

**AGENDA**  
**CANBY CITY COUNCIL REGULAR MEETING**  
**June 17, 2009**  
**7:30 PM**  
**Council Chambers**  
**155 NW 2<sup>nd</sup> Avenue**

*Mayor Melody Thompson*

*Council President Walt Daniels*  
*Councilor Robert Bitter*  
*Councilor Tony Helbling*

*Councilor John Henri*  
*Councilor Wayne Oliver*  
*Councilor Jason Padden*

---

**CITY COUNCIL REGULAR MEETING**

**1. CALL TO ORDER**

- |   |       |
|---|-------|
| A. Pledge of Allegiance and Moment of Silence               |       |
| B. Annual Livability Day Proclamation                       | Pg. 1 |
| C. Canby Fire District #62 "Fill-the-Boot" Day Proclamation | Pg. 2 |
| D. Certification of Measure 3-336 Proclamation              | Pg. 3 |
| E. Certification of Measure 3-337 Proclamation              | Pg. 5 |
| F. Certification of Measure 3-338 Proclamation              | Pg. 7 |
| G. Certification of Measure 3-339 Proclamation              | Pg. 9 |

**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 20, 2009 City Council Work Session & Regular Meeting    |        |
| B. Approval of Minutes of the May 27, 2009 Special City Council Meeting                   |        |
| C. Approval of Minutes of the June 3, 2009 City Council Work Session & Regular Meeting    |        |
| D. Change of Ownership Liquor License Application for Couches Lounge, Steakhouse & Grille | Pg. 11 |
| E. Reappointment to Bike & Pedestrian Committee   | Pg. 13 |

**7. PUBLIC HEARINGS**

- A. State Revenue Sharing
- B. 2009-2010 Fiscal Year Budget
- C. Correcting Fees for the City of Canby Planning Department Pg. 14

**8. RESOLUTIONS & ORDINANCES**

- A. Res. 1025, Amending Fees for the City of Canby Planning Department Pg. 17
- B. Res. 1026, Verifying City has Met Requirements to Receive Revenues from Cigarette, Gas and Liquor Taxes Pg. 22
- C. Res. 1027, Adopting Budget, Making Appropriations and Categorization for the 2009-2010 Fiscal Year Pg. 24
- D. Res. 1028, Removing the Offices of City Treasurer and City Recorder from the City Charter Pg. 30
- E. Res. 1029, Adopting IGA with ODOT Entitled Oregon Public Works Emergency Response Cooperative Assistance Agreement for the Purpose of Supporting and Providing Maintenance of Public Facilities During Non-Routine and Emergency Conditions Pg. 31
- F. Res. 1030, Authorizing Transfer of Appropriations from Existing Categories to Other Existing Categories Within the General, Streets, and Sewer Funds Pg. 41
- G. Res. 1031, Establishing Salary and Non Salary Benefits for Non-Represented Employees Pg. 44
- H. Res. 1032, Prescribing Monthly Rates to be Charged for Sanitary and Storm Sewer Service Pg. 50
- I. Ord. 1307, Authorizing IGA with Oregon Department of Transportation for a Transportation and Growth Management Program Grant in the amount of \$111,000.00 for the Transportation System Plan Update Project (2<sup>nd</sup> Reading) Pg. 54
- J. Ord. 1310, Declaring City's Election to Receive State Revenue for Fiscal Year 2009-2010 Pg. 56
- K. Ord. 1311, Authorizing Contract Extension with Cynthia Thompson of BCB Consulting Services for Professional Services for Management of Canby Area Transit Service Pg. 58

**9. NEW BUSINESS**

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

**11. CITIZEN INPUT**

**12. ACTION REVIEW**

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

## **14. ADJOURN**

\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at [www.ci.canby.or.us](http://www.ci.canby.or.us). City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

# Proclamation

## “Annual 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.

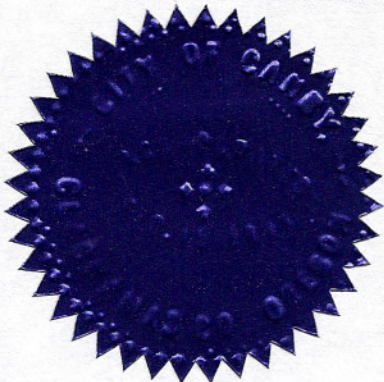
**NOW, THEREFORE**, I, Melody Thompson, by the virtue of the authority vested in me as the Mayor of the City of Canby, hereby proclaim the fourth Saturday in June every year as:

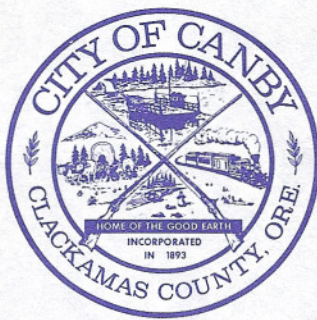
### Annual Livability Day

in Canby and encourage all citizens to join in this observance and volunteer on June 27, 2009 at one of the 15 clean up sites.

Given unto my hand this 17<sup>th</sup> day of June, 2009.

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 55<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 \$7,423.00 in 2008 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 25, 2009 as:

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

Given unto my hand this 17<sup>th</sup> day of June, 2009.



Melody Thompson  
Mayor



Office of the Mayor

# Proclamation

## Certification of Election Results

WHEREAS, the City of Canby, County of Clackamas, Oregon, placed a measure on the ballot for the Special Election on May 19, 2009, to consider the following measure:

### **MEASURE NO. 3-336**

**CAPTION:** AMENDS CHARTER REMOVING TERM LIMITS FOR CANBY UTILITY BOARD MEMBERS.

**QUESTION:** Shall the City of Canby adopt an amended home rule Charter?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on May 19, 2009.

**YES – 971**

**NO – 974**

**Over Votes - 0**

**Under Votes - 103**

**NOW, THEREFORE**, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated June 3, 2009.

Dated this 17<sup>th</sup> day of June, 2009.

NUMBERED KEY CANVASS

RUN DATE:06/03/09 08:59 AM

Clackamas County, Oregon  
Special Election  
May 19, 2009

REPORT-EL52

PAGE 0211

3-336 CITY OF CANBY: AMENDS CHARTER REMOVING TERM LIMITS  
FOR CANBY UTILITY BOARD MEMBERS

Vote for 1

01 = Yes

02 = No

971 49.92

974 50.08

03 = OVER VOTES

04 = UNDER VOTES

VOTES PERCENT

0

103

	01	02	03	04
0122 122	187	230	0	28
0123 123	63	83	0	5
0124 124	314	265	0	29
0125 125	197	192	0	19
0126 126	210	204	0	22

RECEIVED

JUN 05 2009

CITY OF CANBY

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK

BY:

*Sherry Hall*



Office of the Mayor

# Proclamation

## Certification of Election Results

WHEREAS, the City of Canby, County of Clackamas, Oregon, placed a measure on the ballot for the Special Election on May 19, 2009, to consider the following measure:

### **MEASURE NO. 3-337**

**CAPTION:** MEASURE AMENDING CHARTER REMOVING CITY TREASURER AND RECORDER AS OFFICERS.

**QUESTION:** Shall the City of Canby adopt an amended home rule Charter?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on May 19, 2009.

**YES – 1,101**

**NO – 814**

**Over Votes - 1**

**Under Votes - 132**

**NOW, THEREFORE**, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated June 3, 2009.

Dated this 17<sup>th</sup> day of June, 2009.

NUMBERED KEY CANVASS

RUN DATE:06/03/09 08:59 AM

Clackamas County, Oregon  
Special Election  
May 19, 2009

REPORT-EL52 PAGE 0212

3-337 CITY OF CANBY: MEASURE AMENDING CHARTER REMOVING  
CITY TREASURER AND RECORDER AS OFFICERS

VOTES PERCENT

Vote for 1

01 = Yes

02 = No

1,101 57.49

814 42.51

03 = OVER VOTES

04 = UNDER VOTES

1

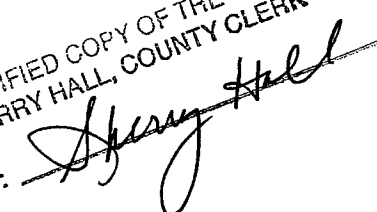
132

	01	02	03	04
0122 122	239	174	0	32
0123 123	70	72	0	9
0124 124	360	213	1	34
0125 125	210	173	0	25
0126 126	222	182	0	32

RECEIVED

JUN 05 2009

CITY OF CANBY

CERTIFIED COPY OF THE ORIGINAL  
CHERRY HALL, COUNTY CLERK  
BY: 



Office of the Mayor

# Proclamation

## Certification of Election Results

WHEREAS, the City of Canby, County of Clackamas, Oregon, placed a measure on the ballot for the Special Election on May 19, 2009, to consider the following measure:

### MEASURE NO. 3-338

**CAPTION:** MEASURE AMENDING CHARTER TO UPDATE PROVISIONS REQUIRED BY OREGON LAW.

**QUESTION:** Shall the City of Canby adopt an amended home rule Charter?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on May 19, 2009.

**YES – 1,234**

**NO – 633**

**Over Votes - 1**

**Under Votes - 180**

**NOW, THEREFORE,** I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated June 3, 2009.

Dated this 17<sup>th</sup> day of June, 2009.

NUMBERED KEY CANVASS

Clackamas County, Oregon  
Special Election  
May 19, 2009

RUN DATE:06/03/09 08:59 AM

REPORT-EL52 PAGE 0213

3-338 CITY OF CANBY: MEASURE AMENDING CHARTER TO UPDATE  
PROVISIONS REQUIRED BY OREGON LAW

VOTES PERCENT

Vote for 1

01 = Yes  
02 = No

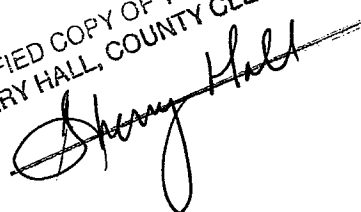
1,234 66.10  
633 33.90

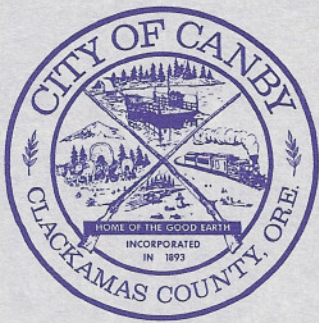
03 = OVER VOTES  
04 = UNDER VOTES

1  
180

	01	02	03	04
0122 122	256	143	0	46
0123 123	76	57	0	18
0124 124	396	161	1	50
0125 125	238	138	0	32
0126 126	268	134	0	34

RECEIVED  
JUN 05 2009  
CITY OF CANBY

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK  
BY: 



Office of the Mayor

# Proclamation

## Certification of Election Results

WHEREAS, the City of Canby, County of Clackamas, Oregon, placed a measure on the ballot for the Special Election on May 19, 2009, to consider the following measure:

### MEASURE NO. 3-339

**CAPTION:** AMENDS CHARTER REVISING LIMIT FOR CONTRACTS APPROVED BY ORDINANCE.

**QUESTION:** Shall the City of Canby adopt an amended home rule Charter?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on May 19, 2009.

**YES – 997**

**NO – 879**

**Over Votes - 0**

**Under Votes - 172**

**NOW, THEREFORE,** I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated June 3, 2009.

Dated this 17<sup>th</sup> day of June, 2009.

NUMBERED KEY CANVASS

RUN DATE:06/03/09 08:59 AM

Clackamas County, Oregon  
Special Election  
May 19, 2009

REPORT-EL52      PAGE 0214


3-339 CITY OF CANBY: AMENDS CHARTER REVISING LIMIT FOR  
CONTRACTS APPROVED BY ORDINANCE

		VOTES		PERCENT			VOTES	PERCENT
Vote for 1								
01	= Yes	997	53.14		03	= OVER VOTES	0	
02	= No	879	46.86		04	= UNDER VOTES	172	
		01	02	03	04			
0122	122	213	193	0	39			
0123	123	60	75	0	16			
0124	124	304	250	0	54			
0125	125	213	164	0	31			
0126	126	207	197	0	32			

RECEIVED  
JUN 05 2009  
CITY OF CANBY

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK  
BY: *Sherry Hall*

# Memo

To: Mayor Thompson & Members of City Council  
From: Lt. Jorge Tro, Acting Chief of Police   
CC: Kim Scheafer, General Administration  
Date: June 1, 2009  
Re: Liquor License Application / Couches Lounge, Steakhouse & Grille

---

I have reviewed the attached liquor license application completed by the applicant, Michael M. Compton for Couches Lounge, Steakhouse, Grille, LLC., located at 101 N. Elm Street, Canby, Oregon.

I had telephone conversation with the applicant. We discussed laws involving the sale of alcoholic beverages. Mr. Compton told me that he would be working closely with OLCC as it relates to training for his employees on pertinent laws involving alcohol related violations and crimes.

I recommend that the Canby City Council recommend approval of this application to the Oregon Liquor Control Commission (OLCC).



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

RECEIVED

JUN 01 2009

CITY OF CANBY

pd 7502  
ck# 99999  
JP

PLEASE PRINT OR TYPE

Application is being made for:

## LICENSE TYPES

- ☒ Full On-Premises Sales (\$402.60/yr)
- ☒ Commercial Establishment
- ☐ Caterer
- ☐ Passenger Carrier
- ☐ Other Public Location
- ☐ Private Club
- ☐ Limited On-Premises Sales (\$202.60/yr)
- ☐ Off-Premises Sales (\$100/yr)
- ☐ with Fuel Pumps
- ☐ Brewery Public House (\$252.60)
- ☐ Winery (\$250/yr)
- ☐ Other: \_\_\_\_\_

## ACTIONS

- ☒ Change Ownership
- ☐ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☒ Other \_\_\_\_\_

Change of Trade Name

P10150  
L105893

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

Canby

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By:

(signature)

(date)

Name: Melody Thompson

Title: Mayor

OLCC USE ONLY

Application Rec'd by: S. Brinkhoff

Date: 05/21/09

90-day authority: ☒ Yes ☐ No

Applying as:

- ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company ☐ Individuals

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① Couches Lounge, Steakhouse & Grille, LLC ② \_\_\_\_\_

③ \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): Couches Lounge, Steakhouse & Grille

3. Business Location: 101 Elm St., Canby Clackamas OR 97013  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 1155 Lincoln CT SE Aumsville OR 97325  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503.949.4434 253.660.6576  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No

7. If yes to whom: Epicure Enterprises Inc. Type of License: Full on Premises Sales

8. Former Business Name: Seasons Grille

9. Will you have a manager? ☐ Yes ☒ No Name: \_\_\_\_\_  
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? City of Canby  
(name of city or county)

11. Contact person for this application: Michael M Compton 503.749.4434 or 503.949.4434  
(name) (phone number(s))

(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 4-22-09 ③ [Signature] Date [Signature]  
② [Signature] Date [Signature] ④ [Signature] Date [Signature]

1-800-452-OLCC (6522)  
www.oregon.gov/olcc

(rev. 12/07)

CITY OF CANBY  
APPLICATION

BOARD/COMMITTEES/COMMISSIONS/COUNCIL

RECEIVED

JUN 05 2009

CITY OF CANBY

Date: 6/05/09  
Name: Kevin Batridge Occupation: Water Plant Manager

Home Address: \_\_\_\_\_

Employer: Veolia Water NA Position: Plant Manager

Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

For which position are you applying? Bike + Pedestrian Committee

What are your community interests (committees, organizations, special activities)?

I am interested in participating in the success of Canby as an inviting thriving community. My bicycling interests make this committee appointment an ideal opportunity to do this.

Experience and educational background: Lifelong cyclist, interest in community affairs, 20+ years operating + maintaining publicly owned infrastructure assets  
Bachelors Degree in Environmental Technology

Reason for your interest in this position: To assist Canby in maintaining / enhancing the quality and safety of the bicycle and pedestrian experience in the community

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

Currently serving on Bike + Ped Committee, seeking re-appointment to same committee

Information on any special membership requirements: \_\_\_\_\_

Referred by (if applicable): Previously served on committee

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

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

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

Phone: 503.266.4021 Fax: 503.266.7961 Email: [Scheaferk@ci.canby.or.us](mailto:Scheaferk@ci.canby.or.us)

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

12-4-07

Kevin Batridge 6/5/09  
City Council Packet Page 13 of 67



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

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Bryan Brown, Planning Director*  
*Melissa Hardy, Planning Department*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**DATE:** *June 17, 2009*  
**RE:** *Public Hearing Re. Correcting the Planning Department's Fee Schedule*

---

Issue: Resolution 1025 is proposed in order to update the Planning Department's Fee Schedule, specifically clarifying/correcting the following fees:

1. Formalize a cost reimbursement fee for Transportation Analysis, which we have already been collecting;
2. Clarify a cost reimbursement fee for Legal Review of Development Agreements and Development Concept Plans, which is already authorized under CMC Chapter 2.40;
3. Correct the fee collected for a Minor Modification application;
4. Delete the reference to "minor" and "major" Annexation applications; and
5. Correct the example fees listed for a Subdivision application and for a Site and Design Review application.

The City Council must hold a public hearing on this issue, and then following close of public hearing, the City Council may adopt a resolution to amend the Planning Department's Fee Schedule.

Synopsis: The Planning Department's Fee Schedule was last updated in March of 2002 (*C. Council Resolution 788*). The following five amendments to the Department's Fee Schedule are recommended at this time.

1. Transportation Analysis cost reimbursement – The City requires land use applicants to submit a transportation analysis prepared by a Transportation Engineer as part of a number of applications. The applicant can use the City's contract Transportation Engineer for such work, in which case the City arranges a contract between the applicant and the City's Transportation Engineer, and then the Transportation Engineer bills and receives payment from the City, which is reimbursed to the City by the applicant. Or alternatively, the applicant can use their own Transportation Engineer, in which case the submitted study is peer-reviewed by the City's Transportation Engineer to insure it is done correctly to industry standards, and then the city's Transportation Engineer bills the City for the review, which is reimbursed to the City by the applicant.

The fee collected for any required transportation engineering services is a straight reimbursement to the City of the amount billed by the Transportation Engineer. It is based on the number of hours involved in each study, and thus varies from project to project. This fee has been collected from land use applicants for a number of years, and the omission of this fee from the Planning Department's Fee Schedule in the past has simply been an oversight

that should be corrected.

2. Legal Review – Development Agreement/Development Concept Plan cost reimbursement – In September of 2008, the City Council passed Ordinance 1294, which amended the annexation approval criteria in Chapter 16.84 of the Canby Municipal Code. The code amendment added a new requirement for certain annexation applicants to have a “development agreement” or a “development concept plan” approved before City Council can approve their annexation request. These agreements entered into by and between the property owners and the City require review by an attorney to insure that they are legal as to form and content before they are finalized. The fee that is collected from applicants for outside contracted legal review is a straight reimbursement to the City of the amount billed to the City by the City’s contract attorney, and is based on the number of hours involved in each legal review.

Canby Municipal Code 2.40.020 already authorizes the City to recover attorney’s and legal fees related to an annexation application. However, staff would like to list the legal review fee for Development Agreements and for Development Concept Plans in the Planning Department Fee Schedule in a clear and straightforward manner in order to better inform applicants of this fee, and thus provide improved customer service.

3. Minor Modification Application processing fee – The City allows a property owner to request a modification of a previous land use approval through the modification process. There are three levels of modification application: a “minor modification”, an “intermediate modification”, and a “major modification”, each of which has different qualifications and processes. The application processing fee is currently set at \$720 for all three modification types, with an additional \$460 fee if a public hearing is required. This was a typographical error when the Fee Schedule was adopted in 2002: the \$720 fee was intended to apply to “intermediate” and “major” modifications, but the fee for the “minor modification” was supposed to have been set at \$100, because it is a Type I ministerial permit which is issued by the Planning Director, and which does not require as many hours or materials to process as the other two types of modifications. The City has only been collecting \$100 for minor modification applications, so the typographical error has not adversely impacted applicants. However, the Fee Schedule does need to be corrected to accurately reflect the fees for the three types of modification applications.

4. Delete reference to “minor” and “major” Annexation Applications – At one time the City used to categorize annexation applications as either “minor” or “major”, based on characteristics such as number of acres. However, the City Council eliminated these categories in 2007 with Ordinance 1237. Therefore, Staff suggests that the reference to “minor” and “major” applications be removed from the Annexation fee in order to accurately reflect current City code.

5. Example fees for Subdivision Application and for Site and Design Review Application – The examples that were previously calculated for the sliding fees listed in Exhibit B for subdivision applications and for site and design review applications, contained some mathematical errors. Staff suggests that the fee examples be corrected to reflect an accurate calculation of fees.

Recommendation: Approve Resolution 1025 to update the Planning Department Fee Schedule.

Recommended Motion:

“I MOVE TO APPROVE RESOLUTION 1025, A RESOLUTION ESTABLISHING FEES FOR THE CITY OF CANBY PLANNING DEPARTMENT.”

Attached: Resolution 1025, including Exhibits A and B

## **RESOLUTION NO. 1025**

### **A RESOLUTION AMENDING FEES FOR THE CITY OF CANBY PLANNING DEPARTMENT.**

**WHEREAS**, Oregon Revised Statute 227.175 authorizes the City to set fees for processing land use applications and limited land use applications, based on the actual or average cost of providing those services; and

**WHEREAS**, Canby Municipal Code 16.88.030 authorizes the City Council to set fees by resolution for processes and applications concerning annexations, zone changes, variances, conditional use permits, design review, appeals, other permits or approvals, and property divisions; and

**WHEREAS**, the City Council last updated fees for the City of Canby Planning Department in March 2002, by adopting Resolution No. 788; and

**WHEREAS**, the City Council now wishes to add cost reimbursement for Transportation Analysis services to the Planning Department Fee Schedule; and

**WHEREAS**, the City Council now wishes to add cost reimbursement for outside contracted Legal Review of Development Agreements and Development Concept Plans to the Planning Department Fee Schedule; and

**WHEREAS**, the City Council now wishes to set the fee for a Minor Modification application at \$100; and

**WHEREAS**, the City Council now wishes to delete the reference to “Minor” and “Major” Annexation applications; and

**WHEREAS**, the City Council now wishes to correct the example fee calculations shown in Exhibit B for Subdivision applications and for Site and Design Review applications; and

**WHEREAS**, an amendment to the Planning Department Fee Schedule is a land use decision; and

**WHEREAS**, an amendment to the Planning Department Fee Schedule does not act to rezone property, and is therefore not subject to Oregon Revised Statute 227.186 noticing requirements; and

**WHEREAS**, the City Council held a public hearing, for which public notice was provided by publishing written notice in the June 10<sup>th</sup> edition of the Canby Herald, and by posting written notice pursuant to Canby Municipal Code 16.89.060.D requirements; and

**WHEREAS**, the City Council has determined that the City relies on revenue from Planning Department fees in order to provide services necessary for citizen involvement in the City's land use review functions, and therefore Planning Department Fees are in compliance with Goal 1 of Oregon's Statewide Planning Goals, which is "citizen involvement"; and

**WHEREAS**, the City Council has determined that the City relies on revenue from Planning Department fees in order to carry out site- and area-specific implementation measures, such as reviewing limited land use, land use, and permit applications to determine consistency with the City's land use plans, and therefore Planning Department Fees are in compliance with Goal 2 of Oregon's Statewide Planning Goals, which is "land use planning"; and

**WHEREAS**, the City Council has determined that the rates hereinafter specified for Planning Department activities are based on the actual or average cost of providing services, and are therefore just, reasonable, and necessary; and

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

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

Section 1. The Fees to be charged by the Planning Department shall be as set forth in Exhibits "A" and "B" attached hereto, and by reference incorporated herein.

Section 2. The City Council hereby classifies the fees imposed herein as not subject to the limitations imposed by Section 11(b), Article XI of the Oregon Constitution.

Section 3. This decision is final on June 17, 2009. This resolution shall take effect on July 10, 2009.

**ADOPTED** by the Canby City Council at a regular meeting thereof on June 17, 2009.

---

Melody Thompson  
Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder Pro-Tem

**Exhibit A**  
**PLANNING DEPARTMENT FEE SCHEDULE**

	<b>CURRENT FEE</b>	<b>NEW FEE (NC = no change)</b>
Annexation, <del>minor and major</del>	Sliding scale – see Exhibit B	NC
Annexation, election deposit (applicant pays all costs)	\$2,500	NC
Appeal of interpretation or type II decision to Planning Commission	\$1,600	NC
Appeal of Planning Commission decision to City Council	\$1,920	NC
Building permit site plan review	Sliding scale – see Exhibit B	NC
Comprehensive plan amendment	\$3,220	NC
Conditional use permit	\$2,040	NC
Condominium construction, less than six units	\$280	NC
Interpretation	\$580	NC
Legal Review – Development Agreement/Development Concept Plan	---	<b>Applicant pays actual costs</b>
Lien search	\$20	NC
Lot line adjustment	\$520	NC
Modification, minor	\$720	<b>\$100</b>
Modification, intermediate	\$720	NC
Modification, major	\$720	NC
Modification public hearing (additional charge)	\$460	NC
Non-conforming structure/use	\$520	NC
Parking lot/paving projects	\$300	NC
Partition, major	\$1,360	NC
Partition, minor	\$1,280	NC
Planned unit development	\$1,480	NC
Plat review	\$100	NC
Preconstruction conference	\$100 (+\$60 per hr. over 2 hrs)	NC
Sign permit for design reviews	\$280	NC
Site and design review	Sliding scale – see Exhibit B	NC
Special permit (hardship)	\$100	NC
Special permit public hearing (additional charge)	No fee	NC
Subdivision	Sliding scale – see Exhibit B	NC
Text amendment	\$2,880	NC
Transportation analysis	---	<b>Applicant pays actual costs</b>
Variance, major	\$2,120	NC
Variance, minor	\$520	NC
Zoning map amendment	\$2,640	NC

## Exhibit B SLIDING SCALE FEE PROPOSALS

Staff proposes four sliding scales, for plan reviews (by valuation), design reviews (by acreage & cost of public improvements), annexations (by acreage), and subdivisions (per lot). This approach minimizes the impact on small applications while fairly recovering the higher costs created by large applications.

### Annexations

<u>Rate</u>		<u>Sample Fees</u>	
< 1 acre	\$1,850 (base fee)	1 acre	\$1,850
1 – 10 acres	\$105 per acre	5 acres	\$2,270
11-50 acres	\$55 per acre	10 acres	\$2,795
51+ acres	\$10 per acre	50 acres	\$4,995
		300 acres	\$7,495

### Subdivisions

<u>Rate</u>		<u>Sample Fees</u>	
4 lots	\$1,700 (base fee)	4 lots	\$1,700
5-10 lots	\$95 per lot	10 lots	<del>\$2,555</del> <b>2,270</b>
11+ lots	\$130 per lot	25 lots	<del>\$3,125</del> <b>4,220</b>
		50 lots	<del>\$5,295</del> <b>7,470</b>
		100 lots	<del>\$11,830</del> <b>13,970</b>

### Site and Design Reviews

Total fee = size component + public improvements component

*Size Component (based on acreage)*

\$1500 first 0.5 acres

\$100 for each additional 0.1 acres from 0.5 acres up to 2.5 acres

\$100 for each additional 0.5 acres from 2.5 acres up to 8.0 acres

\$100 for each additional 1.0 acres from 8.0 acres up to 13 acres

\$5000 maximum for 13 acres and above.

*Public Improvements Component*

0.3% of total estimated public improvement cost (to be submitted with design review application). No cap on cost.

Examples:

Gramor/Fred Meyer (17.3 acres, \$1,700,000 public improvements): \$10,100

Spectrum Woodworking (3.95 acres, all public improvements preexisting): ~~\$3,700~~ **3,800**

Denny's (1.19 acres, all public improvements preexisting): ~~\$2,100~~ **2,200**

Emmert office building (0.41 acres, \$25,000 public improvements) \$1,575

## Building Permit Plan Reviews

### *Residential*

Single Family House	\$45 per application
Duplex (including conversions of single family to duplex)	\$60 per application
Non-living space addition (garage, carport, porch)	\$25 per application
Living Space addition (expansion and/or creation of accessory dwelling)	\$35 per application
Multifamily based on valuation	\$30/unit (first 20 units) \$10/unit (each additional)
Demolitions	\$10

### *Commercial, Industrial Fee Schedule*

Demolitions	\$30
Signs, commercial tenant improvements and remodels not involving additional square footage	\$50.00

All others based on building square footage:

0 to 2,000 square feet	\$100.00
2,001 to 5,000	\$100.00 for the first 2,000 sq. ft. and \$1.75 for each additional 100 sq. ft. or fraction thereof.
5,001 to 10,000	\$152.50 for the first 5,000 sq. ft. and \$1.50 for each additional 100 sq. ft. or fraction thereof.
10,001 to 50,000	\$160.00 for the first 10,000 sq. ft. and \$1.25 for each additional 100 sq. ft. or fraction thereof.
50,001 to 100,000	\$210.00 for the first 50,000 sq. ft. and 1.00 for each additional 500 sq. ft. or fraction thereof.
100,001 and up	\$260.00 for the first 100,000 sq. ft. and \$0.75 for each additional 1,000 sq. ft. or fraction thereof.

### Examples:

Denny's Diner: \$157  
Safeway remodel/addition: \$676  
Milgard windows: \$894

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

**DATE:** June 17, 2009  
**TO:** Honorable Mayor Thompson and City Council  
**FROM:** Sue Engels, Finance and Court Services Director  
**CC:** Mark Adcock, City Administrator  
**RE:** A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES.

---

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

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

Recommendation: That council adopts Resolution No. 1026 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 \$22,500 for cigarette taxes, \$150,000 for liquor taxes, and \$550,000 for gas taxes.

Attached: Resolution No.1026

**RESOLUTION NO. 1026**

**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 is effective June 17, 2009.

**ADOPTED** by the Canby City Council at a regular meeting thereof on Wednesday, June 17, 2009.

---

Melody Thompson, Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder, Pro-Tem

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

***DATE:*** June 17, 2009  
***TO:*** Honorable Mayor Thompson and City Council  
***FROM:*** Sue Engels, Finance and Court Services Director  
***CC:*** Mark Adcock, City Administrator  
***RE:*** A RESOLUTION ADOPTING THE BUDGET, MAKING  
APPROPRIATIONS, AND CATEGORIZATION FOR THE 2009-  
2010 FISCAL YEAR.

---

**Issue:** ORS 294.435 requires the City to hold a public hearing and adopt the budget by June 30, 2009 and ORS 294.555 requires the City to submit the Tax Certification Documents to the County Assessor by July 15, 2009.

**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, 2009. 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. 1027 as recommended by the budget committee.

**Attached:** Resolution No. 1027

## RESOLUTION NO. 1027

### A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND CATEGORIZATION FOR THE 2009-2010 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 2009-2010 City Budget was duly and regularly advertised and held on June 17, 2009; 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, 2009. 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, 2009 and for the purposes shown below are hereby appropriated as follows:

#### **GENERAL FUND**

ADMINISTRATION	3,091,926
COURT	288,697
PLANNING	340,250
PARKS	389,890
BUILDING	438,340
POLICE	4,060,245
CEMETERY	124,765
FINANCE	330,676

TOTAL EXPENDITURES AND REQUIREMENTS	9,064,789
-------------------------------------	-----------

**OTHER FUNDS**

**STREET FUND**

PERSONAL SERVICES	350,932
MATERIALS & SERVICES	206,575
TRANSFERS	895,985
CAPITAL OUTLAY	8,500
CONTINGENCY	3,494
TOTAL EXPENDITURES AND REQUIREMENTS	1,465,486

**SEWER COMBINED FUND**

PERSONAL SERVICES	906,957
MATERIALS & SERVICES	384,007
DEBT SERVICE	559,954
TRANSFERS	331,003
CAPITAL OUTLAY	3,023,656
TOTAL EXPENDITURES AND REQUIREMENTS	5,205,577

**911 EMERGENCY**

MATERIALS & SERVICES	223,200
TRANSFERS	1,000
TOTAL EXPENDITURES AND REQUIREMENTS	224,200

**PARKS DEVELOPMENT FUND**

PERSONAL SERVICES	66,749
MATERIALS & SERVICES	15,000
CAPITAL OUTLAY	1,087,744
TRANSFERS	59,640
TOTAL EXPENDITURES AND REQUIREMENTS	1,229,133

**LIBRARY ENDOWMENT FUND**

MATERIALS & SERVICES	500
CAPITAL OUTLAY	133,999
TOTAL EXPENDITURES AND REQUIREMENTS	134,499

**LOGGING ROAD INDUSTRIAL**

CAPITAL OUTLAY	161,052
TRANSFERS	5,630
DEBT SERVICE	70,518
TOTAL EXPENDITURES AND REQUIREMENTS	<b>237,200</b>

**STREET RESERVE**

CAPITAL OUTLAY	3,216,326
TRANSFERS	50,475
TOTAL EXPENDITURES AND REQUIREMENTS	<b>3,266,801</b>

**CEMETERY PERPETUAL CARE**

CAPITAL OUTLAY	681,176
TRANSFERS	2,000
TOTAL EXPENDITURES AND REQUIREMENTS	<b>683,176</b>

**CAPITAL RESERVE**

PERSONAL SERVICES	8,078
CAPITAL OUTLAY	281,336
TRANSFERS	35,453
TOTAL EXPENDITURES AND REQUIREMENTS	<b>324,867</b>

**FORFEITURE FUND**

MATERIALS & SERVICES	67,000
TRANSFERS	1,000
TOTAL EXPENDITURES AND REQUIREMENTS	<b>68,000</b>

**FLEET SERVICES COMBINED FUND**

PERSONAL SERVICES	293,545
MATERIALS & SERVICES	628,483
TRANSFERS	61,369
CAPITAL OUTLAY	23,000
TOTAL EXPENDITURES AND REQUIREMENTS	<b>1,006,397</b>

**TECHNICAL SERVICES COMBINED FUND**

PERSONAL SERVICES	54,337
MATERIALS & SERVICES	96,100
CONTINGENCY	28,697
CAPITAL OUTLAY	416,866
TOTAL EXPENDITURES AND REQUIREMENTS	<b>596,000</b>

**LID FUND #0100**

TRANSFERS	30,700
TOTAL EXPENDITURES AND REQUIREMENTS	<b>30,700</b>

**TRANSIT FUND**

PERSONAL SERVICES	138,522
MATERIALS & SERVICES	997,512
TRANSFERS	459,475
CAPITAL OUTLAY	483,192
DEBT SERVICE	99,588
TOTAL EXPENDITURES AND REQUIREMENTS	<b>2,178,289</b>

**SWIM CENTER LEVY FUND**

PERSONAL SERVICES	402,619
MATERIALS & SERVICES	116,058
CONTINGENCY	58,922
TRANSFERS	58,040
CAPITAL OUTLAY	12,500
TOTAL EXPENDITURES AND REQUIREMENTS	<b>648,139</b>

**LIBRARY FUND**

PERSONAL SERVICES	516,076
MATERIALS & SERVICES	196,053
TRANSFERS	260,871
CONTINGENCY	100,000
TOTAL EXPENDITURES AND REQUIREMENTS	<b>1,073,000</b>

**TOTAL OPERATING BUDGET** **27,436,253**

This Resolution is effective June 17, 2009.

**ADOPTED** by the Canby City Council at a regular meeting thereof on Wednesday, June 17, 2009.

---

Melody Thompson, Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder, Pro-Tem

## **RESOLUTION NO. 1028**

### **A RESOLUTION REMOVING THE OFFICES OF CITY TREASURER AND CITY RECORDER FROM THE CITY CHARTER OF CANBY.**

**WHEREAS**, Chapter V of the current City of Canby Charter provides that the positions of City Recorder and City Treasurer are municipal officers of the City of Canby; and

**WHEREAS**, the Charter was amended by a vote of the Canby electorate on May 19, 2009 to remove and reclassify those positions from municipal officers to director level positions subject to management by the City Administrator; and

**WHEREAS**, the City Administrator wishes to appoint Kimberly Scheafer as City Recorder and Sue Engels as City Treasurer of the City of Canby; now therefore

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

1. The Canby City Charter is amended to remove the positions of City Recorder and City Treasurer as municipal officers of the City and establish those positions as director level positions to be hereafter managed by the City Administrator.
2. Kimberly Scheafer is hereby appointed City Recorder and Sue Engels is hereby appointed City Treasurer.
3. This resolution shall take effect on July 1, 2009.

ADOPTED this 17<sup>th</sup> day of June, 2009, by the Canby City Council.

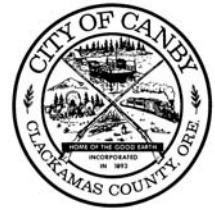
---

Melody Thompson - Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder - Pro-Tem



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

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Dwayne Barnes, Director of Public Works*  
**DATE:** *June 2, 2009*  
**THROUGH:** *Mark C. Adcock, City Administrator*

---

Issue:

Shall the City of Canby become a member of the Oregon Public Works Emergency Response Cooperative Assistance Agreement

Synopsis:

The mutual aid agreement provides the following benefits:

- Enables public works agencies to support each other during an emergency.
- Provides the mechanism for immediate response to the Requesting Agency when the Responding Agency determines it can provide the needed resources and expertise.
- Sets up the documentation needed to seek maximum reimbursement possible from federal agencies.

Recommendation:

Staff recommends that the City Council adopt resolution 1029 adopting an intergovernmental agreement (IGA) between the City and ODOT

Background:

The Oregon Department of Transportation (ODOT) initiated the Oregon Public Works Emergency Response Mutual Aid Agreement in July 1998. As of January 2009 approximately 180 jurisdictions have become members of the agreement.

During the December 2007 storm, some local jurisdictions in Oregon were able to activate the agreement and use resources from other local jurisdictions which were not affected by the storm and were parties to the agreement. FEMA recognized the agreement as an existing contract and covered the costs based on having the agreement in place.

Other advantages of the agreement:

- Enables agencies to assist other agencies on an as-needed basis during an emergency.
- Responding agencies assist only if they determine they have the resources available. (Please see enclosed Guidelines for Using the Agreement.)
- The Responding agency maintains direct control of the resources it provides.
- The Requesting agency coordinates the activities and resources of the Responding agency.

Attachments:

Resolution 1029, IGA, Oregon Emergency Response Cooperative Assistance Agreement  
Members

## RESOLUTION NO. 1029

### **A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF CANBY (CITY) AND OREGON DEPARTMENT OF TRANSPORTATION (ODOT) ENTITLED OREGON PUBLIC WORKS EMERGENCY RESPONSE COOPERATIVE ASSISTANCE AGREEMENT FOR THE PURPOSE OF SUPPORTING AND PROVIDING MAINTENANCE OF PUBLIC FACILITIES DURING NON-ROUTINE AND EMERGENCY CONDITIONS.**

**WHEREAS**, ODOT has proposed an IGA between it and the CITY entitled Oregon Public Works Emergency Response Cooperative Assistance Agreement to be utilized in the event of a major emergency or disaster as defined in ORS 401.025(4); and

**WHEREAS**, both parties may need assistance to provide supplemental personnel, equipment or other support in the event of an emergency or disaster; and

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

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

1. That the attached IGA, marked as Exhibit "A" and by this reference incorporated herein, by and between the Oregon Department of Transportation and the City of Canby is hereby adopted. The Mayor is authorized to sign the IGA on behalf of the City.
2. This resolution shall take effect on June 17, 2009.

ADOPTED this 17<sup>th</sup> day of June, 2009, by the Canby City Council.

---

Melody Thompson - Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder - Pro-Tem

**Exhibit "A"**  
**OREGON PUBLIC WORKS EMERGENCY RESPONSE**  
**COOPERATIVE ASSISTANCE AGREEMENT**

THIS AGREEMENT is between the government agencies (local, county, or state) that have executed the Agreement, as indicated by the signatures at the end of this document.

**WITNESSETH:**

WHEREAS, parties to this agreement are responsible for the construction and maintenance of public facilities such as street, road, highway, sewer, water, and related systems during routine and emergency conditions; and

WHEREAS, each of the parties owns and maintains equipment, and employs personnel who are trained to provide service in the construction and maintenance of street, road, highway, sewer, water, and related systems and other support;

WHEREAS, in the event of a major emergency or disaster as defined in ORS 40 1.025 (4), the parties who have executed this Agreement may need assistance to provide supplemental personnel, equipment, or other support; and

WHEREAS, the parties have the necessary personnel and equipment to provide such services in the event of an emergency; and

WHEREAS, it is necessary and desirable that this Agreement be executed for the exchange of mutual assistance, with the intent to supplement not supplant agency personnel;

WHEREAS, an Agreement would help provide documentation needed to seek the maximum reimbursement possible from appropriate federal agencies during emergencies;

WHEREAS, ORS Chapter 401.480 provides for Cooperative Assistance Agreement among public and private agencies for reciprocal emergency aid and resources; and

WHEREAS, ORS Chapter 190 provides for intergovernmental agreements and the apportionment among the parties of the responsibility for providing funds to pay for expenses incurred in the performance of the agreed upon functions or activities;

NOW THEREFORE, the parties agree as follows:

### 1. Request

If confronted with an emergency situation requiring personnel, equipment or material not available to it, the requesting party (Requestor) may request assistance from any of the other parties who have executed this Agreement.

### 2. Response

Upon receipt of such request, the party receiving the request (Responder) shall immediately take the following action:

- A. Determine whether it has the personnel, equipment, or material available to respond to the request.
- B. Determine what available personnel and equipment should be dispatched and/or what material should be supplied.
- C. Dispatch available and appropriate personnel and equipment to the location designated by the Requestor.
- D. Provide appropriate access to the available material.
- E. Advise the Requestor immediately in the event all or some of the requested personnel, equipment, or material is not available.

NOTE: It is understood that the integrity of dedicated funds needs to be protected. Therefore, agencies funded with road funds are limited to providing services for road activities, sewer funds are limited to providing services for sewer activities and so on.

### 3. Incident Commander

The Incident Commander of the emergency shall be designated by the Requestor, and shall be in overall command of the operations under whom the personnel and equipment of the Responder shall serve. The personnel and equipment of the Responder shall be under the immediate control of a supervisor of the Responder. If the Incident Commander specifically requests a supervisor of the Responder to assume command, the Incident Commander shall not, by relinquishing command, relieve the Requestor of responsibility for the incident.

#### 4. Documentation

Documentation of hours worked, and equipment or materials used or provided will be maintained on a shift by shift basis by the Responder, and provided to the Requestor as needed.

#### 5. Release of Personnel and Equipment

All personnel, equipment, and unused material provided under this Agreement shall be returned to the Responder upon release by the Requestor, or on demand by the Responder.

#### 6. Compensation

It is hereby understood that the Responder will be reimbursed (e.g. labor, equipment, materials and other related expenses as applicable, including loss or damage to equipment) at its adopted usual and customary rates. Compensation may include:

- A. Compensation for workers at the Responder's current pay structure, including call back, overtime, and benefits.
- B. Compensation for equipment at Responder's established rental rate.
- C. Compensation for materials, at Responder's cost. Materials may be replaced at Requestor's discretion in lieu of cash payment upon approval by the Responder for such replacement.
- D. Without prejudice to a Responder's right to indemnification under Section 7.A. herein, compensation for damages to equipment occurring during the emergency incident shall be paid by the Requestor, subject to the following limitations:
  - 1) Maximum liability shall not **exceed** the cost of repair or cost of replacement, whichever is less.
  - 2) No compensation will be paid for equipment damage or loss attributable to natural disasters or acts of God not related to the emergency incident.
  - 3) To the extent of any payment under this section, Requestor will have the right of subrogation for all claims against parties other than parties to this agreement who may be responsible in whole or in part for damage to the equipment.

- 4) Requestor shall not be liable for damage caused by the neglect of the Responder's operators.

Within 30 days after presentation of bills by Responder entitled to compensation under this section, Requestor will either pay or make mutually acceptable arrangements for payment.

#### 7. Indemnification

This provision applies to all parties only when a Requestor requests and a Responder provides personnel, equipment, or material under the terms of this Agreement. A Responder's act of withdrawing personnel, equipment, or material provided is not considered a party's activity under this Agreement for purposes of this provision.

To the extent permitted by Article XI of the Oregon Constitution and by the Oregon Tort Claims Act, each party shall indemnify, within the limits of the Tort Claims Act, the other parties against liability for damage to life or property arising from the indemnifying party's own activities under this Agreement, provided that a party will not be required to indemnify another party for any such liability arising out of the wrongful acts of employees or agents of that other party.

#### 8. Workers Compensation Withholdings and Employer Liability

Each party shall remain fully responsible as employer for all taxes, assessments, fees, premiums, wages, withholdings, workers compensation and other direct and indirect compensation, benefits, and related obligations with respect to its own employees. Likewise, each party shall insure, self-insure, or both, its own employees as required by Oregon Revised Statutes.

#### 9. Pre-Incident Plans

The parties may develop pre-incident plans for the type and locations of problem areas where emergency assistance may be needed, the types of personnel and equipment to be dispatched, and the training to be conducted to ensure efficient operations. Such plans shall take into consideration the proper protection by the Responder of its own geographical area.

#### 10. The Agreement

- A. It is understood that all parties may not execute this Agreement at the same time. It is the intention of the parties that any governmental entity in the State of Oregon may enter into this Agreement and that all parties who execute this Agreement will be

considered to be equal parties to the Agreement. The individual parties to this Agreement may be "Requestor" or "Responder's" as referred to in Section 1. and 2. above, to all others who have entered this Agreement.

- B. The Oregon Department of Transportation (ODOT) Office of Maintenance shall maintain the master copy of this Agreement, including a list of all those governmental entities that have executed this Cooperative Assistance Agreement. ODOT will make the list of participants available to any entity that has signed the Agreement. Whenever an entity executes the agreement, ODOT shall notify all others who have executed the Agreement of the new participant. Except as specifically provided in this paragraph, ODOT has no obligations to give notice nor does it have any other or additional obligations than any other party.
- C. This Agreement shall be effective upon approval by two or more parties and shall remain in effect as to a specific party for five years after the date that party executes this Agreement unless sooner terminated as provided in this paragraph. Any party may terminate its participation in this Agreement prior to expiration as follows:
  - 1) Written notice of intent to terminate this Agreement must be given to all other parties on the master list of parties at least 30 days prior to termination date. This notice shall automatically terminate the Agreement as to the terminating party on the date set out in the notice unless rescinded by that party in writing prior to that date.
  - 2) Termination will not affect a party's obligations for payment arising prior to the termination of this Agreement.

#### 11. Non-exclusive

This Agreement is not intended to be exclusive among the parties. Any party may enter into separate cooperative assistance or mutual aid agreements with any other entity. No such separate Agreement shall terminate any responsibility under this Agreement.

#### 12. Parties to This Agreement

Participants in this Agreement are indicated on the following pages, one party per page.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement for Public Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

STATE OF OREGON  
DEPARTMENT OF TRANSPORTATION



October 23, 2008

---

Luci Moore  
Maintenance Engineer

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement for Public Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

City of Canby  
Agency

Clackamas  
County, Oregon

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

\_\_\_\_\_  
Date

*Approved as to form:*  
*[Signature]*  
City Attorney

**Designated Primary Contact:**

<u>Office:</u>	<u>Contact:</u>	<u>Phone Number:</u>
<u>Public Works</u>	<u>Dwayne Barnes</u>	<u>503.266.4021 ext 282</u>

**Emergency 24 Hour Phone Number:**

503.266.2573

**Fax Number:**

503.266.7238

**E-mail address (if available):**

barnesd@ci.canby.or.us

Oregon Public Works Emergency Response Cooperative Assistance Agreement Members  
January 2009

---

**Baker County**

Baker County  
City of Baker  
City of Haines  
City of Halfway  
City of Huntington

**Benton County**

City of Adair Village  
City of Corvallis  
City of Monroe  
City of Philomath

**Clackamas County**

City of Gladstone  
City of Happy Valley  
City of Johnson City  
City of Milwaukie  
City of Molalla  
City of West Linn  
City of Wilsonville  
Clackamas County

**Clatsop County**

City of Astoria  
City of Cannon Beach  
City of Seaside  
City of Warrenton  
Clatsop County

**Columbia County**

City of Rainier  
City of St. Helens  
City of Vernonia  
Columbia County

**Bandon County**

City of Bandon  
City of Coos Bay  
City of Coquille  
City of Lakeside  
City of Myrtle Point  
City of North Bend  
Coos Bay-North Bend  
Water Board  
Coos County

**Curry County**

City of Brookings  
City of Gold Beach  
Curry County

**Deschutes County**

City of Redmond  
Deschutes County

**Douglas County**

City of Canyonville  
City of Drain  
City of Elkton  
City of Oakland  
City of Reedsport  
City of Riddle  
City of Winston  
Douglas County

**Gilliam County**

City of Condon  
Gilliam County

**Grant County**

City of Canyon  
City of John Day  
City of Long Creek  
Grant County

**Harney County**

City of Burns  
City of Hines  
Harney County

**Hood River County**

City of Cascade Locks  
City of Hood River  
Hood River County

**Jackson County**

City of Central Point  
City of Gold Hill  
City of Medford  
City of Phoenix  
City of Rogue River  
City of Shady Cove  
City of Talent  
Jackson County

**Jefferson County**

City of Culver  
City of Madras  
Jefferson County  
**Josephine County**  
City of Cave Junction  
Josephine County

**Klamath County**

City of Klamath Falls  
Klamath County

**Lake County**

Lake County  
Town of Lakeview

**Lane County**

City of Coburg  
City of Cottage Grove  
City of Creswell  
City of Dunes City  
City of Eugene  
City of Florence  
City of Oakridge  
City of Springfield  
City of Veneta  
City of Westfir  
Lane County

**Lincoln County**

City of Lincoln City  
City of Siletz  
City of Yachats  
Lincoln County

**Linn County**

City of Harrisburg  
City of Lebanon  
City of Sweet Home  
Linn County

**Malheur County**

City of Jordan Valley  
City of Nyssa  
City of Ontario  
City of Vale

**Marion County**

City of Aumsville  
City of Aurora  
City of Detroit  
City of Donald  
City of Gates  
City of Gervais  
City of Hubbard  
City of Keizer  
City of Silverton  
City of Turner  
Marion County  
City of Salem

**Linn County**

City of Idanha  
City of Mill City

**Morrow County**

City of Boardman  
City of Heppner  
City of Lone  
City of Irrigon  
Morrow County

**Multnomah County**

City of Fairview  
City of Gresham  
City of Portland  
City of Wood Village  
Multnomah County

**Polk County**

City of Independence  
Polk County

**Sherman County**

City of Moro  
City of Wasco

**Tillamook County**

City of Bay City  
City of Manzanita  
City of Nehalem  
Tillamook County

**Umatilla County**

City of Adams  
City of Athena  
City of Echo  
City of Hermiston  
City of Milton-Freewater  
City of Pendleton  
City of Pilot Rock  
City of Stanfield  
City of Umatilla  
Umatilla County

**Union County**

City of Cove  
City of Elgin  
City of Imbler  
City of Island City  
City of Union  
Island City Area  
Sanitation District  
Union County

**Wallowa County**

City of Joseph  
City of Maupin

**Wasco County**

City of Mosier  
Wasco County

**Washington County**

City of Cornelius  
City of Gaston  
City of Hillsboro  
City of North Plains  
City of Sherwood  
City of Tigard  
Washington County

**Wheeler County**

City of Mitchell  
City of Spray  
Wheeler County

**Yamhill County**

City of Amity  
City of Lafayette  
City of McMinnville  
City of Sheridan  
City of Willamina  
City of Yamhill  
Yamhill County



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

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Sue Engels, Finance & Court Services Director*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**DATE:** *June 8, 2009*

---

Issue: Resolution transfers of appropriations for the current year are needed in three funds in order to avoid overspending budget categories. In the General Fund Finance Department, greater-than-anticipated expenditures for auditing and accounting services and software maintenance will cause the Materials and Services category to be overspent. In the Streets Fund, additional overtime costs due to snow removal and drainage clearing will cause the Personal Services category to be overspent. In the Collections Department of the Sewer Fund, unanticipated costs for sewer pump repairs will cause the Materials and Services category to be overspent. In all three funds, transfers from other appropriations categories within the fund will prevent finishing the budget year with overspent budget categories. Resolution 1030 authorizes these appropriations transfers.

Recommendation: Approve Resolution No. 1030

Attached: Resolution No. 1030

**RESOLUTION NO. 1030**

**A RESOLUTION AUTHORIZING TRANSFERS OF APPROPRIATIONS FROM EXISTING CATEGORIES TO OTHER EXISTING CATEGORIES WITHIN THE GENERAL, STREETS AND SEWER FUNDS.**

**WHEREAS**, the City's expenditures in the Finance Department Materials and Services category of the General Fund have exceeded appropriations because of greater-than-anticipated auditing, accounting services and software maintenance costs ; and

**WHEREAS**, the City's expenditures in the Finance Department Personal Services category of the General Fund have been less than appropriations for that category; and

**WHEREAS**, the City's expenditures in the Personal Services category of the Streets Fund have exceeded appropriations because of unforeseen expenses; and

**WHEREAS**, the City's expenditures in the Capital Outlay category of the Streets Fund have been less than appropriations for that category; and

**WHEREAS**, the City's expenditures in the Collections Department Materials and Services category of the Sewer Fund have exceeded appropriations because of unforeseen expenses; and

**WHEREAS**, the City's expenditures in the Collections Department Personal Services category of the Sewer Fund have been less than appropriations for that category; and

**WHEREAS**, 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.

<b><u>FROM</u></b>		<b><u>TO</u></b>	
<b>GENERAL FUND</b>		<b>GENERAL FUND</b>	
Finance Dept. Pers. Servs.	27,700	Finance Dept. Mat. & Servs.	27,700
<b>TOTAL</b>	<b>27,700</b>	<b>TOTAL</b>	<b>27,700</b>

**STREETS FUND**

Capital Outlay 23,000

**TOTAL 23,000****STREETS FUND**

Personal Services 23,000

**TOTAL 23,000****SEWER FUND**

Personal Services 20,000

**TOTAL 20,000****SEWER FUND**

Materials &amp; Services 20,000

**TOTAL 20,000**

This resolution shall take effect on June 17, 2009.

**ADOPTED** by the Canby City Council at a regular meeting thereof on June 17, 2009.

---

Melody Thompson  
Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder Pro-Tem

# MEMORANDUM



To: Mayor Thompson and Canby City Council  
From: Amanda Klock, Human Resource Director  
Date: June 17, 2009  
Through: Mark Adcock, City Administrator  
Re: Resolution No. 1031

---

## ***Issue***

Establish a competitive salary schedule and benefit package for non represented employees.

## ***Background***

The City of Canby has previously passed resolutions establishing salary and non salary benefits for non represented management personnel. Non represented employees include managers, supervisors, and confidential employees not covered by a collective bargaining agreement. Salary and benefits need to be incorporated for non represented employees in order to recruit and retain qualified employees.

Consistent with the represented groups, the salary schedule reflects a 3.3% cost of living adjustment based on the average 2008 CPI-U for Portland-Salem. The schedule also reflects the reclassification of the Community Development Director to a Planning Director position following the departure of the Community Development Director and the subsequent restructure of the department during the first quarter of 2009. Library Director and Library Supervisor positions have been added as a result of the new library funding district and the planned reorganization of the Canby Public Library. (The Library Supervisor positions are vacant.)

Changes to the benefit package include:

- A cell phone reimbursement program for management level employees who use their personal cell phones to conduct City business. The City Administrator will determine which employees are eligible for the reimbursement based on the need to have the employee available by phone and the frequency/length of calls and emails to/from the employee's personal cell phone.
- A cap on the amount of allowable accrued vacation. Previously non-represented employees could accrue unlimited vacation. This change is made in an effort to encourage employees to take personal time away from work and to limit the City's liability upon employee separation from employment.
- Language requiring employees on approved family medical leave to utilize all paid leave in excess of sixty (60) hours prior to taking unpaid leave. This language is consistent with both collective bargaining agreements and helps to create a consistent citywide policy.

Salaries and benefit costs for current and proposed non represented positions are included in the 2009-2010 approved budget.

***Recommendation***

Approve Resolution 1031, adopting the salary schedule and benefit package for non-represented employees of the City of Canby.

***Attached***

Resolution No. 1031

Attachment A – Non Represented Salary Schedule

Attachment B – Non Represented Benefit Summary

## RESOLUTION NO. 1031

### **A RESOLUTION ESTABLISHING SALARY AND NON SALARY BENEFITS FOR NON REPRESENTED EMPLOYEES FOR THE CITY OF CANBY, OREGON**

WHEREAS, the City of Canby passed previous resolutions establishing salary and non-salary benefits for non-represented employees; and,

WHEREAS, all previous resolutions regarding salary and non-salary benefits for non-represented employees shall be repealed; and,

WHEREAS, the City Council finds that salary and non-salary benefits need to be incorporated;

**IT IS HEREBY RESOLVED** that the City of Canby approves the following salary and non-salary benefits for the non represented employees to take effect July 1, 2009:

1. That Attachment "A" is attached to this Resolution as Non-Represented Salary Schedule Attachment "A", and is hereby adopted effective July 1, 2009, which incorporates a 3.3% cost of living increase, based on the average 2008 CPI-U for Portland-Salem.
2. That Attachment "B" is attached to this Resolution as a Summary of (non-salary) Benefits for Non-Represented Employees.
3. That the management level employees as a group shall not be precluded by any language in this Resolution from bringing future requests for salary increases to the City Council.
4. The City Administrator is directed to take the necessary action to place incumbent employees within the appropriate range and step upon hire and may, in his/her discretion, move a management level employee more than one-step if necessary to keep that employee's salary above any subordinate employee he/she may supervise.

This resolution shall take effect July 1, 2009.

ADOPTED this 17th day of June, 2009 by the Canby City Council.

---

Melody Thompson  
Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder, Pro-Tem

**ATTACHMENT A****Non-Represented Salary Schedule (Management, Supervisory & Confidential)**

Effective July 1, 2009

Includes a 3.3% COLA

Classification	Range	5% steps					3% steps		
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
	1	2,796	2,936	3,083	3,237	3,399	3,501	3,606	3,714
	2	3,187	3,347	3,514	3,690	3,874	3,991	4,110	4,234
Deputy City Recorder	3	3,634	3,815	4,006	4,206	4,417	4,549	4,686	4,826
Aquatics Program Manager Confidential Admin Specialist Library Supervisor Senior Accountant	4	4,106	4,311	4,527	4,753	4,991	5,141	5,295	5,454
City Recorder	5	4,517	4,742	4,980	5,229	5,490	5,655	5,824	5,999
Economic Development Mgr PW Supervisor	6	4,923	5,169	5,428	5,699	5,984	6,164	6,349	6,539
	7	5,071	5,324	5,591	5,870	6,164	6,349	6,539	6,735
WWTP Supervisor	8	5,324	5,591	5,870	6,164	6,472	6,666	6,866	7,072
Library Director Planning Director	9	5,750	6,038	6,340	6,657	6,990	7,199	7,415	7,638
Human Resource Director Police Lieutenant PW Operations Director	10	6,153	6,461	6,784	7,123	7,479	7,703	7,934	8,172
Finance Director	11	6,522	6,848	7,191	7,550	7,928	8,165	8,410	8,663
Police Chief	12	6,913	7,259	7,622	8,003	8,403	8,655	8,915	9,182



## ATTACHMENT B

### SUMMARY OF BENEFITS FOR NON REPRESENTED EMPLOYEES

*(Benefits are pro-rated for part time employees working 20-39 hours a week)*

**Effective July 1, 2009**

#### **Retirement:**

The City of Canby participates in the Public Employees Retirement System (PERS) and Oregon Public Service Retirement Plan (OPSRP). The City pays the employees share of 6% of employee's salary into the plan.

#### **Vacation:**

Paid vacation is based on length of service (the accrual rate per pay period is the annual rate divided by the total number of pay periods). Maximum accrual limit is five hundred (500) hours.

After six months	40 hours annually
After one year	120 hours annually
After five years	200 hours annually
After fourteen years	240 hours annually

#### **Administrative Leave:**

In recognition of additional hours worked and in lieu of overtime, exempt Director level employees are credited with fifty-five (55) hours of administrative leave annually. All other exempt employees are credited with forty (40) hours of administrative leave annually. Admin leave is use-it-or-lose-it and does not accrue or roll over year to year. Leave is pro-rated at hire (based on date of hire).

#### **Holidays:**

Employees are compensated for 11 holidays per year.

New Years Day – January 1	Thanksgiving – 4 <sup>th</sup> Thurs in November
President's Day – 3 <sup>rd</sup> Monday in February	Day after Thanksgiving – 4 <sup>th</sup> Fri in November
Memorial Day – Last Monday in May	Day before Christmas – December 24
Independence Day – July 4	Christmas – December 25
Labor Day – 1 <sup>st</sup> Monday in September	One Personal Holiday (8 hours)
Veteran's Day – November 11	

#### **Sick Leave:**

Employees earn ninety six (96) hours of sick leave annually (the accrual rate per pay period is the annual rate divided by the total number of pay periods). Upon retirement under the City's retirement plan, an employee shall be compensated for fifty percent (50%) of his/her accumulated but unused sick leave. The number of hours of sick leave for which compensation is provided shall not exceed five hundred (500).

#### **Health & Welfare:**

The City will pay 90% of the premium costs of the group plan [Option 1] in place for each tier of coverage. The group health plan includes medical/drug, vision and dental/orthodontia coverage. Employees electing alternative plan options made available by the City may apply these contribution amounts towards such coverage and are responsible for any remaining premium costs. Any premium

## **ATTACHMENT B**

costs not covered by the City shall be paid by the enrolled employee through automatic payroll deduction. *Refer to rate sheet for employee contribution amounts.*

### **Disability Benefits:**

**Workers Compensation** – All employees are covered by Worker's Compensation. This type of insurance covers employees in case of on-the-job injuries or job-related illnesses.

**Life Insurance** – The City provides life insurance in the amount of one and one-half (1 ½) times an employee's annual salary (maximum \$150,000).

**AD&D** – The City provides Accidental Death & Dismemberment insurance in the amount of one and one-half (1 ½) times an employee's annual salary (maximum \$150,000).

**LTD** – The City provides a program of long term disability insurance.

### **AFLAC:**

Optional benefits are available. The City does not contribute.

### **Family Medical Leave:**

The City will allow employees to take family and medical leave in accordance with State and Federal law. An employee shall utilize all accrued paid leave in excess of sixty (60) hours prior to taking unpaid leave.

### **Cell Phone Reimbursement**

Management employees may be eligible for a cell phone reimbursement of \$30 to \$50 per month upon prior approval from the City Administrator for the use of personal cell phones for City business.

# MEMORANDUM

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Sue Engels, Finance & Court Services Director*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**DATE:** *June 8, 2009*

---

Issue: The proposed 2009-10 budget for Sewer Combined Fund anticipates an increase in sewer rates of 5%. Rates were last raised July 1, 2007. The rates are raised by means of a resolution of the Council. The effective date of the increase is proposed as October 1, 2009, in order to give customers, and especially landlords, adequate notice.

Recommendation: Approval of Resolution 1032

Attached: Resolution 1032

## **RESOLUTION NO. 1032**

### **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 October 1, 2009, 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 is effective June 17, 2009.

**ADOPTED** by the Canby City Council on the 17<sup>th</sup> day of June, 2009.

---

Melody Thompson  
Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder Pro-Tem

# RESOLUTION NO. 1032 - EXHIBIT "A"

<b>Sewer Rates</b>	Current Rate	Proposed
	(Established July 1, 2007)	5% Increase (Effective Oct. 1, 2009)
<b>Customer Class</b>		
Residential single family	27.28	27.64
Residential, apartment, per unit	27.28	27.64
Mobile home	27.28	27.64
Senior discount	19.44	20.41
Elementary School, per student	1.08	1.13
Middle & High School, per student	1.42	1.49
Transient housing (1st unit)	27.28	27.64
<i>Each additional bed</i>	14.32	15.04
Nursing home (1st two beds)	27.28	27.64
<i>Each additional bed</i>	14.32	15.04
Commercial retail, minimum	27.28	27.64
<i>per 100 cf of weater use Nov.-March</i>	3.41	3.58
Commercial government, minimum	27.28	27.64
<i>per 100 cf of water use Dec. &amp; Jan.</i>	3.41	3.58
Industrial, minimum	27.28	27.64
<i>per 100 cf of water use</i>	3.41	3.58

## **ORDINANCE NO. 1307**

**AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH OREGON DEPARTMENT OF TRANSPORTATION (ODOT) FOR A TRANSPORTATION AND GROWTH MANAGEMENT (TGM) PROGRAM GRANT IN THE AMOUNT OF \$111,000.00 FOR THE TRANSPORTATION SYSTEM PLAN (TSP) UPDATE PROJECT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby has previously applied for a TGM grant for its TSP update; and

**WHEREAS**, all terms and conditions of the IGA are finalized and the agreement is ready for execution by the City; and

**WHEREAS**, the total for the IGA grant is \$111,000.00 and the City's match is \$31,450.00 which will be paid from Canby Budget SDC line # 420-420-431-7700; and

**WHEREAS**, the City Council has determined that it is in the best interest of the city to enter into the proposed IGA for the said TGM grant for the update of the TSP project and the agreement is necessary, proper and acceptable; 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 IGA with the Oregon Department of Transportation for a Transportation and Growth Management program grant, a copy of which is attached hereto as "Exhibit A" and by this reference fully incorporated herein in the amount of \$111,000.00 for the Transportation System's Plan Update project.

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.

**2nd Reading**

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, June 3, 2009; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, June 17, 2009, 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 Pro Tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 17<sup>th</sup> of June, 2009 by the following vote:

YEAS\_\_\_\_\_

NAYS\_\_\_\_\_

---

Melody Thompson, Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder Pro Tem

2nd Reading

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

***DATE:*** June 17, 2009  
***TO:*** Honorable Mayor Thompson and City Council  
***FROM:*** Sue Engels, Finance and Court Services Director  
***CC:*** Mark Adcock, City Administrator  
***RE:*** ORDINANCE DECLARING THE CITY'S ELECTION TO  
RECEIVE REVENUE FOR FISCAL YEAR 2009-2010.

---

**Issue:** An ordinance declaring the City's election to receive state revenues for fiscal year 2009-2010.

**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 adopts Ordinance No. 1310 declaring the city's election to receive state revenue for fiscal year 2009-2010.

**Fiscal Impact:** The amount estimated by the city to receive is approximately \$90,000.

**Attached:** Ordinance No. 1310

**ORDINANCE NO. 1310**

**AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2009-2010.**

**WHEREAS**, a public hearing for the use of state revenue sharing funds was held before the Budget Committee on June 17, 2009, and before City Council on June 17, 2009; 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 2009-2010.

**SUBMITTED**, to the Canby City Council and read the first time at a regular meeting thereof on June 17, 2009, ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof on July 1, 2009, commencing at the hour of 7:30 p.m. at the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

---

Kimberly Scheafer, CMC  
City Recorder, Pro-Tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 1<sup>st</sup> day of July, 2009 by the following vote:

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

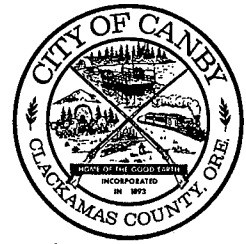
---

Melody Thompson, Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder, Pro-Tem



THIS HAS BEEN REVIEWED  
BY THE FINANCE DIRECTOR  
*Joe Engle*

# MEMORANDUM

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Mark C. Adcock, City Administrator*  
**DATE:** *June 9, 2009 for Council meeting June 17, 2009*

**Issue:** City Council Ordinance 1311  
Personal Services Agreement (PSA) with Cynthia Thompson of BCB Consulting, Inc for Transit Department management services. PSA attached.

## **Summary**

The attached ordinance authorizes and directs the Mayor and City Administrator to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with Cynthia Thompson of BCB Consulting.

## **Recommendation**

Staff recommends that the Council approve Ordinance 1311  
Recommended motion *"I MOVE TO APPROVE ORDINANCE NO. 1311 AUTHORIZING AND DIRECTING THE MAYOR AND CITY ADMINISTRATOR TO MAKE, EXECUTE AND DECLARE IN THE NAME OF THE CITY OF CANBY AND ON ITS BEHALF, AN APPROPRIATE CONTRACT WITH CYNTHIA THOMPSON OF BCB CONSULTING."*

## **Rationale**

The Council first approved a contract with Cynthia Thompson of BCB Consulting Inc. in December of 2006 to provide management services for Canby Area Transit to prepare and submit grants, monitor existing grants, assist with budget analysis and development, assist with future planning, and other such activities. Contracting this activity rather than hiring a Transit Director and provides a cost savings to the Transit Fund.

## **Background**

This agreement is included in the Transit Fund budget as professional/technical services (240-240-466-3200).

## **Attached**

Ordinance 1311  
BCB Consulting PSA

## **ORDINANCE NO. 1311**

### **AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT EXTENSION WITH CYNTHIA THOMPSON OF BCB CONSULTING FOR PROFESSIONAL SERVICES FOR MANAGEMENT OF CANBY AREA TRANSIT SERVICE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby currently has need of management services for Canby Area Transit to prepare and submit grants, monitor existing grants, assist with budget analysis and development, assist with future planning, and other such activities until such time as a Transit Manager is employed by the City; and

**WHEREAS**, the City currently employs Cynthia Thompson of BCB Consulting, as an independent contractor to manage the Canby Area Transit Service and wishes to continue to employ Cynthia Thompson of BCB Consulting, as an independent contractor under a personal services contract for the purpose of carrying out the these activities; and

**WHEREAS**, Cynthia Thompson of BCB Consulting has proposed an extension of existing personal services contract which is acceptable to the City; and

**WHEREAS**, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules set forth in Ordinance No 1170 and Resolution No. 897, Exhibit A, Section 6 E (1), the city may extend existing personal service contracts not exceeding \$75,000.00 by direct appointment without competition where the additional amount to extend the existing contract does not increase the contract by more than 25%; and

**WHEREAS**, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this proposal, reviewed the staff report and finds that the contract extension with Cynthia Thompson is in the best interest of the City to enter into; now therefore,

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

Section 1. The Mayor and 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 Cynthia Thompson of BCB Consulting, the copy of said contract is attached hereto and marked as Exhibit "A" and by this reference fully incorporated herein.

Section 2. Emergency Declared.

It being necessary for the health, safety, and general welfare of the citizens of Canby that there be no interruption in service for the Canby Area Transit program, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment after final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, June 17, 2009, 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, July 1, 2009, commencing at the hour of 7:30 PM in the Council Meeting Chambers at Canby City Hall located at 155 SW 2<sup>nd</sup> Avenue in Canby, Oregon.

---

Kimberly Scheafer, CMC  
City Recorder Pro-tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 1<sup>st</sup> day of July, 2009, by the following vote:

YEAS\_\_\_\_\_

NAYS\_\_\_\_\_

---

Melody Thompson, Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder Pro-tem

## PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between the CITY OF CANBY (City) and BCB CONSULTING (Contractor).

- A. City requires services which Contractor is capable of providing, under terms and conditions hereinafter described.
- B. Contractor is able and prepared to provide such services as City requires, under those terms and conditions set forth.

The Parties Agree as Follows:

1. Scope of Services. Contractor's services under this Agreement shall consist of the following:
  - A. See Exhibit "A" attached hereto.
2. Contractor Identification. Contractor shall furnish to City is employer identification number as designated by the Internal Revenue Service, or Contractor's Social Security Number, as City deems applicable. Contractor understands it is required to obtain a City of Canby business license for conducting business in the City.
3. Compensation:
  - A. City agrees to pay Contractor for services provided as set forth in Exhibit "B". Contractor agrees that \$92,616.00 is the not to exceed price of this contract, without prior written approval from the City.
  - B. City agrees to pay Contractor within 30 days after receipt of Contractor's itemized statement. Amounts disputed by the City may be withheld pending settlement.
  - C. City certifies that sufficient funds are available and authorized for expenditure to finance costs of the Agreement.

4. Contractor is Independent Contractor.
  - A. Contractor's services shall be provided under the general supervision of the Transit Department with day to day oversight provided by the City Administrator. Contractor shall be an independent contractor for all purposes and shall be entitled to no compensation other than the compensation provided for under Paragraph #3 of this Agreement.
  - B. Contractor certifies that it is either a carrier-insured employer or a self-insured employer as provided in Chapter 656 of the Oregon Revised Statutes. Contractor will provide proof of such coverage to the City, upon request.
  - C. Contractor hereby represents that no employee of the City, or any partnership or corporation in which a City Employee has an interest, will or has received any remuneration of any description from Contractor, either directly or indirectly, in connection with the letting or performance of this contract, except as specifically declared in writing.
5. Subcontractors and Assignment. With the exception of JWL Consulting, Contractor shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from City. City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to Contractor. Any subcontract between Contractor and subcontractor shall require the subcontractor to comply with all applicable OSHA regulations and requirements
6. Work is Property of City. All work performed by Contractor under this Agreement shall be the property of the City. City agrees that the Contractor may use its work in other assignments if all City of Canby data and references are removed.
7. Term.
  - A. This Agreement shall terminate upon completion of all work

tasks unless terminated previously by:

1. Mutual written consent of the parties.
2. Either party, upon thirty (30) days written notice to the other, delivered by certified mail or in person.
3. City, effective upon delivery of written notice to Contractor by certified mail, or in person, under any of the following:
  - a. If Contractor fails to provide services called for by this Agreement within the time specified or any extension thereof.
  - b. If services are no longer required
8. Professional Standards. Contractor shall be responsible to the level of competency presently maintained by others practicing the same type of work in City's community, for the professional and technical soundness, accuracy and adequacy of all work and materials furnished under this authorization.
9. Insurance. Insurance shall be maintained with the following limits:
  - A. Liability - \$1,000,000.00 combined single limit, bodily injury/property damage, including automobile coverage for any vehicle used for city business.

The City shall be named as additional named insured on all required Policies. The City may require current copies of insurance certificates. Procuring of such required insurance shall not be construed to limit Contractor's liability hereunder. Notwithstanding said insurance, Contractor shall be obligated for the total amount of any damage, injury or loss caused by contractor's negligence or neglect connected with the Agreement.
10. Legal Expense. In the event legal action is brought by City or Contractor against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and

conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorneys fees, costs, and expenses as may be set by the court both at trial and all appeals therefrom.

11. Notices. Any notice, bills, invoices, reports, or other documents required by this Agreement shall be sent by the parties by United States mail, postage paid, or personally delivered to the address below. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing unless sooner received.

CITY: Mark Adcock  
City of Canby  
PO Box 930  
182 N. Holly Street  
Canby, OR 97013

CONTRACTOR: Cynthia Thompson  
BCB Consulting  
1216 NW 25<sup>th</sup> Avenue  
Portland, OR 97210

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers.

CONTRACTOR:	CITY OF CANBY:
_____	_____
By:	By:
Date:	Date:

*City of Canby  
Canby Area Transit*

***Scope of Work***

July 1, 2009 –June 30, 2010

BCB Consulting agrees to provide the following products and services to the City of Canby, Canby Area Transit.

***Deliverables***

- **Transit Management**

BCB representatives agree to be available by phone forty hours per week and to provide a management presence at the CAT office a minimum of seventy-two hours per month. BCB staff will attend any required City Council, Advisory Committee, and staff meetings.

- **Operations**

- Monitor OHAS contract and services and make necessary adjustments and recommendations.
- Weekly oversight of CAT day to day operations
- Manage and work with City and OHAS management and staff.

- **Service Delivery**

- Oversee implementation of route changes as proposed in the Transit Master Plan
- Revise schedules, brochures, collateral materials to reflect changes
- Oversee CAT participation in the Clackamas County Fair

- **Financial Management**

- **Grants**

5311, Special Transportation Fund (STF) grants, 5309, JARC, and New Freedom

- Review, prepare, and submit necessary grant reports and grant applications.
  - 5311 grant application due March/April, 2010
  - STF Formula Funds due April/May 2010
  - STF Discretionary Grant due date yet to be determined
  - 5309 Federal Earmark requests for 2010
- Contact appropriate representatives for the various grant funds and take appropriate steps to ensure Canby is well represented in the funding process for each grant.
- Attend necessary funding review committee meetings and other pertinent meetings - PTAC, OTA, OTC, TMAC, JPACT, TPAC.
- **ARRA grant implementation is not included in this scope of work**

- **BETC**

- Prepare preliminary BETC certification application for two project periods from August 1 09 – June 30, 2010.
- Prepare Final BETC application for period ending July 30, 2009
- Take steps to secure BETC pass through partner(s).

- BCB will make every attempt to secure approval from the Dept of Energy if necessary and to secure a partner, yet it appears this may be more complex than appears on the surface. BCB will work closely with Dept of Energy and city staff as we work through this process.
- **Contracts**
  - Review transit contracts and make necessary recommendations
- **Budget**
  - Monitor and administer 09/10 budget
  - Develop & submit 10/11 budget
- **Community Relations/Marketing**
  - **Internal**
    - Attend City Council meetings as required
    - Attend city staff meetings, planning meetings etc. as necessary.
  - **Community Relations**
    - Attend community meetings and promote CAT and CAT services
  - **Peer Relations**
    - Maintain contact with community transit partners, local, regional, and state transportation agencies and any other pertinent organizations.
- **Transit Advisory Committee**
  - Facilitate Quarterly Transit Advisory Committee Meetings
  - Prepare agenda's and respond to committee requests
  - Ongoing communication with TAC members

## EXHIBIT "B"

# BCB Consulting, Inc.

Contract # \_\_\_\_\_

July 1, 2009

The following is an agreement for contract services between Cynthia Thompson of BCB Consulting, Inc. (BCB) and the City of Canby for the period between July 1, 2009 and June 30, 2010. This contract may be extended at the request of the City of Canby.

**Scope:**

The scope of work, with deliverables and timelines, are attached to this letter of agreement.

**Fee:**

BCB Consulting Inc. professional services rate is \$110 per hour. For the purposes of this contract BCB Consulting will provide professional transit management services for a flat fee of \$7,718 per month for the scope of work as described in the attachment.

**Payment Schedule:**

BCB will submit an invoice for the entire contract period and the City of Canby will issue bi-monthly checks for \$3859 on the 15<sup>th</sup> and 30/31<sup>st</sup> of the month to coincide with normal City of Canby billing cycle

**Additional Work:**

Additional work beyond the agreed upon scope may be negotiated individually at our hourly rate or at a negotiated project rate.

**Termination:**

This contract may be terminated under the following conditions: a) by written mutual agreement of both parties, b) upon fifteen (60) calendar days' written notice by either party to the other of the intent to terminate, or c) immediately on breach of the contract.

Agreed to by:

---

Cynthia Thompson, BCB Consulting, Inc.

---

City of Canby