

# **CANBY CITY COUNCIL**

## **Regular Session**

**March 3, 2004**

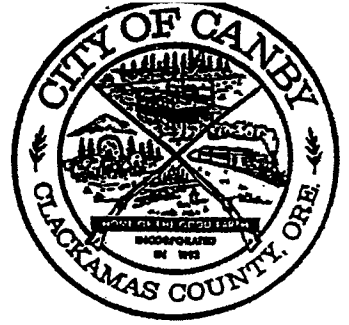
**WORKSHOP – 6:30 PM – City Hall Conference Room – Auditor’s Review of 2002-2003 Annual  
Financial Statement**

**AGENDA – 7:30 PM – Council Chambers**

1. OPENING CEREMONIES:
  - A. Call to Order, Flag Salute
2. CITIZEN INPUT ON NON-AGENDA ITEMS:
3. CONSENT AGENDA:  
**Minutes – Regular Meeting, February 18, 2004**  
**Accounts Payable - \$162,135.00**  
**Clackamas County Mutual Aid Intergovernmental Agreement** Pg. 1
4. COMMUNICATIONS:
5. NEW BUSINESS:
6. UNFINISHED BUSINESS:
  - A. Findings, Conclusion & Final Order ANN 03-07 G. Cam/Dodds Pg. 6
  - B. Findings, Conclusion & Final Order ANN 03-08 Wightman/Netter Pg. 12
7. RESOLUTIONS & ORDINANCES:
  - A. Res. 845, Amending the City of Canby Personnel Policy Manual Pg. 28
  - B. Res. 850, Referring ANN 03-07 G. Cam/Dodds to Voters Pg. 18
  - C. Res. 851, Referring ANN 03-08 Wightman/Netter to Voters Pg. 23
  - D. Ord. 1135, Authorizing Contract with Pacific Aluminum & Glass, LLC for the Purchase &  
Installation of Security Glass for the Canby Police Department & Municipal Court Pg. 34
8. MANAGER’S REPORT:
9. CITIZEN INPUT:
10. COUNCILORS’ ISSUES:
11. ACTION REVIEW:
12. EXECUTIVE SESSION: ORS 192.660 (1)(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.*

# CITY COUNCIL SIGN-IN SHEET



Date: March 3, 2004

**PLEASE PRINT CLEARLY**

NAME

ADDRESS

Curtis + Lila Gottman

10381 S. Mulino Rd Canby

Cole Norris

1189 S. Aspen Way Canby

Ken Pagano

Police

Dev Dookube

Chamber

**CITY COUNCIL OF CANBY  
RECORD OF WORKSHOP SESSION**

**Meeting Date:** March 3, 2004

**Subject:** Review of 2002-2003 Financial Statement

**Location:** City Hall Conference Room

**Present:**

☒  
☒  
☒  
☒  
☒  
☐  
☐

Mayor Melody Thompson  
Council President Randy Carson  
Councilor Teresa Blackwell  
Councilor Walt Daniels  
Councilor Patrick Johnson  
Councilor Georgia Newton  
Councilor Wayne Oliver

**Staff Present:**

☐  
☐  
☒  
☐  
☐  
☐  
☒

City Administrator Mark Adcock  
City Attorney John Kelley  
Community Development & Planning Director John Williams  
Court Services & Finance Director Chauncey Seifried  
Library & Parks Director Beth Saul  
Police Chief Ken Pagano  
Transit & General Services Director Margaret Yochem  
Other(s):

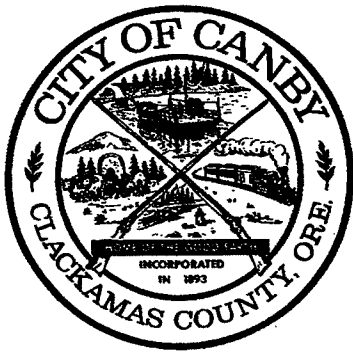
*Laura Drabusch*  
*Ron Berg - Budget Comm.*  
*James S. H. Berg - Budget Comm.*  
*Mark Adams*  
*Paul Carlson - Budget Com.*  
*Rita Bush - Budget Committee*  
*Melody Thompson*

**Convened:**

6:36pm

**Adjourned:**

7:00pm



# ***City Council FYI Update***

To: Mayor Thompson & City Council  
Date: 25 February 2004

We have a very light agenda for March 3 and a correspondingly short *FYI Update*.

**Work Shop Notice - 6:30 P.M. in the City Hall Conference Room - FY 2002-2003 Financial Audit:** A work shop is scheduled with our outside independent auditors to review the financial audit of the City for the FY 2002-2003. A copy of the audit report will be sent to you under separate cover for your review prior to the work shop. Mr. John Merina from our independent audit firm, Merina & Company will walk you through the findings of the audit and be available to answer any questions you may have. I'm pleased to report to you that again the City has received a clean audit with no material weaknesses noted for the Management Letter.

## **City Council Agenda Items for March 3 Meeting**

1. **Findings, Conclusion & Final Order for ANN 03-07:** This matter was brought before the Council at your last meeting and you approved forwarding the annexation to the voters for a decision at the May 18, 2004 election. Attached is a staff report prepared by Associate Planner Darren Nichols. The companion item to this agenda item is Resolution 850.
2. **Findings, Conclusion & Final Order for ANN 03-08:** This matter was brought before the Council at your last meeting and you approved forwarding the annexation to the voters for a decision at the May 18, 2004 election. Attached is a staff report prepared by Associate Planner Darren Nichols. The companion item to this agenda item is Resolution 851.
3. **Resolution 845 Re: Amendments to the City's Personnel Policies:** This resolution updates the City's personnel policies based upon information we have received from Kim following her attendance at a labor law seminar. This particular change deals with pre-employment drug testing and is explained in the attached staff report prepared by John Kelley.

The other change provides for a travel per diem for management employees based upon

IRS guidance. The IRS Guidance was used since management employees often travel to out-of-state locations for conferences and training where the IRS Guidelines more accurately reflect the average cost of meals for that particular location. Per diem for management employees is not addressed in our present policies and, presently, only your managers are required to present receipts for meal reimbursement upon their return from travel and training. The Police Union and AFSCME represented employees are provided a negotiated general per diem for travel and training expenses. As a note, any change in per diem for union represented employees should be the subject of the collective bargaining process. If you have any questions, please call me directly prior to the Council meeting.

4. **Resolution 850 Re: Ballot Measure /Voter's Pamphlet Summary for Annexation 03-07:** Attached is the staff report prepared by John Kelley.

5. **Resolution 851 Re: Ballot Measure /Voter's Pamphlet Summary for Annexation 03-08:** Attached is the staff report prepared by John Kelley.

6. **Ordinance 1135 Re: Security Modifications to Police & Court Public Counters:** The Police Department have received a grant from the State of Oregon's Domestic Preparedness Grant Program. This program is designed to assist jurisdictions with funding to increase the security of public law enforcement facilities as a follow-on to the national efforts relating to Homeland Security Act. This ordinance authorizes the use of City funds to augment grant funding to install bullet-resistant glass at these public counters. Increasing facility security is also a goal of the Police Department Accreditation process currently being completed here in Canby. According to the Chief, there are adequate funds in the combined Police Department and Municipal Court budgets to meet the labor costs - a cost not covered in the grant award. Chief Pagano will be on hand to present this ordinance to the Council. Attached is the Chief's staff report and ordinance.

7. **Manager's Report:** Nothing at this time.

8. **Executive Session:** Nothing at this time.

### **Miscellaneous Non-Agenda Items**

The following items may be of interest to the City Council.

**> A memorandum commending John Williams, Jamie Johnk and Joyce Peters for their excellent work on the Industrial Business Profiles brochure.**

**> A list of CBRD business prospects provided by Jamie.**

A handwritten signature in black ink, appearing to read "Mark C. Adcock". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Adcock".

**Mark C. Adcock  
City Administrator**

**Attachments**

# Molalla Police Department

P.O. Box 248 117 N. Molalla Avenue  
Molalla, Oregon 97038

January 15, 2004

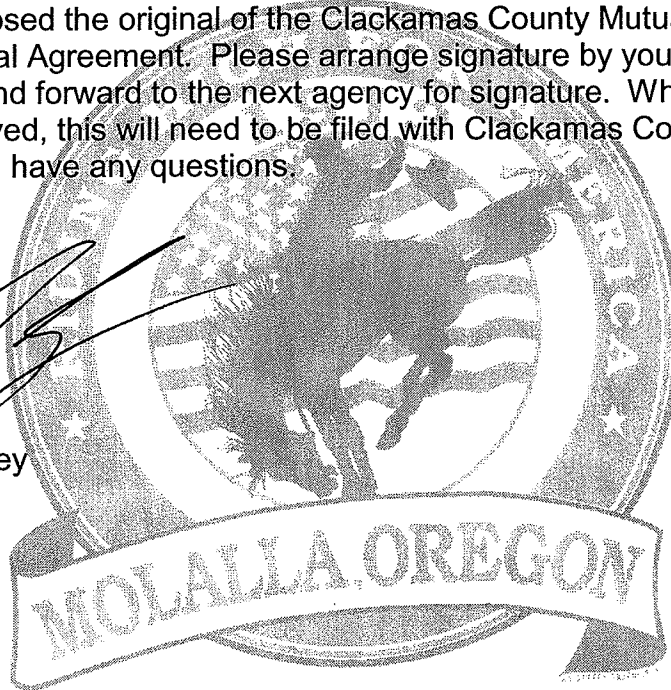
Clackamas County Law Enforcement Executives

Dear colleague,

Please find enclosed the original of the Clackamas County Mutual Aid Intergovernmental Agreement. Please arrange signature by your Mayor or Commissioner and forward to the next agency for signature. When all signatures have been received, this will need to be filed with Clackamas County. Please contact me if you have any questions.

Sincerely;

Nicholas R. Kelsey  
Chief of Police



*For Consent Agenda of Mar 3.  
Approved by City Atty.*

*[Signature]*  
*2/23/04*

Phone: 503-829-8817

Email [molallapolice@co.clackamas.or.us](mailto:molallapolice@co.clackamas.or.us)

Fax: 503-829-3461

## INTERGOVERNMENTAL AGREEMENT MUTUAL AID

This Agreement is between those participating agencies whose names appear at the end of this Agreement concerning mutual aid in critical law enforcement incidents.

### IT IS AGREED AS FOLLOWS:

#### 1. DEFINITIONS

- a). Major Incident is defined as a crime of notoriety, homicide, aggravated murder, or any disaster or event causing or having potential to cause injury, death, or substantial property damage, or any special event that exceeds the capabilities of the Entity.
- b). Assistance means law enforcement personnel and equipment, to include officers, cadets, explorers, support staff, and animals.
- c). Technology is the equipment and supplies used in the location, identification and preservation of physical evidence.
- d). Technical Expertise is the knowledge, skills and abilities possessed by an individual in investigative techniques and technology use.
- e). Entity means a public body as defined in ORS 30.260 (4) (a)(b)(c)(d).
- f). Requesting Official means the person authorized by an Entity who is responsible for requesting assistance from other Entities.
- g). Requesting Entity means an Entity that requests assistance from other Entities.
- h). Responding Official means person authorized by an Entity who is responsible to determine whether and to what extent that Entity should provide assistance to a Requesting Entity.
- i). Responding Entity means an Entity that provides assistance to a Requesting Entity.

#### 2. PURPOSE

This Agreement is made pursuant to Chapter 190 of the Oregon Revised Statutes (ORS) that authorizes the joint and cooperative exercise of powers common to local government entities. The intent of this Agreement is to make equipment, personnel and other resources available to public bodies, as defined in ORS 30.260 (4)(a)(b)(c)(d) from other public entities when it reasonably appears that additional personnel, equipment is needed to respond to a major criminal incident, natural disaster, civil disorder or special event occurring within the jurisdiction of the Requesting Entity.

#### 3. PROCEDURE

- a). Request for Assistance. Whenever, in the opinion of a Requesting Official, there is a need for assistance from other Entities, the



Requesting Official may call upon the Responding Official of any other entity to furnish assistance.

- b). Response to Request. Upon the request for assistance from a Requesting Entity, the Responding Official may authorize and direct his/her Entity's personnel to provide assistance to the Requesting Entity. This decision will be made after considering the needs of the Responding Entity and the availability of resources.
- c). Recall of Assistance. The Responding Official may at any time recall such assistance when in his or her best judgment or by order from the governing body of the responding Entity, it is considered to be in the best interests of the Responding Entity to do so.
- d). Command of Scene. The Requesting Entity shall be in Command of the mutual aid scene. The personnel and equipment of the Responding Entity shall be under the direction and control of the Requesting Entity until the Responding Official withdraws assistance.
- e). Specialty Units. Units such as Tactical, SWAT, Hazardous Materials, Explosives and other specialized teams should maintain their unit integrity, and will be responsible to an Incident Commander from their Entity. The Incident Commander will coordinate their units actions with the Requesting Official.

#### 4. WORKERS' COMPENSATION

Each Entity shall be responsible for the injuries or death of its own personnel. Each entity will maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are providing assistance pursuant to this Agreement.

Each Entity waives the right to sue any other Entity for any workers' compensation benefits paid to its own employee or volunteer or their dependants, even if the injuries were caused wholly or partially by negligence of any other Entity or its officers, employees or volunteers.

#### 5. DAMAGE TO EQUIPMENT

Each Entity shall be responsible for damages to, or loss of its own equipment.

#### 6. COSTS

Mutual Aid incidents are usually considered to be short-term, and costs are borne by each Responding Entity. However, for Major Incidents that would fall under the Federal Emergency Management Agency rules, this Agreement constitutes a written agreement that costs can be charged and reimbursed to the Responding Agency.

## 7. LIABILITY

For the purposes of the Oregon Tort Claims Act (ORS 30.260 to 30.300), the personnel of the Responding Entity are deemed to be agents of the Requesting Agency.

The Requesting Agency agrees to defend and indemnify the Responding Entity against any claims brought or actions filed against the Responding Entity or any officer, employee or volunteer of the Responding Entity for injury to, death of, or damage to the property of any third person or persons, arising from the performance and provision of assistance in responding to a request for assistance by the Requesting Entity pursuant to this Agreement.

Under no circumstances, however, shall an Entity be required to pay on behalf of itself and other parties, any amounts in excess of the limits on liability established in ORS Chapter 30 applicable to any one Entity. The limits of liability for some or all entities may not be added together to determine the maximum amount of liability for any entity.

The intent of the section is to impose on each Requesting Entity a limited duty to defend and indemnify a Responding Entity for claims arising within the Requesting Entity's jurisdiction subject to the limits of liability under ORS Chapter 30. The purpose of creating this duty to defend and indemnify is to simplify the defense of claims by eliminating the conflicts among defendants, and to permit liability claims to be defended by a single attorney.

No Entity signing this agreement nor any officer of any Entity shall be liable to any other Entity or to any other person for failure of any Entity to furnish assistance to any other Entity, or for recalling assistance, both as described in the Agreement.

## 8. DURATION

This Agreement will be in force for a period of five (5) years from the date of execution. Any Entity may withdraw from this agreement upon thirty (30) days written notice to the other entities signing this agreement.

9. EXECUTION

Each Entity hereto has read, agreed to and executed this Mutual Aid Agreement on the date indicated.

CLACKAMAS COUNTY

BY: \_\_\_\_\_  
Commissioner/Date

CITY OF CANBY

BY: \_\_\_\_\_  
Mayor/Date

CITY OF GLADSTONE  
BY: Wade Byers 1/22/04  
Mayor/Date

CITY OF MILWAUKIE  
BY: \_\_\_\_\_  
Mayor/Date

CITY OF SANDY  
BY: [Signature]  
Mayor/Date

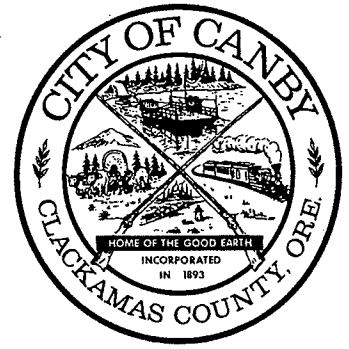
CITY OF LAKE OSWEGO  
BY: \_\_\_\_\_  
Mayor/Date

CITY OF WEST LINN  
BY: \_\_\_\_\_  
Mayor/Date

CITY OF OREGON CITY  
BY: \_\_\_\_\_  
Chief of Police/Date

CITY OF MOLALLA  
BY: [Signature] 1/15/04  
Mayor/Date

# MEMORANDUM



**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Darren J. Nichols, Associate Planner*  
**DATE:** *February 24, 2004*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**RE:** *Annexation application ANN 03-07 (Cam/Dodds)*

---

Issue: Adoption of findings, conclusions, and final order for ANN 03-07 (19.91 acres north of NE Territorial Road along the west side of N Locust).

Synopsis: After a public hearing on February 18, 2004, the City Council voted 4-3 to approve this annexation and forward to Canby voters. Findings are the final, written confirmation of that oral decision.

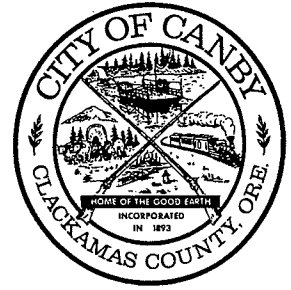
Recommendation: Staff recommends that City Council adopt the findings for ANN 03-07.

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

Options:

1. Change the findings or
2. Adopt as written

Attached: Findings for ANN 03-07



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

**A REQUEST TO ANNEX 19.91  
ACRES OF LAND INTO THE  
CITY OF CANBY**

**) FINDINGS, CONCLUSIONS & ORDER  
) ANN 03-07  
) (Cam/Dodds)**

## **NATURE OF APPLICATION**

The applicant is seeking to annex two tax lots containing 19.91 acres tax lot into the City of Canby (Lots 400 / 500 of Tax Map 3-1E-28C). If annexed, the applicant intends to build approximately 76 single family homes accessed from N Holly Street and from N Locust Street. The site is located north of NE Territorial Road between N Holly and N Locust. The property is currently designated priority "A" for annexation according to Canby's Comprehensive Plan.

## **HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting January 12, 2004. The City Council held a second public hearing to consider the application at its meeting on February 18, 2004.

## **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.

## **CRITERIA AND STANDARDS - continued**

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;
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.

## **FINDINGS AND REASONS**

The City Council deliberated on all evidence and testimony presented at the February 18, 2004 meeting. The City Council incorporates the February 11, 2004 Staff Report and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the February 11, 2004 Staff Report insofar as they do not conflict with the following supplemental findings:

1. The City Council discussed the need for platted building lots in Canby. Based upon the staff report, the Council determined that there is a buildable land inventory of approximately 4 years, which includes both platted and un-platted land within the City limits. The council found that the platted buildable lands in Canby are estimated at only 8 months supply. The Council also considered evidence submitted by Ralph Netter regarding an estimated time frame for development of parcels within the Buildable Land Inventory. Lee Leighton provided a graphic diagram of Mr. Netter's estimated time frame. Based upon Mr. Netter's "Available Lot Estimate" exhibit and Mr. Leighton's diagram, the Council found that several of those properties will not likely be platted or developed within the next four years. Therefore, a need for residential land is established.
2. The City Council confirmed with the applicant that he would be willing to enter into a development agreement regarding access improvements to N Locust Street. The applicant indicated that he is willing to work with the City of Canby to ensure adequate access.
3. Additional discussion addressed the intersection at NE Territorial and Hwy 99E. Councilors considered evidence submitted by John Schmitz demonstrating the existence of adequate Hwy access on N Pine, N Redwood and N Ivy to serve the access needs of the subject parcel without relying on the intersection at Territorial and Hwy 99. Although the intersection remains a traffic concern until improved, the Council finds that adequate public facilities are available to safely serve the needs of the subject parcel.
4. The Council also considered two letters from adjacent farm property owners in support of the proposed annexation. Neighboring farm uses indicated no conflict with existing residences and no anticipated conflicts with the proposed residences.

## **CONCLUSION**

The City Council concludes that, based on the findings and conclusions contained in the February 11, 2004 staff report and the February 18, 2004 public hearing and based on Council deliberations on February 11, 2004:

1. The land is designated as Priority "A" for annexation.

Findings, Conclusions & Order

PAGE 4 of 6

ANN 03-07

2. The current buildable land supply is estimated at 4 years within the City of Canby. The supply of platted land available for immediate development is currently significantly less than the 3 years considered sufficient, thereby establishing an overall need for land.
3. The subject property is part of a larger tract of farm land and is surrounded by other productive farm land. The established need for residential land and the parcel's designation as priority "A" for annexation take precedence over farm uses.
4. Access to the site from N Locust Street is currently inadequate. The Council finds that this criterion can be met, however, through a development agreement ensuring that adequate access for the subject parcel and for future neighboring development will be constructed when needed.
5. Traffic conditions at the intersection of NE Territorial and Hwy 99E continue to operate at level of service "F" during peak hours under all scenarios. The intersection is currently scheduled for signalization in 2006 and remains a traffic hazard until improved. Because traffic from the subject property has adequate access to several alternative intersections that access Hwy 99E, the Council finds that sufficient public facilities and services are available. The City and other service-providers are able to provide the property with urban level services upon development.
6. The annexation proposal complies with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statute.
8. No natural hazards have been identified on the site.
9. Urbanization of the subject property would have limited impact on designated open space, scenic, historic or natural resource areas.
10. Adverse economic impacts are not likely to result from annexation of the subject parcel.

#### **ORDER**

**IT IS ORDERED BY THE CANBY CITY COUNCIL** that annexation application ANN 03-07 is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the May 18, 2004 general election ballot.



**I CERTIFY THAT THIS ORDER** approving ANN 03-07 was presented to and **APPROVED** by the Canby City Council.

DATED this 3rd day of March, 2004.

---

Melody Thompson, Mayor  
City of Canby

---

Darren J. Nichols  
Associate Planner

**ATTEST:**

**ORAL DECISION – February 18, 2004**

AYES: Carson, Johnson, Oliver, Newton

NOES: Daniels, Blackwell

ABSTAIN: None

ABSENT: None

**WRITTEN FINDINGS – March 3, 2004**

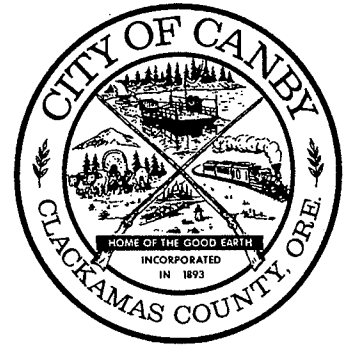
AYES:

NOES:

ABSTAIN:

ABSENT:

# MEMORANDUM



**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Darren J. Nichols, Associate Planner*  
**DATE:** *February 24, 2004*  
**THROUGH:** *Mark C. Adcock, City Administrator*  
**RE:** *Annexation application ANN 03-08 (Wightman/ Netter)*

---

Issue: Adoption of findings, conclusions, and final order for ANN 03-08 (1.65 acres located on the east side of S Ivy Street, south of SE 13<sup>th</sup> and across the street from HOPE Village).

Synopsis: After a public hearing on February 18, 2004, the City Council voted 6-0 to approve this annexation and forward to Canby voters. Findings are the final, written confirmation of that oral decision.

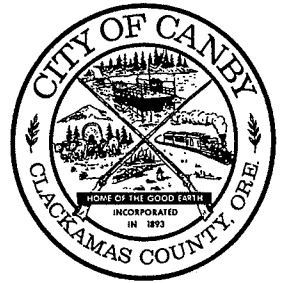
Recommendation: Staff recommends that City Council adopt the findings for ANN 03-08.

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

Options:

1. Change the findings or
2. Adopt as written

Attached: Findings for ANN 03-08



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

**A REQUEST TO ANNEX 1.65  
ACRES OF LAND INTO THE  
CITY OF CANBY**

) **FINDINGS, CONCLUSIONS & ORDER**  
) **ANN 03-08**  
) **(Wightman/Netter)**

**NATURE OF APPLICATION**

The applicant is seeking to annex one 1.65 acre tax lot into the City of Canby. If annexed, the applicant intends to build approximately 10 single family homes. The site is located on the east side of S Ivy Street, south of SE 13<sup>th</sup> and across the street from HOPE Village. The parcel contains one single family residence with several outbuildings. The property is currently designated priority "A" for annexation according to Canby's Comprehensive Plan.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting January 26, 2004. The City Council held a second public hearing to consider the application at its meeting February 18, 2004.

**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.

## **CRITERIA AND STANDARDS - continued**

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;
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.

## **FINDINGS AND REASONS**

The City Council deliberated on all evidence and testimony presented at the February 18, 2004 meeting. The City Council incorporates the February 11, 2004 Staff Report and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the February 11, 2004 Staff Report insofar as they do not conflict with the following supplemental findings:

1. The City Council discussed the need for platted building lots in Canby. Based upon the staff report, the Council determined that there is a buildable land inventory of approximately 4 years, which includes both platted and un-platted land within the City limits. The council found that the platted buildable lands in Canby are estimated at only 8 months supply. The Council also considered evidence submitted by Ralph Netter regarding an estimated time frame for development of parcels within the Buildable Land Inventory. Lee Leighton provided a graphic diagram of Mr. Netter's estimated time frame. Based upon Mr. Netter's "Available Lot Estimate" exhibit and Mr. Leighton's diagram, the Council found that several of those properties will not likely be platted or developed within the next four years. Therefore, a need for residential land is established.
2. The City Council confirmed with the applicant that he would be willing to enter into a development agreement limiting access onto S Ivy Street. The applicant stated that he would insure that the development will not access directly onto S Ivy.
3. The Council heard staff testimony and testimony from the applicant indicating that a temporary sewer lift station can easily be provided to the satisfaction of the City Engineer and Canby Public Works. The Council found that installation of a sewer lift station is feasible and will be adequate to serve the subject parcel.

## **CONCLUSION**

The City Council concludes that, based on the findings and conclusions contained in the February 11, 2004 staff report and the February 18, 2004 public hearing and based on Council deliberations on February 18, 2004:

1. The land is designated as Priority "A" for annexation.
2. The current buildable land supply is estimated at 4 years within the City of Canby. The supply of platted land available for immediate development is currently significantly less than the 3 years considered sufficient, thereby establishing an overall need for land.

3. The subject property is a smaller tract of non-productive farm land, surrounded by other productive farm land. The established need for residential land and the parcel's designation as priority "A" for annexation take precedence over farm uses.
4. Access to the site from S Ivy Street is currently not available. The Council finds that the access criterion can be met, however, through a development agreement ensuring that adequate access to the subject parcel will be constructed only through development on surrounding parcels and not access directly onto S Ivy Street.
5. Public facilities and services are available or can be made available to serve the subject parcel, including a temporary sewer lift station to be provided by the developer(s). The City and other service-providers are able to provide the property with urban level services upon development.
6. The annexation proposal complies with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statute.
8. No natural hazards have been identified on the site.
9. Urbanization of the subject property would have limited impact on designated open space, scenic, historic or natural resource areas.
10. Adverse economic impacts are not likely to result from annexation of the subject parcel.

#### **ORDER**

**IT IS ORDERED BY THE CANBY CITY COUNCIL** that annexation application ANN 03-08 is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the May 18, 2004 general election ballot.

**I CERTIFY THAT THIS ORDER** approving ANN 03-08 was presented to and **APPROVED** by the Canby City Council.

DATED this 3rd day of March, 2004.

---

Melody Thompson, Mayor  
City of Canby

---

Darren J. Nichols  
Associate Planner

**ATTEST:**

**ORAL DECISION – February 18, 2004**

AYES: Blackwell, Carson, Johnson, Oliver, Newton, Daniels,

NOES: None

ABSTAIN: None

ABSENT: None

**WRITTEN FINDINGS – March 3, 2004**

AYES:

NOES:

ABSTAIN:

ABSENT:

February 23, 2004

Memo to: Mayor/City Council

From: John H. Kelley, City Attorney 

Re: Resolution No. 850 - Ballot measure/Summary for Voter's Pamphlet for  
Annexation 03-07 - Dodds/Cam Annexation

Attached is Resolution No. 850. It certifies to Clackamas County elections department for the May 18, 2004 election, Annexation 03-07, application from G. Cam Ltd., for Martha and Thomas Dodds to annex 19.91 acres of property to the City. The Planning Commission recommended denial of the application by a 4-3 vote and City Council approved it by a 4-2 vote following a public hearing on February 18, 2004, and in accordance with the City Charter requirement for voter-approved annexations, the application must be voted on at the next election.

Attached to the Resolution is a Notice of City Measure Election with the Caption, Question and Summary for the ballot and the Explanatory Statement for the Voter's Pamphlet. The City is required to submit these documents when it refers an issue to a vote of the electorate. The deadline for having the material to the County is March 18, 2004.

The guideline for drafting the Notice and Explanatory Statement is that, "the City Attorney, to the best of his ability, give a true and impartial statement of the purpose of the measure in such language that the ballot title not create any argument for, or create prejudice against the measure". I believe the Notice and Statement I have prepared meets this criteria. If you agree, a motion to approve Resolution No. 850 is appropriate. If you are not satisfied with the language, please feel free to contact me before the meeting or draft some alternative language to bring to the meeting so that it can be discussed.



## RESOLUTION NO. 850

**A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 19.91 ACRES DESCRIBED AS TAX LOTS 400 and 500 OF TAX MAP 3-1E-28C LOCATED IN THE NORTH CENTRAL PORTION OF THE CITY, NORTH OF NE TERRITORIAL ROAD, BETWEEN N LOCUST AND N HOLLY, SOUTH OF NE 22<sup>ND</sup> AVENUE; 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 MAY 18, 2004 ELECTION.**

**WHEREAS**, the Canby City Council has heretofore approved an application filed by G. Cam Ltd on behalf of Martha and Thomas Dodds, owners of tax lots 400 and 500 of Tax Map 3-1E-28C, to annex 19.91 acres into the City of Canby; and

**WHEREAS**, pursuant to the provisions of the Canby City Charter, the approval of the proposed annexation 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 March 18, 2004 in order to appear on the ballot for the May 18, 2004 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 May 18, 2004 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 May 18, 2004 election.

This Resolution shall take effect on March 3, 2004.

ADOPTED this \_\_\_\_ day of March, 2004, by the Canby City Council.

---

Melody Thompson - Mayor

ATTEST:

---

Chaunee Seifried  
City Recorder, Pro-Tem

## NOTICE OF CITY MEASURE ELECTION

### CITY OF CANBY

Notice is hereby given that on Tuesday, May 18, 2004, 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 APPROVING ANNEXATION OF 19.91 ACRES INTO CITY OF CANBY**

**QUESTION:** SHALL 19.91 ACRES LOCATED NORTH OF NE TERRITORIAL, NEAR N HOLLY BE ANNEXED INTO CANBY?

**SUMMARY:** Annexation is the legal process to bring property inside the City limits. G. Cam Ltd, on behalf of property owners Martha and Thomas Dodds, has filed an application asking the City to bring 19.91 acres of property into the City limits. The legal description of the property is Tax Lots 400 and 500 of Tax Map 3-1E-28C. The two lots are adjoining and are located north of NE Territorial Road between N Locust and N Holly Streets, south of NE 22<sup>nd</sup> Avenue. This application has previously been approved by the City Council following a public hearing on February 18, 2004. The property currently contains several single family residences and outbuildings, but is mainly vacant farmland. The City's Zoning Map calls for low density residential zoning for the property upon annexation. Although no development application is pending at this time, future development would allow approximately seventy-six (76) single family lots. Any further development requires City review and must comply with land use laws.

The following authorized local government official hereby certifies that the above ballot title is true and complete.

\_\_\_\_\_  
Chaunee Seifried,  
Canby City Recorder - Pro Tem

\_\_\_\_\_  
Date

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE APPROVING ANNEXATION OF 19.91 ACRES  
INTO THE CITY OF CANBY**

Measure No. \_\_\_\_\_

Word Total 328 (500 max)

This measure would approve the annexation of 19.91 acres into the city limits of the City of Canby. The property which would be included within the City boundaries is known as Tax Lots 400 and 500 of Tax Map 3-1E-28C and is located generally in the north central part of the City. Tax lots 400 and 500 are currently zoned RRFF-5 (Rural Residential, Farm and Forest). If annexation into the City is approved by the voters, the property would be rezoned Low Density Residential as required under the City's Comprehensive Land Use Plan (Comp Plan).

Tax Lots 400 and 500 are owned by Martha and Thomas Dodds. G. Cam Ltd has filed the application for annexation on behalf of the owner as allowed by Oregon law. The City, following its Charter, has put this matter before the voters for approval.

The two lots are adjoining and are located north of NE Territorial Road between N Locust and N Holly Streets, south of NE 22<sup>nd</sup> Avenue. The lots presently contain several single family residences, as well as outbuildings. The majority of the property is vacant farmland. Under the current zoning regulations, future development would allow approximately seventy-six (76) lots to be developed. However, annexation alone does not set the future uses to be built on the property. Any further development would have to comply with state and local land use laws and would be subject to public review.

The Canby Comp Plan also designates properties for annexation as Priority "A", "B" or "C". Priority "A" properties shall generally be annexed prior to those areas shown as Priority "B" which, in turn, shall generally be annexed prior to those areas shown as Priority "C". This lot is designated Priority "A" property. The Canby Planning Commission recommended denial of the application to the City Council by a 4-3 vote. The Canby City Council approved the annexation application by a 4-2 vote following a public hearing on February 18, 2004.

**CITY OF CANBY**

\_\_\_\_\_  
Chaunee Seifried,  
Canby City Recorder - Pro tem

\_\_\_\_\_  
Date

February 23, 2004

Memo to: Mayor/City Council

From: John H. Kelley, City Attorney 

Re: Resolution No. 851 - Ballot measure/Summary for Voter's Pamphlet for  
Annexation 03-08 - Wightman/Netter Annexation

Attached is Resolution No. 851. It certifies to Clackamas County elections department for the May 18, 2004 election, Annexation 03-08, application from Ralph Netter for Robert and Doris Wightman to annex 1.65 acres of property to the City. The Planning Commission recommended denial of the application by a 6-1 vote and City Council approved it by a 6-0 vote following a public hearing on February 18, 2004, and in accordance with the City Charter requirement for voter-approved annexations, the application must be voted on at the next election.

Attached to the Resolution is a Notice of City Measure Election with the Caption, Question and Summary for the ballot and the Explanatory Statement for the Voter's Pamphlet. The City is required to submit these documents when it refers an issue to a vote of the electorate. The deadline for having the material to the County is March 18, 2004.

The guideline for drafting the Notice and Explanatory Statement is that, "the City Attorney, to the best of his ability, give a true and impartial statement of the purpose of the measure in such language that the ballot title not create any argument for, or create prejudice against the measure". I believe the Notice and Statement I have prepared meets this criteria. If you agree, a motion to approve Resolution No. 851 is appropriate. If you are not satisfied with the language, please feel free to contact me before the meeting or draft some alternative language to bring to the meeting so that it can be discussed.

## RESOLUTION NO. 851

**A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 1.65 ACRES DESCRIBED AS TAX LOT 5100 OF TAX MAP 4-1E-04DA LOCATED IN THE SOUTH CENTRAL PORTION OF THE CITY AT 1550 S. IVY STREET, SOUTH OF SE 13<sup>TH</sup> AVENUE; 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 MAY 18, 2004 ELECTION.**

**WHEREAS**, the Canby City Council has heretofore approved an application filed by Ralph Netter on behalf of Robert and Doris Wightman, owners of tax lot 5100 of Tax Map 4-1E-04DA, to annex 1.65 acres into the City of Canby; and

**WHEREAS**, pursuant to the provisions of the Canby City Charter, the approval of the proposed annexation 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 March 18, 2004 in order to appear on the ballot for the May 18, 2004 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 May 18, 2004 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 May 18, 2004 election.

This Resolution shall take effect on March 3, 2004.

ADOPTED this \_\_\_\_ day of March, 2004, by the Canby City Council.

---

Melody Thompson - Mayor

ATTEST:

---

Chaunee Seifried  
City Recorder, Pro-Tem

## **NOTICE OF CITY MEASURE ELECTION**

### **CITY OF CANBY**

Notice is hereby given that on Tuesday, May 18, 2004, 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 APPROVING ANNEXATION OF 1.65 ACRES INTO CITY OF CANBY**

**QUESTION:** SHALL 1.65 ACRES LOCATED EAST OF S IVY AND SOUTH OF SE 13<sup>TH</sup> AVENUE BE ANNEXED INTO CANBY?

**SUMMARY:** Annexation is the legal process to bring property inside the City limits. Ralph Netter, on behalf of property owners, Robert and Doris Wightman, has filed an application asking the City to bring 1.65 acres of property into the City limits. The legal description of the property is Tax Lot 5100 of Tax Map 4-1E-04DA. The lot is located at 1550 S. Ivy Street, south of SE 13<sup>th</sup> Avenue. This application has previously been approved by the City Council following a public hearing on February 18, 2004. The property currently contains one single family residence. The City's Zoning Map calls for medium density residential zoning designation for the property upon annexation. Although no development application is pending at this time, future development would allow approximately ten (10) residential lots. Any future development requires City review and must comply with land use laws.

The following authorized local government official hereby certifies that the above ballot title is true and complete.

\_\_\_\_\_  
Chaunee Seifried,  
Canby City Recorder - Pro Tem

\_\_\_\_\_  
Date



EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE APPROVING ANNEXATION OF 1.65 ACRES  
INTO THE CITY OF CANBY**

Measure No. \_\_\_\_\_

Word Total 296 (500 max)

This measure would approve the annexation of 1.65 acres into the city limits of the City of Canby. The property which would be included within the City boundaries is known as Tax Lot 5100 of Tax Map 4-1E-04DA and is located generally in the south central part of the City. Tax lot 5100 is currently zoned EFU (Exclusive Farm Use). If annexation into the City is approved by the voters, the property would be rezoned Medium Density Residential as required under the City's Comprehensive Land Use Plan (Comp Plan).

Tax Lot 5100 is owned by Robert and Doris Wightman. Ralph Netter has filed the application for annexation on behalf of the owner as allowed by Oregon law. The City, following its Charter, has put this matter before the voters for approval.

The lot is located at 1550 S. Ivy Street, south of SE 13<sup>th</sup> Avenue. The lot presently contains one single family residence. Under the current zoning regulations, future development would allow approximately ten (10) residential lots to be developed. However, annexation alone does not set the future uses to be built on the property. Any further development would have to comply with state and local land use laws and would be subject to public review.

The Canby Comp Plan also designates properties for annexation as Priority "A", "B" or "C". Priority "A" properties shall generally be annexed prior to those areas shown as Priority "B" which, in turn, shall generally be annexed prior to those areas shown as Priority "C". This lot is designated Priority "A" property. The Canby Planning Commission recommended denial of the application to the City Council by a 6-1 vote. The Canby City Council approved the annexation application by a unanimous vote following a public hearing on February 18, 2004.

**CITY OF CANBY**

\_\_\_\_\_  
Chaunee Seifried,  
Canby City Recorder - Pro tem

\_\_\_\_\_  
Date

Memo to: Mayor and City Council

From: John H. Kelley, City Attorney 

Date: February 24, 2004

Re: Resolution No. 845 - Amending Personnel Policy Manual regarding pre-employment drug testing and per diem meal allowance for exempt personnel

If you recall, back in October, 2003 I originally brought Resolution No. 845 to you regarding changes in the personnel manual to reflect recent Federal legal cases that held that "pre-employment" drug testing could violate "due process" under the 4<sup>th</sup> Amendment to the Constitution. Kim had attended a employment law seminar where Kathy Peck was the instructor. Her advice was to eliminate general pre-employment testing as a condition of employment unless the job involved what she described as "safety sensitive" duties.

At that same time back in October, we were told that CIS was putting together a model personnel policy manual and that it would be available soon to all cities. Therefore, we pulled Resolution No. 845 from the agenda to wait and deal with possible further changes in our manual at one time. However, it seems its taking longer than we expected to get the model manual from CIS, so we decided to bring Resolution No. 845 back for your approval at this time.

Also, Mark wanted to make a change in the meals and allowances policy to provide a meal procedure for exempt employees, since nothing discusses them in the current policy. This addition is similar to the procedure for both Union contracts.

We have categorized our job descriptions accordingly and made the changes in the personnel policy manual. You need to approve Resolution No. 845 to legally effect the change. Any questions, feel free to call me.

**RESOLUTION NO. 845**

**A RESOLUTION AMENDING THE CITY OF CANBY PERSONNEL POLICY MANUAL REGARDING PREEMPLOYMENT DRUG TESTING AND PER DIEM MEAL ALLOWANCE FOR EXEMPT EMPLOYEES**

**WHEREAS**, on February 20<sup>th</sup>, 2002, the Canby City Council passed Resolution No. 775 adopting a personnel policy manual for municipal employees, and

**WHEREAS**, due to recent legal decisions, it is necessary to amend certain sections of the current personnel policy regarding preemployment drug testing, and

**WHEREAS**, it is desirable to provide a procedure for per diem meal allowance for exempt employees in the personnel policy manual, now therefore

**IT IS HEREBY RESOLVED** that Sections 15.1, 23, 26 and 30 of the City of Canby personnel policy manual as amended and attached hereto as Exhibits "A" thru "D" and by this reference incorporated herein, are hereby adopted and implemented by the Canby City Council.

This resolution shall take effect March 3, 2004.

ADOPTED this \_\_\_\_ day of March, 2004, by the Canby City Council.

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

ATTEST:

\_\_\_\_\_  
Chaunee Seifried, City Recorder, Pro-Tem

# City Of Canby

## 15.1 Pre-Employment Drug Testing

The City of Canby, in a positive effort to provide a healthy and safe working environment for all its employees and the citizens of the community, requires a pre-employment drug screen for certain categories of employees. Finalists for safety sensitive positions including protection of sensitive information or positions dependent upon workplace integrity must successfully pass the drug screen test as a final condition of the job offer. The confirmed presence of any illegal drug in a urine or blood sample will be cause for disqualifying an applicant. If an applicant is taking prescription medication, this must be substantiated by a physician's report or statement. The report should indicate whether or not the taking of these legal drugs will prevent or alter the person's ability to perform essential job duties. If the report indicates the person cannot perform essential job duties while under the influence of these prescribed legal drugs, this shall be grounds for disqualification.

## 15.2 Controlled Substances & Alcohol Use & Testing Program

*Employees covered by the Federal Highway Administration (USDOT)*

*Reference-Appendix A:*

*Employee Acknowledgment Form and Information*

*Reference- Appendix B:*

*City of Canby Safety Handbook*

# City Of Canby

## 23.0 Travel Authorization And Reimbursement

Reimbursement for expenses involved with employee travel on City related business activities shall follow these general guidelines:

- The City retains the right to determine the mode of transportation most economically appropriate to the type of travel involved.
- Travel requests must be pre-approved by the Department Director or a designee.
- Expenses for public transportation (taxi, bus, rental car, etc.) are reimbursable if supported by actual receipts and approval by the Department Director. If the employee is using a City vehicle or rental car, necessary parking expenses, toll fees, etc. are reimbursable as approved by the director and supported by actual receipts, or documented by the employee in cases where no receipt is available.
- Hotel and motel accommodations should be appropriate to the purpose of the trip. Expenses for lodging must be supported by actual receipts in order to be reimbursed.
- Meals provided as part of a program will not be reimbursed. Union employees, refer to bargaining agreements for information regarding reimbursement of meal expenses. Exempt employees shall be paid a per diem meal allowance, while on approved travel and/or training pursuant to current IRS per diem rates for the city or state in which expenses occurred.
- Expenses for telephone or other communication methods are reimbursable with department director approval only if they are directly related to City business and are supported by actual receipts.
- Any expenses for family members or other non-City employees who accompany the employee on a trip are not reimbursable.
- Any expenditures for alcoholic beverages are not reimbursable.
- Current Travel/Expense Forms can be obtained from Accounts Payable.

COUNCIL APPROVED: February 20, 2002, Resolution 775

EFFECTIVE: March 3, 2004

Updates Approved: June 4, 2003, Resolution 827, March 3, 2004, Resolution 845

# City Of Canby

## 26.0 Recruitment, Applications & Selection

### PURPOSE

Appointment and promotion to City positions shall be based upon merit and fitness. Selection will be based on job-related knowledge, skills, abilities, experience, education, and when appropriate, prior demonstrated performance and aptitude. Further, the City seeks to assure fair treatment of all applicants and all employees in recruitment, selection and placement without regard to age, sex, marital status, race, creed, color, national origin, sexual preference, or mental or physical disability. It is the policy of the City of Canby to not accept, retain, or respond to unsolicited resumes or applications.

### POLICY

All recruitment announcements will be posted in City Hall so current City employees may have the opportunity to apply for such positions. Position vacancies may also be advertised in the appropriate labor market. Positions may be opened internally (for City of Canby regular and temporary employees only), or externally (for City employees, volunteers, and non-employees), at the discretion of the City Administrator and as prescribed in applicable labor agreements.

All persons applying for employment with the City must fill out an employment application form. In addition, they may be requested in the recruitment announcement to provide a resume, letters of reference, or other appropriate information that fairly test and determine the qualifications, fitness, and ability of a candidate to perform the duties of the position for which they seek appointment.

All applications shall be thoroughly screened for abilities and qualifications. Tests of selection mechanisms may include, but are not limited to, performance tests, experience and education ratings, oral examinations; demonstrations of skill and tests of physical fitness and written examinations. Final selection of full-time employees is subject to approval by the City Administrator.

Department Heads may complete selection of part-time and short-term temporary employees, with the City Administrator's concurrence on the Personnel Action Form.

### PRE-EMPLOYMENT REQUIREMENTS

- All Applicants offered a position with the City would be required to submit to medical exam. Applicants for safety sensitive positions must successfully pass a pre-employment drug screening also.
- Background checks for all positions will be required.

### EMPLOYMENT

New employees or employees changing job positions will be considered to be trial service employees for at least six (6) months before attaining regular status.

# City Of Canby

## 30.0 Temporary Seasonal Employees/ Intern Employment/Contracted Services

### TEMPORARY/SEASONAL EMPLOYEES

Temporary/seasonal employees may be hired to perform temporary or seasonal work whose anticipated duration is less than 1,040 hours in a year. Employment may be terminated at the sole discretion of the department director and/or City Administrator. Temporary/seasonal employees are not eligible to participate in the fringe benefit package offered to regular employees and do not receive sick leave, vacation, or holiday pay. A temporary/seasonal employee may apply for regular City positions as an internal candidate. Temporary/seasonal employees are covered by the City's liability and worker's compensation insurance, and may be eligible for unemployment compensation upon termination pursuant to law.

An offer of temporary appointment shall be made in writing and shall clearly state the temporary nature of the work, expected duration of employment, a statement that the employment may be terminated at any time at the sole discretion of the City, and the absence of any fringe benefits. When a department utilizes the services of a temporary service agency neither a written offer of employment nor a Personnel Action form is required. Temporary/seasonal employees, including agency personnel, are required to submit to a medical exam, successfully pass a pre-employment drug screening for safety sensitive positions, and may be subject to verification of applicable motor vehicle license and acceptable driving record prior to employment with the City.

It is the obligation of the hiring department to maintain records of the hours worked by temporary/seasonal employees and to ensure that employment does not exceed the limit established in applicable labor agreements.

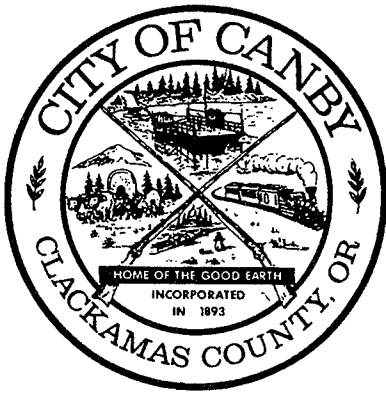
### INTERN EMPLOYMENT

The City may place, or contract with other agencies to place, student interns on projects of limited duration with the City. An intern is usually a full or part time student at an accredited college or university whose work with the City is within their course of study.

Guidelines for the employment of student interns are as follows:

- Interns must successfully pass a pre-employment drug screening for safety sensitive positions prior to appointment;

1 of 2




# City of Canby

Police Department

February 25, 2004

To: Mayor Thompson  
Members of City Council

From: Chief Ken Pagano 

Re: Domestic Preparedness  
Site Security Ordinance # 1135

I have asked the City Attorney to draft an ordinance for the material and labor to complete the site security for the Municipal Court and Police Department. This State Domestic Preparedness Grant will reimburse the city for material \$11,860.00 after the project is completed. The labor cost of \$3,570.00 will be split between Municipal Court and the Police Department. Total cost of the project is \$15,430.00. The department requested three bids for the work to be completed. I recommend that the City Council approve Ordinance #1135.

Bids:

**NorthWest Pacific  
Aluminum & Glass, LLC  
29125 s.w. Casting St.  
Wilsonville, OR 97070-7711  
PH#503-570-9930  
\$11,860.00 Materials  
\$3,570.00 Labor  
Total \$15,430.00**

JB Glass  
104 Center  
Molalla, Ore  
\$15,508.00 Material and labor.

ACE Glass Co.      **Withdrew bid do to overlapping projects, unable to**  
103 S.W. 1<sup>st</sup> ave,    **In a timely manor.**  
Canby, Ore  
\$10,570.75



## **ORDINANCE NO. 1135**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH NORTHWEST PACIFIC ALUMINUM AND GLASS, LLC OF WILSONVILLE, OREGON FOR THE PURCHASE AND INSTALLATION OF SECURITY GLASS FOR THE CANBY POLICE DEPARTMENT AND MUNICIPAL COURT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby wishes to purchase and have installed security and bullet resistant glass for the Canby Police Department and Municipal Court; and

**WHEREAS**, the City staff has budgeted for \$3,570.00 to be shared equally by the Police Department and Municipal Court. The remainder of the cost of the project (\$11,860.00) will be paid through an Emergency Preparedness Grant from the Federal Government Department of Homeland Security, and

**WHEREAS**, in accordance with ORS Chapter 279 and OAR Chapter 137 of the Public Contracting Law, three written bids were obtained for the purchase and installation of the security glass as follows; and

1. ACE Glass Co., of Canby, Oregon .....\$ 10, 570.75.
2. NorthWest Pacific of Wilsonville, Oregon.....\$ 15, 430.00.
3. JB Glass of Molalla, Oregon.....\$ 15, 508.00.

Although ACE Glass was the lowest bid, it withdrew it's bid, indicating it was unable to complete the job in a timely manor, and

**WHEREAS**, NorthWest Pacific Aluminum and Glass, LLC., of Wilsonville, Oregon submitted the next lowest quote of \$15, 430.00; and

**WHEREAS**, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this quote and believes it to be in the best interest of the City; 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 NorthWest Pacific Aluminum and Glass, LLC., of Wilsonville, Oregon for the purchase and installation of security glass for the Police

Department and Municipal Court for the quoted amount of \$15, 430.00.

Section 2. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to provide the security glass to the Police Department and Municipal Court without further delay, 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 Wednesday, March 3, 2004, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, March 17, 2004, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City hall in Canby, Oregon.

\_\_\_\_\_  
Chaunee Seifried  
City Recorder - Pro Tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 17<sup>th</sup> day of March, 2004, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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

**ATTEST:**

\_\_\_\_\_  
Chaunee Seifried, City Recorder - Pro Tem



*City of Canby*

*From the Desk of the City Administrator*

23 February 2004

To:           **Jamie Johnk, CBRD**  
                  **John Williams**  
                  **Joyce Peters**

I just received my printed copy of the Industrial Business Profiles document. The three of you should be commended for all your hard work in developing this terrific document. It has been well planned and professionally executed. I think it truly puts the community's industrial partners on display and reflects most favorably on the community and the CBRD/City partnership.

Thanks again to you all for a job well done.

A handwritten signature in black ink, which appears to read "Mark C. Anderson". The signature is fluid and cursive.

cc:   **Mayor & Council** ✓  
      **Board of Directors CBRD**

## PROSPECTS LIST

Project Name	Location	Description	Description	# Employees	S.F. Requirements	Current Location	Current Employees	Current S.F.	Status	Referred By:	DATE
PROJECT JAYS	Industrial	Call Center/Warehouse	Relocation	65	2,500	Clackamas County	8	1,800	Signed intent to lease a Canby property	Clackamas County	Jan-03
PROJECT LOUVERS	Industrial	Manufacturing	Relocation	60-65	30,000-35,000 / 2 Acres	Washington County	45-50	20,000 / 1 Acres	Remain in contact. Looking at Canby in August 2004	City of Canby	Feb-03
PROJECT EXPOS	Industrial	Manufacturing	Start-Up	15 to 20	10,000	Vancouver	none	none	Postponing until Spring 2004	Mollia	May-03
PROJECT PARTS	Industrial	Manufacturing/Distribution	Relocation	100-200	300,000-500,000	Beaverton	100	Less than 300,000	Remain in contact. Timeline undetermined	Canby Referral	May-03
PROJECT SUCCESS	Industrial	Manufacturing/Biotech	Expansion	400-500	50 Acres	unknown	unknown	unknown	Rules out Canby - considering one Portland site.	Clackamas County	Sep-03
PROJECT SCI	Industrial	Manufacturing	Expansion	60-65	60,000 + 5000-10000	Vancouver	65	unknown	<b>CLOSING CANBY PLANT JULY 2004</b>	Direct to CBRD	Sep-03
PROJECT CHEESE	Industrial	Manufacturing	Start-Up	10+	4,000-5,000/1-2 Acres	unknown	unknown	unknown	Considering Canby site	Clackamas County	Oct-03
PROJECT GLASS	Industrial	Manufacturing	Relocation	60	15,000-20,000/5-8 Acres	unknown	unknown	unknown	Still interested in Canby...no current timeline	Clackamas County	Oct-03
PROJECT EDGE	Industrial	Manufacturing	Relocation	25-30	20,000-30,000/2-5 Acres	unknown	unknown	unknown	Still interested in Canby...no current timeline	Clackamas County	Oct-03
PROJECT OTOPIUS	Industrial	Distribution	Relocation	200-450	500,000/100-130 Acres	unknown	unknown	unknown	Project on temporary hold	Clackamas County	Nov-03
PROJECT WOOD	Industrial	Distribution	Relocation	10 to 15	8,000 s.f. / 1.50 acres	Canby	10	3,000 s.f.	Selected property on Redwood...project pending	Clackamas County	Dec-03
PROJECT PRESS	Industrial	Distribution	Expansion	10 +	30,000	Canby	57	unknown	Waiting for decision from owner on expansion	Realtor	Dec-03
PROJECT EQUIPMENT	Industrial	Distribution	Relocation	100	5 Acres	Portland	68	30,000 s.f.	Will follow-up in early March	Walk-in	Dec-03
PROJECT RED	Industrial	Manufacturing	Relocation	unknown	100,000	Portland	88	unknown	Will follow-up in early March	City of Canby	Dec-03
PROJECT REAL	Commercial	Real Estate	Relocation	12	1,200 s.f.	Milwaukie	unknown	unknown	<b>Secured on a site in Milwaukie</b>	Realtor	Dec-03
PROJECT SCOPE	Industrial	Manufacturing	Relocation	unknown	10,000 s.f.	West Linn	8	unknown	Purchased lightway commercial property to locate office	Direct to CBRD	Jan-04
PROJECT EDUCATE	Commercial	Educational	Start-Up	2 to 5	3,000 s.f.	Clackamas County	unknown	4,300 s.f.	Will follow-up in mid to late February	City of Canby	Jan-04
PROJECT SALMON	Industrial	Manufacturing	Relocation	32+	4-5 Acres	Canby	None	none	Toured site-provided add'l information requested	Karen Foote	Jan-04
PROJECT DIRECTION	Industrial	Manufacturing	Relocation	5 to 7	1,200 s.f.	Canby	32	2 Acres	Working with broker.	Realtor	Dec-03
PROJECT PALETTE	Industrial	Manufacturing	Start-Up	25+	4-5 Acres/20,000 s.f.	Salem	none	none	Working to complete information for business plan.	Direct to CBRD	Dec-03
PROJECT SOURCE	Industrial	Manufacturing	Relocation	unknown	unknown	Portland	25	unknown	Will follow-up in mid to late February	Tradeshaw Lead	Jan-04
PROJECT BLACK	Commercial/Manufacturing	Manufacturing	Relocation	unknown	unknown	North Bend	unknown	unknown	Early stage of project-check back Aug-Sept.	Tradeshaw Lead	Jan-04
PROJECT LABEL	Industrial	Manufacturing	Relocation	unknown	unknown	Lake Oswego	unknown	unknown	Proposal submitted January 2004	Tradeshaw Lead	Jan-04
PROJECT BOILER	Industrial	Manufacturing	Relocation	unknown	unknown	Portland	unknown	unknown	<b>Not looking to expand at this time</b>	Tradeshaw Lead	Jan-04
PROJECT MOLDING	Industrial	Manufacturing	Relocation	30+	unknown	Portland	unknown	unknown	Requested additional information	Tradeshaw Lead	Jan-04
PROJECT PASTURES	Industrial	Manufacturing	Relocation	25 to 35	10,000-20,000 s.f.	California	30	unknown	Will follow-up in mid to late February	Tradeshaw Lead	Jan-04
PROJECT FISH	Industrial	Manufacturing	Relocation	25 to 35	15,000-20,000 s.f.	Noli	25	unknown	Will follow-up in mid to late February	Tradeshaw Lead	Jan-04
PROJECT AIR	Industrial	Manufacturing	Relocation	unknown	2,000 s.f.	Tualatin	unknown	1,800 s.f.	Will follow-up in mid to late February	Tradeshaw Lead	Jan-04
PROJECT ATHLETICS	Industrial	Distribution	Relocation	3,000 - 5,000	unknown	Portland	unknown	unknown	Will follow-up in mid to late February	Tradeshaw Lead	Jan-04
PROJECT INTERMOUNTAIN	Industrial	Distribution	Start-Up	25 to 30	New or Existing	Portland	5 to 6	1,000	<b>Looking in Portland area at this time.</b>	Realtor	Jan-04
PROJECT BLUE	Industrial	Distribution	Relocation	25 to 30	30,000 s.f. / 4-5 Acres	Portland	25 to 30	Less than 300,000	Requested additional information	Walk-in	Jul-03
PROJECT YOUTH	Commercial	Service	Start-Up	2 to 3	unknown	Portland	unknown	unknown	Site tour February 6th	Clackamas County	Feb-04
PROJECT HAWK	Commercial	Service	Relocation	3	1,300 s.f.	unknown	none	none	Submitted information. Site tour February 17th	OECDD	Feb-04
PROJECT FINN	Unknown	Service	Relocation	unknown	unknown	Canby	3	1,000 s.f.	Discussed available properties.	City of Canby	Feb-04
PROJECT MICRO	Commercial/Manufacturing	Service	Relocation	3.5	1,500 s.f.	Oregon City	3.5	1,000 s.f.	Considering an investment in Canby property	City of Canby	Feb-04
									Refined available properties.	Redwood Bento	Feb-04

NO: *Canby Council*  
*CBRD's 1/3 project*  
*Just as of 2/20/04*



OFFICE OF THE CITY ADMINISTRATOR

26 February 2004

Attached are copies of City Administrator Out & About and a listing of City Council/Mayor Miscellaneous Meetings for the month of February 2004.

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Mark C. Adcock".

Mark C. Adcock

**Attachments**

Feb. 2004

## *City Administrator - Out and About*

The following is a list of external meetings and community events/activities attended by the City Administrator.

January 31 Friday	Chamber of Commerce Annual Retreat in Lincoln City <b>Public Relations Goal</b>
February 1 Sunday	Canby Kids Breakfast and Awards Ceremony <b>Public Relations Goal</b>
February 2 Monday	Canby Kiwanis Club <b>Public Relations Goal</b>
February 3 Tuesday	Chamber of Commerce Monthly Luncheon <b>Public Relations Goal</b>
February 5 Thursday	Meeting w/ Jamie Johnk, Greg Jenks and industrial prospect represented by Grubb & Ellis Real Estate in Portland. City tour - visit to sites - looking for 4 to 5 acre location. <b>Economic Development Goal</b>
February 7 Saturday	Chamber of Commerce Dinner & Wine Auction @WVCC <b>Public Relations Goal</b>
February 9 Monday	Canby Kiwanis Club
February 10 Tuesday	City Administrator's Round Table Luncheon @ Tres Café <b>Public Relations Goal</b>
February 17 Tues	Industrial Site visit - prospect seeking 125 acres for distribution center. <b>Economic Development Goal</b>
February 17 Tues	Meeting with Jamie Goldberg - Police Union Attorney.

Discuss misc issues    **Labor Relations Goal**

**February 19 Thurs.**

Meeting with mgt. of Johnson Controls to discuss future plans and discuss concerns re: traffic and circulation issues to Johnson Control plant.  
**Economic Development & Community Relations Goal**

**February 23 Mon.**

Canby Kiwanis Club

**February 24 Tues**

CBRD Board of Directors mtg.    **ECONOMIC DEVELOPMENT GOAL**

**February 24 Tues**

Mock Interview Project @ Canby High School as part of the Future Focus Class  
**Public Relations Goal**

**February 26 Thurs**

Meeting w/ AFSCME and Police Union presidents  
**Labor Relations Goal**

Feb 2004

**Communications/Council Relations Goal**

***City Council/Mayor Miscellaneous Meetings***

<b>February 9</b>	<b>Monday</b>	<b>Coffee meeting w/ Councilor Oliver re: URD/IAA issues</b>
<b>February 9</b>	<b>Monday</b>	<b>Brief meeting w/ Councilor Daniels re: URD/IAA issues</b>
<b>February 12</b>	<b>Thurs</b>	<b>Breakfast meeting w/ Mayor and Randy Carson - Discussion re: misc. city issues - budget, URD, Council Retreat, etc.</b>
<b>February 12</b>	<b>Thurs</b>	<b>Coffee mtg w/ Councilor Oliver: Discussion re: misc. city issues</b>
<b>February 18</b>	<b>Wed.</b>	<b>Lunch meeting w/ Councilors Daniels &amp; Newton</b>
<b>February 23</b>	<b>Monday</b>	<b>Dinner meeting w/ Councilor Blackwell</b>
<b>February 24</b>	<b>Tuesday</b>	<b>Lunch w/ Councilor Oliver - discussion re: misc. issues</b>
<b>February 26</b>	<b>Wed.</b>	<b>Lunch meeting w/ Council President Carson - discussion re: misc. City issues</b>