

AGENDA

CANBY CITY COUNCIL MEETING

August 1, 2007, 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

CITY COUNCIL MEETING

1. **CALL TO ORDER (City Hall - 6:30 PM – The Council will immediately go into Executive Session with the Regular Session following at 7:30 PM in the Council Chambers)**
2. **EXECUTIVE SESSION: ORS 192.660(2)(i) Performance Evaluation of Public Officer**
3. **CALL TO ORDER**
 - A. Pledge of Allegiance and Moment of Silence
 - B. Employee of the Month Presentation – June 2007

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4. **COMMUNICATIONS**
5. **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.)
6. **MAYOR'S BUSINESS**
7. **COUNCILOR COMMENTS & LIAISON REPORTS**
8. **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 11, 2007 City Council Work Session
 - B. Approval of Minutes of the July 18, 2007 City Council Regular Meeting
 - C. Appointment to Canby Public Library Board

Pg. 2

9. RESOLUTIONS & ORDINANCES

- A. Res. 957, Authorizing the Issuance of Water System Revenue Bonds in a Maximum Principal Amount of \$4,000,000 and Providing for Publication Pg.3
- B. Res. 958, Referring to Voters a Proposed Revised Home Rule Charter for the City of Canby Pg.7
- C. Ord. 1252, Authorizing Contract with Master Cleen, Inc. for Janitorial Services for Various City Facilities, Not to Exceed \$37,000 (2nd Reading) Pg.11
- D. Ord. 1253, Authorizing Payment Not to Exceed \$35,534 from the Capital Reserve Fund to Canby Utility for the Canby Maintenance Facility Vehicle/Storage Bay Glulam Beam Repair and Replacement Project (2nd Reading) Pg.13

10. NEW BUSINESS

11. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

12. CITIZEN INPUT

13. ACTION REVIEW

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

15. 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.

June 2007

**City of Canby
Employee of the Month
Nomination Form**

Name of Nominee: Dana Wipff

Date: 07/19/07

Department: Court

Nominated By: Kathy Mashek

Which of these criteria describes the reason for your nomination of this person?

- ☐ Improved quality
 - ☐ Timely completion of a project
 - ☐ Demonstrates exemplary leadership and integrity
 - ☐ Excellent customer service (demonstrating exceptional customer service, an on-going commitment to customers, or innovation or creativity in customer service)
 - ☐ Overcame adverse obstacles or worked under unusual conditions
 - ☐ Increased program effectiveness or efficiency
 - ☐ Saves the City time/money
 - ☐ Improved levels of cooperation
 - ☒ Exceeds performance expectations
-

Can you please explain in 3 or 4 more detailed sentences, why you think this person should be nominated for "Employee of the Month", especially as it relates to the items(s) you checked above. Please attach an additional sheet if necessary.

Dana performs her duties and then some. She anticipates what needs to be done and gets it done. She recently put together a rap session for Court Clerks in the Clackamas County area, put together the agenda, emailed each of them and made lunch arrangements. This sessions was well attended and each clerk expressed appreciation for the session and it went off without a hitch. I just recently returned from a two week vacation to an office that was well taken care of. I heard praise from several people that Dana did an excellent job in my absence and it was quite evident by all the things that were completed.

Please return this form to the Department Director of the nominee.

Chauncey Seydel
Department Director's Signature

7-19-07
Date

**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: 07/24/07

Name: Jon Dragt

Occupation: Software Developer

Home Address:

Employer: Self

Position: Owner

Daytime Phone:

Evening Phone:

E-Mail Address: jon@canby.com

For which position are you applying? Library Board

What are your community interests (committees, organizations, special activities)? Kiwanis, fundraiser for the Vietnam Era Veterans Memorial in Canby Oregon

Experience and educational background: B.S. Social Sciences, California Polytechnic State University, San Luis Obispo

Reason for your interest in this position: I was asked, I'm a budding novelist and screenwriter, and a high volume library user.

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

Information on any special membership requirements: N/A

Referred by (if applicable): Beth Saul

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
182 N Holly Street
PO Box 930
Canby, OR 97013

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.

9-30-05

RECEIVED

JUL 24 2007

CITY OF CANBY

RESOLUTION NO. 957

A RESOLUTION OF CITY OF CANBY, CLACKAMAS COUNTY, OREGON, AUTHORIZING THE ISSUANCE OF WATER SYSTEM REVENUE BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF \$4,000,000, AND PROVIDING FOR PUBLICATION OF NOTICE.

The City of Canby resolves as follows:

Section 1. Findings

The Council finds as follows:

1.1 It is financially feasible and in the best interests of the City to authorize the issuance of bonds under the Uniform Revenue Bond Act to finance improvements to the City's water system, including source, storage, treatment and distribution improvements and related costs (the "Projects").

1.2 The City is authorized to issue revenue bonds for any public purpose under Oregon's Uniform Revenue Bond Act (ORS 288.805 to 288.945 or the "Act"). Revenue bonds issued under the Act may be payable from all or any portion of the water system revenues of the City (the "Water System Revenues").

1.3 It is desirable to obtain \$4,000,000 of bonding authority to finance the Projects.

1.4 The City will cause a plan to be prepared showing that the City's estimated Water System Revenues which are pledged to pay each series of bonds authorized by this resolution will be sufficient to pay that series.

Section 2. Bond Issuance Authorized

The City hereby authorizes the issuance of not more than Four Million Dollars (\$4,000,000) in aggregate principal amount of revenue bonds to finance the Projects and pay related costs. The bonds shall be issued and sold in accordance with the Act, and shall be payable solely from the Water System Revenues which the City pledges to pay the bonds.

Section 3. Notice; Procedure

3.1 No bonds may be sold pursuant to Section 5, and no purchase agreement for the bonds may be executed, until at least sixty (60) days after publication of the Notice of Revenue Bond Authorization, which is attached to this resolution as Exhibit "A" (the "Notice"). The Notice shall specify the last date on which petitions may be submitted, and shall be published in at least one newspaper of general circulation in the City in the same manner as are other public notices of the City.

3.2 If petitions for an election, containing valid signatures of not less than five percent (5%) of the City's electors, are received by the date indicated in the Notice: the question of issuing the bonds shall be placed on the ballot at the next legally available election date; and, no bonds may

be sold under this ordinance until the question of issuing those bonds is approved by a majority of the electors of the City who vote on that question.

Section 4. Bonds Payable Solely from Water System Revenues

The bonds shall not be general obligations of the City, and neither the authorization nor issuance of the bonds shall authorize the City to levy any additional taxes. The bonds shall be payable solely from the portion of the Water System Revenues which the City pledges to payment of the bonds pursuant to ORS 288.825(1) and the resolution to be adopted by the City pursuant to Section 2 of this resolution.

Section 5. Bond Sale Authorized

5.1 Subject to the limitations in Section 3 of this resolution, the City hereby authorizes the sale and delivery of the water revenue bonds described in Section 2 of this resolution (the "Series 2007 Bonds") in accordance with this resolution and the City's Master Water Revenue Bonds Declaration that is dated as of September 30, 2004 (the "Master Declaration"), and that was executed by the City in connection with the issuance of the City's Water Revenue Bonds, Series 2004.

5.2 The Series 2007 Bonds shall be special obligations of the City that are payable solely from the revenues of the City's water system and related amounts that are pledged as provided in the Master Declaration.

Section 6. Delegation

The General Manager of the Utility Board, the Finance Manager of the Utility Board, or any person designated by the City Council to act as on behalf of the City under this resolution (any of whom is referred to in this resolution as a "Canby Utility Board Official") may, on behalf of the City:

6.1 Participate in the preparation of, authorize the distribution of, and deem final the preliminary and final official statements and any other disclosure documents for the Series 2007 Bonds.

6.2 Establish the final principal amounts, maturity schedules, interest rates, sale prices, redemption terms, payment terms and dates, record dates and other terms for the Series 2007 Bonds, and either publish a notice of sale, receive bids and award the sale of that series to the bidder complying with the notice and offering the most favorable terms to the City, or select one or more underwriters and negotiate the sale of that series with those underwriters.

6.3 Undertake to provide continuing disclosure for the Series 2007 Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission.

6.4 Apply for and purchase municipal bond insurance, reserve sureties or other forms of credit enhancements for the Series 2007 Bonds, and enter into related agreements.

6.5 Finalize the terms of, execute and deliver supplements or amendments to the Master Declaration that are desirable in connection with the Series 2007 Bonds.

6.6 Appoint and enter into agreements with paying agents and other professionals and service providers.

6.7 Enter into covenants to maintain the excludability of Series 2007 Bond interest from gross income under the Internal Revenue Code of 1986, as amended (the "Code").

6.8 Designate the Series 2007 Bonds as qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code.

6.9 Execute any documents and take any other action in connection with the Series 2007 Bonds which the Canby Utility Board Official finds will be advantageous to the City.

Section 7. Effective Date

This resolution takes effect on the date of its adoption by the City Council.

The foregoing Resolution was adopted this 1st day of August, 2007.

City of Canby

Melody Thompson
Mayor

Attest:

Kimberly Scheafer
City Recorder Pro-Tem

Exhibit A

Notice of Revenue Bond Authorization

NOTICE IS HEREBY GIVEN that the City Council of the City of Canby, Oregon (the "City"), adopted Resolution No. 957 on August 1, 2007, authorizing the issuance and sale of water system revenue bonds to finance improvements to the City's water system, including source, storage, treatment and distribution improvements and related costs (the "Projects").

The revenue bonds described in this notice will not be issued in an aggregate principal amount of more than Four Million Dollars (\$4,000,000). The bonds shall be payable solely from the portion of the "revenues" (as defined in the Uniform Revenue Bond Act ORS 288.805 to 288.945, or the "Act") from the City's water system which the City pledges to the payment of the bonds. The bonds shall not be general obligations of the City, nor a charge upon its tax revenues, but will be payable solely from the revenues which the City pledges to the payment of the bonds.

If written petitions requesting an election on the issuance of the bonds, signed by not less than five percent (5%) of the City's electors, are filed at the Office of the City Recorder on or before October 3, 2007, the question of issuing the bonds shall be placed on the ballot at the next legally available election date and the bonds will not be sold unless the bonds are approved at that election.

The Office of the City Recorder is located at 182 N. Holly, Canby, Oregon 97013.

The resolution authorizing the bonds is available for inspection at the Office of the City Recorder.

The bonds will be issued and sold under the Act; this Notice is published pursuant to ORS 288.815(6).

By order of
THE CITY COUNCIL OF CITY OF CANBY,
Clackamas County, Oregon

RESOLUTION NO. 958

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED REVISED HOME RULE CHARTER FOR THE CITY OF CANBY; 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 6, 2007 ELECTION.

WHEREAS, the Canby City Council has heretofore approved a revised home rule Charter for the City of Canby following a public hearing on July 18, 2007; and

WHEREAS, pursuant to the provisions of the Canby City Charter, the approval of the proposed home rule Charter 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 6, 2007 in order to appear on the ballot for the November 6, 2007 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 6, 2007 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 6, 2007 election.

This Resolution shall take effect on August 1, 2007.

ADOPTED this 1st day of August, 2007, by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Kimberly Scheafer
City Recorder, Pro-Tem

**CITY OF CANBY
NOTICE OF CITY MEASURE ELECTION
FOR THE NOVEMBER 6, 2007 ELECTION**

NOTICE IS HEREBY GIVEN that on Tuesday, November 6, 2007, an election will be held in the City of Canby, Clackamas County, Oregon. The following shall be the ballot title for the measure submitted to the City's voters on this date:

CAPTION: MEASURE ADOPTING REVISED HOME RULE CHARTER FOR CANBY.

QUESTION: Shall the City of Canby adopt a revised home rule Charter?

SUMMARY: The Canby City Charter is the governing document for the City of Canby. This measure would replace the current City Charter, adopted in 1984, with a new, revised home rule Charter. The City Council approved the new Charter for submission to City voters following a public hearing on July 18, 2007. The new Charter is combination of current Charter provisions and provisions from a "model Charter". The new Charter is consistent with recent changes in the Oregon Constitution, laws and court decisions. The proposed Charter eliminates the City Treasurer and City Recorder as officers, and makes those positions responsible to the City Administrator. The proposed Charter makes the Mayor a voting member of the Council. It changes the name of the Canby Electric Board to the Canby Utility Board and eliminates term limits a Board member may serve. It eliminates the requirement that the City Administrator live within the city limits. The proposed Charter raises the limit from \$15,000 to \$50,000 for expenditures that must be approved by City ordinance.

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

Kimberly Scheafer
City Recorder Pro-Tem

Date

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

MEASURE ADOPTING HOME RULE CHARTER FOR THE CITY OF CANBY

Measure No. _____

Word Total 354 (500 max)

The Canby City Charter is the governing document for the City. This measure, if approved by the voters, would replace the current City Charter with a new, revised home rule Charter. The City Council approved the new Charter for submission to City voters following a public hearing held in Canby on July 18, 2007. The current City Charter was adopted in 1984 and is in need of updating and revision. The City Council and City staff revised the proposed Charter using a "model Charter" developed by the League of Oregon Cities (LOC). The new, proposed Charter is a combination of current Charter provisions and new provisions for the "model Charter". The new Charter is consistent with recent changes in the Oregon Constitution, laws and court decisions.

The proposed Charter eliminates two officers of the City, the City Treasurer and the City Recorder and makes them responsible to the City Administrator as provided in the "model Charter". The proposed Charter makes the Mayor a voting member of the City Council. Under the current Charter, the Mayor only votes to break a tie. It adopts the most recent election law provisions, condemnation law provisions, public contracting law provisions, debt limitation provisions and tort liability law provisions established by the State of Oregon.

The proposed Charter changes the name of the Canby Electric Board to the Canby Utility Board (CUB) and eliminates the term limitation on number of terms a CUB board member can serve. Under the current Charter CUB members can only serve two terms. The proposed Charter eliminates the requirement that the City Administrator live with the Canby city limits.

Finally, the new Charter raises the limit to \$50,000 for contracts and expenditures that must first be approved by City Ordinance. The current limitation is \$15,000.

The City Council held a public hearing for comments from local citizens regarding the proposed changes in the Charter on July 18, 2007 in the City Council chambers. There was no opposition to the new Charter as presented. The current Charter and the proposed Charter are available to view in their entirety on the City's web page located www.ci.canby.or.us.

CITY OF CANBY

Kimberly Scheafer,
Canby City Recorder - Pro tem

Date

ORDINANCE NO. 1252

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MASTER CLEEN, INC. FOR JANITORIAL SERVICES FOR VARIOUS CITY FACILITIES, NOT TO EXCEED \$37,000; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby requires ongoing scheduled janitorial services in order to properly maintain City facilities for the comfort and safety of its employees and citizens; and

WHEREAS, the City has previously selected Master Cleen, Inc., as an independent contractor under a personal services contract for the purpose of carrying out the these activities; 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 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 Master Cleen, Inc., 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 this project be completed as soon 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, July 18, 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 Wednesday, August 1, 2007, commencing at the hour of 7:30 PM in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

2nd Reading

Kimberly Scheafer, City Recorder Pro-tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 1st day of August, 2007, by the following vote:

YEAS_____

NAYS_____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, City Recorder Pro-tem

ORDINANCE NO. 1253

AN ORDINANCE AUTHORIZING A PAYMENT NOT TO EXCEED \$35,534.00 FROM THE CAPITAL RESERVE FUND TO CANBY UTILITY FOR THE CANBY MAINTENANCE FACILITY VEHICLE/STORAGE BAY GLULAM BEAM REPAIR AND REPLACEMENT PROJECT; AND DECLARING AN EMERGENCY.

WHEREAS, Canby Utility has paid up-front for the Canby Maintenance Facility Vehicle/Storage Bay Glulam Beam Repair and Replacement Project in order to expedite this emergency repair; and

WHEREAS, this facility is jointly owned and maintained by the City of Canby and Canby Utility and both entities have agreed to split the cost of this repair, with Canby Utility taking on the actual project management and seeing it to completion; and

WHEREAS, the City Council and Canby Utility Board have previously discussed this project and agreed to proceed as described; Now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The City Council hereby authorizes a payment of \$35,534.00 from the Capital Reserve Canby Utility.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to authorize this payment and reimburse Canby Utility for the timely implementation of this emergency repair, 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 18, 2007; 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 1, 2007, commencing at the hour of 7:30 pm at the Council Meeting Chambers at the Canby City Hall, 182 N. Holly, 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 1st day of August, 2007, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, City Recorder Pro-Tem