

AGENDA

CANBY CITY COUNCIL MEETING

February 21, 2007, 7:30 P.M.

Council Chambers
155 NW 2nd Avenue

Mayor Melody Thompson

Council President Walt Daniels
Councilor Teresa Blackwell
Councilor Randy Carson

Councilor Tony Helbling
Councilor Wayne Oliver

1. CALL TO ORDER

- A. Pledge of Allegiance and Moment of Silence
- B. Swearing In of New City Councilor
- C. Swearing In of Reserve Police Officers
- D. Iwo Jima Remembrance Day Proclamation
- E. Introduction of the City's Human Resources Director

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 Accounts Payable \$357,915.53
- B. Approval of Minutes of the February 7, 2006 City Council Work Session & Regular Meeting

7. OLD BUSINESS

- A. Findings, Conclusion & Final Order ANN 06-04 (Netter) Pg. 2
- B. Findings, Conclusion & Final Order ANN 06-05 (Parsons Family Trust) Pg. 7
- C. Findings, Conclusion & Final Order ZC 06-04 (Willow Creek Estates, Inc) Pg. 12

8. RESOLUTIONS & ORDINANCES

- A. Res. 944, Announcing Intention to Reimburse Incurred Costs on the Sequoia Parkway Phases 5 & 6 and S. Berg Parkway Projects from Bond Proceeds Pg. 16

- B. Res. 945, Adopting Intergovernmental Agreement with the Canby Urban Renewal Agency Regarding Construction of S. Sequoia Parkway Phases 5 & 6 and S. Berg Parkway Pg. 18
- C. Ord. 1230, Authorizing Contract with PAPE Material Handling of Tigard, Oregon for the Purchase of a New Hyster H50-FT for the Canby Wastewater Treatment Department (2nd Reading) Pg. 22
- D. Ord. 1231, Amending the Zoning Map of the City of Canby For Tax Lot 5200 of Tax Map 4-1E-04DA (2nd Reading) Pg. 24

9. NEW BUSINESS

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

- A. Update on Street Maintenance Fee

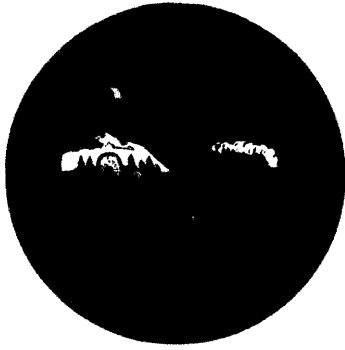
11. CITIZEN INPUT

12. ACTION REVIEW

13. EXECUTIVE SESSION: ORS 192.660(2)(d) Labor Negotiations and ORS 192.660(2)(h) Pending Litigation

14. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at www.ci.canby.or.us. 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 24, 2007 as

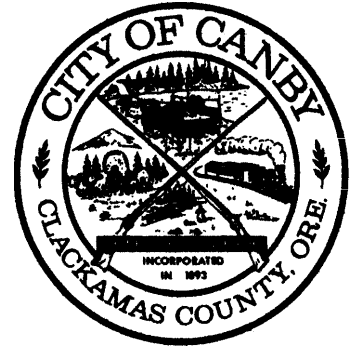
Iwo Jima Remembrance Day

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 24 at 10:00 A.M.

Given unto my hand this 21st day of February 2007 in the City of Canby, Oregon.

Melody Thompson
Mayor

MEMORANDUM



TO: *Honorable Mayor Thompson and City Council*
FROM: *Kevin Cook, Associate Planner*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *February 7, 2007*
RE: *Annexation application ANN 06-04 (Netter / Snelson)*

Issue: Adoption of findings, conclusions, and final order for ANN 06-04
(1.95 acres at 1401 S. Fir St.)

Synopsis: After a public hearing on February 7, 2007, the City Council voted 4-0 to approve this annexation and forward to Canby voters. Findings are the final, written confirmation of that oral decision.

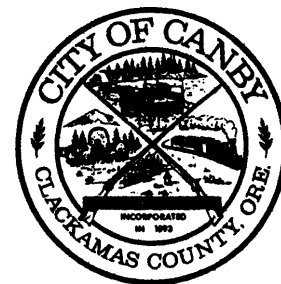
Recommendation: Staff recommends that City Council adopt the findings for ANN 06-04. If Council is satisfied with these findings, the appropriate motion would be as follows:
I move the City Council adopt the Findings, Conclusion and Final Order for ANN 06-04.

Rationale: The findings are a written version of the Council's oral decision.

Options:

1. Modify the findings or
2. Adopt as written

Attached: Findings for ANN 06-04



**BEFORE THE CITY COUNCIL
OF THE
CITY OF CANBY**

**A REQUEST TO ANNEX 1.95
ACRES OF LAND INTO THE
CITY OF CANBY**

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**FINDINGS, CONCLUSIONS & ORDER
ANN 06-04**

NATURE OF APPLICATION

The applicant is seeking to annex a single 1.95 acre tax lot into the City of Canby. If annexed, the applicant proposes to construct 12 new single family homes with vehicle access from S Fir St. The parcel currently contains one single-family residence and three outbuildings. The applicant's conceptual plan is very similar to the Sequoia Place subdivision immediately to the north of the subject parcel.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting on January 22, 2007. A quorum of the Commission voted 3-0 recommending approval. The City Council held a second public hearing to consider the application at its February 7, 2007 meeting. The Council voted 4-0 to forward the application on to Canby voters for a final decision at the ballot in the primary election on May 15, 2007.

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;

Findings, Conclusions & Final Order
ANN 06-04
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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. The full text of the annexation criteria can be found in Section 16.84.040 of the Land Development and Planning Ordinance.

FINDINGS AND REASONS

The City Council deliberated on all evidence and testimony presented at the February 7, 2007 meeting. The City Council incorporates the January 12, 2007 Staff Report and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the January 12, 2007 Staff Report.

CONCLUSION

The City Council concludes that, based on the findings and conclusions contained in the January 12, 2007 Staff Report, the Planning Commission Findings and Conclusion, the February 7, 2007 public hearing and based on Council deliberations on February 7, 2007:

1. The land is designated Priority "A" for annexation.
2. The current supply of platted Medium Density (R-1.5) buildable lots in Canby is nearly zero, which is less than the 3 year supply considered sufficient to meet the need for residential land.
3. The property is not used for agriculture and is designated priority "A" for annexation, and is thereby reserved for urban development before other properties considered priority "B" and "C".
4. The current access at South Fir Street is sufficient to serve the needs of annexation and development on the site.
5. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services upon future development.
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.
8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
10. No adverse economic impacts are likely to result from the annexation of the subject property.

ORDER

IT IS ORDERED BY THE CANBY CITY COUNCIL that annexation ANN 06-04 is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the May 15, 2007 primary election ballot.

I CERTIFY THAT THIS ORDER approving ANN 06-04 was presented to and **APPROVED** by the Canby City Council.

DATED this 21st day of February, 2007.

Melody Thomson, Mayor
City of Canby

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – February 7, 2007

AYES: Carson, Helbling, Daniels, Blackwell

NOES: None

ABSTAIN: None

ABSENT: Oliver

WRITTEN FINDINGS – February 21, 2007

AYES:

NOES:

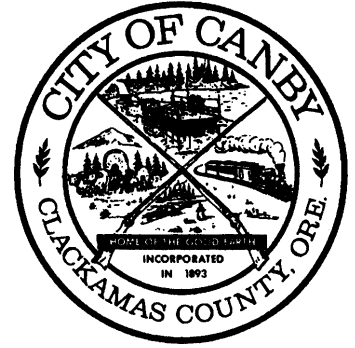
ABSTAIN:

ABSENT

Findings, Conclusions & Final Order
ANN 06-04
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MEMORANDUM



TO: *Honorable Mayor Thompson and City Council*
FROM: *Kevin Cook, Associate Planner*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *February 11, 2007*
RE: *Annexation application ANN 06-05 (Parsons)*

Issue: Adoption of findings, conclusions, and final order for ANN 06-05
(32.62 acres along Mulino Rd.)

Synopsis: After a public hearing on February 7, 2007, the City Council voted 4-0 to approve this annexation and forward to Canby voters. Findings are the final, written confirmation of that oral decision.

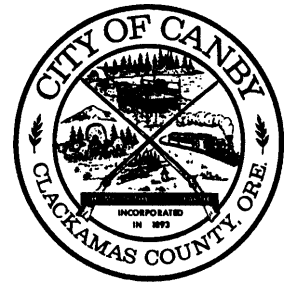
Recommendation: Staff recommends that City Council adopt the findings for ANN 06-05. If Council is satisfied with these findings, the appropriate motion would be as follows:
I move the City Council adopt the Findings, Conclusion and Final Order for ANN 06-05.

Rationale: The findings are a written version of the Council's oral decision.

Options:

1. Modify the findings or
2. Adopt as written

Attached: Findings for ANN 06-05



BEFORE THE CITY COUNCIL OF THE CITY OF CANBY

**A REQUEST TO ANNEX 32.62
ACRES OF LAND INTO THE
CITY OF CANBY**)

**FINDINGS, CONCLUSIONS & ORDER
ANN 06-05**

NATURE OF APPLICATION

The applicant is seeking to annex 32.62 acres into the City of Canby. If annexed the property would be zoned M-1 (Light Industrial) in accordance with the Canby Comprehensive Plan. The addition of the subject parcels will increase the availability of industrial land within the City.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting on January 22, 2007. A quorum of the Commission voted 3-0 recommending approval. The City Council held a second public hearing to consider the application at its February 7, 2007 meeting. The Council voted 4-0 to forward the application on to Canby voters for a final decision at the ballot in the primary election on May 15, 2007.

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;

Findings, Conclusions & Final Order
ANN 06-05
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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. The full text of the annexation criteria can be found in Section 16.84.040 of the Land Development and Planning Ordinance.

FINDINGS AND REASONS

The City Council deliberated on all evidence and testimony presented at the February 7, 2007 meeting. The City Council incorporates the January 12, 2007 Staff Report and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the January 12, 2007 Staff Report.

CONCLUSION

The City Council concludes that, based on the findings and conclusions contained in the January 12, 2007 Staff Report, the Planning Commission Findings and Conclusion, the February 7, 2007 public hearing and based on Council deliberations on February 7, 2007:

1. The subject parcel is designated priority "C" for annexation; however, there is no more existing priority "A" or "B" land available for annexation.
2. The Planning Commission finds that the annexation is in compliance with the Pioneer Industrial Park Master Plan, will facilitate the needed infrastructure improvements, will allow Canby to be competitive in the marketplace and will provide transportation access to Mulino Road and Highway 99E.
3. This annexation proposal seeks to carry out the priorities contained within the Comprehensive Plan. This proposal seeks to annex parcels that are part of Canby's Industrial Master Plan.
4. The site abuts Mulino Road and S Township Road. Roads will be improved prior to additional development.
5. The City and other affected service-providing entities have the capability to amply provide the area

of the proposed annexation with urban level services upon future development. This annexation will assist with infrastructure improvements in support of the Pioneer Industrial Park Master Plan.

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.
8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
10. The proposed annexation will increase the industrial land available for development within the City of Canby. The economic benefits created by an increased employment base will be substantial. The site is not immediately adjacent to residential areas and impacts to the community are anticipated to be slight.

ORDER

IT IS ORDERED BY THE CANBY CITY COUNCIL that annexation **ANN 06-05** is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the May 15, 2007 primary election ballot.

I CERTIFY THAT THIS ORDER approving **ANN 06-05** was presented to and **APPROVED** by the Canby City Council.

DATED this 21st day of February, 2007.

Melody Thomson, Mayor
City of Canby

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – February 7, 2007

AYES: Carson, Helbling, Daniels, Blackwell

NOES: None

ABSTAIN: None

ABSENT: Oliver

WRITTEN FINDINGS – February 21, 2007

AYES:

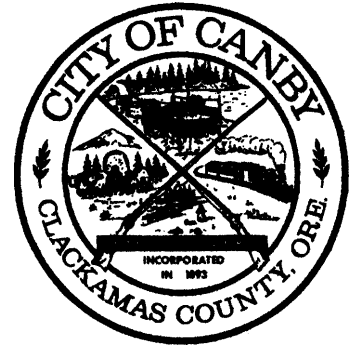
NOES:

ABSTAIN:

ABSENT:

Findings, Conclusions & Final Order
ANN 06-05
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MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *Kevin Cook, Associate Planner*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *February 7, 2007*
RE: *Zone Map Change application ZC 06-04 (Willow Creek Estates)*

Issue: Adoption of findings, conclusions, and final order for ZC 06-04

Synopsis: After a public hearing on February 7, 2007, the City Council voted 5-0 to approve this annexation. Findings are the final, written confirmation of that oral decision.

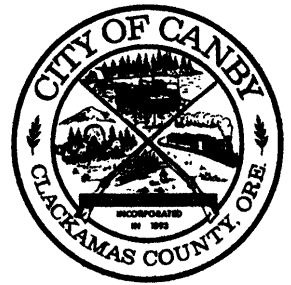
Recommendation: Staff recommends that City Council adopt the findings for ZC 06-04. If Council is satisfied with these findings, the appropriate motion would be as follows:
I move the City Council adopt the Findings, Conclusion and Final Order for ZC 06-04.

Rationale: The findings are a written version of the Council's oral decision.

Options:

1. Modify the findings or
2. Adopt as written

Attached: Findings for ZC 06-04



**BEFORE THE CITY COUNCIL
OF THE
CITY OF CANBY**

**A REQUEST TO CHANGE THE ZONING) FINDINGS, CONCLUSION & FINAL ORDER
FROM LOW DENSITY RESIDENTIAL) ZC 06-04
TO MEDIUM DENSITY RESIDENTIAL) (Willow Creek Estates)**

NATURE OF APPLICATION

The applicant is seeking approval to change the zoning on the western 330 feet of the lot. The entire lot is currently zoned R-1. The western 330 of the lot has a Comprehensive Plan designation of R-1.5; the proposed zone change would bring this portion of the lot into agreement with the Comprehensive Plan. The eastern portion of the lot will retain the current R-1 zoning designation, which is consistent with the Comprehensive Plan designation.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting on January 8, 2007. A quorum of the Commission voted 4-0 recommending approval. The City Council held a second public hearing to consider the application at its February 7, 2007 meeting. The Council voted 4-0 to forward the application on to Canby voters for a final decision at the ballot in the primary election on May 15, 2007.

CRITERIA AND STANDARDS

Section 16.54.040(B) states: *In judging whether or not the zoning map should be amended or changed, the City Council shall consider:*

- A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;*
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.*

FINDINGS AND REASONS

At the public hearing of February 7, 2007 the City Council considered the record and the Planning Commission's findings and recommendation for approval.

After holding the public hearing and considering the Record for the application, the City Council

Findings, Conclusions & Final Order
ZC 06-04
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deliberated and reached a decision on February 7, 2007 for approval of the applicant's request for zone change. The City Council adopted the Planning Commission's written findings of January 22, 2007 which are reflected below:

- A. This application is in compliance with all elements of the Comprehensive Plan of the City, including Policy 6 of the Land Use Element, and the plans and policies of the County, state and local districts.
- B. All required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

DECISION

THE CITY COUNCIL of the City of Canby hereby approves **ZC 06-04**.

ORDER

I CERTIFY THAT THIS ORDER for approval of **ZC 06-04** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 21st day of February, 2007.

Melody Thomson, Mayor
City of Canby

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – February 7, 2007

AYES: Carson, Helbling, Daniels, Blackwell, & Oliver

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS – February 21, 2007

AYES:

NOES:

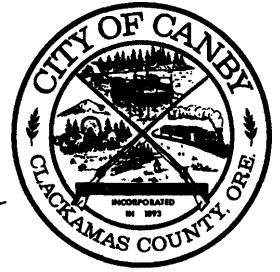
ABSTAIN:

ABSENT:

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ZC 06-04
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MEMORANDUM



TO: *Honorable Mayor Thompson and City Council*
FROM: *John R. Williams, Community Development & Planning Director*
DATE: *February 12, 2007*
THROUGH: *Mark C. Adcock, City Administrator*

Issue: Resolution 944, Intention to Reimburse.

Synopsis: The state requires this resolution in order for expenses to qualify for payment with loan proceeds. The Council and Agency are moving forward with the Sequoia Parkway and S. Berg Parkway projects and staff recommends that the Urban Renewal District's share of costs of that work be wrapped into the OECDD loan proceeds.

Recommendation: Staff recommends the Council adopt Resolution 944.

Rationale: The Special Public Works Fund is the best loan source for this type of public works project, and we have used it before very successfully. Initial costs to be covered prior to loan approval include design engineering, right-of-way acquisition, surveying, and contract document preparation.

Options: 1. Reject the resolution and either designate other funding sources for this work or delay the work until the loan award is made, which will be several months from now.

Attached: Resolution 944.

RESOLUTION NO. 944

A RESOLUTION ANNOUNCING AN INTENTION TO REIMBURSE INCURRED COSTS ON THE SEQUOIA PARKWAY PHASES 5 & 6 AND S. BERG PARKWAY PROJECTS FROM BOND PROCEEDS.

WHEREAS, The City and Urban Renewal Agency have agreed to file a loan application to the State of Oregon to fund the S. Sequoia Parkway Phases 5 & 6 and S. Berg Parkway extension projects; and

WHEREAS, In order to complete construction in 2007 certain costs, including engineering and surveying must be incurred before the loan is awarded; and

WHEREAS, The City intends to reimburse those costs from bond proceeds and a declaration is required to announce that intention in order to qualify those costs for future reimbursement;

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

- (1) It is the intent of the City of Canby to reimburse itself from Special Public Works Fund bond proceeds for costs incurred for the extension of S. Sequoia Parkway Phases 5 & 6 and S. Berg Parkway.

This resolution will take effect on February 21, 2007

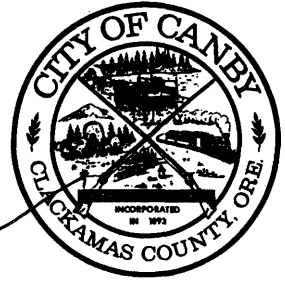
ADOPTED this 21st day of February, 2007 by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Kimberly Scheafer
City Recorder, Pro-Tem

MEMORANDUM



TO: *Honorable Mayor Thompson and City Council
Chairman Helbling and Urban Renewal Agency*

FROM: *John R. Williams, Community Development & Planning Director*

DATE: *February 12, 2007*

THROUGH: *Mark C. Adcock, City Administrator*

Issue: Resolution 945 and Urban Renewal Resolution 07-001, intergovernmental agreement between the City Council and Urban Renewal Agency.

Synopsis: The Council and Agency must complete this agreement because the Agency is funding the Sequoia Parkway project and providing \$250,000 funding for S. Berg Parkway, but is not an eligible Special Public Works Fund loan recipient.

Recommendation: Staff recommends the Council adopt Resolution 945 and the Agency adopt URR 07-001.

Rationale: Similar agreements have been approved for previous construction projects on S. Sequoia Parkway, Hazel Dell Way, and SE 4th Avenue. The agreement specifies that the Agency will reimburse the Council for all expenses relative to the loan application and construction. The agreement protects the City Council and guarantees the general fund will not be responsible for Urban Renewal project expenses.

Options: 1. Reject the resolution and find other funding sources for the construction.

RESOLUTION NO. 945

A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT WITH THE CANBY URBAN RENEWAL AGENCY REGARDING THE CONSTRUCTION OF S. SEQUOIA PARKWAY PHASES 5 & 6 AND S. BERG PARKWAY.

WHEREAS, The City and Agency have determined that construction of the phases 5 & 6 of S. Sequoia Parkway and S. Berg Parkway are community priorities; and

WHEREAS, the Oregon Economic and Community Development Department's Special Public Works Fund Program is able to provide a loan to fund construction of S. Sequoia Parkway Phases 5 & 6 and Berg Parkway; and

WHEREAS, The Agency is willing and able to fund the debt service on the SPWF loan but is not an eligible recipient; and

WHEREAS, The City is an eligible recipient of the SPWF loan, as provided in OAR 123-042-0020(16);

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

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

This resolution will take effect on February 21, 2007.

ADOPTED this 21st day of February, 2007 by the Canby City Council.

Melody Thompson – Mayor

ATTEST:

Kimberly Scheafer
City Recorder, Pro-Tem

**INTERGOVERNMENTAL AGREEMENT ON
SEQUOIA PARKWAY & S. BERG PARKWAY CONSTRUCTION AND
OREGON ECONOMIC AND COMMUNITY DEVELOPMENT
DEPARTMENT LOAN.**

This Agreement is entered into by and between the City of Canby ("City") and Canby Urban Renewal Agency ("Agency"), pursuant to ORS 190.003 to 190.110, which allows units of government to enter into agreements for the performance of any or all functions and activities which such units have authority to perform.

RECITALS

WHEREAS, The City and Agency ("the parties") have determined that construction of phases 5 and 6 of S. Sequoia Parkway and construction of S. Berg Parkway are a community priorities; and

WHEREAS, The Urban Renewal Agency has agreed to provide funding for phases 5 and 6 of S. Sequoia Parkway and \$250,000 in funding towards S. Berg Parkway construction; and

WHEREAS, the Oregon Economic and Community Development Department's Special Public Works Fund Program is able to provide a loan ("SPWF loan") to fund construction of S. Sequoia Parkway and the Urban Renewal Agency's share of S. Berg Parkway; and

WHEREAS, The Agency is willing and able to fund the debt service on the SPWF loan but is not an eligible recipient; and

WHEREAS, The City is an eligible recipient of the SPWF loan, as provided in OAR 123-042-0020(16);

NOW, THEREFORE, the parties agree as follows:

AGREEMENT

- I. The Agency intends to complete a Special Public Works Fund loan application to fund phases 5 and 6 of S. Sequoia Parkway and the Urban Renewal District's share of S. Berg Parkway construction costs. The City agrees to submit this loan application to the State of Oregon.
- II. The revenues pledged to repay the SPWF loan will be provided by the Agency. The parties agree that the Agency will repay the City for any and all costs relating to:

- a. The preparation, submittal, and acceptance of the SPWF loan, including but not limited to design engineering, surveying, and planning; and
- b. Loan payments, debt service, construction costs, and any other expenses relating to the SPWF loan, for the full life of the loan, should it be awarded to the City.

III. Payments relating to the SPWF loan, Sequoia Parkway construction, and the Urban Renewal District's share of S. Berg Parkway construction shall be made by the use of tax-increment revenues received by the Agency or any other source of revenue that the Agency deems appropriate.

IV. The City may, at a later date, provide System Development Charge funds to the Agency to cover SDC-eligible expenses incurred by the Agency in the construction of Sequoia Parkway. Nothing in this agreement should be construed as either requiring or preventing such payments.

Termination; modification

This Agreement shall continue indefinitely unless amended in writing with the concurrence of all parties.

Severability

If any section, clause or phrase of this agreement is invalidated by any court of competent jurisdiction, any and all remaining parts of the agreement shall be severed from the invalid parts and shall remain in full force and effect.

CITY OF CANBY

**CANBY URBAN RENEWAL
AGENCY**

Melody Thompson, Mayor

Anthony Helbling, Chair

Date

Date

ATTEST:

ATTEST:

By: _____
Kimberly Scheafer
City Recorder pro-tem

By: _____
Kimberly Scheafer
City Recorder pro-tem

21

ORDINANCE NO. 1230

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH PAPE MATERIAL HANDLING OF TIGARD, OREGON FOR THE PURCHASE OF A NEW HYSTER H50-FT FOR THE CANBY WASTEWATER TREATMENT DEPARTMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby wishes to purchase a new Hyster H50FT - 5,000 pound capacity forklift for the Wastewater Treatment Department; and

WHEREAS, the cost of the Hyster will be paid by the Wastewater Treatment Department which has budgeted said purchase for the fiscal year 2006-2007 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 bids were obtained for the purchase of a 5,000 pound capacity Forklift as follows:

- | | |
|----------------------------|--------------|
| 1. PAPE Material Handling: | \$ 21,995.00 |
| 2. NORLIFT of Oregon: | \$ 22,293.00 |
| 3. CB TOYOTA-LIFT: | \$ 23,744.00 |

WHEREAS, PAPE Material Handling of Tigard, Oregon submitted the lowest quote of \$21,995.00; and

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this quote, reviewed the staff report and believes it to be in the best interest of the City to purchase this unit from PAPE Material Handling; 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 purchase contract with PAPE Material Handling of Tigard, Oregon for the purchase of a new Hyster H50FT- 5,000 pound capacity forklift.

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 this unit 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 the 7th day, of February, 2007, 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 the 21st day, February, 2007, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City hall in Canby, Oregon.

Kimberly Scheafer
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 21st day of February, 2007, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer,
City Recorder - Pro Tem

ORDINANCE NO. 1231

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOT 5200 OF TAX MAP 4-1E-04DA.

WHEREAS, an application was filed with the City by Willow Creek Estates, Inc. to change the zoning of the westernmost 1.3 acres of a single 4.86 acre parcel from Low Density Residential (R-1) to Medium Density Residential (R-1.5); and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on January 8, 2007 after public notices were mailed, posted and printed in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the proposed zone change at the public hearing. At the conclusion of the public hearing, the Planning Commission voted 4-0 to recommend that the City Council approve the application. The Findings, Conclusions and Order was approved by the Planning Commission and forwarded to the Council with its recommendation; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on February 7, 2007; and

WHEREAS, the Canby City Council, after considering the staff report, reviewing the record of the Planning Commission's decision and conducting its own public hearing, voted to accept the Planning Commission's recommendation;

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The westernmost 1.3 acre portion of tax lot 5200 of map 4-1E-04DA is rezoned from Low Density Residential (R-1) to Medium Density Residential (R-1.5) as called for in Canby's Comprehensive Plan.

Section 2. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate change on the City's zoning map in accordance with the dictates of Section 1 of this Ordinance.

SUBMITTED to the Council and read the first time at a regular meeting thereof on February 7, 2007, ordered posted in three (3) public and conspicuous places in the City for a period of five (5)

2nd Reading

days, as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on February 21, 2007, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City Hall in Canby, Oregon.

Kimberly Scheafer
City Recorder - Pro Tem

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on February 21, 2007 by the following vote:

YEAS _____ NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer
City Recorder Pro Tem