

## AGENDA

### CANBY CITY COUNCIL MEETING

December 7, 2005, 7:30 P.M.

Council Chambers

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

*Mayor Melody Thompson*

*Council President Teresa Blackwell*

*Councilor Randy Carson*

*Councilor Walt Daniels*

*Councilor Roger Harris*

*Councilor Georgia Newton*

*Councilor Wayne Oliver*

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### CITY COUNCIL MEETING

#### 1. CALL TO ORDER

- A. Pledge of Allegiance and Moment of Silence.
- B. Canby Kiwanis Food & Toy Drive Proclamation Pg. 1
- C. Certification of November 8, 2005 Measure 3-194 Proclamation Pg. 2
- D. Certification of November 8, 2005 Measure 3-195 Proclamation Pg. 4

#### 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 \$199,599.99
- B. Approval of Minutes of the November 9 City Council Workshop
- C. Approval of Minutes of the November 16 City Council Regular Meeting & Town Hall Meeting
- D. Agreement with Canby Swim Club "Exhibit A" for FY 2005-2006 Pg. 6

#### 7. RESOLUTIONS & ORDINANCES

- A. Ord. 1197, Authorizing Contract with Recreation Resource for the Purchase of Playground Equipment (2<sup>nd</sup> Reading) Pg. 8

#### 8. NEW BUSINESS

9. **CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**
  - A. Update on Sign Ordinances Pg. 10
  - B. Relocation of Transformer Box Near Entrance of New Portion of Logging Road Trail Pg. 11
  - C. Status Report on Legacy Park
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).



## OFFICE OF THE MAYOR

# Proclamation

### "Canby Kiwanis Food & Toy Drive"

**WHEREAS**, Canby Kiwanis Food & Toy Drive originated for the purpose of providing toys and food for less fortunate families in our community; and

**WHEREAS**, by way of this Proclamation, the City of Canby recognizes that greater public awareness and involvement is needed in order for such programs to achieve their highest potential in providing and promoting joy to each household in this community; and

**WHEREAS**, the Kiwanis Club of Canby has undertaken the project of collecting and distributing toys and food to these needy families during the time from December 12 through December 18; and

**WHEREAS**, donations for food baskets can be collected at the warehouse located at located at 555 Southwest Second Avenue;

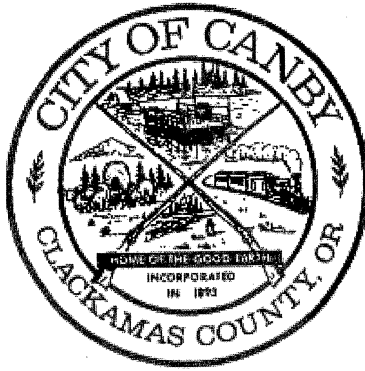
**NOW, THEREFORE**, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim December 12 through December 16, 2005 as:

### **CANBY KIWANIS FOOD & TOY DRIVE WEEK**

and urge all people of the City of Canby to observe this time by participating in this toy and food drive helping to provide assurance that each family may have a "twinkle in their eye" this holiday season

Given unto my hand this 7<sup>th</sup> day of December, 2005.

Melody Thompson  
Mayor



# City of Canby

General Administration Office

## **PROCLAMATION**

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Special Election on November 8, 2005, to consider the following measure:

### **MEASURE NO. 3-194**

**Shall 9.74 acres located South of SE 13<sup>th</sup> Avenue and West of Tofte Farms subdivision be annexed into Canby?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on November 8, 2005.

**YES - 1,130**

**NO - 1,903**

**Over Votes - 1**

**Under Votes - 4**

**NOW, THEREFORE**, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 16, 2005.

Dated this 7<sup>th</sup> day of December, 2005.

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Melody Thompson  
Mayor

NUMBERED KEY CANVASS

RUN DATE:11/16/05 11:44 AM

CLACKAMAS COUNTY, OREGON  
SPECIAL ELECTION  
NOVEMBER 8, 2005

REPORT-EL52 PAGE 0005

3-194 CITY OF CANBY ANNEXATION 9.74

VOTES PERCENT

VOTES PERCENT

Vote for One 1

01 = Yes

02 = No

1,130 37.26

1,903 62.74

03 = OVER VOTES

04 = UNDER VOTES

1

4

01 02 03 04

0007 PRECINCT 125

227 399 0 2

0122 PRECINCT 122

312 475 0 0

0123 PRECINCT 123

71 146 1 0

0124 PRECINCT 124

339 481 0 1

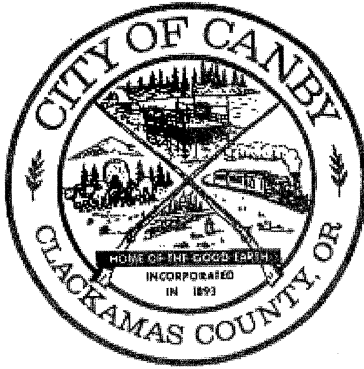
0126 PRECINCT 126

181 402 0 1

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK

BY:

*Joseph Ballas*  
Deputy 11-16-05



# City of Canby

General Administration Office

## PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Special Election on November 8, 2005, to consider the following measure:

### MEASURE NO. 3-195

SHALL 1.7 ACRES LOCATED AT 1203 NE TERRITORIAL ROAD, EAST OF N. PINE STREET, BE ANNEXED INTO CANBY?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the Special Election on November 8, 2005.

YES - 1,243

NO - 1,791

Over Votes - 0

Under Votes - 4

NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 16, 2005.

Dated this 7<sup>th</sup> day of December, 2005.

Melody Thompson, Mayor

NUMBERED KEY CANVASS

CLACKAMAS COUNTY, OREGON  
SPECIAL ELECTION  
NOVEMBER 8, 2005

RUN DATE: 11/16/05 11:44 AM

REPORT-EL52 PAGE 0006

3-195 CITY OF CANBY ANNEXATION 1.7

VOTES PERCENT

VOTES PERCENT

Vote for One 1

01 = Yes

02 = No

1,243 40.97

1,791 59.03

03 = OVER VOTES

04 = UNDER VOTES

0

4

01 02 03 04

0007 PRECINCT 125

278 349 0 1

0122 PRECINCT 122

350 434 0 3

0123 PRECINCT 123

74 144 0 0

0124 PRECINCT 124

332 489 0 0

0126 PRECINCT 126

209 375 0 0

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK

BY: *Joseph Ballis*

*Deputy 11-16-05*

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**AMENDED ATTACHMENT "A"**  
**CITY OF CANBY INTERAGENCY AGREEMENT**  
**CANBY SWIM CLUB, INC.**

**For the budget year 2005-2006** the base cost for operating the Canby Swim Center is \$48.00 per hour. This is the cost to "open the doors." Further, a cost of service study has determined that the cost of servicing the Swim Club is \$15,285 for the year. In Section I, items A through C are options for in-kind service that can be performed to offset the cash portion of this agreement. The Swim Club must notify the City in writing by October 1, 2005 which option(s), if any, they will utilize. The balance will be due in three equal payments December 15, 2005; February 15, 2006; and May 15, 2006.

- I.    A.    Pool maintenance: Each year the pool closes for extensive maintenance. The Club could provide four people, each subject to the facility manager's approval, for one forty-hour period to assist with this maintenance. This would deduct \$1,440 from the above total.

Corporate sponsorships: Both the Swim Club and the Swim Center could benefit from cultivating sponsorship opportunities in the community, but the Swim Center staff resources have prevented us from providing the legwork necessary for the support of such a venture. The Club could work with Swim Center staff and the Library and Park Director to develop and implement a plan with resulting revenue divided in some manner agreeable to each party.

Distribution of schedules: The club could distribute swim schedules to area clinics for their waiting rooms. This would deduct \$9.00 per hour that will be calculated at each payment due date.

- II.   The Canby Swim Club will pay \$300.00, as well as providing their own paper for use of the pool copy machine.
- III   The Canby Swim Club may have a fifth swim meet that will affect the Canby Swim Center Schedule.
- IV.   The current rate to purchase extra time using the facility is \$48.00 per hour.
- V.    The current wages and benefits for lifeguards is \$11.00 per hour.
- VI.   The Canby Swim Club may have 10 meets on Saturdays or Sundays that are completed and cleaned up by 12:45pm.



## VII. STORAGE SPACE:

The CITY will provide free storage space for the SERVICE AGENCY, as has been done for several years. This storage will be approximately 200 square feet and will be located in a storage shed outside the Swim Center building.

The storage area will be kept neat and orderly by the SERVICE AGENCY. Nothing flammable or of an unsafe nature will be stored. No structural changes can be made to the storage facility without permission of the CITY.

Any keys that are given to the SERVICE AGENCY for access to this building will be the responsibility of the President of the SERVICE AGENCY and will not be given out to anyone other than persons who are authorized to access the storage facility. The Swim Center staff will be provided with a list of authorized persons.

Should the CITY require the storage area for CITY purposes, the SERVICE AGENCY will be notified at least 90 days in advance of the change. The CITY will endeavor to work with the SERVICE AGENCY to find alternative storage space.

## VIII. SHARED EQUIPMENT:

The CITY and SERVICE AGENCY share equipment whenever it makes sense to do so. Shared equipment is purchased and maintained on a 50-50 basis. The parties will meet annually during **September** to discuss the shared equipment and plan for maintenance and replacement so that both parties can budget the needed funds. A list of shared equipment will be maintained by both the CITY and the SERVICE AGENCY and updated annually.

SERVICE AGENCY:

\_\_\_\_\_, name

\_\_\_\_\_, title

DATE: \_\_\_\_\_

CITY OF CANBY:

\_\_\_\_\_,  
Mayor

\_\_\_\_\_,  
City Administrator

DATE: \_\_\_\_\_

**ORDINANCE NO. 1197**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH RECREATION RESOURCE FOR THE PURCHASE OF PLAYGROUND EQUIPMENT; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Canby wishes to purchase playground equipment for Legacy Park; and

WHEREAS, the contract will be made in compliance with ORS 279.015 (1)(g) utilizing an existing solicitation for the State of Oregon under Contract No. 3227; and

WHEREAS, in accordance with ORS 279.015 (1)(g), the City of Canby, as a member of the Oregon Cooperative Purchasing Plan, finds that the original contract met the requirements of ORS chapter 279, the contract allows other public agencies to use the solicitation; and the purchase will be placed against State of Oregon solicitation # 3227 in compliance with the State of Oregon Department of Administrative Services Purchasing Division price agreement for this product; and

WHEREAS, Recreation Resource, of Salem, Oregon submitted the low bid in the State Purchasing Division solicitation process; 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 Recreation Resource, of Salem, Oregon, for the bid amount of \$93,473.

Section 2: Emergency Declared

It being necessary for the health, safety, and general welfare of the citizens of Canby that this equipment be put to use 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, November 16, 2005, 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, December 7, 2005, commencing at the hour of 7:30 PM in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

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Kimberly Scheafer  
City Recorder Pro Tem

*2nd Reading* 8

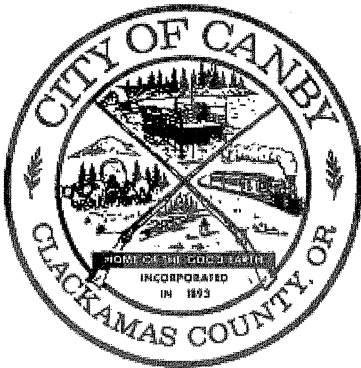
PASSED on second and final reading by the Canby City Council at a regular meeting thereof on December 7, 2005, by the following vote:

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer  
City Recorder Pro Tem



# City of Canby

Office of the City Attorney

Memo to: Mayor and City Council

From: John Kelley, City Attorney *JK*

Date: November 22, 2005

Re: Political signs in public right-of-way.

If you recall, a few meetings ago the subject of political/election signs appearing in the public right-of-way was discussed. The issue was whether we want to allow these signs in public rights-of-way, since they are currently prohibited by the Canby Municipal Code. An amendment to the Code would be necessary to allow signs of this type in public rights-of-way. The problem is further complicated by the fact that many, if not most local residents do not know for sure where their property line ends and the public right-of-way begins. Further, the actual location of rights-of-way varies greatly across the City.

I offered to check other jurisdictions to see what they do and after surveying a dozen cities, to a city, all prohibit signs of this type in public rights-of way. Of those cities that I surveyed, when I was able to discuss the issue of the difficulty of knowing where the location of the right-of-way was, all agreed it was a substantial problem, but no one had a solution. None of the lawyers I talked with suggested allowing signs in the right-of-way because of liability issues. I have to agree that it could be potentially a problem, although the likelihood is probably fairly remote.

I believe you wanted to discuss this more, so we have set it under old business and you can ask John or I any more questions you might have, but my recommendation is not the change the Code provision. If you wish to discuss with me before the meeting, please call at 266-4021, ext 254.

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**DATE:** November 28, 2005

**MEMO TO:** Honorable Mayor Thompson and City Councilors

**FROM:** Beth Saul, Library and Parks Director

**Through:** Mark Adcock, City Administrator

**RE:** Relocation of transformer box near entrance of new portion of Logging Road Trail

**Issue:** A key concern of residents near the confluence of the Molalla Forest Road (Logging Road) and Territorial Road involves vision clearance problems due to a large utility box located nearby. Before further development can occur to eliminate the slip lane and expand the parking lot, and eventually create the safe, well marked crossing for bikes and pedestrians from the existing paved Logging Road Path to the new acquisition, this utility box needs to be relocated.

**Recommendation:** Staff recommends approval to expend funds from the Park Development Fund for the relocation of the utility box by Canby Utilities crews. The estimate is attached.

**Background:** During the public process that resulted in the Management Plan for the Willamette Wayside Properties, citizens who live near Territorial Road expressed many safety concerns regarding the crossing and the parking lot. A special meeting was held by Project Planner Matilda Deas to discuss these issues and come up with solutions. The citizens involved were able to come up with a number of good ideas and solutions to create a safe and aesthetically pleasing pedestrian crossing and parking area. In addition to the relocation of the utility box, the group agreed that the parking lot will have a new gated entrance further east on Territorial Road and that a well marked crossing with flashing lights will be created to ensure the safety of pedestrians and cyclists.

The relocation of the utility box is the needed first step to enable the rest of the changes to occur before the new area can be officially opened to the public.

**Fiscal Impact:** Funds are available in the Park Development Fund.

THIS HAS BEEN REVIEWED  
BY THE FINANCE DIRECTOR

*Chauvin*  
11

## 10/27/2005 13:19 ELECTRIC DEPARTMENT JOB COST ESTIMATE

This is a Cost to Move VFI-2 Located at  
the Mollalla Forest Rd. and NE Territorial Rd.  
the Switch will be relocated approx 30' North  
of its present position for the City of Canby  
This is an Estimate, City will be Invoiced Actual  
Time And Materials

REF # 109-05 A  
Revised 10/27/2005

	INV. #	UNITS	PRICE PER UNIT	OVER HEAD	SUB TOTAL
<b>MATERIALS</b>					
1 2" Pvc	2	200	\$0.50	\$10.00	\$110.00
2 2" x 45 x 9.5"R Steel elbow	28	3	\$11.87	\$3.56	\$39.17
3 2" x 90 x 15"R Steel Elbow	30	12	\$16.51	\$19.81	\$217.93
4 4/0 Primary Cable	75	1650	\$1.76	\$290.40	\$3,194.40
5 #4 SD Solid Cu. Wire	83	30	\$0.25	\$0.75	\$8.25
6 4/0 Primary Elbow	117	18	\$23.25	\$41.85	\$460.35
7 5412 4/0 Splice	123	3	\$28.72	\$8.62	\$94.78
8 Primary Dust Cover	134	6	\$18.76	\$11.26	\$123.82
9 4 way Junction	139	3	\$129.75	\$38.93	\$428.18
10 64-3660 Lid for 644-LA	305	1	\$679.00	\$67.90	\$746.90
11 5/8" x 8' Grnd Rod	316	2	\$6.12	\$1.22	\$13.46
12 F/P Fault Ind. 200A (1547A-mzgm-nnn)	463	3	\$115.94	\$34.78	\$382.60
13 Cooper T-OP-IL, 4/0 Elbow (220 Mil)	128	3	\$220.00	\$66.00	\$726.00
14 Misc. Conduit Fittings and Supplies	Non-Inv.	1	\$100.00	\$10.00	\$110.00
15 Crushed rock	Non-Inv.	1	\$150.00	\$15.00	\$165.00
<b>TOTAL MATERIALS:</b>					<b>\$6,820.84</b>
<hr/>					
CANBY UTILITY BOARD EQUIPMENT	EQUIP. RATE	HOURS		SUB. TOTAL	
UNIT 24 - GMC 1 TON SERVICE TRUCK	\$ 7.50	26		\$195.00	
UNIT 6 - CHEV DUMP TRUCK	\$ 15.00	8		\$120.00	
UNIT 21 - JOHN DEER BACKHOE	\$ 15.00	8		\$120.00	
UNIT 26 - GMC DIGGER DERRICK	\$ 15.00	16		\$240.00	
<b>EQUIPMENT TOTAL</b>					<b>\$675.00</b>
<hr/>					
LABOR	HOURLY		OVER	SUB	
POSITION	WAGE	HOURS	HEAD	TOTAL	
INHOUSE ENGINEERING	\$ 35.65	4	\$57.04	\$199.64	
WORKING FOREMAN	\$ 33.93	26	\$352.87	\$1,235.05	
JOURNEYMAN 1	\$ 31.55	26	\$328.12	\$1,148.42	
JOURNEYMAN 2	\$ 31.55	26	\$328.12	\$1,148.42	
GROUNDMAN	\$ 20.46	26	\$212.78	\$744.74	
<b>LABOR TOTAL</b>					<b>\$4,476.28</b>
<b>JOB TOTAL</b>					<b>\$11,972.11</b>

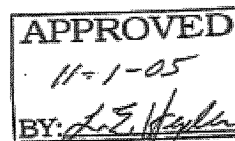
This quote is valid for 30 days only.

I have reviewed and accept responsibility for the above charges.

I will also provide any requested easements to the Canby Utility Board at no charge to the utility.

SIGNED \_\_\_\_\_

WITNESS \_\_\_\_\_



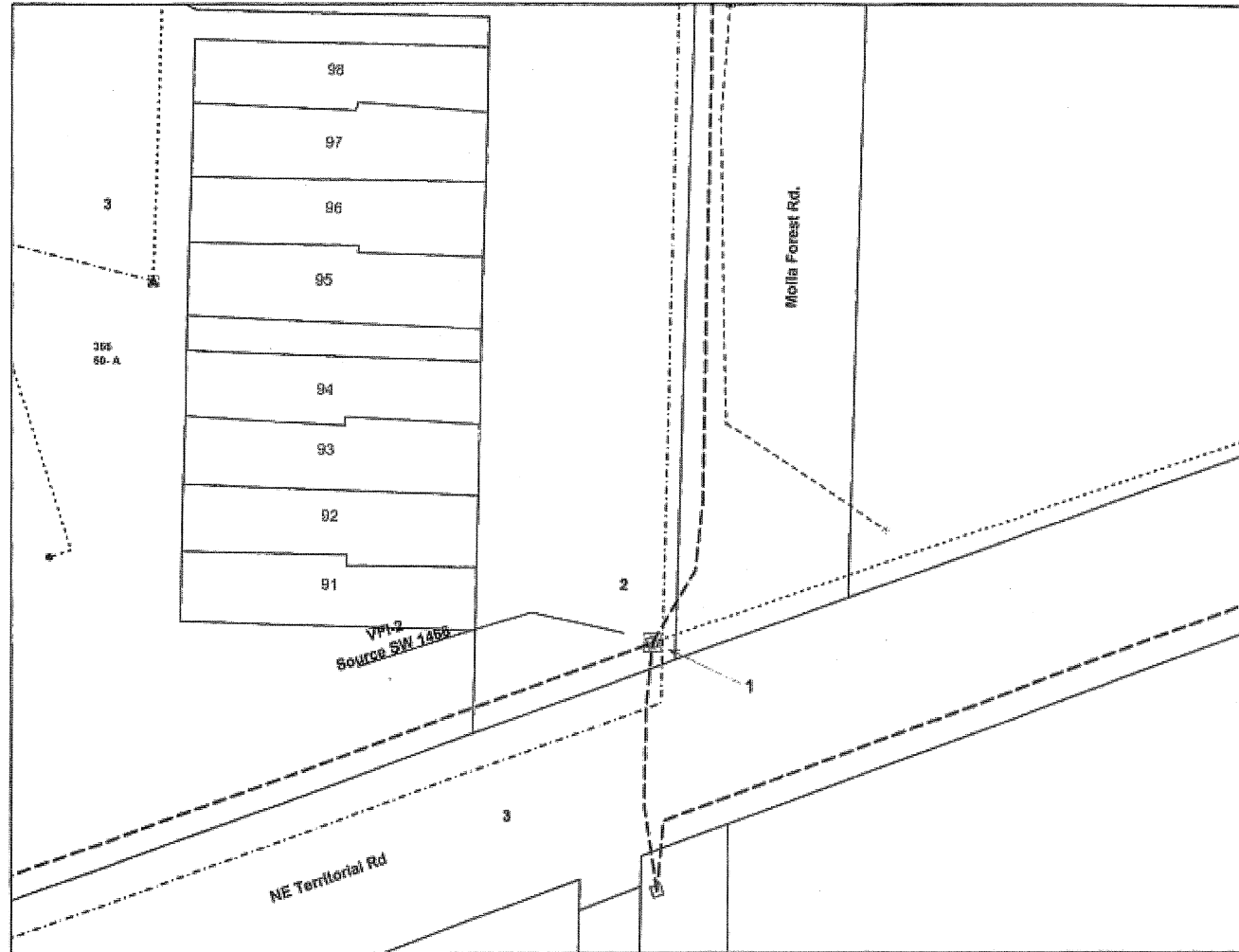
Move VFI-2 North Approx. 30' to add Vision Clearance for Intersection


This Switch is located at NE Territorial and Molalla Forest Rd.

12

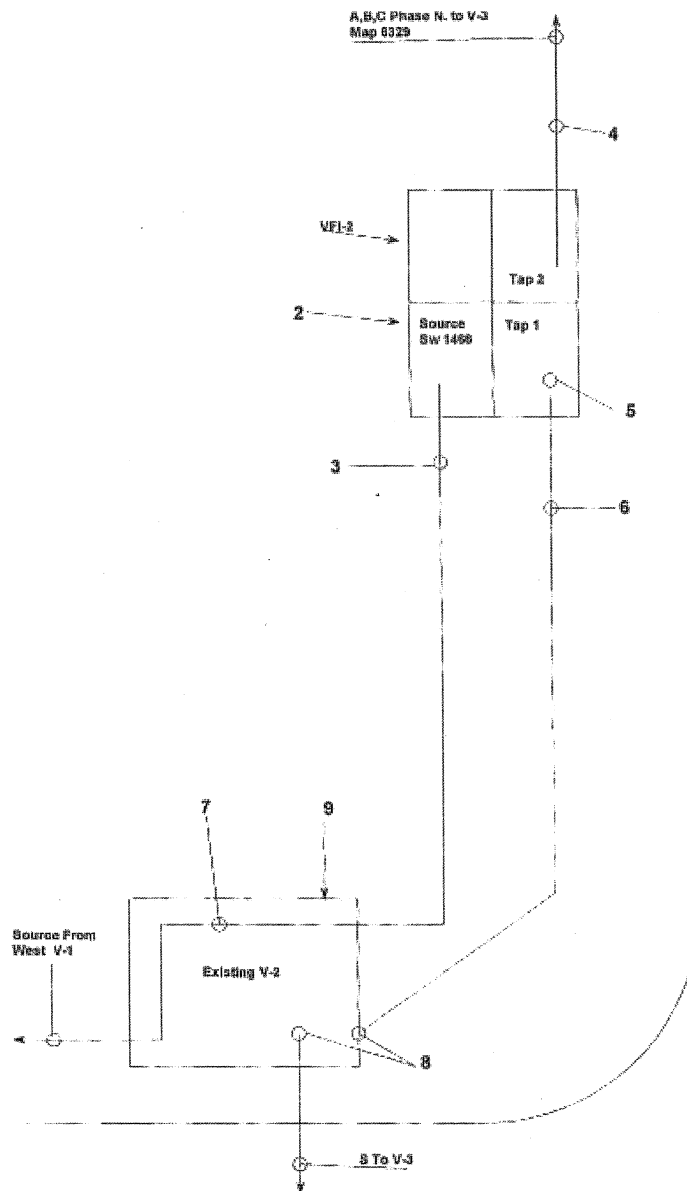
**Key Notes:**

- 1 Move VFI-2 North Approx 30' See Sheet 2 for Details



 <b>CANBY UTILITY</b>	
Drawn By: <i>dy</i>	10-27-05
Approved By: <i>ZZB</i>	
Construction Begun: _____	
Construction Complete: _____	
Constructed By: _____	
WO# _____	

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# Key Notes:

- 1 to Be Performed prior to moving Switch, Install 3PH 4/0 Primary in Existing 3-2" Pvc, between V-10 and V-13. When energizing perform attached switching order CU-05-S5
- 2 Move VFI-2 and Switch Pad to New Location approx 30' North of Existing V-2.
- 3 Trench and Install 3-2" Pvc from source position, at new switch location to V-2. Install 3 PH 4/0 Primary cable
- 4 Excavate, Intercept 3-2" Pvc. Reuse existing 4/0 Primary and turn up at Tap 2 location
- 5 Turn up Existing 3-2" Pvc from V-2 at Tap 1 Position
- 6 Install 3 PH 4/0 Primary Cable in Existing 3-2" Pvc
- 7 Splice ABC PH from V-1 Continuous thru V-2 to Source for VFI-2
- 8 Install ABC PH J-BOX, connect to ABC PH Cables from Tap-1 and V-3
- 9 Install New 644 LA Lid on V-2

