

AGENDA

CANBY CITY COUNCIL MEETING

February 20, 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

The City Council will be meeting in a Work Session with the Clackamas County Board of Commissioners to discuss a proposed library district.

CITY COUNCIL MEETING

1. CALL TO ORDER

A. Pledge of Allegiance and Moment of Silence

B. Iwo Jima Remembrance Day Proclamation

Pg. 1

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

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

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

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

A. Approval of Minutes of the February 6, 2008 City Council Work Session and Regular Meeting

7. RESOLUTIONS & ORDINANCES

A. Res. 972, Authorizing the Filing of Applications with the Federal Transit Administration, an Operating Administration of the United States Department of

Transportation, for Federal Transportation Assistance Authorized by 49 U.S.C.
Chapter 53, Title 23, United States Code and Other Federal Statutes Administered by
the Federal Transit Administration Pg. 2

- B. Ord. 1267, Authorizing Purchase of Road Right-of-Way for the Extension of SE
Sequoia Parkway Extension and Declaring an Emergency Pg. 9

8. NEW BUSINESS

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

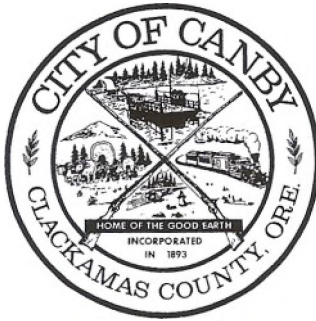
10. CITIZEN INPUT

11. ACTION REVIEW

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

13. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at www.ci.canby.or.us. 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

“Iwo Jima Remembrance Day”

WHEREAS, on February 23, 1945, this country's Armed Forces were engaged in one of the most strategic and bloodiest battles of World War II - the battle for Iwo Jima; and

WHEREAS, the Canby-Aurora Veterans of Foreign Wars of the United States and its Ladies Auxiliary have deemed it fitting to erect a flagpole at the Canby Adult Center in remembrance of those who took part in this great battle; and

WHEREAS, each year the members of the Veterans of Foreign Wars Post and Auxiliary 6057 and their fellow veterans organizations and service organizations i.e. Boy Scouts, Girl Scouts, Campfire, etc. conduct a ceremony to rededicate this memorial and replace the flags on the flagpole; and

WHEREAS, the flagpole located at the Canby Adult Center is the only memorial in the City of Canby dedicated to our veterans who made such significant personal sacrifices during World War II in defense of this great nation.

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as the Mayor of the City of Canby, do hereby proclaim February 23, 2008 as

Iwo Jima Remembrance Day

and call upon individuals, schools, churches, organizations and business establishments in the City of Canby to proudly remember the sacrifices made by servicemen who fought so gallantly in this bloody and decisive battle. I further call upon all members of this community to join in commemorating this great event with the rededication of the flagpole at the Adult Center on February 23 at 10:00 A.M.

Given unto my hand this 20th day of February 2008 in the City of Canby, Oregon.

Melody Thompson
Mayor

M E M O R A N D U M

TO: Honorable Mayor Thompson and City Council
FROM: Chaunee Seifried, Finance and Court Services Director
CC: Mark Adcock, City Administrator
DATE: February 11, 2008
RE: Resolution # 972

Issue: A Resolution authorizing the filing and certification of applications with the Federal Transit Administration. This will authorize the Finance & Court Services Director to certify as the Official for the Federal Transit Administration and will allow the Transit Manager and staff to submit applications and execute awards.

Background: The prior resolution #921 authorized the previous Transit Director to be certified as the official.

Recommendation: That council adopt Resolution #972.

Attached: Resolution #972.
Designation of signature authority forms.

RESOLUTION NO. 972

A RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23, UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION.

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project; and

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost; and

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project; now therefore

IT IS HEREBY RESOLVED THAT

1. The Finance and Court Services Director or his/her designee is authorized to execute and file application for Federal assistance on behalf of the City of Canby/Canby Area Transit with the Federal Transit Administration for Federal Assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.
2. The Finance & Court Services Director or his/her designee is authorized to execute and file with its application the annual certification and assurances and other documents the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement.
3. The Finance and Court Services Director or his/her designee is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Canby/Canby Area Transit.

This Resolution repeals Resolution 921 previously adopted on June 7, 2006.

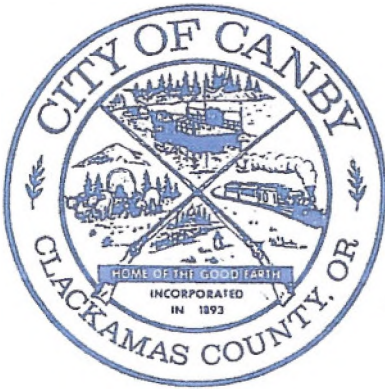
This resolution shall take effect on February 20, 2008.

ADOPTED this 20th day of February 2008 by the Canby City Council.

Melody Thompson
Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro Tem



City of Canby

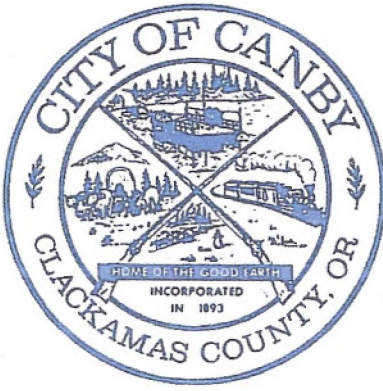
Canby Transit Office

DESIGNATION OF SIGNATURE AUTHORITY
For The
TRANSPORTATION ELECTRONIC AWARD & MANAGEMENT PROCESS
(TEAM)

The City of Canby hereby authorizes Transit Manager, Julie Wehling to be assigned and have use of a Personal Identification Number (PIN), for the execution of annual Certification and Assurances issued by the Federal Transit Administration (FTA), submission of all FTA grant applications, and the execution of all FTA grant awards, on behalf of the officials below, for the FTA's Transportation Electronic Award and Management System (TEAM).

Mark C. Adcock
City Administrator for the City of Canby

John Kelley
City Attorney for the City of Canby



City of Canby

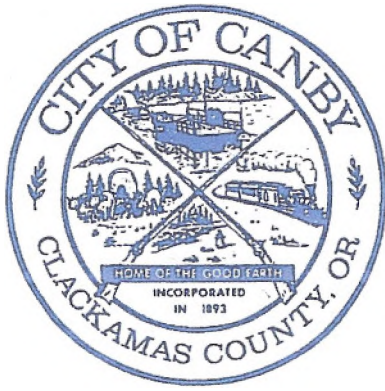
Canby Transit Office

DESIGNATION OF SIGNATURE AUTHORITY
For The
TRANSPORTATION ELECTRONIC AWARD & MANAGEMENT PROCESS
(TEAM)

The City of Canby hereby authorizes Transit Manager, Cynthia Thompson to be assigned and have use of a Personal Identification Number (PIN), for the execution of annual Certification and Assurances issued by the Federal Transit Administration (FTA), submission of all FTA grant applications, and the execution of all FTA grant awards, on behalf of the officials below, for the FTA's Transportation Electronic Award and Management System (TEAM).

Mark C. Adcock
City Administrator for the City of Canby

John Kelley
City Attorney for the City of Canby



City of Canby

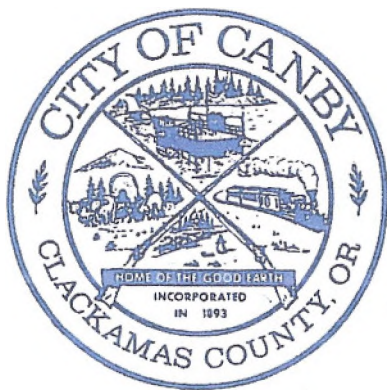
Canby Transit Office

DESIGNATION OF SIGNATURE AUTHORITY
For The
TRANSPORTATION ELECTRONIC AWARD & MANAGEMENT PROCESS
(TEAM)

The City of Canby hereby authorizes Office Specialist, Tracy J. Harris to be assigned and have use of a Personal Identification Number (PIN), for the execution of annual Certification and Assurances issued by the Federal Transit Administration (FTA), submission of all FTA grant applications, and the execution of all FTA grant awards, on behalf of the officials below, for the FTA's Transportation Electronic Award and Management System (TEAM).

Mark C. Adcock
City Administrator for the City of Canby

John Kelley
City Attorney for the City of Canby



City of Canby

Canby Transit Office

DESIGNATION OF SIGNATURE AUTHORITY
For The
TRANSPORTATION ELECTRONIC AWARD & MANAGEMENT PROCESS
(TEAM)

The City of Canby hereby authorizes the Finance and Court Services Director, Chaunee F. Seifried to be assigned and have use of a Personal Identification Number (PIN), for the execution of annual Certification and Assurances issued by the Federal Transit Administration (FTA), submission of all FTA grant applications, and the execution of all FTA grant awards, on behalf of the officials below, for the FTA's Transportation Electronic Award and Management System (TEAM).

Mark C. Adcock
City Administrator for the City of Canby

John Kelley
City Attorney for the City of Canby



MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *Dwayne Barnes, Director of Public Works*
DATE: *February 13, 2008*
THROUGH: *Mark C. Adcock, City Administrator*

Issue: Sequoia Parkway Phase 5 requires the purchase of additional right-of-way to facilitate project alignment.

Synopsis: Council action is needed to adopt an ordinance authorizing the purchase of property to be used for right-of-way.

Recommendation: Staff recommends that the City Council adopt Ordinance 1267 authorizing the purchase of right-of-way from Leighton Glynn and Patricia M. Perkins for the sum of \$23,825. The Ordinance was prepared by the City Attorney.

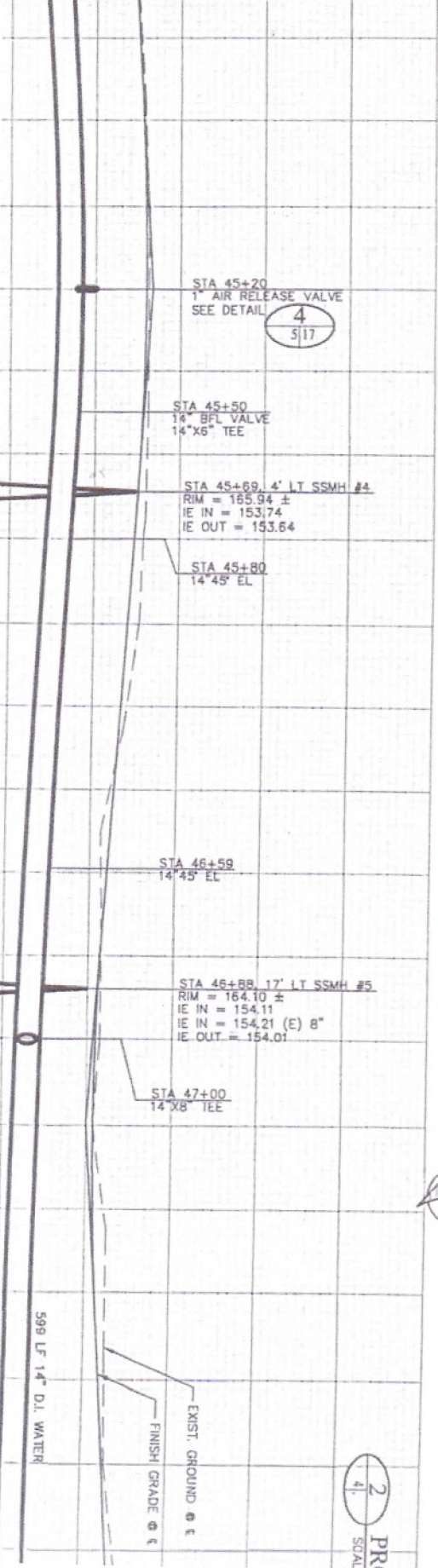
Rationale: The extent of the right-of-way requirement was defined by Curran-Mcleod Engineering in the design process of the Sequoia Parkway Phase 5 extension. The property purchase totals 5202 ft² in area and is located on the easterly side of what is currently called "Walnut Street just south of SE 4th Street (please see the attached drawing). The City contracted with Right-of-Way Associates, Inc. (ROWA) to negotiate the purchase of the property.

Background: Sequoia Parkway Phase 5 is a component of the Sequoia Parkway Phase 5, 6 and Township Road project currently under construction by Parker Northwest Paving. Phase 5 begins at the intersection of SE 4th Avenue at Walnut Street and extends a 50-foot wide street, including all utilities, westerly approximately 1200 lineal feet to Township Road. Phase 6 begins at Township Road and continues the Phase 5 alignment an additional 650 lineal feet. The Township Road component begins where Sequoia Parkway crosses Township and extends northwesterly approximately 750 lineal feet along the American Steel frontage. The improved Township Road includes a 45-foot wide street with two 11-foot travel lanes, two 5-foot bike lanes and a 13-foot striped median.

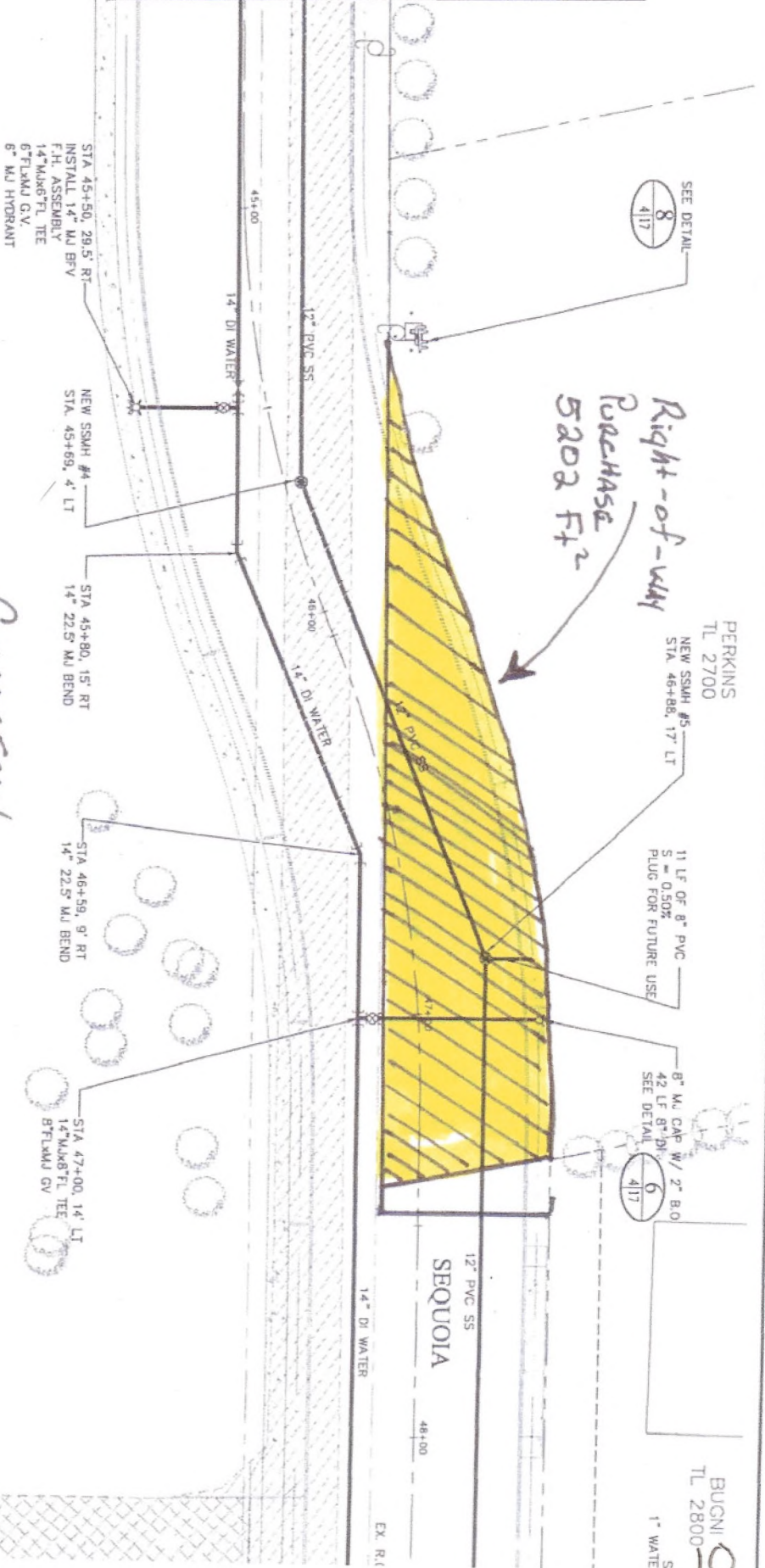
The \$23,825 purchase price includes \$20,600 for the 5202 ft² of right-of-way and 12-foot wide temporary construction easement, \$1,400 to compensate for Austrian Pine trees adjacent to the right-of-way and \$1,825 for the relocation of irrigation lines.

The Project was started prior to right-of-way acquisition to facilitate the expedited timeline of the American Steel project on Township Road.

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STA 44+50 SEE SHEET 3



MATCHLINE STA 44+50 SEE SHEET 3



ORDINANCE NO. 1267

AN ORDINANCE AUTHORIZING PURCHASE OF ROAD RIGHT-OF-WAY FOR THE EXTENSION OF SE SEQUOIA PARKWAY EXTENSION AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Purchase Authorized. The City of Canby is hereby authorized to purchase from Leighton Glynn and Patricia M. Perkins, the following described property to be used for road right-of-way:

See Exhibit "A"

Section 2. Purchase Price. The total purchase price to be the sum of Twenty Three Thousand Eight Hundred Twenty-Five and no/100 dollars (\$23,825.00), plus such other consideration as set forth in a Letter Agreement dated February 1, 2008 between the parties. By this reference the attached Letter Agreement dated February 1, 2008 for the sale of road right-of-way is incorporated within as if set forth herein.

Section 3. Funds to Pay Purchase Price. The total sum of \$ 23,825.00 shall be paid from the City's current fiscal budget, account number 280-280-463-7363 titled "Sequoia Phase 5" fund.

Section 4. City Attorney to approve Title Report and Deed. The City Attorney shall first approve the preliminary title report and form of deed for the City's purchase of said right-of-way. All costs associated with the closing of this sale to be paid by the City.

Section 5. City Administrator to Execute Deed for Road Purposes. The City Administrator is authorized and directed to execute and deliver in the name of the City of Canby, as purchaser, the required deed and any other documents as may be required for closing the transaction.

Section 6. Emergency Declared. Inasmuch as it is necessary to proceed as quickly as possible with the extension of SE Sequoia Parkway for the use and benefit of the citizens of the City of Canby, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon final reading and enactment by the Canby City Council.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, February 20, 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, March 5, 2008, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers 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 5th day of March, 2008, by the following vote:

YEAS _____

NAYS _____

Melody Thompson
Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder - Pro Tem

Exhibit "A"

A Portion of Township 3 South,
Range 1 East, Section 34, Tax Lot 2700

Sequoia Parkway Roadway Dedication & Temporary Construction Easement
Legal Description

A portion of that tract of land conveyed to Leighton Glynn Perkins and Patricia May Perkins, husband and wife, in deed recorded under fee number 76-38960 Clackamas County Deed Records, in Section 34, Township 3 South, Range 1 East of the Willamette Meridian, more particularly described as follows: Beginning at the northwest corner of that parcel conveyed to Leighton and Patricia Perkins under said fee number, said point also being 15 feet east when measured perpendicular to the centerline of South Walnut Street; thence south 41.26 feet along the western boundary line of said Perkins tract to the true point of beginning; thence along a non-tangent curve left with radius of 269 feet and arc length of 63.45 feet to a point of reverse curve; thence along a tangent curve right with radius 331 feet and arc length of 128.13 feet to a point of tangency, said point being 56 feet east when measured perpendicular to the centerline of South Walnut Street; thence south 12.28 feet more or less to the southern property line of said Perkins Tract; thence southwesterly along said southern boundary line to the south west corner of said Perkins tract; thence north along the western property line of said Perkins tract and the eastern right of way line of South Walnut Street to the true point of beginning, said dedication containing 5,202 square feet more or less.

Additionally, a 12 foot wide temporary construction easement shall be created parallel and abutting the westerly right of way line of said Perkins tract as modified above, said easement containing 2,929 square feet more or less.



10186 SW Laurel Street
Beaverton, OR 97005
Ph 503.644.3436
Fax 503.644.7400
www.rowainc.com

February 1, 2008

Index #: 06-067-002

Leighton Glynn Perkins
Patricia Perkins
C/O Dolan Griggs, LLP
Attn: David Griggs
1130 S.W. Morrison
Suite 630
Portland, OR 97205

Subject: Sequoia Parkway & SE 4th Avenue Extension
Re: Tax Assessor's I.D.: 31E34 02600 02700
Letter of Agreement

Dear Mr. and Mrs. Perkins,

The City of Canby is planning the construction of the Sequoia Parkway & SE 4th Avenue Extension project. As you are aware through our discussions, property you own will be affected by this project. The City of Canby will need to acquire a strip of land and temporary use of a portion of the property in order to give the City the legal right to complete the construction of the road improvement project.

In order to reach agreement, and in exchange for executing the documents and granting the above property rights, and subject to approval by the City of Canby, the City agrees to the following:

1. To compensate you in full for the necessary right-of-way, in the form of a Dedication Deed and Temporary Construction Easement, in the amount of \$20,600.00.
2. To compensate you for the Austrian Pine trees adjacent to the right-of-way in the amount of \$1,400.00.
3. To replace fence along west side of tax lots 2600 and 2700 adjacent to the new right-of-way with a 6' high chain link fence with top rail and appropriate posts set in concrete, together with a 12' gate to be placed on the south end of tax lot 2700.
4. To compensate you in the amount of \$1,825 for the relocation of the irrigation lines.
5. To protect the well, and the electrical post with steel bollards.

6. To have the City extend water and sewer stubs to the property line at City expense located 42ft south from the northwest corner of tax lot 2600.
7. To clean up the construction debris at the conclusion of the project.

The total compensation for the above is \$23,825.00. Payment will be made in approximately 45 days.

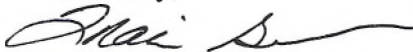
Relocation of Nursery Stock

We have reviewed the cost estimate provided for moving the nursery stock. Our review supports the cost estimate submitted. The City agrees to reimburse you in the amount of \$7,321.00 for the relocation of the nursery stock. Upon completion of the relocation of the trees, and your submittal of the claim form which we will provide you, the City will issue payment to you within 30 days.

Thank you for your cooperation with the City of Canby.

If you have any questions or concerns, please feel free to contact me. My phone is 503-644-3436, my email address is: Tracig@rowainc.com.

Sincerely,



Traci Gilkison, Agent

cc: Dwayne Barnes
John Kelley
Curt Mcleod