

# AGENDA

## CANBY CITY COUNCIL MEETING

November 5, 2008, 7:30 P.M.

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

*Mayor Melody Thompson*

*Council President Walt Daniels*  
*Councilor Teresa Blackwell*  
*Councilor Paul Carlson*

*Councilor Randy Carson*  
*Councilor Tony Helbling*  
*Councilor Wayne Oliver*

---

## 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 October 15, 2008 City Council Regular Meeting

B. Appointment to Planning Commission Pg. 1

### 7. RESOLUTIONS & ORDINANCES

A. Res. 1009, Authorizing Reimbursement of \$30,454.95 to Clackamas County for the City of Canby's Portion of the NW Canby Sidewalk Community Development Block Grant Project Pg. 2

B. Res. 1010, Authorizing Canby Urban Renewal Agency to Purchase Real Property Located at 317 NE Third Street, Canby, Oregon Pg. 6

C. Res. 1011, Authorizing Transfer of Appropriations From an Existing Category to Another Existing Category Within the Parks Development Fund Pg.12

D. Ord. 1297, Authorizing Contract with Withnell Motor Company of Salem, Oregon for the Purchase of Two 2009 Dodge Charger Vehicles with Police Packages for the Canby Police Department (2<sup>nd</sup> Reading) Pg. 14

**8. NEW BUSINESS**

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

A. Update on Street Maintenance Fee Implementation

Pg. 16

**10. CITIZEN INPUT**

**11. ACTION REVIEW**

**12. EXECUTIVE SESSION: ORS 192.660(2)(e) Real Property and ORS 192.660(2)(h)  
Pending Litigation**

**13. ADJOURN**

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

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

*Instructions: By using either your tab key or arrow keys, navigate to each field and type in your information. When complete, save the document to your computer and either mail, fax or email to the addresses listed below.*

Date: 2 Sept 2008

Name: Sean Joyce

Occupation: Former Marine Helicopter Pilot

Home Address:

Employer: Separated in June from the U.S. Marines & seeking employment in the civilian sector

Position: Helicopter Pilot, Program/Personnel Manager, Operational Planner

Daytime Phone:

Evening Phone:

E-Mail Address:

For which position are you applying? Planning Commission

What are your community interests (committees, organizations, special activities)? My interests are to become involved in city government working to maintain the tight community feel of Canby while continuing to develop our city's economic's, safety, and infrustructoral needs. Ultimately ensuring a safe and positive enviornment for my family to grow.

Experience and educational background: B.S Political Science, 10 years Project/Program Mgmt as a officer (Captain and Major) in the U.S. Marines.

Reason for your interest in this position: As a former Marine I feel it is important to continue to give back to my community. With a civic minded focus I believe my proven background of leadership, planning, self-education, and hard work will assist the planning commission as we work to better our great community.

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

Information on any special membership requirements:

Referred by (if applicable): Per a discussion with Mark Adcock I feel this position would be the best fit for my experience, expertise, and personal interests.

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

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

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

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

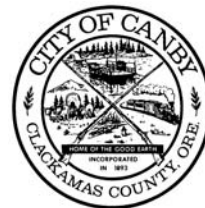
**RECEIVED**

SEP 03 2008

CITY OF CANBY

*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



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

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Dwayne Barnes, Public Works Director*  
**DATE:** *October 23, 2008*  
**THROUGH:** *Mark C. Adcock, City Administrator*

---

**Issue:** **Adopt Resolution 1009 to Reimburse Clackamas County \$30,454.95 for the City's Cost Share of the NW Canby Sidewalk CDBG Project**

**Synopsis:** Several years ago the City applied for a Community Development Block Grant (CDBG) and was awarded funding for the NW Canby Sidewalk Improvement Project. One of the award conditions was the City agreed to contribute twenty percent (20%) of the total cost of the project or all costs for the project which exceed available CDBG funds budgeted for the project

**Recommendation:** Staff recommends that the City Council adopt Resolution 1009, authorizing the Public Works Director to disburse \$30,454.95 to Clackamas County.

**Rationale:** The City Adopted an IGA to accept the CDBG Project Funds. The IGA included language that the City agrees to contribute twenty percent (20%) of the total cost of the project or all costs for the project which exceed available CDBG funds budgeted for the project

**Background:** The NW Canby Sidewalk Project included the installation of new sidewalks and replacement of sidewalks and sidewalk ramps that did not meet ADA specifications. The project area was bordered on the north by NW 5<sup>th</sup> Avenue, bordered on the south by NW 2<sup>nd</sup> Avenue bordered on the east by N Fir Street and on the west by Cedar Street. Parker NW was awarded the construction contract for the project and it was completed in early September of 2008. The total project cost after several change orders was \$228,454.95 of which the City of Canby is responsible for \$30,454.95.

**Attached:** Resolution 1009 and Clackamas County Reimbursement Request



**Chuck Robbins**  
Director

**COMMUNITY DEVELOPMENT**

**PUBLIC SERVICES BUILDING**  
2051 KAEN ROAD, #245 | OREGON CITY, OR 97045

October 2, 2008

Dwayne Barnes, Director  
City of Canby, Public Works  
P.O. Box 930  
Canby, OR 97013

**RE: Reimbursement Request for NW Canby Sidewalks Improvements Project**

Dwayne:

The Intergovernmental Agreement between Clackamas County and the City of Canby for the above-referenced project states that the "COUNTY shall apply funds in the amount of 80% of the total cost of the design and construction of the improvements up to a maximum COUNTY contribution of \$198,000 for the NW Canby Sidewalks Improvements PROJECT." The Agreement further states that the City will contribute "All PROJECT costs that exceed available CDBG funds budgeted for the project." The total construction cost for this project is as follows:

|                                   |              |
|-----------------------------------|--------------|
| Original Construction Contract    | \$138,075.00 |
| Change Orders to date             | 90,379.95    |
| <hr/>                             |              |
| TOTAL Construction Amount to date | 228,454.95   |

The enclosed invoice represents the final portion of the City's match for this project based on construction invoices from Parker Northwest Paving Company received and paid by Clackamas County to date. The portion of the City's match reflected in the attached invoice has been determined as follows:

|   |                |
|---|----------------|
| Total construction costs paid by County to date | \$228,454.95   |
| Maximum CDBG funds                              | <\$198,000.00> |
| <hr/>   |                |
|   | \$30,454.95    |
| <br>TOTAL CITY MATCH REQUIRED TO DATE           | <br>30,454.95  |

Payment in the amount of \$30,454.95 should be credited to Community Development project account #05520 52871 and sent to:

Attn: Toni Hessevick  
Clackamas County Finance  
2051 Kaen Road, 4<sup>th</sup> Floor  
Oregon City, OR 97045

Please call me at (503) 650-5664 or email to [marksir@co.clackamas.or.us](mailto:marksir@co.clackamas.or.us) if you have any questions or need additional information. Thank you.

Sincerely,



Mark Sirois  
Project Manager

Enclosure: Invoice #27460

**RESOLUTION NO. 1009**

**A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF \$30,454.95 TO CLACKAMAS COUNTY FOR THE CITY OF CANBY'S PORTION OF THE NW CANBY SIDEWALK COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT**

**WHEREAS**, the City of Canby entered into an intergovernmental agreement with Clackamas County to receive Community Development Block Grant funds to install sidewalks in NW Canby; and

**WHEREAS**, Clackamas County administers the Community Development Block Grant (CBDG) funds and the City of Canby agreed to contribute twenty percent (20%) of the total cost of the project or all costs for the project which exceed available CBDG funds budgeted for the project; and

**WHEREAS**, the NW Canby Sidewalk Project is complete at a total project cost of \$228,454.95; and

**WHEREAS**, the maximum CBDG funds available for the project is \$198,000 which leaves \$30,454.95 the City of Canby must reimburse to Clackamas County; and

**BE IT RESOLVED** that the Public Works Director is authorized to disburse \$30,454.95 to Clackamas County for the City of Canby's cost share of the NW Canby Sidewalk Improvement CBDG Project.

ADOPTED this 5th day of November, 2008, by the Canby City Council.

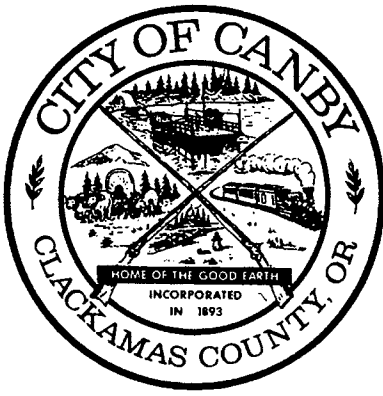
---

Melody Thompson - Mayor

ATTEST:

---

Melissa York  
Deputy City Recorder



# City of Canby

Office of the City Attorney

October 28, 2008

Memo to: Mayor/City Council

From: John H. Kelley, City Attorney

Re: Resolution No. 1010 – Authorizing URA to purchase Klohe property

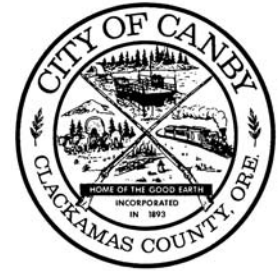
Attached is Resolution No. 1010. Catherine has also attached a staff report explaining the background for this Resolution. You will note that Exhibit "A" to the Resolution (the Purchase and Sale Agreement) is not attached as referenced. We have had some last minute changes between the lawyers involved in the negotiation (Roger Reif and Barbara Jacobson) and as a result, the Purchase and Sale Agreement will not be available before the packet is distributed.

We anticipate receiving the final version this Friday or Monday at the latest and will forward copies to anyone who wants to see it in advance of the Council meeting on Wednesday (11/05/08). Please notify Kim if you want a copy in advance.

Exhibit "A" is also to be attached to Resolution No. 08-010 for URA meeting later Wednesday evening. The original will be ready for the meeting, but if you want it in advance, let Kim know.

Thank you for your patience.

# MEMORANDUM



**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Catherine Comer, Economic Development Manager*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**DATE:** *October 27, 2008 for Council meeting November 5, 2008*

---

**Issue:** **Authorize Urban Renewal Agency to purchase Klohe Property and Council intention to reimburse Agency for costs of purchase and construction of parking lot**

**Synopsis:**

The City of Canby will inherit funds from the Alice Klohe Estate, which includes her residence located at 317 NE Third Street, Canby. The City's portion of the inheritance is approximately \$368,000 which is forty-six percent of the estimated estate value of \$800,000. The Urban Renewal Agency shall enter into a Purchase and Sale Agreement to purchase the residence for the amount of \$315,000. The City, upon receiving its portion of the Klohe estate, will reimburse the Agency for purchase of the property, costs of purchasing, environmental clean-up, demolition, and engineering/construction of a parking lot as part of the Canby Cinema public parking lot project, and construction of a memorial honoring the donation from Mr. and Mrs. Klohe. The memorial will be in the form of a "pocket park" i.e., a tree and bench with a name plaque located on the site.

**Recommendation:**

Staff recommends the Council adopt the resolution and commitment of inheritance funds.

Recommended motion: "I move to adopt Resolution No. 1010, A RESOLUTION AUTHORIZING THE CANBY URBAN RENEWAL AGENCY BOARD TO PURCHASE REAL PROPERTY LOCATED AT 317 NE THIRD STREET, CANBY, OREGON, and record the Council's intention of reimbursing the Agency upon receipt of its inheritance from the Alice Klohe estate for all costs related to purchase of property and construction of a parking lot and memorial."

**Background:**

The Klohe property is located adjacent to the planned public parking lot and access road to be developed in early 2009 as a critical part of the Canby Cinema project. The purchase of this property falls within the long range plan for the City's downtown revitalization plan by providing needed parking. The City Council on September 17, 2008 gave staff direction to enter into negotiations for the Klohe property and requested that the City Engineer begin work on a proposed design to include the property in the planned parking lot and directed staff to include a memorial for the Klohes.

**Financial Impact:**

The Urban Renewal Agency has available funds to make this purchase. The anticipated inheritance will be received in approximately seven months.

**Attached:**

Resolution No. 1010

Exhibit A, Klohe Purchase and Sale Agreement

Exhibit B, Map of Klohe Property

## **RESOLUTION NO. 1010**

### **A RESOLUTION AUTHORIZING THE CANBY URBAN RENEWAL AGENCY BOARD TO PURCHASE REAL PROPERTY LOCATED AT 317 NE THIRD STREET, CANBY, OREGON**

**WHEREAS**, the Canby City Council established an Urban Renewal Agency to function within the City pursuant to Ordinance 1032 passed October 6, 1999; and

**WHEREAS**, pursuant to the CMC 2.68.030 the City Council shall exercise all powers, duties rights granted to the Urban Renewal Agency, unless specifically granted by the City Council to the Agency to perform; and

**WHEREAS**, the Urban Renewal Agency is seeking to purchase real property located at 317 NE Third Street in Canby, Oregon in connection with an Urban Renewal District redevelopment project and is requesting that the City Council authorize the District to enter into a Purchase and Sale Agreement to purchase the property, a copy of which is attached hereto as Exhibit "A" and by this reference made a part hereof; and

**WHEREAS**, City Council finds that it is in the City's best interest to complete the proposed redevelopment project by purchasing this property:

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

1. The City of Canby Urban Renewal Agency Board is hereby authorized to enter into a Purchase and Sale Agreement, attached hereto as Exhibit "A", and by this reference incorporated herein, to purchase real property located at 317 NE Third Street in Canby, Oregon.
2. The City Administrator of the City of Canby is further authorized and directed to sign the attached Exhibit "A" on behalf of the Urban Renewal Agency Board and carry out all necessary actions to enter into the Purchase and Sale Agreement.

This Resolution shall take effect on November 5, 2008.

ADOPTED this 5<sup>th</sup> day of November, 2008, by the Canby City Council.

---

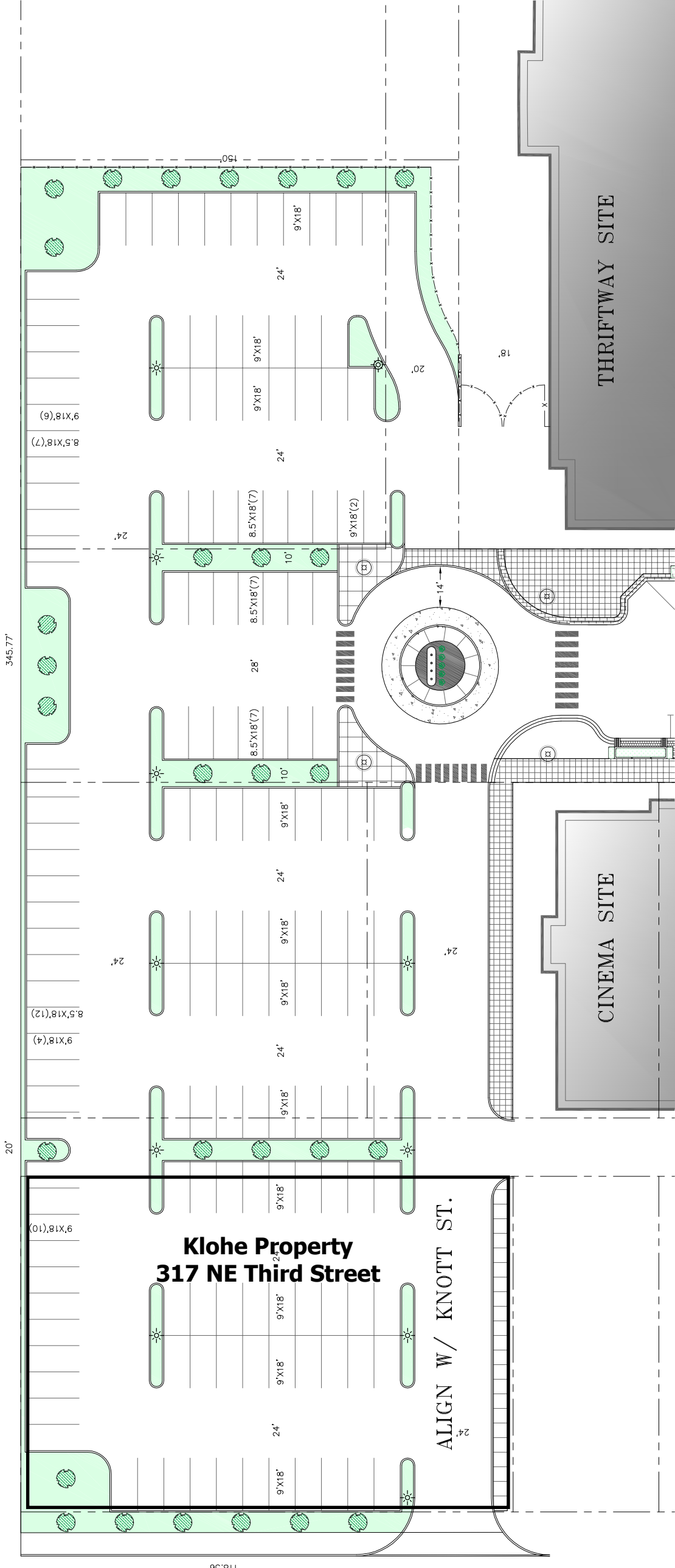
Melody Thompson - Mayor

ATTEST:

---

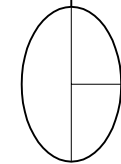
Melissa York  
Deputy City Recorder

# Exhibit "B"



| PARKING LOT SUMMARY  |               |
|----------------------|---------------|
| FULL SIZE SPACES     | 123           |
| COMPACT SPACES       | 40            |
| TOTAL SPACES         | 167           |
| TOTAL AREA           | 60,898 SQ.FT. |
| REQUIRED LANDSCAPE   | 6,090 SQ.FT.  |
| ACTUAL LANDSCAPE     | 8,7185 SQ.FT. |
| LANDSCAPE %          | 14            |
| LANDSCAPE AREA/STALL | 53            |

**CITY OF CANBY**  
**N.E. 2ND AVENUE PARKING FACILITY**  
**SEP. 2008 PRELIMINARY ALIGNMENT**  
**WITH KLOHE EXPANSION**



SCALE: 1" = 40'

CURRAN-McLEOD, INC.  
CONSULTING ENGINEERS

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



**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Sue Engels, Finance Director*  
**DATE:** *October 29, 2008*  
**THROUGH:** *Mark C. Adcock, City Administrator*

---

Issue: Resolution transfer of appropriations in Parks Development Fund from Capital to Materials & Services.

Synopsis: Due to the unanticipated need for an update to the City's Park Master Plan, a transfer of appropriations from Capital to Materials & Services is needed to avoid overspending the Materials & Services budget category.

Recommendation: Approval of Resolution 1011

Attached: Resolution 1011

**RESOLUTION NO. 1011**

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

**WHEREAS**, the City's Park Master Plan was last updated in 2002; and

**WHEREAS**, the City wishes to make park acquisition and improvement decisions in the context of a thorough analysis of the needs of its citizens; and

**WHEREAS**, at the time the current year budget was prepared the need for a master plan update was not anticipated and so funds were not included for an update in the Material & Services category of the budget; and

**WHEREAS**, funds are available in the Capital category of the budget, and the City wishes to keep expenditures within authorized appropriations for all funds,

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

Section 1. The City Administrator shall transfer or caused to be transferred the following appropriation.

| <u><b>FROM</b></u>            |        | <u><b>TO</b></u>              |        |
|-------------------------------|--------|-------------------------------|--------|
| <b>PARKS DEVELOPMENT FUND</b> |        | <b>PARKS DEVELOPMENT FUND</b> |        |
| Capital                       | 60,000 | Materials & Services          | 60,000 |

This resolution shall take effect on November 5, 2008.

**ADOPTED** by the Canby City Council at a regular meeting thereof on November 5, 2008.

---

Melody Thompson, Mayor

ATTEST:

---

Melissa York  
Deputy City Recorder

## **ORDINANCE NO. 1297**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH WITHNELL MOTOR COMPANY OF SALEM, OREGON FOR THE PURCHASE OF TWO 2009 DODGE CHARGER VEHICLES WITH POLICE PACKAGES FOR THE CANBY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby wishes to purchase two new Dodge Charger vehicles with police packages for the City's Police Department; and

**WHEREAS**, the purchase will be made from Oregon Department of Administrative Services (DAS) in compliance with ORS 279.820 - 279.855 utilizing an existing solicitation for the State of Oregon Department of Transportation (ODOT) under State of Oregon Bid No. 5159 - PA; and

**WHEREAS**, DAS concurs with the City of Canby utilizing the existing solicitation and this purchase is in cooperation with the ORCPP; and

**WHEREAS**, Withnell Motor Company of Salem, Oregon submitted the low bid of Eighty-two thousand, three hundred one dollars and twenty-six cents (\$82,301.26) for two 2009 Dodge Charger vehicles with police packages according to the required specifications of the State of Oregon; and

**WHEREAS**, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this bid and believes it to be in the best interest of the City to accept such bid; 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 Withnell Motor Company of Salem, Oregon for two 2009 Dodge Charger vehicles with police packages for the bid amount of Eighty-two thousand, three hundred one dollars and twenty-six cents (\$82,301.26).

Section 2. Inasmuch as it is in the best interests of the City of Canby Police Department to put these vehicles into service as quickly as possible, 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, October 15, 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, November 5, 2008 commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue in Canby, Oregon.

---

Melissa York  
Deputy City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 5th day of November, 2008, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

---

Melody Thompson, Mayor

**ATTEST:**

---

Melissa York  
Deputy City Recorder

## ***MEMORANDUM***

**To:** Mayor Thompson and City Council Member  
**From:** Sue Engels, Finance & Court Services Director  
**Through:** Mark Adcock, City Administrator  
**Date:** October 29, 2008

**Re:** Street Maintenance Fee & Sewer Billing Implementation

We have made good progress in implementing the street maintenance fee and City sewer billing. Here are the highlights:

- CUB will continue to bill our sewer charges through their December billing cycles. They bill in four cycles: the first covers (approximately) all of November, the second covers three weeks of November and one week of December, the third covers two weeks of November and two weeks of December, and the fourth covers one week of November and three weeks of December.
- CUB will collect the sewer charges from their final billing (including their usual collection efforts on delinquencies), and remit payments to the City as they have always done.
- On December 30, the City will send out bills for the month of December which will include a street maintenance fee charge for December, and pro-rated sewer charges that align with CUB's four cycles. The pro-rated charges will be 100% for the first cycle, 75% for the second cycle, 50% for the third cycle and 25% for the fourth cycle.
- On January 30 and each month after that, the City will bill street maintenance fees and sewer charges for the entire month. We will not do cycle billing. Each month the billings will go out on or about the 30<sup>th</sup> of the month and be due on or about the 12<sup>th</sup> of the following month.
- Notifying customers of the billing change has started and will continue by various means: CUB newsletter, City newsletter, Canby Herald and a letter to commercial customers that will precede the City's first billing.
- I will present more detailed information and answer your questions at the November 5 City Council meeting.