

AGENDA

CANBY CITY COUNCIL MEETING

August 6, 2008, 7:30 P.M.

Council Chambers

155 NW 2nd Avenue

Mayor Melody Thompson

Council President Walt Daniels

Councilor Teresa Blackwell

Councilor Paul Carlson

Councilor Randy Carson

Councilor Tony Helbling

Councilor Wayne Oliver

WORK SESSION

6:30 P.M.

City Hall Conference Room

182 N Holly

This Work Session will be attended by the Mayor and City Council to discuss Building Department fees.

CITY COUNCIL MEETING

1. CALL TO ORDER

A. Pledge of Allegiance and Moment of Silence

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

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

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

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

A. Approval of Minutes of the July 9, 2008 City Council Work Session

B. Approval of Minutes of the July 16, 2008 City Council Regular Meeting

C. Appointment to Planning Commission

Pg. 1

7. RESOLUTIONS & ORDINANCES

- A. Res. 996, Referring to the Electorate a Proposed Annexation of 4.85 Acres
Pg. 2
- B. Res. 997, Referring to the Electorate a Proposed Annexation of 2 Acres Pg. 7
- C. Res. 998, Referring to the Electorate a Proposed Annexation of 14.88 Acres
Pg. 12
- D. Res. 999, Declaring City of Canby's Intention to Initiate Improvements to Walnut Street Located in the Canby Pioneer Industrial Park and Directing the City Engineer to Make a Survey and a Written Report of the Proposed Project
Pg.18
- E. Ord. 1286, Amending Canby Municipal Code Chapter 16.40.014 Concerning Flood Hazard Protection (*2nd Reading*) Pg. 25
- F. Ord. 1287, Authorizing Contract with Canby Ford for One 2008 Ford Escape Compact Sport Utility Vehicle for the Public Works Department Pg.27
- G. Ord. 1288, Authorizing Contract Extension with Cynthia Thompson of BCB Consulting for Professional Services for Management of Canby Area Transit Service (*2nd Reading*) Pg.31
- H. Ord. 1289, Authorizing Contract with Winstead and Associates to Provide Building Code Services (*2nd Reading*) Pg.33
- I. Ord. 1290, Authorizing Contract with MixZon, Inc. to Complete a Mixing Zone Study and Reasonable Potential Analysis for the Wastewater Treatment Department (*2nd Reading*) Pg.35
- J. Ord. 1291, Authorizing Contract with Eagle-Elsner, Inc. for the S. 13th Avenue Street Reconstruction and Traffic Calming Plan (*2nd Reading*) Pg.37

8. NEW BUSINESS

- A. Findings, Conclusion & Final Order ANN 08-01 Holmes Pg.39
- B. Findings, Conclusion & Final Order ANN 08-03 Jarboe Pg.42
- C. Findings, Conclusion & Final Order ANN 08-04 Willow Creek Pg.45

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

10. CITIZEN INPUT

11. ACTION REVIEW

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

13. ADJOURN

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

**CITY OF CANBY
APPLICATION
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

Date: JUNE 4 2008Name: CHARLES "CHUCK" KOCHER Occupation: RETIRED

Home Address: _____

Employer: PAST COLUMBIA HELICOPTERS Position: ATP MECHANICDaytime Phone: _____ Evening Phone: SAME

E-Mail Address: _____

For which position are you applying? PLANNING COMMISSION

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

RIVERSIDE NEIGHBORHOOD ASSOC., CANBY ADULT CENTER
VOLUNTEER DRIVER "TRP", HABITAT FOR HUMANITY VOLUNT
GER ON BOTH PROJECT. MEMBER! COMMUNITY EMERGENCY
RESPONSE TEAM

Experience and educational background: EDUCATIONAL IN AVIATION TRADES,
EXPERIENCE IN BUILDING AND REMODEL

Reason for your interest in this position: LIVING IN CITY 27+ YEARS,
NOW RETIRED, HAVE TIME TO GIVE BACK TO COMMUNITY AND
SEE CITY RETAIN ITS LIVEABLE

List any other City or County positions on which you serve or have served: _____
SAFETY COMMISSION 2007-2008 CITY OF CANBY
TRAFFIC

Information on any special membership requirements: _____

Referred by (if applicable): JAN MILNE, RANDY CARSON

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

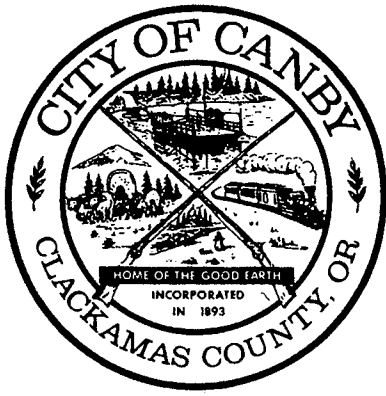
THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY **RECEIVED**

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

JUN 04 2008**CITY OF CANBY**Phone: 503.266.4021 Fax: 503.266.7961 Email: 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



City of Canby

Office of the City Attorney

July 28, 2008

Memo to: Mayor/City Council

From: John H. Kelley, City Attorney

Re: Resolution No. 996 - Ballot measure/Summary for Voter's Pamphlet for
Annexation 08-01 – Holmes Annexation

Attached is Resolution No. 996. It certifies to Clackamas County elections department for the November 4, 2008 election, Annexation 08–01, application from Thomas L. Holmes to annex 4.85 acres of property to the City. Both the Planning Commission and City Council unanimously approved it, and in accordance with the City Charter requirement for voter-approved annexations, the application must be voted on at the next election.

Attached to the Resolution is a Notice of City Measure Election with the Caption, Question and Summary for the ballot and the Explanatory Statement for the Voter's Pamphlet. The City is required to submit these documents when it refers an issue to a vote of the electorate. The deadline for having the material to the County is September 4, 2008.

The guideline for drafting the Notice and Explanatory Statement is that, "the City Attorney, to the best of his ability, give a true and impartial statement of the purpose of the measure in such language that the ballot title not create any argument for, or create prejudice against the measure". I believe the Notice and Statement I have prepared meets this criteria. If you agree, a motion to approve Resolution No. 996 is appropriate. If you are not satisfied with the language, please feel free to contact me before the meeting or draft some alternative language to bring to the meeting so that it can be discussed.

RESOLUTION NO. 996

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 4.85 ACRES DESCRIBED AS TAX LOT 2190 OF TAX MAP 3-1E-28DD LOCATED SOUTH OF NE TERRITORIAL ROAD, WEST OF N PINE STREET AND NORTH OF NE 16TH AVENUE; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE NOVEMBER 4, 2008 ELECTION.

WHEREAS, the Canby City Council has heretofore approved an application filed by Thomas L. Holmes, the owner of tax lot 2190 of Tax Map 3-1E-28DD, to annex 4.85 acres into the City of Canby; and

WHEREAS, pursuant to the provisions of the Canby City Charter, the approval of the proposed annexation must be referred to the electorate of the City of Canby for an election; and

WHEREAS, ORS 250.035 requires a Notice of Measure be prepared by the City and submitted to the Clackamas County Elections Department by September 4, 2008 in order to appear on the ballot for the November 4, 2008 election; and

WHEREAS, pursuant to the Canby Municipal Code, the Canby City Attorney has prepared a Notice of City Measure Election and Summary for Voter's Pamphlet to be submitted to the Elections Department;

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

1. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the November 4, 2008 election, the Notice of City Measure. Such Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
2. The City Recorder of the City of Canby is further authorized and directed to submit a Summary of the Measure to be placed in the voter's pamphlet explaining in clear and concise language the affect of such ballot measure. Such summary is attached to this Resolution in proper form and adopted by the City.

3. The City Recorder, the City Administrator and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the November 4, 2008 election.

This Resolution shall take effect on August 6, 2008.

ADOPTED this 6th day of August, 2008, by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder, Pro-Tem

Notice of City Measure Election

SEL 802

rev 1/08: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City Canby

Notice is hereby given on August 6, 2008, that a measure election will be held in

name of county or counties Clackamas County, Oregon on date of election November 4, 2008.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: November 4, 2008.

CAPTION 10 words

MEASURE APPROVING ANNEXATION OF 4.85 ACRES INTO CITY OF CANBY.

QUESTION 20 words

SHALL 4.85 ACRES LOCATED SOUTH OF NE TERRITORIAL, WEST OF N. PINE, NORTH OF NE 16TH BE ANNEXED INTO CANBY?

SUMMARY 175 words

Annexation is the legal process to bring property into the City limits. Thomas L. Holmes has filed an application as owner of a 4.85 acre parcel, asking the City to bring it into the City limits. The legal description of the property is Tax Lot 2190 of Tax Map 3-1E-28DD. The parcel is located south of NE Territorial Road, west of N. Pine Street and north of NE 16th Avenue. This application has previously been approved by the City Council following a public hearing on July 2, 2008. The property is an undeveloped piece of land. No buildings exist on the site. It is currently zoned Rural Residential Farm and Forest 5 Acre (RRFF-5) by Clackamas County. The City's Zoning Map designates the property for Medium Density Residential (R-1.5) zoning upon annexation. Any future development requires City review and must comply with land use laws.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.

signature of authorized city official *not required to be notarized*

date signed mm/dd/yy

Kimberly Scheafer
printed name of authorized city official

City Council Packet Page 5 of 40 City Recorder Pro-Tem
title

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE APPROVING ANNEXATION OF 4.85 ACRES
INTO THE CITY OF CANBY**

Measure No. _____

Word Total 363 (500 max)

This measure would approve the annexation of 4.85 acres into the city limits of the City of Canby. The property which would be included within the City boundaries is known as Tax Lot 2190 of Tax Map 3-1E-28DD and is located generally in the northeast part of the City. Tax Lot 2190 is currently zoned Rural Residential Farm and Forest 5 Acre (RRFF-5) under County zoning. If annexation into the City is approved by the voters, the parcel would be rezoned to R-1.5, Medium Density Residential, as required under the City's Comprehensive Land Use Plan (Comp Plan) and Zoning Map.

Tax Lot 2190 is owned by Thomas L. Holmes. Mr. Holmes has filed the application for annexation into the City of Canby. The City, following its Charter, has put this matter before the voters for approval.

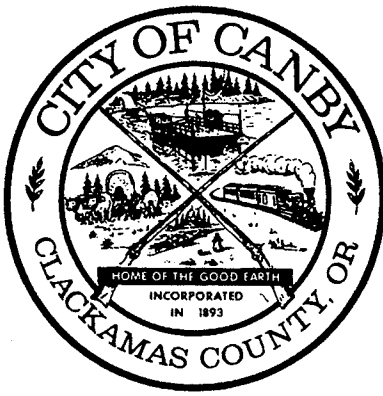
The parcel is located south of NE Territorial Road, west of N. Pine Street and north of NE 16th Avenue. The 4.85 acres is undeveloped and contains no residential buildings. Adjacent property to the west is within current city limits. Adjacent properties to the east, north and south are located outside the current city limits. Property to the north is zoned for Medium Density Residential when it is annexed into the City. Properties to the east and south are zoned Low Density Residential when they are annexed into the City. Under the R-1.5 zoning regulations, the assumed residential development potential of the 4.85 acre site is 30 dwelling units. However, annexation alone does not set the future uses to be built on the property. Any further development would have to comply with state and local land use laws and would be subject to public review.

The Canby Comp Plan also designates properties for annexation as Priority "A", "B" or "C". Priority "A" properties shall generally be annexed prior to those areas shown as Priority "B" which, in turn, shall generally be annexed prior to those areas shown as Priority "C". The property is priority "A". The Canby Planning Commission unanimously voted to approve the application and the Canby City Council also unanimously voted to approve the application and refer it to a vote of the Canby electorate.

CITY OF CANBY

Kimberly Scheafer, CMC
Canby City Recorder - Pro tem

Date



City of Canby

Office of the City Attorney

July 28, 2008

Memo to: Mayor/City Council

From: John H. Kelley, City Attorney 

Re: Resolution No. 997 - Ballot measure/Summary for Voter's Pamphlet for
Annexation 08-03 – Jarboe Annexation

Attached is Resolution No. 997. It certifies to Clackamas County elections department for the November 4, 2008 election, Annexation 08–03, application on behalf of Henry E. Jarboe to annex 2 acres of property to the City. Both the Planning Commission and City Council unanimously approved it, and in accordance with the City Charter requirement for voter-approved annexations, the application must be voted on at the next election.

Attached to the Resolution is a Notice of City Measure Election with the Caption, Question and Summary for the ballot and the Explanatory Statement for the Voter's Pamphlet. The City is required to submit these documents when it refers an issue to a vote of the electorate. The deadline for having the material to the County is September 4, 2008.

The guideline for drafting the Notice and Explanatory Statement is that, "the City Attorney, to the best of his ability, give a true and impartial statement of the purpose of the measure in such language that the ballot title not create any argument for, or create prejudice against the measure". I believe the Notice and Statement I have prepared meets this criteria. If you agree, a motion to approve Resolution No. 997 is appropriate. If you are not satisfied with the language, please feel free to contact me before the meeting or draft some alternative language to bring to the meeting so that it can be discussed.

RESOLUTION NO. 997

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 2 ACRES DESCRIBED AS TAX LOT 01600 OF TAX MAP 3-1E-27CB LOCATED AT 1335 NE TERRITORIAL ROAD, JUST EAST OF THE MOLALLA FOREST ROAD; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE NOVEMBER 4, 2008 ELECTION.

WHEREAS, the Canby City Council has heretofore approved an application filed on behalf of Henry E. Jarboe, the owner of tax lot 01600 of Tax Map 3-1E-27CB, to annex 2 acres into the City of Canby; and

WHEREAS, pursuant to the provisions of the Canby City Charter, the approval of the proposed annexation must be referred to the electorate of the City of Canby for an election; and

WHEREAS, ORS 250.035 requires a Notice of Measure be prepared by the City and submitted to the Clackamas County Elections Department by September 4, 2008 in order to appear on the ballot for the November 4, 2008 election; and

WHEREAS, pursuant to the Canby Municipal Code, the Canby City Attorney has prepared a Notice of City Measure Election and Summary for Voter's Pamphlet to be submitted to the Elections Department;

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

1. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the November 4, 2008 election, the Notice of City Measure. Such Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
2. The City Recorder of the City of Canby is further authorized and directed to submit a Summary of the Measure to be placed in the voter's pamphlet explaining in clear and concise language the affect of such ballot measure. Such summary is attached to this Resolution in proper form and adopted by the City.

3. The City Recorder, the City Administrator and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the November 4, 2008 election.

This Resolution shall take effect on August 6, 2008.

ADOPTED this 6th day of August, 2008, by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder, Pro-Tem

Notice of City Measure Election

SEL 802

rev 1/08: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City Canby

Notice is hereby given on August 6, 2008, that a measure election will be held in

name of county or counties Clackamas County, Oregon on date of election November 4, 2008.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: November 4, 2008.

CAPTION 10 words

MEASURE APPROVING ANNEXATION OF 2 ACRES INTO CITY OF CANBY.

QUESTION 20 words

SHALL 2 ACRES LOCATED AT 1335 N. E. TERRITORIAL ROAD BE ANNEXED INTO CANBY?

SUMMARY 175 words

Annexation is the legal process to bring property into the City limits. Gary Spanovich, planner, has filed an application on behalf of the owner, Henry E. Jarboe, asking the City to bring a 2 acre parcel into the Canby City limits. The legal description of the property is Tax Lot 01600 of Tax Map 3-1E-27CB. The parcel is located at 1335 NE Territorial Road, just east of its intersection with the Molalla Forest Road. This application has previously been approved by the City Council following a public hearing on July 16, 2008. The property is currently developed with a single family residence, a garage, a trailer and a well house, which, upon voter approval will become legal, non-conforming, buildings. It is currently zoned Rural Residential Farm and Forest 5 Acre (RFFF-5) by Clackamas County. The City's Zoning Map designates the property for High Density Residential (R-2) zoning upon annexation. Any future development requires City review and must comply with land use laws.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.

signature of authorized city official *not required to be notarized*

date signed *mm/dd/yy*

Kimberly Scheafer
printed name of authorized city official

City Council Packet Page 10 of 42 City Recorder Pro-Tem
title

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

MEASURE APPROVING ANNEXATION OF 2 ACRES INTO THE CITY OF CANBY

Measure No. _____

Word Total 408 (500 max)

This measure would approve the annexation of 2 acres into the city limits of the City of Canby. The property which would be included within the City boundaries is known as Tax Lot 01600 of Tax Map 3-1E-27CB and is located generally in the northeast part of the City. Tax Lot 01600 is currently zoned Rural Residential Farm and Forest 5 Acre (RRFF-5) under County zoning. If annexation into the City is approved by the voters, the parcel would be rezoned to High Density Residential (R-2), as required under the City's Comprehensive Land Use Plan (Comp Plan) and Zoning Map.

Tax Lot 01600 is owned by Henry E. Jarboe. The application was filed by Mr. Gary Spanovich, planner, on behalf of the owner asking for annexation into the City of Canby. The City, following its Charter, has put this matter before the voters for approval.

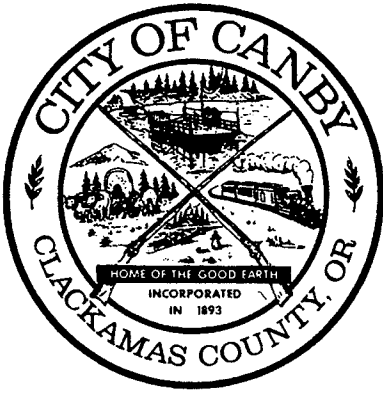
The parcel is located at 1335 NE Territorial Road, just east of its intersection with the Molalla Forest Road. The 2 acres is currently developed with a single family residence, a garage, a trailer and a well house, which upon voter approval will become legal, non-conforming buildings. Adjacent properties to the south are currently outside Canby city limits. Adjacent properties to the north, east and west are located within the current city limits. Properties to the north and west are zoned for Low Density Residential, while properties to the east are zoned High Density Residential. Properties to the south would be zoned High Density Residential when/if they are annexed into the City. Under the R-2 zoning regulations, the assumed residential development potential of the 2 acre site is 28 dwelling units, however, the owner states he has no intention of developing the property at this time. Annexation alone does not set the future uses to be built on the property. Any further development would have to comply with state and local land use laws and would be subject to public review.

The Canby Comp Plan also designates properties for annexation as Priority "A", "B" or "C". Priority "A" properties shall generally be annexed prior to those areas shown as Priority "B" which, in turn, shall generally be annexed prior to those areas shown as Priority "C". The property is priority "A". The Canby Planning Commission unanimously voted to approve the application and the Canby City Council also unanimously voted to approve the application and refer it to a vote of the Canby electorate.

CITY OF CANBY

Kimberly Scheafer, CMC
Canby City Recorder - Pro tem

Date



City of Canby

Office of the City Attorney

July 29, 2008

Memo to: Mayor/City Council

From: John H. Kelley, City Attorney

Re: Resolution No. 998 - Ballot measure/Summary for Voter's Pamphlet for
Annexation 08-04 – Willow Creek Estates Annexation

Attached is Resolution No. 998. It certifies to Clackamas County elections department for the November 4, 2008 election, Annexation 08-04, application on behalf of Willow Creek Estates to annex 14.88 acres of property to the City. Both the Planning Commission and City Council unanimously approved it, and in accordance with the City Charter requirement for voter-approved annexations, the application must be voted on at the next election.

Attached to the Resolution is a Notice of City Measure Election with the Caption, Question and Summary for the ballot and the Explanatory Statement for the Voter's Pamphlet. The City is required to submit these documents when it refers an issue to a vote of the electorate. The deadline for having the material to the County is September 4, 2008.

The guideline for drafting the Notice and Explanatory Statement is that, "the City Attorney, to the best of his ability, give a true and impartial statement of the purpose of the measure in such language that the ballot title not create any argument for, or create prejudice against the measure". I believe the Notice and Statement I have prepared meets this criteria. If you agree, a motion to approve Resolution No. 998 is appropriate. If you are not satisfied with the language, please feel free to contact me before the meeting or draft some alternative language to bring to the meeting so that it can be discussed.

RESOLUTION NO. 998

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 14.88 ACRES DESCRIBED AS TAX LOTS 04700, 04900, 05000 AND 05100 OF TAX MAP 4-1E-04DA LOCATED SOUTH OF SE 13TH AVENUE AND EAST OF S IVY STREET; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE NOVEMBER 4, 2008 ELECTION.

WHEREAS, the Canby City Council has heretofore approved an application filed on behalf of Wayne Scott, Jeffrey and Kristina Scott, Scott and Teresa Sasse and Travis and Katie McRobbie as owners of tax lots 04700, 04900, 05000 and 05100 of Tax Map 4-1E-04DA, to annex 14.88 acres into the City of Canby; and

WHEREAS, pursuant to the provisions of the Canby City Charter, the approval of the proposed annexation must be referred to the electorate of the City of Canby for an election; and

WHEREAS, ORS 250.035 requires a Notice of Measure be prepared by the City and submitted to the Clackamas County Elections Department by September 4, 2008 in order to appear on the ballot for the November 4, 2008 election; and

WHEREAS, pursuant to the Canby Municipal Code, the Canby City Attorney has prepared a Notice of City Measure Election and Summary for Voter's Pamphlet to be submitted to the Elections Department;

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

1. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the November 4, 2008 election, the Notice of City Measure. Such Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
2. The City Recorder of the City of Canby is further authorized and directed to submit a Summary of the Measure to be placed in the voter's pamphlet explaining in clear and concise language the affect of such ballot measure. Such summary is attached to this Resolution in proper form and adopted by the City.

3. The City Recorder, the City Administrator and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the November 4, 2008 election.

This Resolution shall take effect on August 6, 2008.

ADOPTED this 6th day of August, 2008, by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder, Pro-Tem

Notice of City Measure Election

SEL 802

rev 1/08: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City Canby

Notice is hereby given on August 6, 2008, that a measure election will be held in

name of county or counties Clackamas County, Oregon on date of election November 4, 2008.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: November 4, 2008.

CAPTION 10 words

MEASURE APPROVING ANNEXATION OF 14.88 ACRES INTO CITY OF CANBY.

QUESTION 20 words

SHALL 14.88 ACRES LOCATED SOUTH OF S.E. 13TH AVENUE AND EAST OF S. IVY STREET BE ANNEXED INTO CANBY?

SUMMARY 175 words

Annexation is the legal process to bring property into the City limits. Willow Creek Estates has filed an application on behalf of owners, Wayne Scott, Jeffrey and Kristina Scott, Scott and Teresa Sasse and Travis and Katie McRobbie, asking the City to bring four parcels totaling 14.88 acres into the Canby City limits. The legal descriptions of the properties are tax lots 04700, 04900, 05000, and 05100 of Tax Map 4-1E-04DA. The parcels are located south of S.E. 13th Avenue and east of S. Ivy Street. This application was approved by the City Council following a hearing on July 16, 2008. Tax lot 04700 is vacant land and the remaining lots each have dwellings on them. Tax lot 04900 has a business on the lot. All four tax lots are currently zoned EFU by Clackamas County. The City's Zoning Map designates tax lot 04700 as Low Density Residential (R-1), and the other three parcels as Medium Density Residential (R-1.5) zoning upon annexation. Any future development requires City review and must comply with land use laws.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.

signature of authorized city official *not required to be notarized*

date signed mm/dd/yy

Kimberly Scheafer
printed name of authorized city official

City Council Packet Page 15 of 4 City Recorder Pro-Tem
title

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE APPROVING ANNEXATION OF 14.88 ACRES
INTO THE CITY OF CANBY**

Measure No. _____

Word Total 500 (500 max)

This measure would approve the annexation of 14.88 acres into the city limits of Canby. The properties which would be included within the City boundaries are known as Tax Lots 04700, 04900, 05000 and 05100 of Tax Map 4-1E-04DA and are located generally in the southeast part of the City. All four tax lots are currently zoned Exclusive Farm Use (EFU) under County zoning. If annexation into the City is approved by the voters, Tax Lot 04700 (9.56 acres) would be rezoned to Low Density Residential (R-1) and Tax Lots 04900, 05000 and 05100 would be rezoned to Medium Density Residential (R-1.5), as required under the City's Comprehensive Land Use Plan (Comp Plan) and Zoning Map.

Tax Lot 04700 is owned by Wayne Scott. Tax Lot 04900 is owned by Scott and Teresa Sasse. Tax Lot 05000 is owned by Jeffrey and Kristina Scott. Tax Lot 05100 is owned by Travis and Katie McRobbie. An application was filed by Willow Creek Estates, Inc. to annex into the City of Canby. The City, following its Charter, has put this matter before the voters for approval.

Tax Lot 04700 is located south of SE 13th Avenue and east of S. Ivy Street. It consists of 9.56 acres of vacant farm land. Tax Lot 04900 is located at 1440 S. Ivy Street. It consists of 1.31 acres with one residence. Tax Lot 05000 is located at 1490 S. Ivy Street. It consists of 1.74 acres with one residence. Tax Lot 05100 is located at 1550 S. Ivy Street. It consists of 1.52 acres with one residence and also a small business (Puddin' River Chocolates). The four parcels are surrounded by property already located within the City limits. Canby's Comp Plan and Zoning Map both designate Tax Lot 04700 (9.56 acres) as Low Density Residential (R-1) and Tax Lot 04900 (1.31 acres), Tax Lot 05000 (1.74 acres) and Tax Lot 05100 (1.52 acres) as Medium Density Residential (R-1.5) zoning upon annexation. Under the R-1 zoning regulations, the assumed residential development potential of Tax Lot 04700 is 50 dwelling units. Under the R-1.5 zoning regulations, the assumed residential development potential of Tax Lot 04900, Tax Lot 05000 and Tax Lot 05100 is 33 dwelling units, however none of these owners intend to develop their parcels beyond their residences. Annexation alone does not set the future uses to be built on the property. Any further development would have to comply with state and local land use laws and would be subject to public review.

The Canby Comp Plan also designates properties for annexation as Priority “A”, “B” or “C”. Priority “A” properties shall generally be annexed prior to those areas shown as Priority “B” which, in turn, shall generally be annexed prior to those areas shown as Priority “C”. The property is priority “A”. The Canby Planning Commission unanimously voted to approve the application and the Canby City Council also unanimously voted to approve the application and refer it to a vote of the Canby electorate.

CITY OF CANBY

Kimberly Scheafer, CMC
City Recorder - Pro tem

Date



City of Canby

**Canby Urban Renewal Agency
Economic Development Department**

RE: CITY COUNCIL RESOLUTION NO. 999 STAFF REPORT

TO: Honorable Mayor Thompson and City Council

FROM: Catherine Comer, Economic Development Manager

THROUGH: Mark C. Adcock, City Administrator

DATE: July 30, 2008 for City Council Meeting August 6, 2008

Summary

The attached resolution declares the City's intent to initiate improvements to Walnut Street located in the Canby Pioneer Industrial Park and directs the City Engineer to make a survey and written report. The Canby Urban Renewal Agency has approved the concept of the City forming an LID and leading the effort in creating a report and determination of property owner's costs.

Recommendation

Staff recommends that the Council approve Resolution No. 999

Rationale

The improvement of S. Walnut Street is necessary to continued development of the Canby Pioneer Industrial Park. Development on Walnut without full-length street improvements would be difficult if not impossible due to the City's standards for traffic flow. The Agency has previously stated that Urban Renewal funding will not be applied to S. Walnut Street project, and this proposal complies with that direction.

Background

Staff has met with property owners since last fall in an attempt to help draft an MOU with the property owners and City/Agency. On July 10th, I attended a meeting with some of the property owners to discuss progression of the MOU between the Agency and Property Owners. I asked our city engineer Curt McLeod to attend the meeting with me.

Present were Cliff Parsons, Ed Trompke, Carol Keddy, Charles Burden, Roger Reif, Melvin Borg, Scott Sprague, Terry Tolls, Curt and myself.

It appeared that there was not an agreement of the property owners to move forward with signing the MOU, however, those present indicated they were all in favor of forming an LID to fund the Walnut Street project.

Curt and I suggested that we propose that the City form the LID, design the alignment of Walnut Street, determine the assessment cost for each property owner and move forward without the MOU. All property owners present agreed. Curt assured the property owners that he would take into consideration their concerns regarding road width, addressing 4th Ave, etc. I also reminded the group that the LID estimates would need to include the cost of getting the loans for the project.

Fiscal impact

The proposed Resolution has a cost to the URD of \$3,500 for the initial report which the Agency has indicated they would be in favor of paying for and will vote on following approval of this Resolution by the City Council. The remainder of the project will be largely funded by the property owners because the LID will be established to cover the costs of engineering, construction, and the costs of obtaining a loan. The Agency did agree however, to pay for the cost of Zoar Cemetery which is estimated at approximately \$41,000, The City and Agency would also be contributing a significant amount of staff time to carry out this project.

If the project is constructed, both the Agency and City will gain tax revenues earlier than they would otherwise if development happened in an uncoordinated fashion.

Attached:

Resolution No. 999

Exhibit A: Map of Property Owners

Exhibit B: Curran-McLeod, Inc. Scope of Work.

RESOLUTION NO. 999

A RESOLUTION DECLARING THE CITY OF CANBY'S INTENTION TO INITIATE IMPROVEMENTS TO WALNUT STREET LOCATED IN THE CANBY PIONEER INDUSTRIAL PARK AND DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND A WRITTEN REPORT OF THE PROPOSED PROJECT AND FILE THE SAME WITH THE CITY RECORDER.

WHEREAS, the City, through its Canby Urban Renewal Agency believes that the continued and immediate development of properties within and adjacent to the Canby Pioneer Industrial Park, also known as the City of Canby Logging Road Industrial Park is important and essential for the effective and balanced growth of the City, and

WHEREAS, the City believes it is important to the development of such properties that an extension and improvement of Walnut Street from a point approximately 900 feet south of SE 1st Avenue to its proposed connection with Sequoia Parkway should occur as soon as possible, and

WHEREAS, the City has determined that in order to accomplish these objectives, it is necessary for the benefiting property owners identified in the attached Exhibit "A" to support, financially and otherwise, the extension and improvement of Walnut Street Parkway by forming a Local Improvement District to finance the improvements, and

WHEREAS, the Canby Municipal Code Chapter 4.04 requires the City Council to adopt by motion its intent to initiate such improvements through a special assessment district (LID) and by the motion, direct the City Engineer to make a survey and written report and file it with the City Recorder as soon as completed; and

WHEREAS, Curran McLeod, as the City appointed engineer has proposed to provide the initial design and engineering services for the Canby Pioneer Industrial Park,

NOW THEREFORE, IT IS HEREBY RESOLVED by the City of Canby Council that it is in the best interests of the City, the Urban Renewal Agency and the citizens of Canby to initiate a study of the proposed improvements to Walnut Street from a point approximately 900 feet south of SE 1st Avenue to its connection with Sequoia Parkway, and

IT IS FURTHER RESOLVED that the City Engineer, Curran McLeod, Inc., is directed to make a survey and prepare a written report for the Canby Pioneer Industrial

Park Stage 7 Walnut Street LID. A copy of the Curran-McLeod proposed work scope is attached hereto as Exhibit "B", and by this reference incorporated herein.

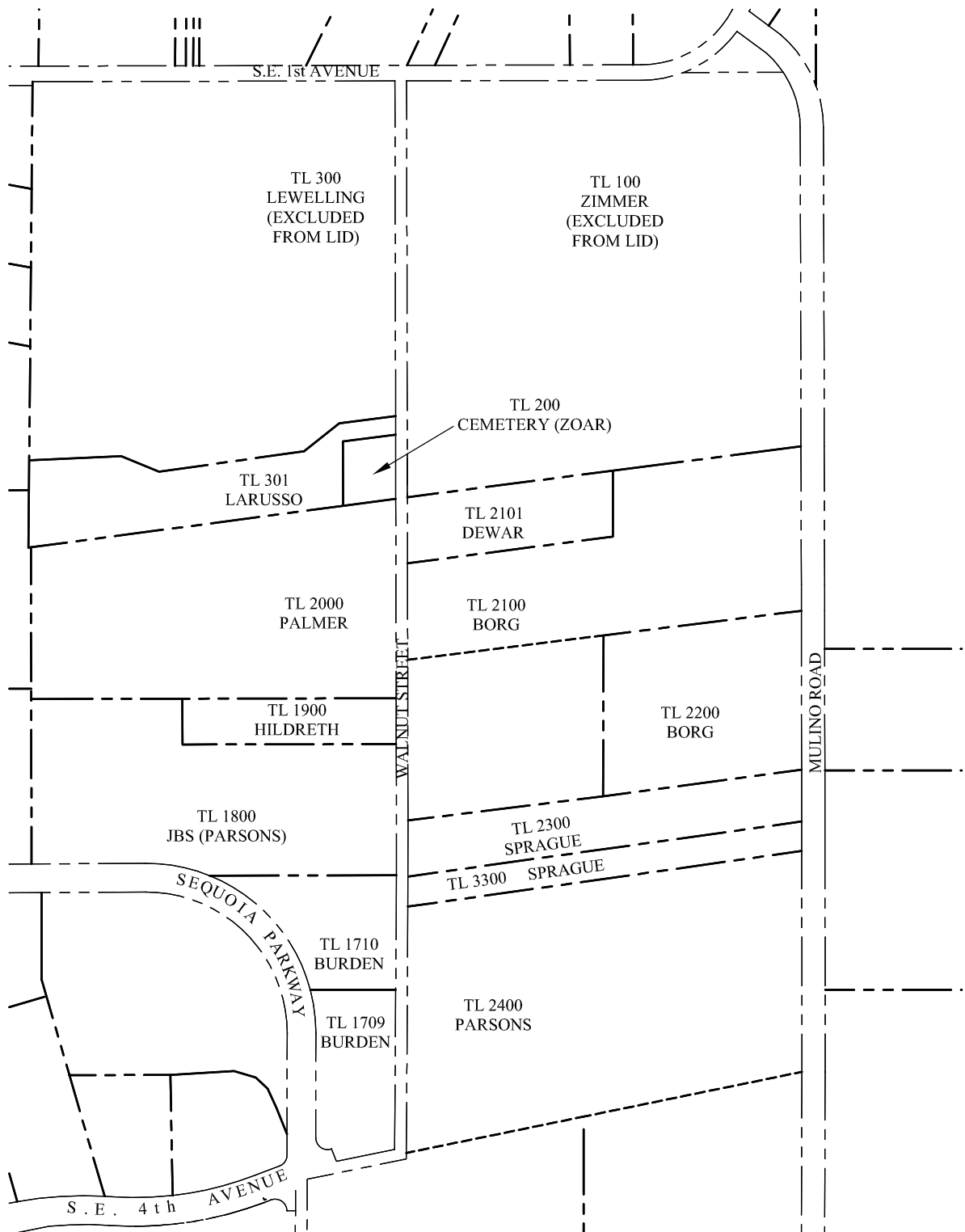
This Resolution shall take effect on August 6, 2008.

ADOPTED this 6th day of August, 2008, by the Canby City Council on behalf of the Canby Urban Renewal Agency.

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro-Tem



City of Canby
South Walnut Street L.I.D.
Potential Benefited Properties
July 2008



SCALE: 1" = 400'

July 14, 2008

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

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

Ms. Catherine Comer
City of Canby
182 N. Holly Street
Canby, OR 97013

**RE: CANBY PIONEER INDUSTRIAL PARK STAGE 7
WALNUT STREET LID WORK SCOPE**

Dear Catherine:

Over the past few weeks the Walnut Street improvement project has changed substantially, which has impacted our approach to the project and will greatly reduce costs. This letter is to provide you with a recommendations on how to proceed. This letter modifies the scope of our May 28th letter, however, the task descriptions are still applicable and detailed in that letter.

In summary, from the many discussions to-date, the current project approach will be a City initiated Local Improvement District and will be limited to roadway improvements up to but excluding the Lewelling and Zimmer properties. The roadway width will be a paved 32 foot curb to curb with a 40 foot right-of-way and 16 foot utility easements.

In the LID preliminary engineering phase, two work scopes should be evaluated. The first would be the existing Walnut Street alignment to SE 4th Avenue to provide the default work scope and establish a default project cost and LID allocations. The second alignment option will include the new connection between Walnut Street and Sequoia Parkway plus the short reach of SE 4th avenue along the Burden frontage. By comparison, the benefits of the Sequoia connection will be obvious and should generate support from all benefitted property owners.

With the elimination of the four properties identified above, the total project costs will be reduced substantially from our estimates prepared in May. Although we have not done a revised detailed estimate, the total project costs should be only 50 to 60% of the costs listed before. Additionally, we do not feel the cost allocations provided to the City by the benefitted property owners is in the best interests of all parties. As a result, we will be working with the property owners and the City to provide options for cost allocation.

To better define the construction costs and cost allocations, the Agency should authorize preparation of the Engineer's report for formation of the LID. This can be initiated upon approval of a motion by the City Council in accordance with CMC Chapter 4.04 Local Improvements. I do not know how the Agency's authority interacts with the Council or the Municipal Codes, but I would anticipate that if the Agency is funding the LID report, then the Agency needs to pass the motion for the expenditure.

Ms. Catherine Comer
July 14, 2008
Page 2

Engineering fees to complete the engineering report with cost estimates, benefitted areas and cost allocations, and to attend the hearings are estimated at \$3,500. This phase of the work should be authorized independently of any design or construction work, and should be authorized as soon as possible to identify options and scheduling to meet development demands.

The LID report will require a few weeks preparation followed by a remonstrance hearing. This phase of the work should be allocated 60 days to completion from today if we can get started immediately.

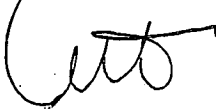
Design efforts should obviously be held off until the LID is approved. Construction cannot proceed before next spring regardless of how the design is accelerated, so there is plenty of time to prepare the LID report and then pursue design and construction by the spring of 2009.

We are confident that the project can be undertaken to the satisfaction of the multiple parties involved if the City takes a more assertive approach in the LID formations process. As we discussed last week, securing the approval of each property owner is difficult, especially if there are pre-conceived ideas as to how the costs should be allocated. We are familiar with each party's special interests and will work to find acceptable compromise positions. We are confident that the project can satisfy most if not all of the property owner's concerns, and certainly generate sufficient support to avoid any remonstrance concerns.

Let us know how we can best assist you in this task.

Very truly yours,

CURRAN-McLEOD, INC.



Curt J. McLeod, PE

ORDINANCE NO. 1286

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE SECTION 16.40.014 CONCERNING FLOOD HAZARD PROTECTION.

WHEREAS, the Federal Emergency Management Agency (FEMA) recently completed a re-evaluation of flood hazards and has completed a new Flood Insurance Study effective June 17, 2008; and

WHEREAS, the Land Development and Planning Ordinance (Title 16) must be updated to reflect the new Flood Insurance Study; and

WHEREAS, the Planning Commission held a public hearing concerning the text amendment on May 27, 2008, and adopted findings of approval, set forth in Exhibit "A", on June 09, 2008, and recommended that City Council approve the text amendment; and

WHEREAS, the City Council adopts the findings and conclusions set forth in Exhibit "A", and approves the text amendment based on those findings and conclusions; now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The City Council hereby amends Canby Municipal Code Section 16.40.014 to read as follows:

16.40.014 Flood insurance study.

The flood insurance study, including the flood insurance rate map, dated June 17, 2008, as presently adopted, and as may be amended by the Federal Emergency Management Agency, are adopted by reference and declared to be part of this chapter. Copies of the flood insurance rate maps shall be kept on file with the official zoning map of the city.

2ND READING

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, July 16, 2008, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, August 06, 2008, commencing at the hour of 7:30 pm at the Council Meeting Chambers located at 155 N.W. 2nd 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 6th of August, 2008, by the following vote:

YEAS _____

NAYS _____

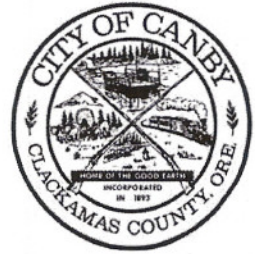
Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro-Tem

2ND READING

THIS HAS BEEN REVIEWED
BY THE FINANCE DIRECTOR
See Engel



MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *Dwayne Barnes, Director of Public Works*
DATE: *July 11, 2008*
THROUGH: *Mark C. Adcock, City Administrator*

Issue: Ordinance 1287, authorizing the purchase of a 2008 Ford Escape Compact Sport Utility Vehicle for the Public Works Department.

Synopsis: The Public Works Department has included funds in the FY08/09 Budget for the purchase of a Compact Sport Utility Vehicle to be used by department staff.

Recommendation: Staff recommends the Council adopt Ordinance 1287.

Rationale: With the addition of a director level position in the Public Works Department it was decided that a compact sport utility vehicle would be the logical choice for the Director to drive rather than a standard pickup. The new vehicle will allow four people to fit comfortably as well as provide more than enough room for the emergency essentials needed for normal operations.

Fleet Services Department Staff prepared specification for a new 2008 Compact Sport Utility Vehicle and delivered the specifications and quote form to 18 vehicle dealers in the local area of which 10 responded with quotes. Of the 10 responding, Canby Ford had the lowest quote of \$17,490.00 for a new 2008 Ford Escape.

Options: Reject the Ordinance and not purchase vehicle at this time.

Attached: Ordinance 1278 and summary for quotes

Dealer's Name	Make	Model	Price
Canby Ford	Ford	Escape	\$17,490.00
Gladstone Toyota	Toyota		N/A
Hillyer's Ford	Ford	Escape	\$19,249.97
Hubbard Chevrolet	Chevrolet	Equinox	\$22,138.00
Jay Lee's Honda	Honda	CRV EX 4x4	\$23,732.00
Jay Lee's Nissan	Nissan		N/A
Landmark Ford	Ford	Escape	\$17,519.00
Miles Chevrolet	Chevrolet		N/A
Miles Dodge / Jeep	Jeep	Patriot	\$18,957.00
Premier Hyundai	Hyundia		N/A
Ron Tonkin Dodge	Dodge	Nitro	\$24,825.00
Ron Tonkin Kia	Kia		N/A
Ron Tonkin Nissian	Nissian		N/A
Town & Country Chevrolet	Chevrolet		N/A
Town & Country Dodge / Jeep	Dodge / Jeep		N/A
Wilsonville Chevrolet	Chevrolet	Equinox	\$21,863.28
Wilsonville Honda	Honda		\$21,786.06
Wilsonville Chrysler / Jeep	Jeep	Liberty	21,781.00
Wilsonville Toyota	Toyota		N/A
Note: N/A = No Response			
Note: Deducted Manuals Cost from Landmark Ford			
Price Quote: (-\$200.00)			
Note: Deducted Manuals Cost from Wilsonville Chevrolet			
Price Quote: (-138.00)			

ORDINANCE NO. 1287

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CANBY FORD TO PURCHASE A NEW 2008 FORD ESCAPE COMPACT SPORT UTILITY VEHICLE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby wishes to purchase a new 2008 compact sport utility vehicle, and

WHEREAS, the cost of the vehicle will be paid by the Fleet Services Department with funds budgeted and approved for this purpose in the 2008-2009 fiscal year budget; and

WHEREAS, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules as set forth in Ordinance No. 1170 and Resolution No. 897, three written quotes were obtained for the vehicle; and

1. Canby Ford	\$17,490.00
2. Landmark Ford	\$17,519.00
3. Miles Dodge/Jeep	\$18,957.00

WHEREAS, Canby Ford submitted the lowest quote of \$17,490.00 for a New 2008 Ford Escape Compact Sport Utility Vehicle; and

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this bid, reviewed the staff report and believes it to be in the best interest of the City to contract with Canby Ford for said vehicle.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and/or City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with Canby Ford to purchase a new 2008 Ford Escape Compact Sport Utility Vehicle for the Canby Public Works Department for a total of \$17,490.00.

Section 2. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to provide the Public Works Department with the afore mentioned vehicle without further delay, and to better serve the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on August 6, 2008, 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 August 20, 2008, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at 155 NW 2nd 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 20th day of August, 2008, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder - Pro Tem

ORDINANCE NO. 1288

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

2ND READING

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, July 16, 2008, 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, August 6, 2008, commencing at the hour of 7:30 PM in the Council Meeting Chambers at Canby City Hall located at 155 SW 2nd 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 6th day of August 2008, by the following vote:

YEAS_____

NAYS_____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro-tem

2ND READING

ORDINANCE NO. 1289

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH WINSTEAD AND ASSOCIATES TO PROVIDE BUILDING CODE SERVICES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby has heretofore had a contract with Winstead and Associates to provide building inspections and plan check services; and

WHEREAS, the City wishes to renew the contract and Winstead and Associates wishes to continue its contract with the City; and

WHEREAS, the City Council has reviewed the proposed contract and found it appropriate and in the best interests of the City of Canby; 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 Winstead and Associates.

A 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 is no interruption in service for the building inspections and plan reviews currently pending, 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, July 16, 2008, 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, August 6, 2008, commencing at the hour of 7:30 PM in the Council Meeting Chambers at Canby City Hall located at 155 SW 2nd Avenue in Canby, Oregon.

Kimberly Scheafer, CMC
City Recorder Pro-tem

2ND READING

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 6th day of August 2008, by the following vote:

YEAS_____

NAYS_____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro-tem

2ND READING

ORDINANCE NO. 1290

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MIXZON, INC. OF PORTLAND, OREGON TO COMPLETE A MIXING ZONE STUDY AND REASONABLE POTENTIAL ANALYSIS FOR THE CITY OF CANBY WASTEWATER TREATMENT DEPARTMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby, in order to comply with the DEQ requirements as set forth in the December 2007, Regulatory Mixing Zone Internal Management Directive, wishes to complete a mixing zone study and reasonable potential analysis prior to application for the City of Canby NPDES permit renewal, and

WHEREAS, the cost of a mixing zone study will be paid by the Canby Wastewater Treatment Department with funds budgeted and approved for this purpose in the 2008-2009 fiscal year budget; and

WHEREAS, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules as set forth in Ordinance No. 1170 and Resolution No. 897, the City, through a Request for Proposal (RFP) solicited five major engineering firms capable of and with the required expertise to complete a mixing zone study. Of the five engineering firms requested for proposals, the following two sealed bids were obtained for the study:

1. MixZon, Inc. of Portland, Oregon	\$30,000
2. MWH of Portland, Oregon	\$39,000
3. CH2 M Hill of Portland, Oregon	Declined
4. Black & Veatch of Portland, Oregon	No Bid
5. URS Corporation of Portland, Oregon	No Bid

WHEREAS, MixZon, Inc. of Portland, Oregon submitted the lowest bid of \$30,000 and met all the requirements of the RFP to complete a mixing zone study; and

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this bid, reviewed the staff report and believes it to be in the best interest of the City to contract with MixZon, Inc. to complete the mixing zone study and reasonable potential analysis for the Wastewater Treatment Department; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and/or City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with MixZon, Inc. of Portland, Oregon to complete a mixing zone study and reasonable potential analysis for the Canby Wastewater Treatment Department for a not to exceed total of \$30,000.00.

Section 2. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to provide the Wastewater Treatment Department with the aforementioned mixing zone study without further delay, and to better serve the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on July 16, 2008, 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 August 6, 2008, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at 155 NW 2nd 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 6th day of August, 2008, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder - Pro Tem

ORDINANCE NO. 1291

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE-ELSNER, INC. FOR THE SOUTH 13th AVENUE STREET RECONSTRUCTION AND TRAFFIC CALMING PLAN; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby has heretofore advertised and received seven (7) bids for the South 13th Avenue Reconstruction and Traffic Calming Plan; and

WHEREAS, the notice of call for bids was duly and regularly published in the Oregon Daily Journal of Commerce on July 3rd, 2008; and

WHEREAS, bids were received and opened on July 15th, 2008 at 2:00 pm in the Conference Room of the Canby City Hall and the bids were read aloud:

WHEREAS, the bidders are as listed below and a detailed tabulation of all items is attached herein:

Eagle-Elsner, Inc.	P.O. Box 23294 Tigard, OR 97281	\$614,247.00
Parker NW Paving Company	1105 Abernathy Road Oregon City, OR 97045	\$639,936.20
CivilWorks NW, Inc.	P.O. Box 5698 Vancouver, WA 98668	\$712,525.00
Gelco Construction Co.	P.O. Box 7716 Salem, OR 97303	\$724,126.00
Kerr Contractors, Inc.	P.O. Box 1060 Woodburn, OR 97071	\$765,205.00
Crestview Construction, Inc.	205 SE 3 rd Avenue, Suite 600 Hillsboro, OR 97123	\$843,445.00
S-2 Contractors	6860 S. Anderson Rd Aurora, OR 97002	\$896,775.00

2ND READING

WHEREAS, the Canby City Council, acting as the City's Contract Review Board, met on Wednesday, July 16, 2008, and considered the bids and reports and recommendations of the City staff, including the staff recommendation that the low responsive bid be selected; and

WHEREAS, the Canby City Council determined that the low responsive bid was that of Eagle-Elsner, Inc.; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and/or City Administrator are hereby authorized and directed to make, execute, and declare in the name of the City of Canby and on its behalf, an appropriate contract with Eagle-Elsner, Inc. for South 13th Avenue Reconstruction and Traffic Calming Plan, for the bid amount of \$614,247.00. A copy of the contract with Eagle-Elsner, Inc. is attached hereto and marked as Exhibit "A" and by this reference incorporated herein.

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

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, July 16, 2008; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, August 6th, 2008, after the hour of 7:30 pm at the Council Meeting Chambers located at 155 NW 2nd 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 6th day of August, 2008, by the following vote:

YEAS _____

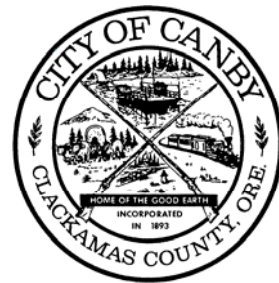
NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro Tem

2ND READING



BEFORE THE CITY COUNCIL OF THE CITY OF CANBY

**A REQUEST TO ANNEX 4.85
ACRES OF LAND INTO THE
CITY OF CANBY**)

**FINDINGS, CONCLUSIONS & ORDER
ANN 08-01**

NATURE OF APPLICATION

The applicant Thomas Holmes is seeking to annex approximately 4.85 acres of property owned by Thomas Holmes into the City of Canby.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting on May 27, 2008. The Planning Commission forwarded a recommendation of approval to City Council. The City Council held a second public hearing to consider the application at its July 02, 2008, meeting. Melissa Hardy presented a staff report. Carl Mawsom from Compass Engineering spoke on behalf of the applicant. The Council voted to approve the annexation application and to forward the application on to Canby voters for a final decision.

CRITERIA AND STANDARDS

The Planning Commission forms a recommendation that the City Council may consider after conducting a public hearing. If the City Council approves the application, that approval is forwarded to Canby voters as a ballot measure where a final decision is reached during a general election. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Council shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan);
2. Analysis of the “need” for additional property within the city limits shall be provided;
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;

Findings, Conclusions & Final Order

9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

FINDINGS AND REASONS

The City Council deliberated on all evidence and testimony presented at the July 02, 2008, public hearing. The City Council incorporates the July 02, 2008, staff report, including all attachments thereto, and Council deliberations as support for its decision.

CONCLUSION

The City Council concludes that, based on the findings and conclusions contained in the July 02, 2008, staff report, including all attachments thereto, together with testimony received and Council deliberations at the July 02, 2008, public hearing:

1. The subject property is located within an area designated as Type A urbanization land.
2. An analysis of the need for additional property within the city limits has been provided, including the amount of developable land currently within the city limits, the approximate rate of development of those lands, and how the proposed annexation will affect the supply of developable land within the city limits.
3. The property meets the small, non-farm land definition and is considered a priority for annexation.
4. Adequate access is available to the site.
5. Adequate public facilities and services are available to service potential development of the subject property.
6. The annexation proposal is in compliance with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes Chapter 222.
8. No natural hazards have been identified on the subject property.
9. There are no specially designated open spaces, scenic, historic or natural resource areas identified on the subject property.
10. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

ORDER

IT IS ORDERED BY THE CANBY CITY COUNCIL that annexation **ANN 08-01** is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the November 04, 2008, election ballot.

I CERTIFY THAT THIS ORDER approving **ANN 08-01** was presented to and **APPROVED** by the Canby City Council.

DATED this 6th day of August, 2008.

Melody Thompson, Mayor
City of Canby

Melissa Hardy
Associate Planner

ATTEST:

ORAL DECISION – July 02, 2008

AYES: Carlson, Oliver, Daniels, Carson & Helbling

NOES: None

ABSTAIN: None

ABSENT: Blackwell

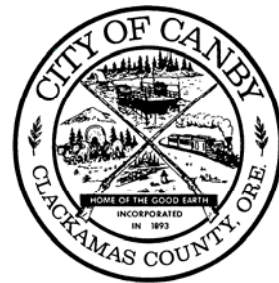
WRITTEN FINDINGS – August 06, 2008

AYES:

NOES:

ABSTAIN:

ABSENT:



BEFORE THE CITY COUNCIL OF THE CITY OF CANBY

**A REQUEST TO ANNEX 2
ACRES OF LAND INTO THE
CITY OF CANBY**)

**FINDINGS, CONCLUSIONS & ORDER
ANN 08-03**

NATURE OF APPLICATION

The applicant Gary Alan Spanovich is seeking to annex approximately two acres of property owned by Henry Jarboe into the City of Canby.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting on June 09, 2008. The Planning Commission forwarded a recommendation of approval to City Council. The City Council held a second public hearing to consider the application at its July 16, 2008, meeting. Melissa Hardy presented a staff report. The Council voted to approve the annexation application and to forward the application on to Canby voters for a final decision.

CRITERIA AND STANDARDS

The Planning Commission forms a recommendation that the City Council may consider after conducting a public hearing. If the City Council approves the application, that approval is forwarded to Canby voters as a ballot measure where a final decision is reached during a general election. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Council shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan);
2. Analysis of the “need” for additional property within the city limits shall be provided;
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;

9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

FINDINGS AND REASONS

The City Council deliberated on all evidence and testimony presented at the July 16, 2008, public hearing. The City Council incorporates the July 16, 2008, staff report, including all attachments thereto, and Council deliberations as support for its decision.

CONCLUSION

The City Council concludes that, based on the findings and conclusions contained in the July 16, 2008, staff report, including all attachments thereto, together with testimony received and Council deliberations at the July 16, 2008, public hearing:

1. The subject property is located within an area designated as Type A urbanization land.
2. An analysis of the need for additional property within the city limits has been provided, including the amount of developable land currently within the city limits, the approximate rate of development of those lands, and how the proposed annexation will affect the supply of developable land within the city limits.
3. The property meets the small, non-farm land definition and is considered a priority for annexation.
4. Adequate access is available to the site.
5. Adequate public facilities and services are available to service potential development of the subject property.
6. The annexation proposal is in compliance with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes Chapter 222.
8. No natural hazards have been identified on the subject property.
9. There are no specially designated open spaces, scenic, historic or natural resource areas identified on the subject property.
10. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

ORDER

IT IS ORDERED BY THE CANBY CITY COUNCIL that annexation **ANN 08-03** is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the November 04, 2008, election ballot.

I CERTIFY THAT THIS ORDER approving **ANN 08-03** was presented to and **APPROVED** by the Canby City Council.

DATED this 6th day of August, 2008.

Melody Thompson, Mayor
City of Canby

Melissa Hardy
Associate Planner

ATTEST:

ORAL DECISION – July 16, 2008

AYES: Blackwell, Oliver, Daniels, Carson & Helbling

NOES: None

ABSTAIN: None

ABSENT: Carlson

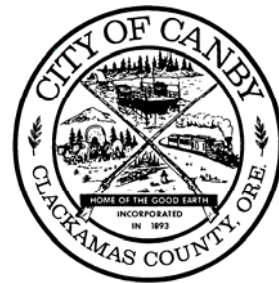
WRITTEN FINDINGS – August 06, 2008

AYES:

NOES:

ABSTAIN:

ABSENT:



BEFORE THE CITY COUNCIL OF THE CITY OF CANBY

**A REQUEST TO ANNEX 14.88
ACRES OF LAND INTO THE
CITY OF CANBY**)

**FINDINGS, CONCLUSIONS & ORDER
ANN 08-04**

NATURE OF APPLICATION

The applicant Willow Creek Estates, Inc. is seeking to annex approximately 14.88 acres of property owned by A. Wayne Scott, Scott & Teresa Sasse, Jeffrey & Kristina Scott, and Travis & Katie McRobbie into the City of Canby.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting on June 23, 2008. The Planning Commission forwarded a recommendation of approval to City Council. The City Council held a second public hearing to consider the application at its July 16, 2008, meeting. Melissa Hardy presented a staff report. Pat Sisul spoke on behalf of the applicant. The Council voted to approve the annexation application and to forward the application on to Canby voters for a final decision.

CRITERIA AND STANDARDS

The Planning Commission forms a recommendation that the City Council may consider after conducting a public hearing. If the City Council approves the application, that approval is forwarded to Canby voters as a ballot measure where a final decision is reached during a general election. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Council shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan);
2. Analysis of the "need" for additional property within the city limits shall be provided;
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;

Findings, Conclusions & Final Order

9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

FINDINGS AND REASONS

The City Council deliberated on all evidence and testimony presented at the July 16, 2008, public hearing. The City Council incorporates the July 16, 2008, staff report, including all attachments thereto, and Council deliberations as support for its decision.

CONCLUSION

The City Council concludes that, based on the findings and conclusions contained in the July 16, 2008, staff report, including all attachments thereto, together with testimony received and Council deliberations at the July 16, 2008, public hearing:

1. The subject property is located within an area designated as Type A urbanization land.
2. An analysis of the need for additional property within the city limits has been provided, including the amount of developable land currently within the city limits, the approximate rate of development of those lands, and how the proposed annexation will affect the supply of developable land within the city limits.
3. The property meets the small, non-farm land definition and is considered a priority for annexation.
4. Adequate access is available to the site.
5. Adequate public facilities and services are available to service potential development of the subject property.
6. The annexation proposal is in compliance with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes Chapter 222.
8. No natural hazards have been identified on the subject property.
9. There are no specially designated open spaces, scenic, historic or natural resource areas identified on the subject property.
10. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

ORDER

IT IS ORDERED BY THE CANBY CITY COUNCIL that annexation **ANN 08-04** is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the November 04, 2008, election ballot.

I CERTIFY THAT THIS ORDER approving **ANN 08-04** was presented to and **APPROVED** by the Canby City Council.

DATED this 6th day of August, 2008.

Melody Thompson, Mayor
City of Canby

Melissa Hardy
Associate Planner

ATTEST:

ORAL DECISION – July 16, 2008

AYES: Blackwell, Oliver, Daniels, Carson & Helbling

NOES: None

ABSTAIN: None

ABSENT: Carlson

WRITTEN FINDINGS – August 06, 2008

AYES:

NOES:

ABSTAIN:

ABSENT: