

# AGENDA

## CANBY CITY COUNCIL REGULAR MEETING

November 3, 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

### 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 October 20, 2010 City Council Regular Meeting

B. Appointment to the City Budget Committee Pg. 1

C. Appointment to the Transit Advisory Committee Pg. 2

### 7. RESOLUTIONS & ORDINANCES

A. Res. 1076, Designating a Recovery Zone Pursuant to the American Recovery and Reinvestment Tax Act of 2009 for the Purpose of Issuing Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds Pg. 3

B. Res. 1077, Authorizing the Issuance and Negotiated Sale of Full Faith and Credit Obligations in an Amount Not to Exceed \$2,500,000; Designating an Authorized Representative, Special Counsel and Underwriter; Authorizing Appointment of a Financial Advisor; Authorizing Execution and Delivery of a Financial Agreement and an Escrow Agreement; Authorizing an Intergovernmental Agreement with the Canby Urban Renewal Agency; and Related Matters Pg. 12

- C. Res. 1078, Adopting an Intergovernmental Agreement with the Canby Urban Renewal Agency Regarding the Transfer of Tax Increment Revenues and Proceeds to the City of Canby for the Purpose of Paying Obligation Bond Financing Pg. 21
- D. Ord. 1336, Amending Canby Municipal Code Chapter 12.36 Regarding Telecommunication Facilities; and Declaring an Emergency **(2<sup>nd</sup> Reading)** Pg. 28
- E. Ord. 1339, Amending Title 16, Chapter 16.42 of the Canby Municipal Code Concerning Sign Standards **(2<sup>nd</sup> Reading)** Pg. 30

**8. NEW BUSINESS**

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

**10. CITIZEN INPUT**

**11. ACTION REVIEW**

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

**13. 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: October 6, 2010

Name: Gwendolyn C. Polgar

Occupation: Commercial Real Estate

Analyst

Home Address:

Employer: HomeStreet Capital

Position: Sr. Loan Production Analyst

Daytime Phone:

Evening Phone:

E-Mail Address:

For which position are you applying? City Budget Committee

What are your community interests (committees, organizations, special activities)? I would like to be a part of a committee and/or organization for the City of Canby to continue improving our community.

Experience and educational background: I have worked in the banking industry for the past 15+ years with an emphasis on Commercial Real Estate. I have managed construction budgets for multi million dollar projects where I funded, balanced, budgeted, adjusted and rebalanced construction loan funds. I have had to verify equity, liquidity and investor contributions. I have analyzed income property to see how it cash flows for potential refinance of existing debt. I have worked with government operations such as Fannie Mae and Freddie Mac. I have attended several seminars/events with CREW (Commercial Real Estate Women) and the OMLA (Oregon Mortgage Lenders Association). I have taken classes in Corporate Financial Analysis, Appraisal and Property Management through the MBA (Mortgage Bankers Association). I have been in my current position for 11 years and support 3 managers, of which 2 are located in Seattle, Washington.

Reason for your interest in this position: I want to be involved in the community my family and I live in. I want my 7 year old daughter and her generation to have a community they respect, admire and want to be involved in, when they grow up here.

List any other City or County positions on which you serve or have served: This would be my first position.

Information on any special membership requirements: None at this time.

Referred by (if applicable): None.

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

**RECEIVED**

**OCT 06 2010**

**CITY OF CANBY**

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

**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: 09/29/2010

Name: Allan Messer

Occupation: Human Resources

Home Address:

Employer: City of Portland, Human Resources

Position: Sr. HR Analyst

Daytime Phone:

Evening Phone:

E-Mail Address:

For which position are you applying? CAT board

What are your community interests (committees, organizations, special activities)? Many and varied. I have lived in Canby since 1971 (with occasional interruptions), and have owned my current home since 1989. I have two children in Canby Schools (Ackerman and Canby Hight). My wife is an active member of the Canby M.O.M.S. club. We were members and are still supporters of Canby Community Pre-school. I was a board member of the Pre-school for several years and an elected member of the Knight school Citizen Advisory Committee for one term. We have been involved with the Canby Fair Parade for the past 10 to 12 years (I have pulled the M.O.M.S. club float for most of those years) and are active participants in General Canby Days. My mother graduated from Canby high as part of the class of '46, I graduated there as part of the class of '72 and my oldest daughter will graduate as part of the class of '13 and my youngest daughter as part of the class of '16. We love Canby and would like to support those areas where we can help ensure that services are equal to the excellence we see in the schools.

Experience and educational background: Graduated from the University of Cincinnati in 1976 and have worked in various industries from sales to banking and accounting, finally settling in Human Resources in 1990.

Reason for your interest in this position: I am a rider of the C.A.T. and would like to support the organization and lend my expertise in trying to ensure its ability to provide stellar services to the citizens of Canby.

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

Information on any special membership requirements:

Referred by (if applicable):

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

**RECEIVED**

**SEP 29 2010**

**CITY OF CANBY**

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

*Please return to: City of Canby  
Attn: City Recorder*

**TO:** *Mayor Melody Thompson and City Council*  
**FROM:** *Catherine Comer, Director of Economic Development and URA*  
**THROUGH:** *Greg Ellis, City Administrator*  
**DATE:** *October 26, 2010 for City Council Meeting November 3, 2010*

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**Issue:**        **Resolution 1076 Designating a Recovery Zone for the NW 1<sup>st</sup> Avenue  
Redevelopment Project**

**Summary**

The Canby Urban Renewal Agency has approved funding \$2,500.000 in the current 2010-11 fiscal year for the NW 1<sup>st</sup> Avenue Redevelopment Project. Because the City has been approved for Recovery Zone bonds, we need to designate this area as a recovery zone.

**Recommendation**

Staff recommends that the Council approve this resolution

Recommended motion *“I move to approve* **RESOLUTION NO. 1076, A RESOLUTION DESIGNATING A RECOVERY ZONE PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 FOR THE PURPOSE OF ISSUING RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND RECOVERY ZONE FACILITY BONDS**

**Background**

The URA and staff have worked since summer 2009 on a proposed 1<sup>st</sup> Avenue redevelopment project to revitalize this area located in Canby’s Historic Downtown Core. We applied for funding through the American Recovery and Reinvestment Act (ARRA) through Clackamas County and received the approval of Clackamas County on April 8 2010. The bonds must be issued by December 31, 2010.

**Attached**

Resolution 1076

AARA Clackamas County Signed Resolution

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

**FILED**

**APR 13 2010**

**Sherry Hall  
Clackamas County Clerk**

A Resolution Authorizing the Creation of a Recovery Zone Under the Provisions of the American Recovery and Reinvestment Act of 2009 for the Purpose of Issuing Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds; Delegation of Authority to Suballocate Volume Cap; and Related Matters

**RESOLUTION NO. 2010-32**

**Page 1 of 3**

WHEREAS, the American Recovery and Reinvestment Act of 2009 ("ARRA") authorized, among other things, certain local governments to issue recovery zone economic development bonds ("RZEDBs") and recovery zone facility bonds ("RZFBs) (together "Recovery Zone Bonds"); and

WHEREAS, pursuant to Internal Revenue Service Notice 2009-50 ("Notice 2009-50") Clackamas County ("County") was allocated \$8,879,000 of RZEDB volume cap ("RZEDB Volume Cap") and \$13,319,000 of RZFB volume cap ("RZFB Volume Cap")(together the "Recovery Zone Volume Cap"); and

WHEREAS, RZEDBs may be issued by governments with RZEDB Volume Cap before January 1, 2011 to finance certain "qualified economic development purposes" for use within designated "recovery zones;" and

WHEREAS, RZFBs may be issued by governments with RZFB Volume Cap before January 1, 2011 to finance certain "recovery zone property" for use within designated "recovery zones;" and

WHEREAS, for these purposes, the Internal Revenue Code of 1986, as amended (the "Code") defines "recovery zone" to mean: (1) any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures, or general distress; (2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of ARRA, which effective date is February 17, 2009; and

WHEREAS, the Code defines the term "qualified economic development purpose" to mean any expenditures for purposes of promoting development or other economic activity in a recovery zone, including (1) capital expenditures paid or incurred with respect to property located in the recovery zone, (2) expenditures for public infrastructure and construction of public facilities, and (3) expenditures for job training and educational programs; and

WHEREAS, the Code defines the term "recovery zone property" generally to include certain depreciable property (1) that was

**302 820**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

A Resolution Authorizing the Creation of a Recovery Zone Under the Provisions of the American Recovery and Reinvestment Act of 2009 for the Purpose of Issuing Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds; Delegation of Authority to Suballocate Volume Cap; and Related Matters

RESOLUTION NO. 2010-32

Page 2 of 3

constructed, reconstructed, renovated, or acquired after the date on which the designation of the recovery zone took effect, (2) the original use of which in the recovery zone commences with a beneficiary, and (3) substantially all of the use of which is in the recovery zone and is in the active conduct of a "qualified business" by the beneficiary in such zone; and

WHEREAS, the Code defines the term "qualified business" generally to mean any trade or business except (1) residential rental property, and (2) any trade or business consisting of the operation of any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack, or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises; and

WHEREAS, Notice 2009-50 provides that for this purpose, any local government that receives a Recover Zone Volume Cap allocation for Recovery Zone Bonds may make these designations of recovery zones in any reasonable manner as it shall determine in good faith in its discretion; and

WHEREAS, the Board of County Commissioners of the County has caused to be prepared a factual report (Attachment "A") which is attached to and incorporated by reference into this Resolution, which provides the factual basis for designating the entire geographic area of the County as a recovery zone; and

WHEREAS, pursuant to Notice 2009-50, the County is permitted to allocate a portion or all of its Recovery Zone Volume Cap to other local governments in any reasonable manner as the County shall determine in good faith in its discretion for use for qualified economic development purposes or recovery zone property, as applicable, that are located within, or attributable, to both the jurisdiction of the local government and the County; and

WHEREAS, certain local governments that are located within the County may request that the County suballocate its Recovery Zone Volume Cap in order for such local governments to issue Recovery Zone Bonds for qualifying capital projects.

NOW, THEREFORE, BE IT RESOLVED on the basis of the above findings that the Board hereby declares the entire geographic area of

302 821

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

A Resolution Authorizing the Creation of a Recovery Zone Under the Provisions of the American Recovery and Reinvestment Act of 2009 for the Purpose of Issuing Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds; Delegation of Authority to Suballocate Volume Cap; and Related Matters

RESOLUTION NO. 2010-32

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Clackamas County is experiencing significant poverty, unemployment, rate of home foreclosures, or general distress for purposes of Section 1400U-1(b) of the Code, such that the entire geographical area of Clackamas County is hereby designated as a recovery zone for purposes of Section 1400U-1(b) of the Code; and

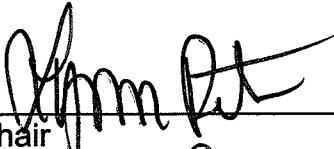
BE IT FURTHER RESOLVED that the County Administrator is hereby authorized on behalf of the County and without further action by the Board to allocate all or any portion of the County's RZEDB Volume Cap and RZFB Volume Cap to any state, regional, or local government, municipality, or district so that such governments may issue RZEDBs for eligible costs of a qualified economic development purpose or recovery zone projects that will promote development or other economic activity within the County, all in the manner set out in Attachment "B"; and

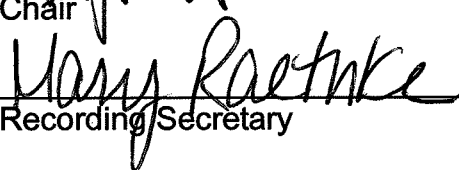
BE IT FURTHER RESOLVED that before allocating all or a portion of the County's RZEDB or RZFB Volume Cap, the County Administrator shall require that the local government requesting the allocation provide the County Administrator with details of the proposed project and a supporting certification that such project is a qualified economic development purpose or recovery zone property, as appropriate, and the County Administrator shall be entitled to rely of these certifications; and

BE IT FURTHER RESOLVED that the County Administrator, together with the County Finance Director; shall maintain the appropriate records to document each allocation made to a local government, and shall not allocate an aggregate amount of RZEDBs to local governments in excess of \$8,879,000, and will not allocate an aggregate amount of RZFBs to local governments in excess of \$13,319,000.

Done this 8th day of April, 2010.

BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Recording Secretary

302 822



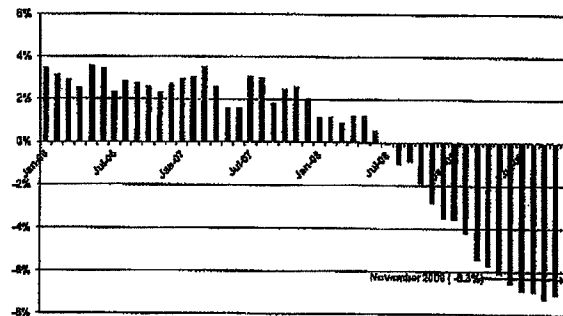
## ATTACHMENT "A"

# DATA RELATED TO DESIGNATING CLACKAMAS COUNTY AS A "RECOVERY ZONE"

## % Employment Growth Clackamas County: Year-Over-Year

November 2009	-6.3%
1 Month Ago	-7.1%
1 Year Ago	-2.8%

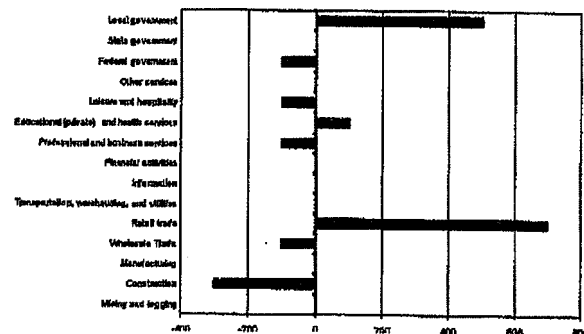
Year-Over-Year Employment Growth  
Clackamas County, 2007-2009



## Total Nonfarm Industry Employment Clackamas County

November 2009	137,700
October 2009	137,100
November 2008	146,900

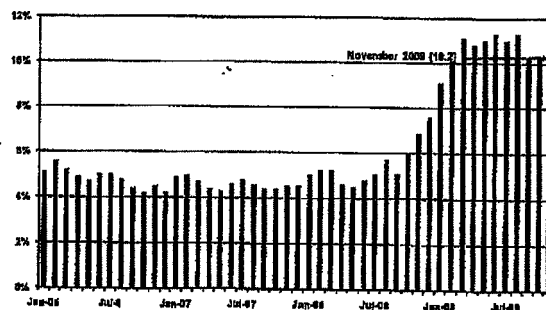
Monthly Nonfarm Employment Growth, Clackamas County  
November 2009: Comparison with One Month Ago



## Unemployment Rate Clackamas County: Not Seasonally Adj.

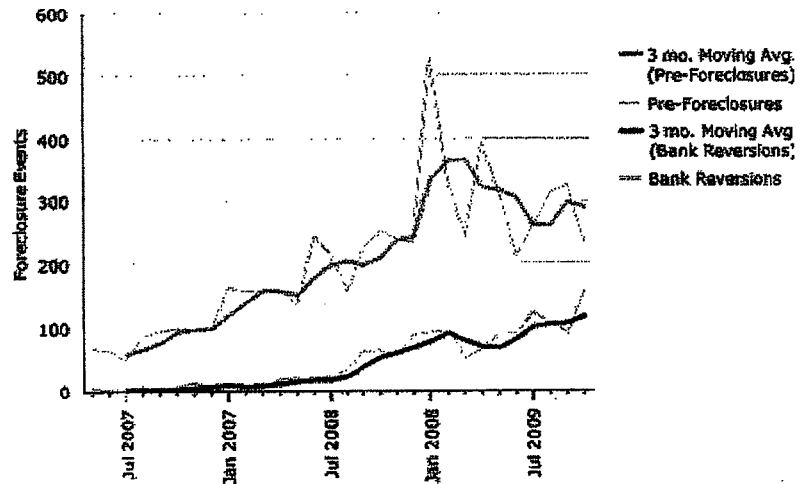
November 2009	10.2%
1 Month Ago	10.3%
1 Year Ago	6.9%

Unemployment Rate, Clackamas County  
January 2006 to November 2009



### Foreclosure Activity in Clackamas County May 2007 - October 2009

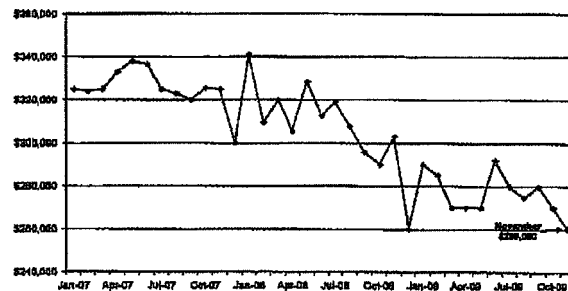
In the last quarter of 2009 Clackamas County's pre-foreclosure and bank reversion rates were the highest of all Oregon counties in the Portland Metropolitan Statistical Area. Compared to the previous year, the pre-foreclosure rate is up by almost 100%. In 2009 roughly one in every five homes sold was bank-owned.



### Median Home Price Clackamas County: Sales Price

November 2009	\$260,000
October 2009	\$269,900
November 2008	\$303,000

Home Sales - Median Price  
Clackamas County, Jan-2007 to Nov-2009



## Attachment "B"

### Clackamas County Recovery Zone Bond Projects

**Recovery Zone Facilities Bonds:** Intended projects, for which the proponents must demonstrate substantial progress towards implementation and bond issuance by December 30, 2010, include:

- \$3 million for a new production and distribution center for Dragonberry Produce in Canby.
- \$2 million for a one million square foot solar generation project on the roof of the Clackamas Town Center Mall.
- \$2 million for the construction of the Turra mixed use office, retail, value added agriculture production, and housing development in Sandy.

The remaining \$6,940,000 of the allocation is intended to be allocated to Business Oregon to redistribute to qualifying projects.

**Recovery Zone Economic Development Bonds** – Intended public sector investment in eligible projects, for which the proponents must demonstrate substantial progress towards implementation and bond issuance by December 30, 2010, include:

- \$2,899,000 to the Oak Lodge Sanitary District for a \$41 million wastewater treatment facility expansion.
- \$3.48 million to the city of Estacada for infrastructure for a new 125 acre industrial park.
- \$2.5 million to the Canby Urban Renewal District for a 1<sup>st</sup> Avenue redevelopment project.

Any unused portion of the allocations listed above will first be allocated to Oak Lodge Sanitary District, with any remaining balance available for other qualifying applicants.

## RESOLUTION NO. 1076

### **A RESOLUTION DESIGNATING A RECOVERY ZONE PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 FOR THE PURPOSE OF ISSUING RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND RECOVERY ZONE FACILITY BONDS**

WHEREAS, the Canby Urban Renewal Agency (the “Agency”) of the City of Canby, Clackamas County, Oregon (the “City”), has received an allocation of the national Recovery Zone Economic Development Bonds limitation in the amount of \$2,500,000 pursuant to the American Recovery and Reinvestment Tax Act of 2009, codified in Title 26 of the United States Code and Internal Revenue Service, Notice 2009-50, issued on June 12, 2009 (the “Allocation”); and

WHEREAS, the City understands that the Allocation is to be used for the issuance of Recovery Zone Economic Development Bonds (“RZEDB”) pursuant to Section 1400U-2 of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, Section 1400U-3 of the Code authorizes the issuance of Recovery Zone Facility Bonds (“RZFB”); and

WHEREAS, RZEDB and RZFB are referred to collectively as “Recovery Zone Bonds”; and

WHEREAS, the City understands that Recovery Zone Bonds are to be issued with respect to or to finance certain expenditures located in or attributable to an area within the jurisdiction of the City that the City determines has a significant level of one or more of the following factors: poverty, unemployment, home foreclosures, or general distress (such factors referred to herein as the “Distress Factors”); and

WHEREAS, the City has determined that the Distress Factors have been caused by one or more of the “Underlying Conditions of Distress” described in Section 1 hereof; and

WHEREAS, the City desires to designate the area described in Section 3 as a “Recovery Zone” to provide for the possible issuance of Recovery Zone Bonds (such area being referred to herein as the “Recovery Zone”);

**Section 1. Underlying Conditions of Distress.** The Council of the City (the “Council”) hereby finds and determines that the Recovery Zone identified in Section 3 suffers from the following conditions (each an “Underlying Condition of Distress”):

- significant increases in unemployment during the calendar years 2008 and 2009.
- significant increases in home foreclosures and business failures during the calendar years 2008 and 2009.

- suffered from a material decline in retail sales.

**Section 2. Distress Factors.** The Council hereby finds and determines that, as a result of the Underlying Condition of Distress, the Recovery Zone has experienced a significant level of one or more of the Distress Factors.

**Section 3. Designation of Recovery Zone.** Based upon the findings and determinations of the Underlying Condition of Distress and the resulting Distress Factors, the City hereby designates the entire area within the jurisdictional boundaries of the City as the “Recovery Zone” for the City.

**Section 4. Further Action.** The City Administrator or the Finance Director are authorized and directed to take all necessary steps to identify appropriate projects for which the issuance of obligations will further the goals established for Recovery Zone Bonds in order to cure the Distress Factors within the Recovery Zone; to identify other economic development incentives and programs which may be available under Federal or Oregon laws for such projects which will further the goals established for Recovery Zone Bonds; and to work with Clackamas County, Oregon to plan for the issuance of Recovery Zone Bonds for identified projects.

**Section 5. Effective Date.**

This resolution shall take effect on the date of its adoption.

Adopted by the Canby City Council on the 3<sup>rd</sup> day of November 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**

**TO:** *Mayor Melody Thompson and City Council*  
**FROM:** *Catherine Comer, Director of Economic Development and URA*  
**THROUGH:** *Greg Ellis, City Administrator*  
**DATE:** *October 26, 2010 for City Council Meeting November 3, 2010*

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**Issue:**           **Resolution 1077 Funding for NW 1<sup>st</sup> Avenue Redevelopment Project**

### **Summary**

The Canby Urban Renewal Agency has approved funding \$2,500,000 in the current 2010-11 fiscal year for the NW 1<sup>st</sup> Avenue Redevelopment Project. Because the City must apply for the full faith and credit obligation, this resolution authorizes the City Administrator and designated legal counsel to

### **Recommendation**

Staff recommends that the Council approve this resolution

Recommended motion ***"I move to approve RESOLUTION NO. 1077, A RESOLUTION AUTHORIZING THE ISSUANCE AND NEGOTIATED SALE OF FULL FAITH AND CREDIT OBLIGATIONS IN AN AMOUNT NOT TO EXCEED \$2,500,000; DESIGNATING AN AUTHORIZED REPRESENTATIVE, SPECIAL COUNSEL AND UNDERWRITER; AUTHORIZING APPOINTMENT OF A FINANCIAL ADVISOR; AUTHORIZING EXECUTION AND DELIVERY OF A FINANCING AGREEMENT AND AN ESCROW AGREEMENT; AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE CANBY URBAN RENEWAL AGENCY; AND RELATED MATTERS***

### **Background**

The URA and staff have worked since summer 2009 on a proposed 1<sup>st</sup> Avenue redevelopment project to revitalize this area located in Canby's Historic Downtown Core. We applied for funding through the American Recovery and Reinvestment Act (ARRA) through Clackamas County and received the approval of Clackamas County on April 8, 2010. The bonds must be issued by December 31, 2010. Please see attached for more detailed information.

### **Attached**

Resolution 1077

Letter from Clackamas County approving Canby's designation of funds

American Recovery and Reinvestment Act (ARRA) and How it Will Help Canby

## RESOLUTION NO. 1077

### **A RESOLUTION AUTHORIZING THE ISSUANCE AND NEGOTIATED SALE OF FULL FAITH AND CREDIT OBLIGATIONS IN AN AMOUNT NOT TO EXCEED \$2,500,000; DESIGNATING AN AUTHORIZED REPRESENTATIVE, SPECIAL COUNSEL AND UNDERWRITER; AUTHORIZING APPOINTMENT OF A FINANCIAL ADVISOR; AUTHORIZING EXECUTION AND DELIVERY OF A FINANCING AGREEMENT AND AN ESCROW AGREEMENT; AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE CANBY URBAN RENEWAL AGENCY; AND RELATED MATTERS**

WHEREAS, the City of Canby, Clackamas County, Oregon (the “City”), is authorized by Oregon Revised Statutes (“ORS”) Sections 271.390 to enter into financing agreements to finance real or personal property which the City determines is needed; and

WHEREAS, the City hereby determines that the acquisition, construction and/or renovation of NW 1<sup>st</sup> Avenue, commonly known as the “NW 1<sup>st</sup> Avenue Area Redevelopment Project” and related capital projects, is needed (the “Project”); and

WHEREAS, the City desires to obtain up to \$2,500,000 of financing for the Project.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

**Section 1. Authorization.** The City hereby authorizes:

A. Issuance and Sale of Obligations. The City authorizes the issuance and negotiated sale of Full Faith and Credit Obligations, Series 2010 (the “Obligations”) in one or more series which shall be issued in an aggregate amount not to exceed \$2,500,000 by the escrow agent, for and on behalf of the City, to finance the Project. The Obligations shall be issued at a true effective rate of interest not to exceed seven percent (7%) per annum inclusive of all credits and cash subsidy payments paid by the United States Treasury and shall be issued as Recovery Zone Economic Development Bonds (“RZEDB”) (as defined in paragraph 4.J. herein), at a discount not greater than ninety-eight and one-half percent (98.5%) (not including original issue discount) and shall mature not later than twenty-one (21) years from the date of issuance. The Obligations shall be sold at not more than a *de minimis* amount of original issue premium, if any.

B. Financing Agreement. The City authorizes the execution and delivery of a financing agreement (the “Financing Agreement”) to finance the Project, in a form satisfactory to the Authorized Representative, as defined below.

C. Escrow Agreement. The City authorizes the execution and delivery of an escrow agreement between the City and the escrow agent (the “Escrow Agreement”), in a form satisfactory to the Authorized Representative, as defined below, pursuant to which the escrow agent shall execute the Obligations representing the principal amount payable under the

Financing Agreement, and evidencing the right of the escrow agent to receive the City's Financing Payments under the Financing Agreement.

## **Section 2. Security.**

The Financing Payments for the Obligations shall be payable from the general, non-restricted revenues of the City and other funds which may be available for that purpose, including taxes levied within the restrictions of Sections 11 and 11b, Article XI of the Constitution of the State of Oregon. The obligation of the City to make Financing Payments shall be a full faith and credit obligation of the City, and is not subject to appropriation. The Owners of the Obligations shall not have a lien or security interest on the property financed with the proceeds of the Obligations. As determined by the Authorized Representative and as additional security for the Financing Payments, the City may pledge to the Owners of the Obligations its rights to any Tax Increment Revenues or reserve funds pursuant to an intergovernmental agreement with the Canby Urban Renewal Agency (the "Agency").

## **Section 3. Designation of Authorized Representative.**

The City hereby authorizes the City Administrator or Finance Director, or any designee of the City Council (the "Authorized Representative") to act as the authorized representative on behalf of the City and determine the remaining terms of the Financing Agreement as delegated in Section 4 below.

## **Section 4. Delegation of Final Terms and Sale of Obligations and Additional Documents.**

The Authorized Representative is authorized, on behalf of the City, to:

- A. deem final, approve of and authorize the distribution of the preliminary and final Official Statements to prospective purchasers of the Obligations;
- B. negotiate the terms under which the Obligations shall be sold, to enter into a Purchase Agreement for sale of the Obligations, and to execute and deliver the Purchase Agreement;
- C. establish the maturity and interest payment dates, dated date, principal amounts, optional, extraordinary and/or mandatory redemption provisions, interest rates, denominations, and all other terms under which the Obligations shall be issued, sold, executed, and delivered;
- D. negotiate the terms and approve of the Financing Agreement and the Escrow Agreement as the Authorized Representative determines to be in the best interest of the City, and to execute and deliver the Financing Agreement and the Escrow Agreement;
- E. determine whether the Obligations shall be Book-Entry certificates and to take such actions as are necessary to qualify the Obligations for the Book-Entry System of DTC, including the execution of a Blanket Issuer Letter of Representations;



F. seek to obtain a rating on the Obligations, if determined by the Authorized Representative to be in the best interest of the City;

G. determine whether to purchase municipal bond insurance or other credit enhancement for the Obligations, negotiate and enter into agreements with providers of credit providers, and expend proceeds to pay credit enhancement fees;

H. designate the Financing Agreement and the Obligations as a “qualified tax-exempt obligation” pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), so long as the City and all subordinate entities do not reasonably expect to issue more than \$30,000,000 of tax-exempt obligations during the 2010 calendar year;

I. approve, execute and deliver a Tax Certificate;

J. make all determinations and elections to qualify the Obligations as Recovery Zone Economic Development Bonds pursuant to The American Recovery and Reinvestment Tax Act of 2009 and take all actions necessary or desirable to qualify the Obligations as RZEDBs;

K. approve, execute and deliver a continuing disclosure certificate pursuant to SEC Rule 15c2-12, as amended (17 CFR Part 240, §240.15c2-12) for each series of Obligations;

L. engage the services of escrow agents or trustees and any other professionals whose services are desirable for the financing;

M. enter into an intergovernmental agreement with the Agency in which the Agency agrees to pay tax increment revenues to the City in amounts and at times that are sufficient to allow the City to pay all or a portion of the amounts due under the Financing Agreement and Obligations from those tax increment revenues (the “Intergovernmental Agreement”);

N. pledge or otherwise commit the amounts the City receives under the Intergovernmental Agreement to pay amounts due under the Financing Agreement; and

O. execute and deliver a certificate specifying the action taken pursuant to this Resolution, and any other documents, agreements or certificates that the Authorized Representative determines are necessary and desirable to issue, sell and deliver the Obligations in accordance with this Resolution and take any other actions which the Authorized Representative determines are necessary or desirable to finance the Project with the Financing Agreement and the Obligations in accordance with this Resolution.

## **Section 5. Compliance with Internal Revenue Code.**

The City hereby covenants for the benefit of the Owners of the Obligations to use the Obligation proceeds and the Project financed with Obligation proceeds in the manner required, and to otherwise comply with all provisions of the Code, which are required so that the Obligations qualify as RZEDB. The City makes the following specific covenants with respect to the Code:

A. The City will not take any action or omit any action if it would cause the Financing Agreement or Obligations to become arbitrage bonds under Section 148 of the Code.

B. The City shall operate the Project financed with the Obligations so that the Obligations do not become “private activity bonds” within the meaning of Section 141 of the Code.

C. The City shall comply with appropriate Code reporting requirements.

D. The City shall pay, when due, all rebates and penalties with respect to the Obligations which are required by Section 148(f) of the Code.

The covenants contained in this Section 5 and any covenants in the closing documents for the Obligations shall constitute contracts with the owners of the Obligations, and shall be enforceable by them. The Authorized Representative may enter into covenants on behalf of the City to protect the RZEDB status of the Financing Agreement and the Obligations.

#### **Section 6. Appointment of Special Counsel.**

The City appoints Mersereau Shannon LLP as special counsel to the City for the issuance of the Obligations.

#### **Section 7. Appointment of Underwriter.**

The City appoints Wedbush Securities Inc. as the underwriter for the issuance of the Obligations.

#### **Section 8. Appointment of Financial Advisor.**

The Authorized Representative is authorized to appoint a financial advisor to the City if in the opinion of the Authorized Representative it is deemed necessary or advisable.

#### **Section 9. Resolution to Constitute Contract.**

In consideration of the purchase and acceptance of any or all of the Obligations by those who shall own the same from time to time (the “Owners”), the provisions of this Resolution shall be part of the contract of the City with the Owners and shall be deemed to be and shall constitute a contract between the City and the Owners. The covenants, pledges, representations and warranties contained in this Resolution or in the closing documents executed in connection with the Obligations and the other covenants and agreements herein set forth to be performed by or on behalf of the City shall be contracts for the equal benefit, protection and security of the Owners, all of which shall be of equal rank without preference, priority or distinction of any of such Obligations over any other thereof, except as expressly provided in or pursuant to this Resolution.

**Section 10. Effective Date.**

This resolution shall take effect on the date of its adoption.

This resolution is adopted by the Canby City Council this 3<sup>rd</sup> day of November 2010.

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Melody Thompson  
Mayor

ATTEST:

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Kimberly Scheafer, CMC  
City Recorder



Gary Barth  
Director

**BUSINESS AND COMMUNITY SERVICES DIVISION**

**Development Services Building**  
150 Beavercreek Rd. | Oregon City, OR 97045

October 18, 2010

Catherine Comer, Director  
Economic Development and Urban Renewal Agency  
City of Canby  
170 N.W. 2nd Avenue  
P.O. Box 930  
Canby, Oregon 97013

Dear Catherine;

On April 8<sup>th</sup> 2010, Clackamas County officially designated the Clackamas County ARRA Recovery Zone and allocated \$2.5 million to the Canby Urban Renewal District for the Canby First Avenue Redevelopment Project. The award is intended to fund the project and can be flexible as to the recipient if needed as long as the funds are used for the project. Specifically, the ARRA Recovery Zone Economic Development bonds can be issued on behalf of the City instead of the Canby Urban Renewal District if that will make financing and implementation details easier. As you know, the bonds must be issued by December 31, 2010.

Additional bonding authority of up to \$3.48 million can be available to the city or Urban Renewal District for this project if needed. If you would like to take advantage of this opportunity please send me a letter requesting additional bonding authority, a description of what the funds would be used for, and who the recipient should be so that we can formalize the details.

Please contact me at 503-742-4327 if you have any questions or concerns. I wish you every success with your development.

Sincerely;

Renate Mengelberg

## **American Recovery and Reinvestment Act (ARRA) and How it Will Help Canby**

Through the Federal American Recovery and Reinvestment Act (ARRA) Clackamas County was allocated \$8.879 million in bonding authority for public sector investments.

ARRA Economic Development Bonds apply to public projects that promote development or other economic activity in a recovery zone, including capital projects within the recovery zone, expenditures for public infrastructure and construction of public facilities, land acquisition and expenditures for job training and education projects.

All Oregon and federal Davis Bacon prevailing wage rules will apply to projects receiving funding.

The proposed downtown redevelopment site includes a 1.5 acre parcel zoned Downtown Commercial and is on NW 1<sup>st</sup> Avenue between N Elm Street and N Ivy Street. The property has its northern boundary of NW 1<sup>st</sup> Avenue and the southern boundary is the Union Pacific railroad tracks. The property is currently being used as a parking lot and NW 1<sup>st</sup> Avenue is a deteriorated downtown main street with sidewalk on one side only, but that is highly visible from Highway 99E.

The redevelopment project would generate new construction jobs associated with the redevelopment of the site followed by new jobs created by the development of a landmark building that would house a small business incubator facility and year round agri-tourism market. The economic benefits to NW 1<sup>st</sup> Avenue and the downtown will be generated primarily from enhancing the commercial viability of the downtown by the following improvements:

- **Attractive streetscapes** including wider sidewalks to encourage sidewalk dining, new trees and landscaping, a public plaza and gathering area featuring the Canby Depot Museum and water tower;
- **Gateway features** at key entrances to the downtown that will signify to visitors that they have “arrived” in downtown and encourage them to turn in to NW 1<sup>st</sup> Avenue and shop;
- **Landmark building clearly visible from Highway 99E.** The landmark building would provide space for a small business incubator facility and a year round agri-tourism market and encourage music, food festivals, artisan markets and other events that would draw people to the downtown to shop and recreate;
- **Reinvestment in buildings.** The improved streetscapes will serve as an incentive for building owners to improve and rehabilitate existing buildings in order to capitalize on the increased activity that will result from investment in the public infrastructure. The Canby Urban Renewal Agency has implemented an improved façade matching grant program that will provide an additional incentive for building owners to rehabilitate their storefronts.

The City of Canby is committed to low impact development standards and has recently completed its first “green street” in our downtown commercial core as part of the redevelopment on NE 2<sup>nd</sup> Avenue and the Canby Cinema Project. We will

incorporate low impact development standards into the redevelopment of this site which will include, but not be limited to, pervious pavement, rain gardens for storm water management and green roofs. In addition we intend to seek certification of the redeveloped site from the National Wildlife Federation as an approved urban wildlife habitat.

Solar panels will be installed on the landmark building, and if feasible, a green roof as well.

## **CITY OF CANBY**

**Date:** October 26, 2010

**To:** Canby City Council

**From:** Greg Ellis, City Administrator

**Subject:** Intergovernmental Agreement between Urban Renewal Agency and City of Canby

**Enclosure:** Intergovernmental Agreement for use of Urban Renewal Tax Increment Revenue

**Meeting of:** November 10, 2010

**Prepared by:** Greg Ellis, City Administrator

### **Background**

On April 8, 2010 the Clackamas County Board of County Commissioners passed resolution 2010-32. The resolution authorized the creation of a Recovery Zone under the provisions of the American Recovery and Reinvestment Act for the purpose of issuing Recovery Zone Economic Development Bonds (RZEDB) and Recovery Zone Facility Bonds (RZFB). The resolution also authorized the County to allocate some portion of the RZEDBs and the RZFBs to other local governments within Clackamas County. The City of Canby has requested, and has been allocated, \$2.5 million of the bonding authority granted to Clackamas County under the Recovery Zone designation. The \$2.5 million is intended to finance the cost of improvements to NW 1<sup>st</sup> Ave. between N Ivy Street and N Elm Street.

In conformance with Oregon statutes, tax increment revenues are used for debt to fund only Urban Renewal activities, projects and programs. In order to provide the means to implement the purposes of the Canby Urban Renewal Plan, it is necessary, proper and reasonable for the Agency to enter into an Intergovernmental Agreement with the City of Canby for all capital outlays to carry out the purposes of the Canby Urban Renewal Plan as directed by the Agency Board.

### **Discussion**

In order to receive a more favorable bond rating and, therefore, a lower interest rate, staff has been advised that the bonds should be issued as a "Full Faith and Credit" obligation of the City of Canby. The bond payments, however, will come from tax increment revenues provided by the Canby Urban Renewal District. The attached Intergovernmental Agreement (IGA) will act as a contract between the City of Canby and the Canby Urban Renewal Agency insuring that those bond payments are made using tax increment revenues.

### **Options**

In substance, there are three basic options that the Canby City Council may choose:

1. Approve the Intergovernmental Agreement as presented per Resolution 1078
2. Revise and approve the Intergovernmental Agreement as revised.
3. Take no action on Resolution 1078.

### **Fiscal Note**

Funds have been specifically provided for in the proposed FY 2010-2011 Canby Urban Renewal Agency Budget under the Capital Outlay: 1<sup>st</sup> Avenue Redevelopment budget category, in the amount of \$2,500,000 for this Project.

### **Recommendation**

Staff recommends Option 1 and further recommends that the Canby City Council:

**“Make a motion to approve Resolution 1078; Authorizing an Intergovernmental Agreement between the Canby Urban Renewal Agency and the City of Canby for the use of Urban Renewal District Tax Increment Revenue.”**



## **RESOLUTION NO. 1078**

### **A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT WITH THE CANBY URBAN RENEWAL AGENCY (AGENCY) REGARDING THE TRANSFER OF TAX INCREMENT REVENUES AND PROCEEDS TO THE CITY OF CANBY (CITY) FOR THE PURPOSE OF PAYING OBLIGATION BOND FINANCING.**

**WHEREAS**, the City and Agency wish to enter into an Intergovernmental Agreement (IGA), pursuant to ORS 190.010, regarding the transfer of tax increment revenues and proceeds accumulated by the Agency. Said funds are to be transferred to the City by the Agency in sufficient amounts to pay the 2010 Obligations under the terms set forth in the 2010 Obligation financing documents relating to a project known as the NW First Avenue Redevelopment Project;

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

- (1) The City Council agrees to the terms and conditions of the Intergovernmental Agreement attached hereto as Exhibit "A" and authorizes and directs the Mayor to sign said agreement on behalf of the City of Canby.

This resolution will take effect on November 3, 2010.

ADOPTED this 3<sup>rd</sup> day of November, 2010 by the Canby City Council.

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Melody Thompson – Mayor

ATTEST:

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Kimberly Scheafer, CMC  
City Recorder

## INTERGOVERNMENTAL AGREEMENT

This Agreement is executed this \_\_\_\_\_ day of November 2010, by and between the CITY OF CANBY, OREGON, a municipal corporation of the State of Oregon (the “City”) and the CANBY URBAN RENEWAL AGENCY, OREGON, a public body created under ORS Chapter 457 (the “Agency”).

### I. DEFINITIONS

For purposes of this Agreement the following capitalized terms shall have the following meanings, unless the context clearly requires otherwise:

“2010 Obligations” means the City’s Full Faith and Credit Obligations, Series 2010 in the aggregate principal amount of \$ 2,500,000.00.

“Additional Debt” means obligations of the Agency in compliance with the requirements of Section III. 5. of this Agreement which are secured by a lien on, and pledge of, the Tax Increment Revenues which is on a parity with the lien on, and pledge of this Agreement.

“Agency” means the Canby Urban Renewal Agency, Clackamas County, Oregon.

“Agency Resolution” means the Agency Resolution No. 1078 adopted November 3, 2010.

“Agreement” means this Intergovernmental Agreement.

“Area” means the *Canby Urban Renewal Area* which is described in the Plan, and all additions thereto.

“Authorized Representative” means, each individually, the Canby City Administrator or Agency Director or their designee.

“City” means the city of Canby, Clackamas County, Oregon.

“City Resolution” means City Resolution No. 1077 adopted November 3, 2010.

“Obligations” mean the 2010 Obligations.

“ORS” means Oregon Revised Statutes.

“Plan” means the *Canby Urban Renewal Plan dated November 24, 1999, as amended June 23, 2009.*

“Tax Increment Revenues” means all ad valorem tax revenues from property within the Area which are attributable to the increase in assessed value of property within the Area, all taxes levied in connection with the Plan, and all earnings thereon.

## **II. RECITALS**

- A. Pursuant to Oregon Revised Statutes (“ORS”) Section 190.010, units of local government are authorized to enter into intergovernmental agreements with other units of local governments for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have the authority to perform.
- B. Each of the parties to this agreement is a “unit of local government” as defined in ORS Section 190.003. Each of the parties has the legal authority for the performance of any and all functions and activities set forth herein.
- C. The Agency, as the duly authorized and acting urban renewal agency of the City of Canby, Oregon is charged to undertake certain redevelopment activities in the redevelopment area pursuant to ORS Chapter 457 and the Plan.
- D. Pursuant to ORS 457.320 the City is authorized to exercise any of its powers to assist in the planning or the carrying out of an urban renewal plan.
- E. Pursuant to ORS 271.390 the City has the power to enter into financing agreements and authorize the issuance of full faith and credit obligations on its behalf to finance and refinance real and personal property.
- F. The 2010 Obligations are to be issued to finance certain real and personal property projects set forth in the Plan.
- G. Pursuant to ORS 457.190, the Agency is authorized to borrow money and accept advances, loans, grants and any other form of financial assistance from a public body for the purposes of undertaking and carrying out urban renewal projects.
- H. On November 3, 2010, the City will enter into a financing agreement and escrow agreement providing for the issuance of Full Faith and Credit Obligations, Series 2010 in the principal amount of \$ 2,500,000.00 (the “2010 Obligations”), to finance real and personal property set forth in the Plan.

## **III. AGREEMENT**

NOW, THEREFORE, pursuant to the provisions of ORS Chapters 457 and 190, and in consideration of the benefits to accrue to the City, the Agency, the community and the citizens from this Agreement and the Obligations, and in consideration of the covenants set forth therein, the City and Agency agree:

1. The Agency shall transfer tax increment revenues and proceeds to the City in amounts and at times sufficient for the City to pay the 2010 Obligations under the terms set forth in the 2010 Obligation financing documents from those tax increment revenues.
2. The Agency hereby irrevocably pledges the Tax Increment Revenues to make the transfers described in paragraph 1. above. Except to the extent of any already existing secured claim(s), the lien on, and pledge of the Tax Increment Revenues shall be superior to all other claims against the Tax Increment Revenues. The provision of this Agreement and the Agency Resolution shall be a contract with the City. Except as otherwise agreed to, in writing, by the City, the Agency covenants and agrees that it will not incur any other form of indebtedness secured by a greater priority lien on the Tax Increment Revenues during the period any amounts are outstanding under this Agreement.
3. The Agency covenants to cause the maximum amount of the Tax Increment Revenues to be collected each Fiscal Year.
4. The Agency may incur future additional indebtedness secured by a lien on the Tax Increment Revenues subordinate to the lien of this Agreement.
5. The Agency may issue Additional Debt if, at the time of issuing the Additional Debt:
  - (i) No event of default under this Agreement has occurred and is occurring; and
  - (ii) The Additional Debt does not materially and adversely affect the ability of the Agency to make the transfers set forth in Section III. 1. above, as reasonably determined by the City.
6. The City and Agency have each taken the actions necessary to authorize this Agreement and no challenge or appeal to such actions is pending.
7. The parties signing below are authorized to execute this Agreement on behalf of their respective bodies.
8. This Agreement may be modified upon written mutual agreement of the City and the Agency.
9. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same agreement.

CITY OF CANBY  
CLACKAMAS COUNTY, OREGON

By \_\_\_\_\_  
Authorized Representative

CANBY URBAN RENEWAL AGENCY  
CLACKAMAS COUNTY, OREGON

By \_\_\_\_\_  
Authorized Representative

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

*2nd Reading*

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, November 3, 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.

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

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on November 3, 2010, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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

**ATTEST:**

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

*2nd Reading*

## **ORDINANCE NO. 1339**

### **AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.42 OF THE CANBY MUNICIPAL CODE CONCERNING SIGN STANDARDS**

**WHEREAS**, the City of Canby initiated an application for an amendment to the text of Chapter 16.42 to address needed adjustments after using the new code for a reasonable time including provisions related to administration, to improve clarity and consistency, respond to concerns from businesses including adjustment to the number and square footage of commercial tenant wall signage allowed, change to temporary sign limitations and establishment of system for registering same, change in marquee sign measurement, alteration to blade and awning size limitation and vertical clearance, addition of cross reference to design standards, simplification of sign right-of-way encroachment requirements, and improvement in the use of graphic representation, and

**WHEREAS**, the Planning Commission, conducted a work session on July 26 to review and make suggestions regarding the text amendment and after providing appropriate public notice, conducted a public hearing on September 27, 2010, during which the citizens of Canby were given the opportunity to present testimony on these proposed changes; and

**WHEREAS**, the Planning Commission found that the standards and criteria of section 16.88.160 of the Land Development and Planning Ordinance concerning Text Amendments were met, and recommended by a vote of 4-0 to forward a recommendation of approval to the City Council, and

**WHEREAS**, the City Council, after reviewing the text amendment application and Planning Commission recommendation with incorporated changes on October 20, 2010, 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 function 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 therefore

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

- 1) The City Council hereby approves Text Amendment 10-03; and
- 2) Title 16, Chapter 16.42 of the Land Development and Planning Ordinance of the City of Canby, is modified as detailed in Exhibit 1.

2nd Reading



**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, October 20, 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, November 3, 2010, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 N.W. 2<sup>nd</sup> Avenue, Canby, Oregon.,

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

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on November 3, 2010 by the following vote:

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

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

ATTEST:

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

2nd Reading

**Management Team Meeting Minutes**  
**October 18, 2010**  
**2:00 PM**  
**City Hall Conference Room**

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

Catherine Comer

- Accepted position with Clackamas County as the Business and Economic Development Manager. Last day with City is November 12.
- URD 10 year projects as well as preliminary architectural reports for proposed library, police department, and transit facility will be discussed at November 10 URA meeting

Sue Engels

- Working on Audit
- Upgrading general ledger
- Supplemental budget is tentatively scheduled for the December 1 City Council meeting

Greg Ellis

- Reviewing applications for Public Works Director
- Met with Weighmaster for Clackamas County and discussed truck traffic on SE and SW 13<sup>th</sup>
- Departmental minutes will be posted on a drive on server that all city staff has access to
- Met with representatives from two neighborhood associations

Amanda Klock

- Posting Economic Development Director position this week

Darvin Tramel

- Met with Engineers this morning regarding striping on Knights Bridge Road
- City is getting a storm water permit
- Rate study needs to be completed by May

Julie Wehling

- November Transit Advisory Committee Meeting is cancelled
- Transit Advisory Committee is talking about drafting a memo to the Council regarding a donation policy
- Watched webinar on FTA money opportunities
- Attending OTA Conference October 25-27
- Going live with software on October 28

Bryan Brown

- Working on application for memory care facility
- Having a GIS demonstration on October 26
- Received inquiry from resident on Baker Street regarding rezoning

Minutes taken by Kim Scheafer

**Management Team Meeting Minutes**  
**October 25, 2010**  
**2:00 PM**  
**City Hall Conference Room**

In attendance: Greg Ellis, Penny Hummel, Amanda Klock, Sue Engels, John Kelley, Catherine Comer, Eric Laitinen, Darwin Tramel, Bryan Brown, and Kim Scheafer.

Kim Scheafer

- Reviewed November 3 City Council Agenda
- A drive on the server has been set up for the departmental meeting minutes to be posted
- Melissa will be out of office October 28 through November 5

Greg Ellis

- Enjoys reading the departmental meeting minutes
- Meeting with Jeff Rose on Thursday
- Looking at holding a couple off-site City Council meetings in early 2011
- Will be out of office on October 29

Amanda Klock

- Received a \$10,000 safety grant through CIS. Looking for ideas on various projects.
- Talked about how VEBA accounts work
- Please follow proper procedures for placing IT Work Order
- Working on RFP for phone system

Darwin Tramel

- Finishing up Knights Bridge Road and various projects
- Starting winter sewer cleaning
- Both vacuum trucks are running to pick up leaves
- Replaced 52 street lights in the last two weeks

Bryan Brown

- Received compliment from resident regarding N Ivy and 10<sup>th</sup> signs
- Reviewing memory care facility conditional use permit and site and design review permit

Penny Hummel

- Received grant from the Oregon State Library for full time Bilingual Librarian
- Had movie night last Tuesday

Catherine Comer

- New business signed a lease for the Trend building in Pioneer Industrial Park

Sue Engels

- Need to be Red Flag Rule compliant by December 31, 2010

Minutes taken by Kim Scheafer