the limitations on the expenditure of funds by the CITY as provided by Oregon Statute.
- 5. The CITY shall complete and submit a Performance Measures Report following completion of the PROJECT. (refer to Attachment A).
- 6. The CITY shall complete and submit a Matching Funds Report following completion of the PROJECT. (refer to Attachment B).
- B. Under this agreement the responsibilities of the COUNTY will be as follows:
  - 1. The COUNTY will appropriately bid and contract for construction of the PROJECT and with the advice of the CITY, will approve changes, modifications, or amendments as necessary to serve the public interest.
  - 2. In such contracts the COUNTY will assume the rights and responsibilities of the owner of the project.
  - 3. The COUNTY agrees to provide and administer available Federal Community Development Block Grant (CDBG) funds (CFDA 14.218) granted by the U.S. Department of Housing and Urban Development (HUD) to finance the PROJECT.
  - 4. The COUNTY shall conduct necessary environmental reviews described in 570.604 of the CDBG regulations for compliance with requirements of the CDBG program.
  - 5. The COUNTY shall provide reasonable and necessary staff for administration of the PROJECT.
- C. The COUNTY and CITY agree to jointly review and approve all design, material selection, and contract documents for the PROJECT.

### **III. Budget & Financial**

- A. The COUNTY will apply CDBG funds in the amount of **\$190,000** to the PROJECT. The obligations of the COUNTY are expressly subject to the COUNTY receiving funds from HUD for the PROJECT, and in no event shall the

COUNTY'S financial contribution exceed the amount finally granted, released and approved by HUD for this project.

- B. The CITY agrees to contribute the greater of:
  - 1. Twenty percent (20%) of the total cost of the PROJECT, or
  - 2. All costs for design and construction which exceed available CDBG funds budgeted for the PROJECT.
- C. In the event the PROJECT can not be completed with available funds the COUNTY and CITY will jointly determine the priorities of the improvements to be made within funding limits.
- D. The CITY shall be credited towards the matching requirements stated in Part III. B. an amount equal to **12%** of the final construction cost for providing surveying, staking and engineering services as detailed in Part II. A. 3. a.
- E. The CITY agrees to provide funds for the PROJECT to the COUNTY in the following manner:
  - 1. In the event a construction contractor is entitled to payments for work completed after \$190,000 in CDBG funds have been expended, the COUNTY shall request a transfer of funds from the CITY for the amount necessary to make such payments. The CITY shall transfer funds which exceed available CDBG funds and are owed to a contractor to the COUNTY within thirty (30) consecutive calendar days of a written request.
  - 2. Upon receipt of written notification from the COUNTY the CITY shall provide payment within thirty (30) consecutive calendar days to the COUNTY the funds necessary to meet the matching contribution requirement in Part III. B. All checks shall be made payable to Clackamas County, include a Project Number and be mailed to the following address:

Attn: Toni Hessevick  
Clackamas County - Finance Office  
2051 Kaen Road  
Oregon City, OR 97045
  - 3. In the event that unforeseeable conditions arise which necessitate the execution of a change in the amount of the construction contract, the CITY and the COUNTY will jointly evaluate the circumstances surrounding the conditions. Upon approval by the CITY and the COUNTY, the COUNTY shall instruct the Engineer to execute a change order.

4. Funds for the change order shall be split evenly between the COUNTY and the CITY subject to the limitations described above.

#### **IV. Liaison Responsibility**

Matilda Deas will act as liaison from the CITY for the PROJECT. Mark Sirois will act as liaison from the COUNTY.

#### **V. Special Requirements**

- A. **Law and Regulations.** The COUNTY and CITY agree to comply with all applicable local, state, and federal ordinances, statutes, laws and regulations.
- B. **Public Contracting Requirements.** To the extent applicable, the provisions of ORS 279B.220, 279B.225, 279B.230, and 279B.235 are incorporated by this reference as though fully set forth.
- C. **Relationship of Parties.** Each party is an independent contractor with regard to the other party. Neither party is an agent or employee of the other. No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- D. **Indemnification.** Subject to the limits of the Oregon Tort Claims Act, and Oregon Constitution each of the parties agrees to hold harmless and indemnify the others, and their elected and appointed officials, agents, and employees, from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising on account of personal injuries, death or damage to property caused by or resulting from their own acts or omissions or those of their officials, agents and employees provided however, upon completion of the improvements, the CITY will assume all responsibility for claims made thereafter against the COUNTY or its officers, agents or employees pertaining to the design and construction of the Project, and will indemnify and defend them therefore.
- E. **Notice.** Each party shall give the other immediate written notice of any action or suit filed or any claim made against the party which may result in litigation in any way related to this Agreement.
- F. **Record and Fiscal Control System.** All payroll and financial records pertaining in whole or in part to this Agreement shall be clearly identified and readily accessible. Such records and documents shall be retained for a period of three (3) years after receipt of final payment under this Agreement; provided that any records and documents that are the subject of audit findings shall be retained for a longer time until such audit findings are resolved.



- G. **Access to Records.** The COUNTY, the State of Oregon and the Federal Government, and their duly authorized representatives shall have access to the books, documents, papers, and records of the CITY which are directly pertinent to the Agreement for the purpose of making audit, examination, excerpts, and transcripts.
- H. **Debt Limitation.** This Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any provisions herein which would conflict with law are deemed inoperative to that extent. Obligations of the COUNTY are also expressly subject to the COUNTY receiving funds from HUD for this project and in no event shall the COUNTY's financial contribution exceed the amount finally granted, released and approved by HUD for this project.
- I. **Conflict of Interest.** No officer, employee, or agent of the CITY or COUNTY who exercises any functions or responsibilities in connection with the planning and carrying out of the Block Grant Program, or any other person who exercises any functions or responsibilities in connection with the program, shall have any personal financial interest, direct or indirect, in the use of the funds provided pursuant to this Agreement, and the Parties shall take appropriate steps to assure compliance. The Parties will insure that no contractor, subcontractor, contractor's employee or subcontractor's employee has or acquires any interest, direct or indirect, which would conflict in any manner or degree with the performance of his services.
- J. **Insurance.** The CITY will bear the risk of loss from fire, extended coverage, and will purchase and maintain property insurance on all affected CITY property. The CITY will bear the risk of loss from accidents coverable by owner's liability insurance and may, at its option, maintain such insurance. If applicable, the CITY shall be required to maintain flood insurance. Each party agrees to maintain insurance, or self-insurance, in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.270.
- K. **Nondiscrimination.** The CITY and the COUNTY agree to comply with all Federal, State, and local laws prohibiting discrimination on the basis of age, sex, marital status, race, creed, color, national origin, familial status, or the presence of any mental or physical handicap. These requirements are specified in ORS chapter 659; Section 109 of the Housing and Community Development Act of 1974; Civil Rights Act of 1964, Title VII; Fair Housing Amendments Act of 1988; Executive Order 11063; Executive Order 11246; and Section 3 of the Housing and Urban Development Act of 1968; all as amended; and the regulations promulgated thereunder.
- L. **Handicapped Accessibility.** The CITY agrees that all improvements made under this Agreement shall comply with standards set for facility accessibility by

handicapped persons required by the Architectural Barriers Act of 1968, as amended. Design standards for compliance are contained in 24 CFR 8.31-32 and the document entitled Uniform Federal Accessibility Standards published by HUD in April, 1988 as a joint effort with other Federal agencies.

- M. **Nonsubstituting for Local Funding.** The CDBG funding made available under this Agreement shall not be utilized by the CITY to reduce substantially the amount of local financial support for community development activities below the level of such support prior to the availability of funds under this Agreement.
- N. **Evaluation.** The CITY agrees to participate with the COUNTY in any evaluation project or performance report, as designed by the COUNTY or the appropriate Federal department, and to make available all information required by any such evaluation process.
- O. **Audits and Inspections.** The CITY will ensure that the COUNTY, the Secretary of HUD, the Comptroller General of the United States, or any of their duly authorized representatives shall have access to all books, accounts, records, reports, files, and other papers or property pertaining to the funds provided under this agreement for the purpose of making surveys, audits, examinations, excerpts, and transcripts.
- P. **Acquisition.** If completion of the project requires acquisition of any real property the parties agree to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended.
- Q. **Change of Use.** The CITY agrees to comply with applicable change of use provisions contained in 24 CFR 570.505 (refer to Attachment C).
- R. **Reversion of Assets.** Upon expiration or termination of this Agreement, CITY shall transfer to County any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds. Also for any real property under DISTRICT'S control that was acquired or improved in whole or in part with CDBG funds (including CDBG funds provided to CITY in the form of a loan) in excess of \$25,000 shall ensure said real property is either:
  - 1. Used to meet one of the National Objectives in CFR 570.208 for the term of this Agreement; or
  - 2. Not used to meet on the National Objectives for the term of this Agreement, in which event, the CITY shall pay to COUNTY an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property.

## **VI. Amendment**

This Agreement may be amended at any time with the concurrence of both Parties. Amendments become a part of this Agreement only after the written amendment has been signed by both Parties.

## **VII. Term of Agreement**

- A. This Agreement becomes effective when it is signed by both Parties.
- B. The term of this Agreement is a period beginning when it becomes effective and ending five (5) years after completion of the PROJECT.
- C. This Agreement may be suspended or terminated prior to the expiration of its term by:
  - 1. Written notice provided to the COUNTY from the CITY before any materials or services for improvements are procured, or;
  - 2. Written notice provided by the COUNTY in accordance with 24 CFR 85.43, included as Attachment D, resulting from material failure by the CITY to comply with any term of this Agreement, or;
  - 3. Mutual agreement by the COUNTY and CITY in accordance with 24 CFR 85.44.
- D. Upon completion of improvements or upon termination of this Agreement, any unexpended balances of CDBG funds shall remain with the COUNTY.

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**THE CITY OF CANBY**

**CLACKAMAS COUNTY**

Commissioner Lynn Peterson, Chair  
Commissioner Jim Bernard  
Commissioner Charlotte Lehan  
Commissioner Ann Lininger  
Commissioner Paul Savas  
Signing on Behalf of the Board.

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Randy Carson, Mayor

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Cindy Becker, Director  
Department of Health, Housing  
& Human Services

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Date

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Date

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# ATTACHMENT A

## COMMUNITY DEVELOPMENT BLOCK GRANT PERFORMANCE MEASURES REPORT

FOR THE PERIOD: JULY 1, \_\_\_\_\_ TO JUNE 30, \_\_\_\_\_

### **Project Name: 3<sup>rd</sup> and 4<sup>th</sup> Ave Street Improvements Project – Canby**

The Service Area for this project is contained within Census Tract 229.02 Block Group 3. The City of Canby portion of this Block Group is 55.2% Low- and Moderate-Income.

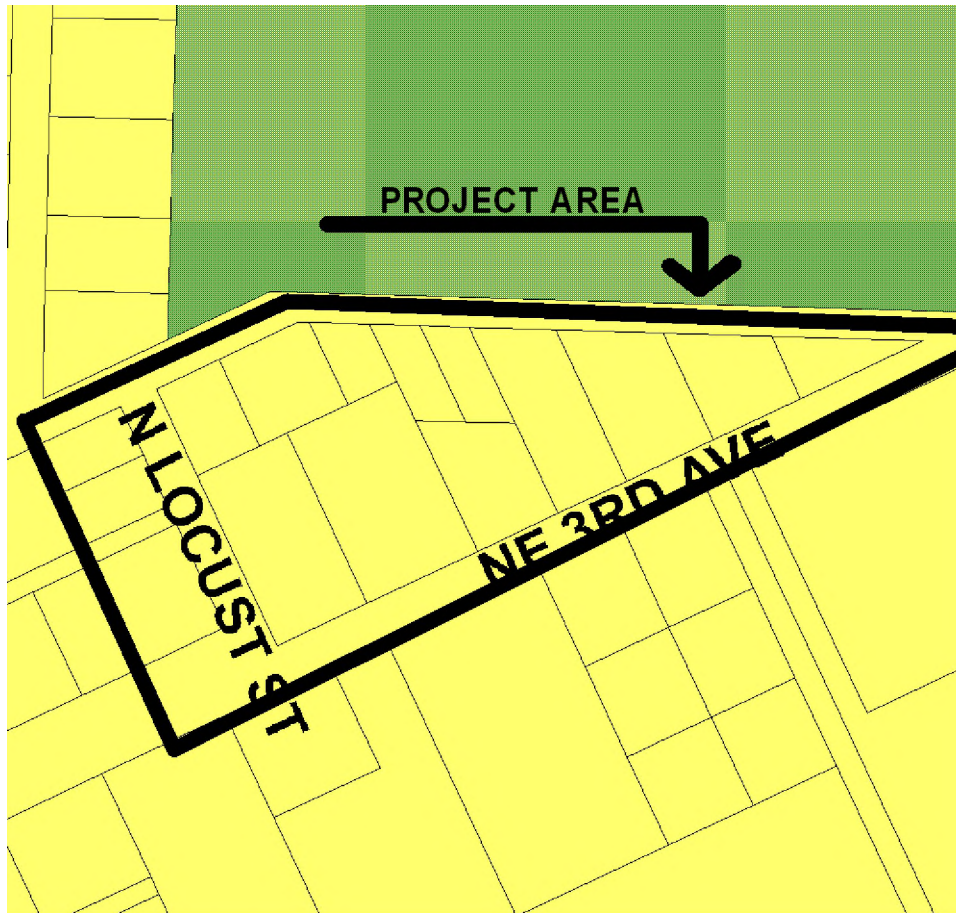
Choose all that apply:

# of persons \_\_\_\_\_ with new access to this Public Facility or Infrastructure Improvement

# of persons \_\_\_\_\_ with improved access to Public Facility or Infrastructure Improvement

# of persons \_\_\_\_\_ with access to this type of Public Facility or Infrastructure Improvement that is No Longer Substandard.

Total Number of persons assisted: \_\_\_\_\_



Other benefits to the service area:

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Organization

## ATTACHMENT B

### CDBG Project Matching Funds

**For reporting to HUD at the end of the year, indicate the specific sources and amounts of matching funds for your ESG projects:**

2010-11 CDBG Funds	\$
--------------------	----

#### SOURCES OF LOCAL MATCH:

Other Federal (including pass-through funds, e.g. County CDBG, State FEMA, etc.)

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

#### State/Local Governmental Funding (e.g. State Housing Trust Funds, Local Assessment, etc.)

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

#### Private (including recipient) Funding

Fund Raising/Cash	\$ _____
Loans	\$ _____
Building Value or Lease	\$ _____
Donated Goods	\$ _____
New Staff Salaries	\$ _____
Volunteers (\$5/hr)	\$ _____
Volunteer Medical/Legal	\$ _____
Other _____	\$ _____

Prepared By:  
 (Print name)

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

## ATTACHMENT C

### Change of Use

#### Excerpt from 24 CFR Part 570

##### **570.505 Use of real property.**

The standards described in this section apply to real property within the recipient's control which was acquired or improved in whole or in part using CDBG funds in excess of \$25,000. These standards shall apply from the date CDBG funds are first spent for the property until five years after closeout of an entitlement recipient's participation in the entitlement CDBG program or, with respect to other recipients, until five years after the closeout of the grant from which the assistance to the property was provided.

(a) A recipient may not change the use or planned use of any such property (including the beneficiaries of such use) from that for which the acquisition or improvement was made unless the recipient provides affected citizens with reasonable notice of, and opportunity to comment on, any proposed change, and either;

(1) The new use of such property qualifies as meeting one of the national objectives in **570.208 (formerly 570.901)** and is not a building for the general conduct of government; or

(2) The requirements and paragraph (b) of this section are met.

(b) If the recipient determines, after consultation with affected citizens, that it is appropriate to change the use of the property to a use which does not qualify under paragraph (a)(1) of this section, it may retain or dispose of the property for the changed use if the recipient's CDBG program is reimbursed in the amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, and improvements to, the property.

(c) If the change of use occurs after closeout, the provisions governing income from the disposition of the real property in **570.504(b) (4) or (5)**, as applicable, shall apply to the use of funds reimbursed.

(d) Following the reimbursement of the CDBG program in accordance with paragraph (b) of this section, the property no longer will be subject to any CDBG requirements.

## ATTACHMENT D

### Excerpt from 24 CFR Part 85

#### §85.43 Enforcement.

(a) *Remedies for noncompliance.* If a grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:

(1) Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee or more severe enforcement action by the awarding agency,

(2) Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance,

(3) Wholly or partly suspend or terminate the current award for the grantee's or subgrantee's program,

(4) Withhold further awards for the program, or

(5) Take other remedies that may be legally available.

(b) *Hearings, appeals.* In taking an enforcement action, the awarding agency will provide the grantee or subgrantee an opportunity for such hearing, appeal, or other administrative proceeding to which the grantee or subgrantee is entitled under any statute or regulation applicable to the action involved.

(c) *Effects of suspension and termination.* Costs of grantee or subgrantee resulting from obligations incurred by the grantee or subgrantee during a suspension or after termination of an award are not allowable unless the awarding agency expressly authorizes them in the notice of suspension or termination or subsequently. Other grantee or subgrantee costs during suspension or after

termination which are necessary and not reasonably avoidable are allowable if:

(1) The costs result from obligations which were properly incurred by the grantee or subgrantee before the effective date of suspension or termination, are not in anticipation of it, and, in the case of a termination, are noncancellable, and,

(2) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.

(d) *Relationship to Debarment and Suspension.* The enforcement remedies identified in this section, including suspension and termination, do not preclude grantee or subgrantee from being subject to "Debarment and Suspension" under E.O. 12549 (see §85.35).

#### §85.44 Termination for convenience.

Except as provided in §85.43 awards may be terminated in whole or in part only as follows:

(a) By the awarding agency with the consent of the grantee or subgrantee in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial termination, the portion to be terminated, or

(b) By the grantee or subgrantee upon written notification to the awarding agency, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the awarding agency determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the awarding agency may terminate the award in its entirety under either §85.43 or paragraph (a) of this section.



**Management Team Meeting Minutes**  
**January 17, 2011**  
**2:00 PM**  
**City Hall Conference Room**

In attendance: Greg Ellis, Amanda Klock, Bret Smith, Darvin Tramel, Eric Laitinen, John Kelley, Penny Hummel, and Kim Scheafer.

Amanda Klock

- Per diem meal reimbursements will not be made for one day travel away from the City lasting less than 12 hours

Bret Smith

- RFP's will be opened on the 19<sup>th</sup> at 9 AM
- Will be interviewing applicants for two police officer positions
- Interviewing seven candidates for the Administrative Specialist position

Darvin Tramel

- Biosolids dryer should be on line Thursday
- Will be finishing work on 99E median in front of Fred Meyer
- Working on storm water issues around town

Kim Scheafer

- Will be out of office next Tuesday and Wednesday so any items for February 2 packet need to be submitted by Monday

Greg Ellis

- Will be out of the office on Thursday
- CAPRD is putting a ballot title on the May ballot for a pool operating levy and funds to support recreation providers within the district through grants
- Job offer was made to a candidate for the Economic Development Director position

Penny Hummel

- 2010 and newer DVD's will be kept behind counter in the library
- Job offer was made to a candidate for the bilingual librarian position

Minutes taken by Kim Scheafer

**Management Team Meeting Minutes**  
**January 24, 2011**  
**2:00 PM**  
**City Hall Conference Room**

In attendance: Greg Ellis, Bryan Brown, Bret Smith, Darvin Tramel, Eric Laitinen, John Kelley, Penny Hummel, Sue Engels, and Kim Scheafer.

Kim Scheafer

- City Council Goal Setting has been scheduled for Saturday, March 5 from 9 AM – 2 PM; from 9 AM – 11 AM the Directors will be giving 15- minute presentations about current and future projects
- Reviewed Agenda for February 2 CC Meeting
- City Council will be having a work session with CAPRD on February 3

Penny Hummel

- Will be having a work session with the City Council on March 9 to discuss library funding

Bret Smith

- Administrative Assistant interviews were done last Thursday
- Interviewed police officers today

Sue Engels

- Supplemental Budget Summary will be published on Wednesday
- Working with an apartment complex owner on overdue sewer/street maintenance fees

Bryan Brown

- Utilizing new code language from TSP regarding traffic analysis scoping
- A new automotive store will be doing a traffic analysis scoping
- Had a pre-application meeting with Potters Industries for a phased development
- Received application from Village on the Lochs for phase II
- Pioneer Pump submitted an application to expand their facility

Darvin Tramel

- Working on creating a stormwater budget
- Getting quotes for median work on 99E
- Starting work on Territorial and Birch
- Still working on dryer issues

Eric Laitinen

- Park and Recreation Advisory Board met last week. An update was given on the Northwood's Park.
- Park Board will continue to monitor sound issue at Wait Park and make sure users are aware of noise issues

Minutes taken by Kim Scheafer