

# AGENDA

## CANBY CITY COUNCIL REGULAR MEETING

September 15, 2010

6:30 PM (PLEASE NOTE EARLIER TIME)

Canby High School Omni Room

Applied Technology Center

721 SW 4th

*Mayor Melody Thompson*

*Council President Walt Daniels*

*Councilor Richard Ares*

*Councilor Robert Bitter*

*Councilor John Henri*

*Councilor Brian Hodson*

*Councilor Jason Padden*

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## CITY COUNCIL REGULAR MEETING

### 1. CALL TO ORDER

A. Pledge of Allegiance and Moment of Silence

B. POW/MIA Recognition Day Proclamation

Pg. 1

### 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 September 1, 2010 City Council Regular Meeting

### 7. RESOLUTIONS & ORDINANCES

A. Res. 1072, Amending Canby's Sanitary Sewer, Transportation, and Storm Drainage System Development Charges to Account for Inflation Pg. 2

B. Ord. 1336, Amending Canby Municipal Code Chapter 12.36 Regarding Telecommunication Facilities; and Declaring an Emergency Pg. 5

### 8. NEW BUSINESS

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

**10. CITIZEN INPUT**

**11. ACTION REVIEW**

**12. ADJOURN**

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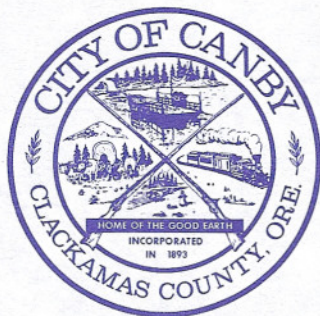
**WORK SESSION  
Immediately Following Regular Meeting  
Canby High School Omni Room  
Applied Technology Center  
721 SW 4th**

This Work Session will be attended by the Mayor and City Council to receive an update on the proposed Transportation System Plan (TSP) Pg. 8

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\*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.



Office of the Mayor

# Proclamation

## POW/MIA RECOGNITION DAY

WHEREAS, The United States of America has participated in many wars, calling upon its sons and daughters to fight for their country; and

WHEREAS, American men and women have been held captive by hostile powers during their military service; and

WHEREAS, Many American prisoners of war were subjected to harsh and inhumane treatment by their captors which often resulted in death; and

WHEREAS, Americans are still listed as missing and unaccounted for, and the families and friends of these missing Americans, as well as their fellow veterans, still endure uncertainty concerning their fate; and

WHEREAS, The sacrifices of Americans still missing are deserving of national recognition and support for continuing priority efforts to determine their fate; and

WHEREAS, the City of Canby is proud to join with other cities in the State of Oregon and nation in honoring those still missing.

NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, hereby proclaim September 17, 2010 as:

POW/MIA Recognition Day in Canby

and encourage all citizens to join in this observance.

Given unto my hand this 15<sup>th</sup> day of September, 2010.

Melody Thompson  
Mayor





# MEMORANDUM

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Bryan C Brown*  
**THROUGH:** *Greg Ellis, City Administrator*  
**DATE:** *September 8, 2010*

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Issue: Update of System Development Charges.

Synopsis: The Council has requested annual updates to the System Development Charges to compensate for increased costs. The proposed increase is 4.8 percent.

Recommendation: Staff recommends that the City Council **approve Resolution 1072, a resolution amending Canby's system development charges to account for inflation.**

Rationale: The Council has requested that the charges be updated annually to avoid large increases. Specifically, Resolution 748 (approved June 2001) states that the annual update shall be based on the changes in the Engineering News Record Construction Index (ENR Index). In the past year, the index has registered an increase of 3.2%. Thus, staff has prepared this resolution with that percentage increase. For a new single-family house the charges will increase as shown below:

	<u>Current rate</u>	<u>Proposed rate</u>
Sanitary Sewer	\$2,489	\$2,571
Transportation	\$2,517	\$2,603
Storm Drainage	\$96	\$96

The City's parks SDC is managed separately and is not part of the current proposal.

Options: 1. Based on the resolution adopted in 2001, the Council should adopt the new fees as proposed. Adoption of different rates would require a new plan for updating the SDCs. Frequent updates will ensure that we will not have to double or triple rates in the future, as we did in 2001.

Attached: 1. Resolution 1072.

## RESOLUTION NO. 1072

### **A RESOLUTION AMENDING CANBY'S SANITARY SEWER, TRANSPORTATION, AND STORM DRAINAGE SYSTEM DEVELOPMENT CHARGES TO ACCOUNT FOR INFLATION.**

**WHEREAS**, Resolution 748, adopted June 2001, specified that the City will review inflationary cost impacts to system development charges annually and update the charges by resolution when appropriate; and

**WHEREAS**, Resolution 748 specified that inflationary calculations are to be based upon changes in the Engineering News Record Construction Index; and

**WHEREAS**, The ENR index has increased 3.2% since the SDCs were last adjusted in 2009; and

**WHEREAS**, ORS 310.145 requires that a governing body, when adopting or amending a fee resolution imposing new rates, may include a provision classifying said fees as subject to or not subject to the limitations set in Section 11 (b), Article XI of the Oregon Constitution; now therefore it is hereby

**RESOLVED** that the system development charges for the City of Canby should be adjusted to the following rates to account for the 3.2 % increase in construction costs:

#### Sanitary Sewer

Improvement Fee: \$653.00 per EDU  
Reimbursement Fee: \$1,918.00 per EDU (equivalent dwelling unit)

#### Transportation

Improvement Fee: \$250.00 per ELNDT (equivalent length new daily trip)  
Reimbursement Fee: \$22.00 per ELNDT

#### Storm Drainage

Improvement Fee: \$7.00 per ELNDT  
Reimbursement Fee: \$3.00 per ELNDT

**BE IT FURTHER RESOLVED** that the Canby City Council hereby classifies the charges imposed herein as not being subject to the limitations imposed by Section 11(b), Article XI of the Oregon Constitution and that the City Recorder is hereby directed to publish notice in accordance with Oregon law.

This resolution is effective September 15, 2010.

**ADOPTED** by the Canby City Council on the 15th day of September, 2010

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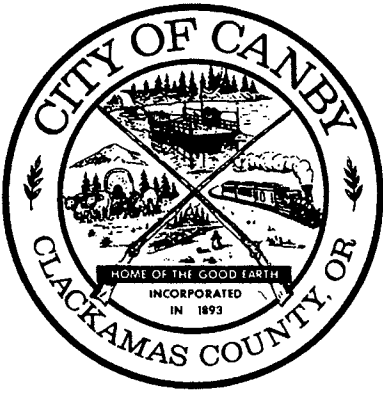
Melody Thompson, Mayor

**ATTEST:**

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Kimberly Scheafer, CMC  
City Recorder





# City of Canby

Office of the City Attorney

September 8, 2010

Memo to: Mayor/City Council

From: John H. Kelley, City Attorney

Re: Ordinance No. 1336

I have prepared Ordinance No. 1336, an Ordinance amending the **CMC chapter 12.36** regarding **Telecommunication Facilities** to make some changes that we feel will eliminate our issues with Wave Broadband over telephone franchising issues.

Nancy Werner, our franchise counsel, has had conversations with Jim Penney of Wave and she reports that if the Code is amended to reflect the new definition of what is included under "Telecommunication Services", she believes that Wave will start paying franchise fees to the City beginning on the effective date of this Ordinance.

Nancy will continue to work through this issue and hopefully get Wave to agree by the meeting of September 15<sup>th</sup>, however, if she is unsuccessful by then, we'll remove the Ordinance from the Agenda and continue to negotiate a resolution.

If you have any questions, or need more background, please call me.

## ORDINANCE NO. 1336

### AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 12.36 REGARDING TELECOMMUNICATION FACILITIES; AND DECLARING AN EMERGENCY.

**WHEREAS**, the City of Canby provides regulation of Telecommunication Facilities that operate within the City rights-of-way as set forth in Canby Municipal Code (CMC) Chapter 12.34; and

**WHEREAS**, certain sections of the current Code need to be amended due to changes in telecommunication technology; now therefore

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

Section 1. Section 12.36.030 **Definitions** is amended to read as follows;

1. “Telecommunications means the transmission between and among points specified by the user of information of the user’s choosing, without change in the form or content of the information as sent and received.” is hereby deleted from the definitional section.
2. “Telecommunication Service” is hereby amended to read:

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



Section 2. Emergency Declared. In order to better promote the safety, health and welfare of the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, September 15, 2010 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, October 6, 2010, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

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Kimberly Scheafer, CMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on October 6, 2010, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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Melody Thompson, Mayor

**ATTEST:**

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Kimberly Scheafer, CMC  
City Recorder



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

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Matilda Deas, AICP, Project Planner*  
**THROUGH:** *Greg Ellis, City Administrator*  
**DATE:** *September 7, 2010*  
**RE:** *Transportation System Plan Workshop*

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Staff is working with our consultant and with representatives from ODOT and DLCD to resolve the downtown circulation challenge portion of our Transportation System Plan. We are pursuing alternate mobility standards as a first choice, but are still working out the details of how this can be implemented. Alternate mobility standards for OR 99E would alleviate the need for the City to meet the mobility standards listed in the Oregon Highway Plan, rather we would be held to our newly adopted alternate mobility standards. This would negate the need to have a downtown circulation solution identified in our TSP.

The reason this is a preferred solution is that even if we developed criteria for a future refinement plan, we would still have to find a solution for the downtown traffic based on the existing mobility standards listed in the Oregon Highway Plan. New development in the downtown would have to address those standards, and it would be entirely possible that if unmet for any reason, new development could be denied. If ODOT and DLCD approve alternative mobility standards for Canby, it would solve the future traffic issues so no new “solution “ would be necessary, and new development would not be denied, as the new standards would be less onerous to meet.

Staff will provide information to the Council as soon as ODOT, DLCD, our consultant and staff are in agreement, and have the proposed code language for you to review. Thank you for your patience.

## **Management Team Meeting Minutes**

**August 30, 2010**

**2:00 PM**

### **City Hall Conference Room**

In attendance: Greg Ellis, Julie Wehling, Bryan Brown, Catherine Comer, Sue Engels, Penny Hummel, Darvin Tramel, and Kim Scheafer.

#### Kim Scheafer

- Applicants were interviewed for Admin. OS II position
- Will be out of office September 2 and 3
- Amanda will be out of office September 1 through September 7

#### Penny Hummel

- Sunday afternoon was busy at the library
- Met with architectural firm regarding proposed library facility
- 1,150 children participated in summer reading program
- Constitution Day will be held at 2:30 PM on September 11

#### Julie Wehling

- Getting reading for software update
- Transit Center is under construction

#### Darvin Tramel

- Public works complex had a clean-up day on Friday
- Street maintenance program is going well
- Knights Bridge Road Project continues

#### Greg Ellis

- Taped a show at OCTS with Ami Keiffer last week
- Attended Dahlia Festival on Sunday
- Toured Aurora Airport last week

#### Catherine Comer

- Meeting with architectural firm regarding proposed police facility this afternoon

#### Bryan Brown

- Matilda is working on language that is acceptable to DLCD and ODOT that would allow the City to develop the TSP without the one-way streets
- Attended preconstruction meeting for DCS Morgan
- Four homes on Walnut Street had addresses corrected and changed to Sequoia Street
- Notifying various agencies to change their databases so 34<sup>th</sup> CT addresses now say 34<sup>th</sup> Place so they match street signs

Minutes taken by Kim Scheafer