

# AGENDA

## CANBY CITY COUNCIL REGULAR MEETING

June 16, 2010

7:30 PM

Council Chambers

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

*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. Swearing in of New Police Officer
- C. Presentation to Scott Taylor
- D. Canby Livability Day Proclamation Pg. 1
- E. Canby Fire District #62 "Fill-the-Boot" Day Proclamation Pg. 2
- F. Pickle Award Presentation Pg. 3

### 2. COMMUNICATIONS

### 3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

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

### 4. MAYOR'S BUSINESS

### 5. COUNCILOR COMMENTS & LIAISON REPORTS

### 6. CONSENT AGENDA

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

- A. Approval of Minutes of the May 19, 2010 City Council Regular Meeting
- B. Approval of Minutes of the June 2, 2010 City Council Regular Meeting

### 7. PUBLIC HEARINGS

- A. State Revenue Sharing Funds
- B. 2010-2011 Fiscal Year Budget

## **8. RESOLUTIONS & ORDINANCES**

- A. Res. 1063, Verifying City has Met Requirements to Receive Revenues from Cigarette, Gas and Liquor Taxes Pg. 5
- B. Res. 1064, Adopting Budget, Making Appropriations and Categorization for the 2010-2011 Fiscal Year Pg. 7
- C. Res. 1065, Prescribing Monthly Rates to be Charged for Sanitary and Storm Sewer Service Pg. 13
- D. Res. 1066, Extending Workers Compensation Coverage to Volunteers and Repealing Resolution 880 Pg. 17
- E. Res. 1067, Creating a Fee to be Charged for Fingerprinting Services Pg. 20
- F. Res. 1068, Authorizing Transfer of Appropriations From an Existing Category to Another Existing Category Within the General Fund Pg. 22
- G. Ord. 1328, Granting an Exclusive Franchise to Canby Disposal Company to Provide Solid Waste, Recyclable Materials and Yard Debris Collection Service Within the City of Canby (**2<sup>nd</sup> Reading**) Pg. 24
- H. Ord. 1329, Amending Canby Municipal Code Section 16.06.030 Regarding Appointment of Planning Commission Members (**2<sup>nd</sup> Reading**) Pg. 26
- I. Ord. 1330, Renaming a Segment of NE 11th Avenue Located East of N Pine Street to NE 11th Place Pg. 28
- J. Ord. 1331, Declaring City's Election to Receive State Revenue for 2010-2011 Fiscal Year Pg. 32
- K. Ord. 1332, Authorizing a Contract with Roy L. Houck Construction Co. in the Amount of \$658,397.25 for Construction of the 2010 Street Surface Treatment Program Pg. 34

## **9. NEW BUSINESS**

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

## **11. CITIZEN INPUT**

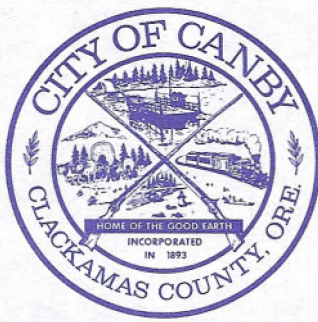
## **12. ACTION REVIEW**

## **13. EXECUTIVE SESSION: ORS 192.660(2)(f) Exempt Public Records and 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.





Office of the Mayor

# Proclamation

## “Canby Livability Day”

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

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

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

### Canby Livability Day

in Canby and encourage all citizens to join in this observance and volunteer on June 27, 2010 at one of the clean-up sites.

Given unto my hand this 16<sup>th</sup> day of June 2010.



Melody Thompson  
Mayor





Office of the Mayor

# Proclamation

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

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

WHEREAS, "Fill-the-Boot" is an opportunity for Oregon firefighters to ask community members to drop donations into their fire boots to help local families served by MDA in the state. This year marks the 56<sup>th</sup> anniversary of the partnership between firefighters and MDA in the fight against muscle wasting diseases; and

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

WHEREAS, firefighters, locally and nationally, are the largest contributors to the MDA. Canby Firefighters collected \$10,497.51 in 2009 to help in the fight against the 43 different types of neuromuscular diseases.

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim Saturday, July 31 2010 as:

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

Given unto my hand this 16<sup>th</sup> day of June, 2010.

Melody Thompson  
Mayor



RECEIVED

MAY 25 2010

CITY OF CANBY

## Customer Service "Pickle" Award Nomination Form

This award acknowledges individual employees who demonstrate outstanding customer service, flexibility and personal attention to develop and maintain relationships with customers.

Date: 5/22/10  
 Name of Nominee: Amanda Klock Position: HR Director  
 Department: Human Resources Phone #: \_\_\_\_\_  
 Name of Nominator: Robert Bitter Position: City Councilor  
 Department: City Council Phone #: 503 319 4671  
 Signature of Nominator: Robert Bitter

Description of accomplishment (see reverse for award criteria). **Please attach a complete description of the accomplishment which indicates why your nominee deserves to receive the "Pickle" Customer Service Award.** In forming this submission please include specific, detailed examples and data to support your nomination. The information you provide will be used by the Customer Service Committee to determine whether to recommend the nominee to the City Administrator for the award. Nominator will receive confirmation of receipt of submission via email.

### Selection

A nomination form must be completed and submitted to the Customer Service Committee. The Committee will determine the award recipient and forward a recommendation to the City Administrator. Awards will be presented at a City Council meeting. The Committee will notify recipients of their selection. Each nominee will receive a plaque and a pickle lapel pin.

### Description of accomplishment

Please provide specific, detailed examples and data to support your nomination. The information you provide will be used by the Committee to determine the recipient of this award:

Description of the accomplishment: Why does your nominee deserve to receive the Pickle Customer Service Award? What impact has the nominee's accomplishment had on the City of Canby? How did staff, coworkers, or customers benefit from the accomplishment? How has the nominee's accomplishment supported the City Council Customer Service Goal?

*The City Council values good customer service and desires that all City departments focus on understanding the needs of the citizens they serve. City staff should receive training and encouragement in the area of customer service. The City Council goal is that all citizens who need access to City services be treated respectfully, cordially and effectively. A customer service focus on the part of the City staff is intended to foster better communication and credibility between citizens of Canby and their local government.*

***People are our most valuable resource!***

***Nominate someone you think deserves recognition – someone who truly shines!***

## **"Pickle" Award Nomination for Amanda Klock**

### **Summary:**

In August of 2009 the City Administrator was terminated, and Amanda Klock agreed to step into the role as Interim Administrator. She performed this role for eight months, while continuing her duties as HR Director. Amanda had a very positive impact on the morale of the employees of the City, and began the healing process with the community.

### **Details:**

When the City Council terminated the contract of the prior City Administrator in August of 2009, the Council asked Amanda Klock to take on the role of Administrator until a replacement was hired. Together with the assistance of Kim Scheafer and John Kelly, Amanda agreed to step up to these duties.

Almost immediately Amanda created open communications among the leadership team, and reached out to all employees. This was the first of many steps she enacted to create transparency within the City. She and her team held the first all-employee meeting in over ten years, arranged for a Holiday party, and began sending out weekly information updates.

Meanwhile, Amanda reached out to the business community, service organizations and citizens at large to invite open communications. She was available to anyone who wanted to talk, and maintained an "open door" to everyone in the community. As she continued her HR duties this usually meant that she 12+ hours a day.

She took on some challenging internal issues with candor and a fresh approach. This ultimately resulted in some personnel changes, but left everyone confident that healing had begun. Other organizations noticed the change, and this has led to stronger relations between these entities.

Amanda led the efforts to recruit a new Administrator, including managing the League of Oregon Cities contracted recruiting effort. She had a very "hands-on" role in this effort, requiring many late nights to complete the vetting of candidates. The result was the hiring of a strong new leader for the City.

Amanda's personal commitment and leadership were in evidence throughout this eight month period. The City of Canby is fortunate to have her as part of our leadership team. Her efforts are very much appreciated.

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

***DATE:*** June 16, 2010  
***TO:*** Honorable Mayor Thompson and City Council  
***FROM:*** Sue Engels, Finance and Court Services Director  
***CC:*** Greg Ellis, City Administrator  
***RE:*** A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS  
MET THE REQUIREMENTS TO RECEIVE REVENUES FROM  
CIGARETTE, GAS AND LIQUOR TAXES.

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

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

**Recommendation:** That council adopts Resolution No. 1063 validating that the city  
has met the requirements to receive revenues from cigarette, gas,  
and liquor taxes.

**Fiscal Impact:** The city estimates amounts to be received are \$20,000 for cigarette  
taxes, \$170,000 for liquor taxes, and \$590,000 for gas taxes.

**Attached:** Resolution No. 1063



## RESOLUTION NO. 1063

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

**WHEREAS**, ORS 221.760 provides as follows:

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

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

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

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

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

This Resolution shall take effect on June 16, 2010.

**ADOPTED** by the Canby City Council at a regular meeting thereof on June 16, 2010.

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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***

***DATE:*** June 16, 2010  
***TO:*** Honorable Mayor Thompson and City Council  
***FROM:*** Sue Engels, Finance and Court Services Director  
***CC:*** Greg Ellis, City Administrator  
***RE:*** A RESOLUTION ADOPTING THE BUDGET, MAKING  
APPROPRIATIONS, AND CATEGORIZATION FOR THE 2010-  
2011 FISCAL YEAR.

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**Issue:** ORS 294.435 requires the City to hold a public hearing and adopt the budget by June 30, 2010 and ORS 294.555 requires the City to submit the Tax Certification Documents to the County Assessor by July 15, 2010.

**Background:** The City of Canby passed a Tax Base of \$1,250,000 on November 6, 1990. The City passed a local option levy of \$0.42 per \$1000.00 of assessed property value on November 07, 2006 to fund Swim Center Operations. The City levies the taxes provided for in the adopted budget at the permanent rate of 3.4886 per \$1000. These taxes are hereby levied upon all taxable property within the district as of 1:00 a.m. July 1, 2010. The allocation and categorization subject to the limits of section 11, Article XI of the Oregon Constitution.

**Recommendation:** We recommend City Council adopt Resolution No. 1064 as recommended by the budget committee.

**Attached:** Resolution No. 1064

## RESOLUTION NO. 1064

### A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND CATEGORIZATION FOR THE 2010-2011 FISCAL YEAR

**WHEREAS**, the City of Canby passed a Tax Base of \$1,250,000 on November 6, 1990; and

**WHEREAS**, a public hearing for the 2010-2011 City Budget was duly and regularly advertised and held on June 16, 2010; and be it resolved that the City Council of the City of Canby hereby adopts the budget approved by the Budget Committee;

**WHEREAS**, the City of Canby passed a local option levy of .42¢ per \$1,000.00 of assessed property value on November 7, 2006, with an estimated \$384,780 raised in 2007-2008; this levy is to fund Swim Center Operations.

**RESOLVED** that the City Council of Canby hereby levies the taxes provided for in the adopted budget at the permanent rate of 3.4886 per \$1,000 and a local option levy of .42¢ per \$1000.00 of assessed property value and that these taxes are hereby levied upon all taxable property within the district as of 1:00 a.m. July 1, 2010. The following allocation and categorization subject to the limits of section 11, Article XI of the Oregon Constitution make up the above aggregate levy;

	Subject to the General Government Limitation	Excluded from the Limitation
Permanent Rate Levy	3.4886	
Local Option Levy	0.4200	
Total Levy	3.9086	

**BE IT RESOLVED** that the amounts for the fiscal year beginning July 1, 2010 and for the purposes shown below are hereby appropriated as follows:

#### **GENERAL FUND**

ADMINISTRATION	2,238,331
COURT	299,642
PLANNING	350,957
PARKS	500,150
BUILDING	219,093
POLICE	4,189,639
CEMETERY	128,513
FINANCE	436,542

TOTAL EXPENDITURES AND REQUIREMENTS	8,362,867
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**OTHER FUNDS**

**STREET FUND**

PERSONAL SERVICES	360,167
MATERIALS & SERVICES	180,480
TRANSFERS	1,201,231
CAPITAL OUTLAY	4,500
CONTINGENCY	13,432
RESERVE FOR FUTURE EXPENDITURE	8,890
TOTAL EXPENDITURES AND REQUIREMENTS	<b>1,768,700</b>

**SEWER COMBINED FUND**

PERSONAL SERVICES	862,481
MATERIALS & SERVICES	572,903
DEBT SERVICE	567,069
TRANSFERS	295,070
CAPITAL OUTLAY	1,585,629
RESERVE FOR FUTURE EXPENDITURE	20,392
TOTAL EXPENDITURES AND REQUIREMENTS	<b>3,903,544</b>

**911 EMERGENCY**

MATERIALS & SERVICES	242,000
TRANSFERS	600
TOTAL EXPENDITURES AND REQUIREMENTS	<b>242,600</b>

**PARKS DEVELOPMENT FUND**

MATERIALS & SERVICES	10,000
CAPITAL OUTLAY	885,133
TRANSFERS	600
TOTAL EXPENDITURES AND REQUIREMENTS	<b>895,733</b>

**LIBRARY ENDOWMENT FUND**

CAPITAL OUTLAY	135,400
TRANSFERS	600
TOTAL EXPENDITURES AND REQUIREMENTS	<b>136,000</b>



**LOGGING ROAD INDUSTRIAL**

CAPITAL OUTLAY	63,253
TRANSFERS	600
DEBT SERVICE	70,017
TOTAL EXPENDITURES AND REQUIREMENTS	<b>133,870</b>

**STREET RESERVE**

CAPITAL OUTLAY	3,660,900
TRANSFERS	600
TOTAL EXPENDITURES AND REQUIREMENTS	<b>3,661,500</b>

**CEMETERY PERPETUAL CARE**

CAPITAL OUTLAY	741,956
TRANSFERS	600
TOTAL EXPENDITURES AND REQUIREMENTS	<b>742,556</b>

**CAPITAL RESERVE**

CAPITAL OUTLAY	85,467
TRANSFERS	34,733
TOTAL EXPENDITURES AND REQUIREMENTS	<b>120,200</b>

**FORFEITURE FUND**

MATERIALS & SERVICES	16,400
TRANSFERS	600
TOTAL EXPENDITURES AND REQUIREMENTS	<b>17,000</b>

**FLEET SERVICES COMBINED FUND**

PERSONAL SERVICES	324,233
MATERIALS & SERVICES	678,940
TRANSFERS	9,336
CAPITAL OUTLAY	10,000
RESERVE FOR FUTURE EXPENDITURE	7,879
TOTAL EXPENDITURES AND REQUIREMENTS	<b>1,030,388</b>

**TECHNICAL SERVICES COMBINED FUND**

PERSONAL SERVICES	57,171
MATERIALS & SERVICES	96,300
TRANSFERS	69,000
CONTINGENCY	38,728
CAPITAL OUTLAY	322,881
RESERVE FOR FUTURE EXPENDITURE	1,490
TOTAL EXPENDITURES AND REQUIREMENTS	<b>585,570</b>

**LID FUND #0100**

TRANSFERS	10,456
TOTAL EXPENDITURES AND REQUIREMENTS	<b>10,456</b>

**TRANSIT FUND**

PERSONAL SERVICES	115,044
MATERIALS & SERVICES	1,016,404
CONTINGENCY	12,136
TRANSFERS	431,275
CAPITAL OUTLAY	368,853
DEBT SERVICE	99,588
RESERVE FOR FUTURE EXPENDITURE	2,818
TOTAL EXPENDITURES AND REQUIREMENTS	<b>2,046,118</b>

**SWIM CENTER LEVY FUND**

PERSONAL SERVICES	407,083
MATERIALS & SERVICES	118,290
CONTINGENCY	122,052
TRANSFERS	49,931
CAPITAL OUTLAY	40,000
RESERVE FOR FUTURE EXPENDITURE	9,394
TOTAL EXPENDITURES AND REQUIREMENTS	<b>746,750</b>

**LIBRARY FUND**

PERSONAL SERVICES	577,978
MATERIALS & SERVICES	191,061
TRANSFERS	177,680
CONTINGENCY	193,460
RESERVE FOR FUTURE EXPENDITURE	9,321

<b>TOTAL OPERATING BUDGET</b>	<b>25,553,352</b>
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**ADOPTED** by the Canby City Council at a regular meeting thereof on June 16, 2010.

ATTEST:

City Council Packet Page 12 of 46



# MEMORANDUM

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Sue Engels, Finance & Court Services Director*  
**THROUGH:** *Greg Ellis, City Administrator*  
**DATE:** *June 1, 2010*

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Issue: The proposed 2010-11 budget for Sewer Combined Fund anticipates an increase in sewer rates of 6.11%. Rates were last raised October 1, 2009. The rates are raised by means of a resolution of the Council. The effective date of the increase is proposed as July 1, 2010, in order to give customers, and especially landlords, adequate notice.

Recommendation: Approval of Resolution 1065

Attached: Resolution 1065

## **RESOLUTION NO. 1065**

### **A RESOLUTION PRESCRIBING MONTHLY RATES TO BE CHARGED FOR SANITARY AND STORM SEWER SERVICE.**

**WHEREAS**, the Canby City Council has determined that the total annual costs of operation, maintenance and debt service of the sanitary and storm sewer collection, treatment, and disposal system (Sewer System) must be self-sustaining through collection of monthly services rates, and an increase in rates is required in order to fund increased costs of operating, maintaining, and upgrading the City's Sewer System, and

**WHEREAS**, the City's Sewer Ordinance provides that the Council by resolution shall establish appropriate rates to be charged for monthly sewer services; and

**WHEREAS**, Section 26 (4) of chapter 459 of Oregon Laws 1991 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; and

**WHEREAS**, the City Council has determined that the rates hereinafter specified and hereby established are just, reasonable and necessary; now therefore it is hereby

**RESOLVED** that:

1. Effective on July 1, 2010, rates for sewer services shall be increased as specified in Exhibit "A."
2. The City reserves the right to allow non-residential customers to discharge and to charge additional rates for extra-strength sewage. Permission to discharge and rates for extra-strength sewage will be determined by the Wastewater Treatment Supervisor on a case-by-case basis.
3. For new non-residential customers, an estimate of usage will be made by the City and used for billing until a history of actual water usage is available. Deductions will be allowed for verified quantities of water lost in evaporation processes and water retained in products.
4. These sewer rates as now established shall continue until changed by subsequent resolution of the Canby City Council.

**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 shall take effect June 16, 2010.

**ADOPTED** by the Canby City Council on the 16<sup>th</sup> day of June, 2010.

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Melody Thompson  
Mayor

ATTEST:

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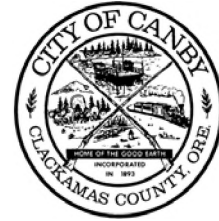
Kimberly Scheafer, CMC  
City Recorder



## RESOLUTION NO. 1065 - EXHIBIT "A"

<b>Sewer Rates</b>	Current Rate	Proposed
	(Established Oct. 1, 2009)	6.11% Increase (Effective July 1, 2010)
<b>Customer Class</b>		
Residential single family	28.64	30.39
Residential, apartment, per unit	28.64	30.39
Mobile home	28.64	30.39
Senior discount	20.41	21.66
Elementary School, per student	1.13	1.20
Middle & High School, per student	1.49	1.58
Transient housing (1st unit)	28.64	30.39
<i>Each additional bed</i>	15.04	15.96
Nursing home (1st two beds)	28.64	30.39
<i>Each additional bed</i>	15.04	15.96
Commercial retail, minimum	28.64	30.39
<i>per 100 cf of weater use Nov.-March</i>	3.58	3.80
Commercial government, minimum	28.64	30.39
<i>per 100 cf of water use Dec. &amp; Jan.</i>	3.58	3.80
Industrial, minimum	28.64	30.39
<i>per 100 cf of water use</i>	3.58	3.80

# MEMORANDUM



To: Mayor Thompson and Canby City Council  
From: Amanda Klock, Human Resource Director  
Date: June 8, 2010  
Through: Greg Ellis, City Administrator  
Re: Resolution No. 1066

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## ***Background Summary***

The City provides workers compensation coverage to volunteers, elected City officials and City boards and commissions. Coverage is provided through a resolution, which should be updated annually to capture any changes from current or prior year(s). The City's insurance provider, City County Insurance Services, requires the City to have a current volunteer resolution on file. The City of Canby volunteer resolution has not been updated in several years and includes some ambiguity, which is clarified in resolution 1066.

## ***Recommendation***

Staff recommends that the Council approve Resolution 1066, authorizing workers compensation coverage for City volunteers, elected officials and boards and commissions.

## ***Attached***

Resolution No. 1066

## **RESOLUTION NO. 1066**

### **A RESOLUTION EXTENDING THE CITY OF CANBY'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF CANBY AND REPEALING RESOLUTION 880.**

**WHEREAS**, the Canby City Council elects the following:

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

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

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



This resolution shall take effect July 1, 2010.

**ADOPTED** this 16<sup>th</sup> day of June 2010, by the Canby City Council.

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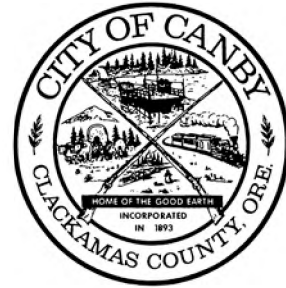
Melody Thompson, Mayor

ATTEST:

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Kimberly Scheafer, CMC  
City Recorder

# MEMORANDUM



**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Bret Smith, Police Chief*  
**DATE:** *June 7, 2010*  
**THROUGH:** *Greg Ellis, City Administrator*

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Issue: Adoption of Fee for Fingerprinting Services

Synopsis: The Canby Police Department has expanded their fingerprinting services and it is now able to provide non-criminal fingerprinting services to the public, Monday through Friday, during normal business hours. Traditional ink fingerprinting will be conducted for those persons who are required to have them when applying for a new job, petitioning to expunge a criminal record, applying for naturalization, child adoption, or for families who desire to have their children printed.

Once a person is fingerprinted, the person will be given the fingerprint card(s) to take with them. The police department will not maintain copies of those fingerprints that are done as a community service and at the request of the citizen.

The goal of the police department is to meet the needs of our community by providing convenient and professional fingerprint services. Appointments are recommended to ensure staff availability, but are not required.

The schedule of fees attached as Resolution No. 1067 is based upon an industry standard as compared to other police departments providing a similar service, which is meant to cover the cost of providing the service to the public and it is not meant to generate excess income for the City above the cost of providing the requested service.

Recommendation: Staff recommends Council adopt Resolution 1067.

Recommended motion: ***“I move to adopt Resolution 1067, A RESOLUTION CREATING A FEE TO BE CHARGED FOR FINGERPRINTING SERVICES”.***

Attached: Resolution 1067

**RESOLUTION NO. 1067**

**A RESOLUTION CREATING A FEE TO BE CHARGED FOR FINGERPRINTING SERVICES.**

**WHEREAS**, City staff have recognized that there is a need to provide fingerprinting services to the public; and

**WHEREAS**, the proposed fee is meant to cover the cost of providing the service to the public and is not meant to generate excess income for the City above the cost of providing the requested service.

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

1. The fees for fingerprinting shall be \$25.00 per card and \$10.00 for each additional card.

This resolution shall take effect June 16, 2010.

**ADOPTED** this 16<sup>th</sup> day of June 2010, by the Canby City Council.

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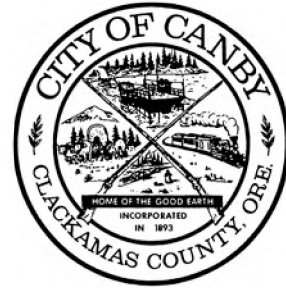
Melody Thompson, Mayor

ATTEST:

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Kimberly Scheafer, CMC  
City Recorder

# MEMORANDUM



**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Sue Engels, Finance & Court Services Director*  
**DATE:** *June 8, 2010*  
**THROUGH:** *Greg Ellis, City Administrator*

---

Issue: Resolution transfer in the General Fund

Synopsis: Ongoing expenses for beautification and promotional activities in the downtown such as flower baskets and banners cannot be paid from urban renewal funds. A \$1,127.28 contribution from the Canby Area Chamber of Commerce and \$10,903.65 in payments on Economic Improvement District assessments during the current and previous budget years can be used. The supplemental budget passed June 2, 2010 appropriated \$6,835 for Administration Department materials and services to meet these expenses. The proposed resolution appropriates the remaining \$5,195.93.

Recommendation: Staff recommends Council adopt Resolution 1068.

Recommended motion: ***“I move to adopt Resolution 1068, A RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATIONS FROM AN EXISTING CATEGORY TO ANOTHER EXISTING CATEGORY WITHIN THE GENERAL FUND”***

Attached: Resolution 1068

**RESOLUTION NO. 1068**

**A RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATIONS FROM AN EXISTING CATEGORY TO ANOTHER EXISTING CATEGORY WITHIN THE GENERAL FUND**

**WHEREAS**, the City has received payments in the current and in the previous fiscal year for Economic Improvement District (E. I. D.) assessments receivables, and has also received \$1,127.28 from the Canby Area Chamber of Commerce in support of downtown flower baskets; and

**WHEREAS**, the revenue from the assessments was recognized in the year the assessments were made and receivables were set up for the unpaid balances, and subsequent payments reduced the receivables balances and increased cash; and

**WHEREAS**, the City wishes to use the money from the Chamber and the E. I. D. receivables payments to fund flower baskets, banners and other downtown activities; and

**WHEREAS**, funds are available in General Fund Contingency, and the City wishes to keep expenditures within authorized appropriations for all funds,

**NOW THEREFORE, BE IT RESOLVED THAT:**

Section 1. The City Administrator shall transfer or caused to be transferred the following appropriations in the General Fund:

<u>From</u>		<u>To</u>	
Contingency	5,195.93	Admin. Dept. - Materials & Services	5,195.93

This resolution shall take effect on June 16, 2010.

**ADOPTED** by the Canby City Council at a regular meeting thereof on June 16, 2010.

\_\_\_\_\_  
Melody Thompson  
Mayor

ATTEST:

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

## **ORDINANCE NO. 1328**

### **AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE TO CANBY DISPOSAL COMPANY TO PROVIDE SOLID WASTE, RECYCLABLE MATERIALS AND YARD DEBRIS COLLECTION SERVICE WITHIN THE CITY OF CANBY; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby and Canby Disposal Company currently cooperate under an exclusive franchise agreement as set forth in Ordinance #793, approved in 1986, and further amended by Ordinance #951 in 1995, wherein Canby Disposal Company provides solid waste, recyclable materials and yard debris collection service for the City of Canby; and

**WHEREAS**, the City and Canby Disposal Company have negotiated an updated exclusive Franchise Agreement to provide solid waste, recyclable materials and yard debris collection service to customers within the City of Canby, Oregon; and

**WHEREAS**, the City has evaluated the technical, legal and financial capability of Canby Disposal Company to continue to operate the collection service; and

**WHEREAS**, the City Council finds based on its assessment of community needs that the proposed exclusive Franchise Agreement, attached hereto as Exhibit "A", and by this reference incorporated herein, meets those community needs and that it should therefore grant the updated franchise agreement as requested, consistent with the terms and conditions of Exhibit "A"; now therefore

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

Section 1. The City hereby grants to Canby Disposal Company of Canby, Oregon, an exclusive franchise on the terms and conditions in the attached Exhibit "A", for a ten (10) year rolling or continuing term from the effective date of July 1, 2010, to operate and maintain a solid waste, recyclable materials and yard debris collection service in the City of Canby.

Section 2. In order to avoid a break in the continuity of the collection services currently provided by Canby Disposal company, and 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 on July 1, 2010 as directed by the Canby City Council.

2nd Reading



**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, June 2, 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, June 16, 2010, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue in Canby, Oregon.

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

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on June 16, 2010, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

**ATTEST:**

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

2nd Reading

## **ORDINANCE NO. 1329**

### **AN ORDINANCE AMENDING CANBY MUNICIPAL CODE SECTION 16.06.030 REGARDING APPOINTMENT OF PLANNING COMMISSION MEMBERS.**

**WHEREAS**, the City of Canby initiated an application (case no. TA-10-01) for an amendment to the text of Title 16, in order that the appointment of planning commission members reflect the process adopted by the City Council in their Policies and Operating Guidelines (POG) passed by Resolution 892; and

**WHEREAS**, the Planning Commission held a public hearing concerning the text amendment application on April 12, 2010, and based on their determination that the proposed amendment met all required approval criteria, voted 7-0 to forward a recommendation of approval to City Council; and

**WHEREAS**, the City Council received the text amendment application and Planning Commission recommendation on May 19, 2010, and found that the proposed amendment complies with the Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development; that there is a public need for the change; that the amendment will serve the public need better than any other change which might be expected to be made; that the amendment preserves and protects the health, safety, and general welfare of the residents in Canby; and that it complies with the Statewide Planning Goals; and

**WHEREAS**, the City Council voted to approve Text Amendment No. TA 10-01 as presented, based on the findings in the Council staff report and directed staff to present Council with an ordinance to codify the amendment; now therefore,

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

Section 1. Title 16 of the Canby Municipal Code (CMC), otherwise known as the “Land Development and Planning Ordinance of the City”, Section 16.06.030, is amended as follows:

(Added text is illustrated below in red underlined font while deleted text is illustrated in ~~strikeout font~~).

2nd Reading

**16.06.030 Appointment and removal.**

Members of the Planning Commission shall be appointed by the City Council upon a recommendation of the Mayor, Council Liaison to the Planning Commission, and Planning Commission Chairperson. and Members of the Planning Commission may be removed by the City Council, after hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the council for the unexpired term of the predecessor in the office.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, June 2, 2010, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, June 16, 2010, commencing at the hour of 7:30 pm at the Council Meeting Chambers located at 155 N.W. 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 the 16th of June 2010, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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Melody Thompson, Mayor

ATTEST:

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Kimberly Scheafer, CMC  
City Recorder

2nd Reading



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

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Bryan Brown, Planning Director*  
**THROUGH:** *Greg Ellis, City Administrator*  
**DATE:** *June 2, 2010*  
**RE:** *Ordinance No. 1330 - AN ORDINANCE RENAMING A SEGMENT OF N.E. 11<sup>TH</sup> AVENUE LOCATED EAST OF N. PINE STREET TO N.E. 11<sup>TH</sup> PLACE (SNC 10-01)*

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### **Summary:**

Attached is Ordinance No. 1330, which renames a portion of N.E. 11<sup>th</sup> Avenue to N. E. 11<sup>th</sup> Place as directed by the Council with approval of Street Name Change file # SNC 10-01 on May 19, 2010.

### **Recommendation:**

Staff recommends that the City Council pass Ordinance No. 1330, attached to this report.

Recommended Motion: *"I move to approve Ordinance 1330, an ordinance renaming a segment of N.E. 11<sup>th</sup> Avenue located east of N. Pine Street to N.E. 11<sup>th</sup> Place, and declaring an emergency to come up for second reading on July 7, 2010."*

### **Background:**

Planning Commission held a public hearing concerning the renaming of this street segment on April 26, 2010 and forwarded a recommendation for approval to the City Council.

City Council then received the application, staff report, and recommendation of the Planning Commission on May 19, 2010. The City Council approved the street name change file #SNC 10-01 on May 19, 2010 and directed staff to present Council with an ordinance for adoption.

### **Attachment:**

1. Ordinance No. 1330

## **ORDINANCE NO. 1330**

### **AN ORDINANCE RENAMING A SEGMENT OF N.E. 11<sup>TH</sup> AVENUE LOCATED EAST OF N. PINE STREET TO N.E. 11<sup>TH</sup> PLACE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby initiated a Street Name Change application (No. SNC 10-01) when it became aware that the erected street sign did not match the given name of the street; and

**WHEREAS**, delivery and emergency safety benefits are to be had in assuring consistency across the city in street naming convention; and

**WHEREAS**, pursuant to Oregon Revised Statute 227.120 and the Canby Municipal Code, a Street Name Change public hearing process with notice to effected property owners was held before the Planning Commission and the City Council on April 26, 2010 and May 19, 2010 respectively; and

**WHEREAS**, the City Council received a staff report and Planning Commission recommendation, and judged a street name change to be in the best interest of the City; and

**WHEREAS**, the City Council voted to approve Street Name Change application (No. SNC 10-01) as presented and directed staff to present Council with an ordinance to effectuate the street name change; now therefore,

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

Section 1. N.E. 11<sup>th</sup> Avenue, a 570-foot long segment located east of N. Pine Street is renamed N.E. 11<sup>th</sup> Place.

(See Attached Exhibit "A" Map Illustrating Affected Street Segment)

Section 2. Emergency declared. In order to immediately provide for the health, safety and welfare of the Citizens of Canby by correcting the street name, an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon its enactment following final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, June 16, 2010, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, July 7, 2010, commencing at the hour of 7:30 pm at the Council Meeting Chambers located at 155 N.W. 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 the 7th of July 2010, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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Melody Thompson, Mayor

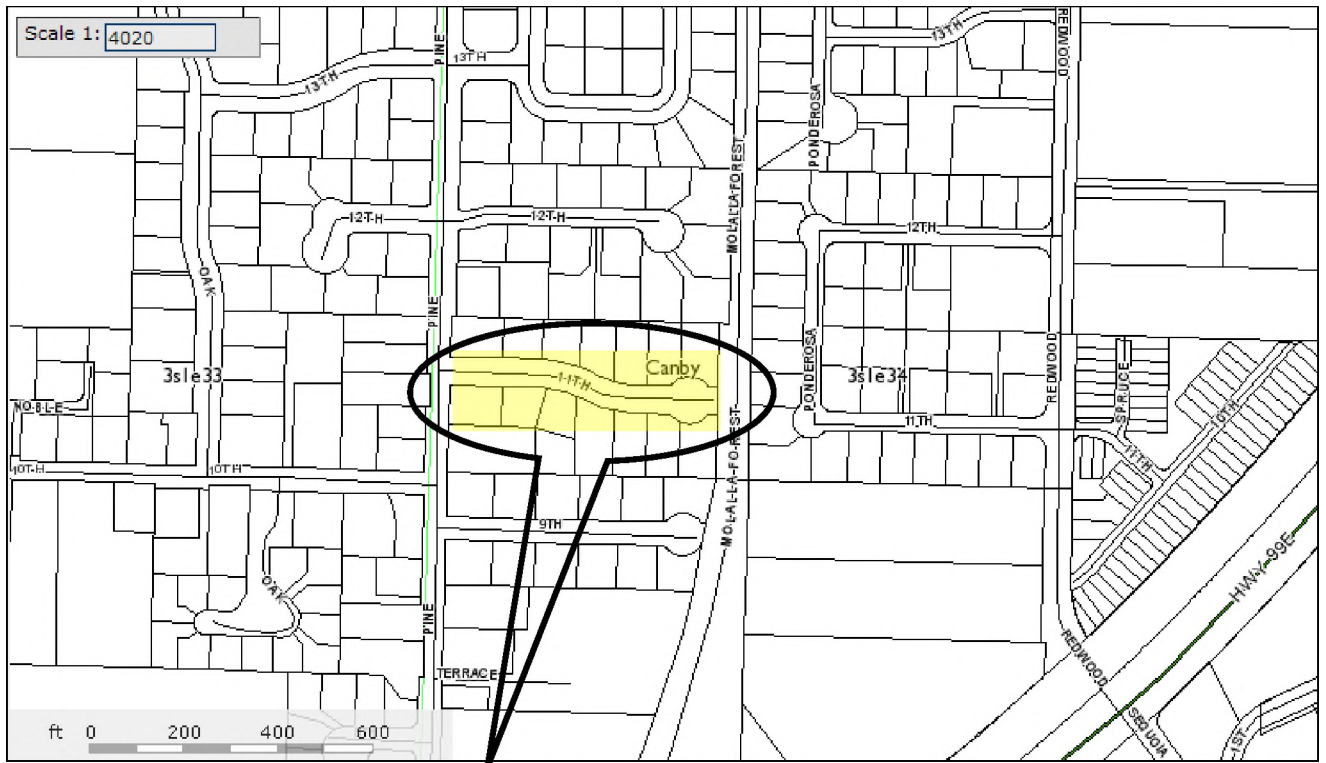
ATTEST:

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Kimberly Scheafer, CMC  
City Recorder



**EXHIBIT A - MAP**



**Street Segment Renamed from N.E. 11th Avenue (*old*) to N.E. 11th Place**

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

***DATE:*** June 16, 2010  
***TO:*** Honorable Mayor Thompson and City Council  
***FROM:*** Sue Engels, Finance and Court Services Director  
***CC:*** Greg Ellis, City Administrator  
***RE:*** ORDINANCE DECLARING THE CITY'S ELECTION TO  
RECEIVE REVENUE FOR FISCAL YEAR 2010-2011.

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**Issue:** An ordinance declaring the City's election to receive state revenues for fiscal year 2010-2011.

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

**Recommendation:** That council adopt Ordinance No. 1331 declaring the city's election to receive state revenue for fiscal year 2010-2011.

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

**Attached:** Ordinance No. 1331

**ORDINANCE NO. 1331**

**AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2010-2011.**

**WHEREAS**, a public hearing for the use of state revenue sharing funds was held before the Budget Committee on April 28, 2010, and before City Council on June 16, 2010; now therefore,

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

**Section 1** Pursuant to ORS 221.770, the City of Canby hereby elects to receive state revenues for fiscal year 2010-2011.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, June 16, 2010, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, July 7, 2010, commencing at the hour of 7:30 pm at the Council Meeting Chambers located at 155 N.W. 2<sup>nd</sup> Avenue, Canby, Oregon.

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 7th of July 2010, by the following vote:

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:

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

CURRAN-McLEOD, INC.  
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210  
PORTLAND, OREGON 97223

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

**FROM:** Curt McLeod, P.E. *Curt*  
CURRAN-McLEOD, INC.

THIS HAS BEEN REVIEWED  
BY THE FINANCE DIRECTOR

*Sue Engels*

**DATE:** June 8, 2010

**ISSUE:** 2010 STREET SURFACE TREATMENT PROGRAM  
APPROVAL OF CONSTRUCTION CONTRACT ORDINANCE 1332

**SYNOPSIS:** On June 8th, 2010, the City of Canby solicited and received seven bids for the 2010 Street Surface Treatment Program. This staff report is to request Council approval for award of the contract to the low responsive bidder.

**RECOMMENDATION:**

That the Council approve Ordinance 1332 authorizing the Mayor and City Administrator to execute a contract with Roy L. Houck Construction Co in the amount of \$658,397.25 for the 2010 Street Surface Treatment Program; and declaring an emergency.

**RATIONALE:**

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

**BACKGROUND:**

This project is a continuation of the annual street maintenance program based on the Pavement Condition Index survey. The funding source is limited to maintenance of the existing street network.

Honorable Mayor & City Council  
June 8, 2010  
Page 2

**FISCAL IMPACT:**

The low responsive bid of \$658,397.25.00 is within the amount of available funds budgeted in the 2010 - 2011 fiscal year in anticipation of this project.

**ENCLOSURES:**

- Ordinance Number 1332
- Exhibit 'A' Construction Contract
- Exhibit 'B' Bid Tabulation

CC: Mr. Darvin Tramel, Acting Public Works Director

## **ORDINANCE NO. 1332**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH ROY L. HOUCK CONSTRUCTION CO. IN THE AMOUNT OF \$658,397.25, FOR CONSTRUCTION OF THE 2010 STREET SURFACE TREATMENT PROGRAM; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby has heretofore advertised and received seven (7) bids for the 2010 Street Surface Treatment Program; and

**WHEREAS**, the notice of call for bids was duly and regularly published in the Oregon Daily Journal of Commerce on May 20, 2010; and

**WHEREAS**, bids were received and opened on June 8, 2010 at 2:00 pm in the Planning Department Conference Room of the City of Canby and the bids were read aloud:

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

Roy L. Houck Construction Co.	\$658,397.25
Knife River Corporation - NW	\$686,782.00
Eagle-Elsner, Inc.	\$691,518.60
Brix Paving Company	\$698,329.39
K.F. Jacobsen & Co, Inc.	\$700,756.35
Guernsey Stone Co dba Cemex	\$701,231.60
Granite Northwest, Inc.	\$732,732.00

**WHEREAS**, the Canby City Council, acting as the City's Contract Review Board, met on Wednesday, June 16, 2010, and considered the bids and reports and recommendations of the City staff, including the staff recommendation that the low responsive bid be selected; and

**WHEREAS**, the Canby City Council determined that the low responsive bid was that of Roy L. Houck Construction Co; now therefore

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

**Section 1.** The Mayor and/or City Administrator are hereby authorized and directed to make, execute, and declare in the name of the City of Canby and on its behalf, an appropriate contract with Roy L. Houck Construction Co. for the 2010 Street Surface Treatment Program in the amount of \$658,397.25. A copy of the contract with Roy L. Houck Construction Co is attached hereto and marked as Exhibit "A" and by this reference incorporated herein.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to complete this project as soon as possible, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, June 16, 2010; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, July 7, 2010, after the hour of 7:30 pm at the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

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

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 7th day of July 2010, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:

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



## CONTRACT FOR CONSTRUCTION

THIS AGREEMENT is dated as of the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2010 by and between

\_\_\_\_\_  
City of Canby  
(hereinafter called OWNER) and

\_\_\_\_\_  
Roy L. Houck Construction Co  
(hereinafter called CONTRACTOR)

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

### ARTICLE 1 - WORK

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

#### City of Canby 2010 Street Surface Treatment Program

The scope of work consists of the following:

- Approximately 8,100 tons of asphaltic concrete pavement at 1.5", 2" and 4" thickness.
- Approximately 520 square yard pavement reconstruction/repair of failed areas.
- Approximately 12,725 square yard of Petromat geotextile fabric.
- Approximately 5,150 lineal feet of asphalt joint crack sealing.
- Approximately 3,375 square yard of asphalt removal, rototilling and repaving
- Approximately 5,300 lineal feet of 4", 8" and 12" thermoplastic striping including bike and ADA legends.

### ARTICLE 2 - ENGINEER

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

### **ARTICLE 3 - CONTRACT TIME**

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

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

### **ARTICLE 4 - CONTRACT PRICE**

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

Six Hundred Fifty Eight Thousand, Three Hundred Ninety Seven and 25/100 Dollars

( \$658,397.25 ) as shown in the attached Bid Proposal.

### **ARTICLE 5 - PAYMENT PROCEDURES**

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

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

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

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

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

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

## **ARTICLE 6 - INTEREST**

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

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

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

- 7.1 CONTRACTOR has familiarized himself with the nature and extent of the Contract Documents, Work, locality, and with all local conditions and federal, state and local laws, ordinances, rules and regulations that in any manner may affect cost, progress or performance of the Work.
- 7.2 CONTRACTOR has studied carefully all reports of investigations and tests of subsurface and latent physical conditions at the site or otherwise affecting cost, progress or performance of the Work which were relied upon by ENGINEER in the preparation of the Drawings and Specifications and which have been identified in the Supplementary Conditions.
- 7.3 CONTRACTOR has made or caused to be made examinations, investigations and tests and studies of such reports and related data in addition to those referred to in paragraph 7.2 as he deems necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports or similar data are or will be required by CONTRACTOR for such purposes.

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

## **ARTICLE 8 - CONTRACT DOCUMENTS**

- 8.1 This Agreement
- 8.2 Exhibits to this Agreement.
- 8.3 Performance and other Bonds
- 8.4 Notice of Award.
- 8.5 General Conditions of the Construction Contract
- 8.6 Supplementary Conditions
- 8.7 Technical Specifications as listed in the Table of Contents.
- 8.8 Specifications bearing the following general title:
- City of Canby  
2010 Street Surface Treatment Program
- 8.9 Addenda numbers 1 and 2.
- 8.10 CONTRACTOR'S Bid
- 8.11 Any Modification, including Change Orders, duly delivered after execution of Agreement.

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

## **ARTICLE 9 - MISCELLANEOUS**

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

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

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

This Agreement will be effective on \_\_\_\_\_, 2010.

OWNER:

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

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

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

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

CONTRACTOR:

**Roy L. Houck Construction Co**  
**4444 22<sup>nd</sup> Ave, NE**  
**Salem, OR 97301**

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

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

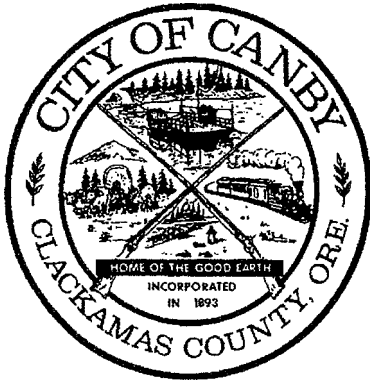
Attest: \_\_\_\_\_

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

**CITY OF CANBY**  
**2010 STREET SURFACE TREATMENT PROGRAM**

*June 8, 2010*  
*2:00 pm*

<b>BIDDER</b>		<b>ADDRESS</b>	<b>BID</b>
1.	<b>Roy L. Houck Construction</b>	<b>Salem, OR</b>	<b>\$ 658,397.25</b>
2.	Knife River	Portland, OR	\$ 686,782.00
3.	Eagle-Elsner	Sherwood, OR	\$ 691,518.00
4.	Brix Paving	Sherwood, OR	\$ 698,329.39
5.	KF Jacobson	Portland, OR	\$ 700,756.35
6.	Guernsey Stone Co. - CEMEX	Salem, OR	\$ 701,231.60
7.	Granite NW, Inc.	Vancouver, WA	\$ 732,732.00



# City of Canby

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## Police Department

May 30, 2010

TO: Officer Dennis Swanberg #13706  
Detective Chris Scharmota #43988

SUBJECT: Commendation

On April 11, 2010, a theft of "Frontline" pet products, valued at \$2,562.47, were stolen from the Wilco Farm Store located at 196 S. Hazel Dell Way, Canby. Officer Swanberg received the initial theft call and took the report. Officer Swanberg followed up on possible leads in the case by viewing the surveillance tapes, contacting the Oregon City Wilco store manager, contacting DHS and the West Linn Police Department. Officer Swanberg's thorough investigation lead to a possible suspect and address.

The case was then assigned to Detective Scharmota for follow up and suspect contact. Detective Scharmota went a step further and was able to identify an e-bay account, located in West Linn, that was selling Frontline products similar to the ones that were stolen from Wilco. The possible suspect also had a West Linn address. Detective Scharmota contacted the suspect in her home, and because of the information he and Officer Swanberg had acquired prior to this contact, he was able to obtain a confession from the suspect admitting to stealing the products. Detective Scharmota also recovered some of the stolen products from the suspect's home.

The investigative reports were well written and submitted to the District Attorney's for prosecution.

I want to take this opportunity to recognize you for the extra effort you have given in this investigation. Both of you took the initiative to go beyond just taking the report by following up on leads which identified the suspect. Your actions are an example of your commitment to provide excellent police work to the community we serve.

I commend you both for your work and dedication to the community and to the Canby Police Department.

  
Bret Smith  
Chief of Police

CC: Personnel file – Human Resources



## **Management Team Meeting Minutes**

**June 7, 2010**

**2:00 PM**

### **City Hall Conference Room**

In Attendance: Greg Ellis, Bryan Brown, Bret Smith, Amanda Klock, Eric Laitinen, John Kelley, Sue Engels, Julie Wehling, Darvin Tramel, and Kim Scheafer

#### Kim Scheafer

- Reviewed Agendas for the June 16 URD Agency and City Council meetings
- Customer service manual updates were handed out to all staff

#### Bryan Brown

- Had received an inquiry regarding a bus only accessible parking space
- Several planning applications had been received

#### Bret Smith

- Investigated a complaint on Friday regarding protestors at Post Office
- Bike Rodeo was a success. An estimated 250 children attended.
- Police Department will start providing fingerprinting services

#### Amanda Klock

- Citywide staff meeting at 8 AM on Tuesday at the Canby Adult Center
- Finishing recruitment process for two police officer positions
- Currently recruiting for Associate Planner and a Library position
- Has been working with ODS on trying to lower premiums
- Looking into another employee assistance program

#### Eric Laitinen

- Pool schedule will change starting June 13
- New chlorination and ultra violet light system will be installed in September

#### John Kelley

- Will be meeting with Vietnam Memorial Committee regarding inquiry of reserving memorial for celebrations

#### Sue Engels

- Will be working on P-Cards and on-line bill pay programs

#### Julie Wehling

- Two new Dial-A-Ride buses arrived and are being inspected at City shops
- Wants to be involved in the Emergency Operations Plan update and the Emergency Operations Center
- A grant application was submitted to ODOT for two 30-35' coaches and one mini-van
- Working on Transit Center revision. Kiosk and benches need to be ordered.

Darvin Tramel

- Knights Bridge Road lift station is almost complete
- Resurfacing of Knights Bridge Road will be done by end of September
- Bid opening will take place on June 8 for the 2010 street maintenance surfacing program
- WWTP dryer should be on-line by end of September
- Access by Thriftway and irrigation repairs will take place on 2<sup>nd</sup> Avenue
- Will be working with Julie Wehling on CAT signs along 99E
- Public works will be striping the downtown corridor on June 14 & 15 from 8 PM – 6 AM (weather permitting)

Greg Ellis

- Went to lunch with the City Administrator from Woodburn
- City Council & Planning Commission will be having a work session on June 9 to review the TSP
- Will be attending the ODOT high-speed rail open house on June 17

Minutes taken by Kim Scheafer

City of Canby  
Proposed Changes to Approved Budget

GENERAL FUND	Rev/Exp Changes
<b>Revenue</b>	
Franchise Fees	60,000
Res Trans from Tech Serv	13,430
Building Dept Cash Carryover	(2,700)
Total Revenue Increases	70,730

Canby Disposal Co.

<b>Expenditures</b>	
Admin-Trans to Fleet Services	30,000
-Res for Future Expenditures	470
Court-Court Services Officer	800
-Employee Benefits	190
Build-Office Specialist II	1,530
-Employee Benefits	4,384
-Building Reserve Funds	5,723
Police-Parrott Creek Program	3,500
Finance-Office Specialist III	21,363
-Office Specialist II	(13,239)
-Employee Benefits	(2,478)
Contingency	18,487
Total Expenditure Increases	70,730
Net	-

Shops Roof

Contribution

<b>STREETS FUND</b>	
Office Specialist II	8,003
Office Specialist III	(10,818)
Employee Benefits	(1,610)
Streets Contingency	4,354
Res for Future Expenditures	71
Net	-

<b>FLEET SERVICES COMBINED</b>	
<b>Revenue</b>	
Res Trans from GF Admin	30,000
<b>Expenditure</b>	
Capital Outlay-Shop Improvements	30,000
Net	-

<b>SEWER COMBINED</b>	
Office Specialist II	8,002
Office Specialist III	(10,818)
Employee Benefits	(1,830)
Res for Future Expenditures	71
Sewer Contingency	4,575
Net	-

<b>TECH SERVICES</b>	
Res Transfer to Building	13,430
Contingency	(13,430)
Net	-