



## AMENDED AGENDA

### CANBY CITY COUNCIL MEETING

May 4, 2016

7:30 PM

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

*Mayor Brian Hodson*

*Council President Tim Dale  
Councilor Clint Coleman  
Councilor Tracie Heidt*

*Councilor Traci Hensley  
Councilor Greg Parker  
Councilor Todd Rocha*

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### CITY COUNCIL MEETING

#### 1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance
- C. Presentation by Canby Telcom
- D. Water Safety Month Proclamation Pg. 1
- E. Poppy Days in Canby Proclamation Pg. 2
- F. NALC Food Drive Day Proclamation Pg. 3
- G. Walk and Bike Challenge Month Proclamation Pg. 4
- H. Public Works Week Proclamation Pg. 5

#### 2. COMMUNICATIONS

#### 3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

*(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)*

#### 4. MAYOR'S BUSINESS

#### 5. COUNCILOR COMMENTS & LIAISON REPORTS

#### 6. CONSENT AGENDA

*(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)*

- A. Approval of Minutes of the April 20, 2016 Regular Meeting

**7. RESOLUTIONS & ORDINANCES**

- A. Ord. 1435, Amending CMC Chapter 16.110.025 Regarding the Historic Review Board Committee for the City of Canby **(2<sup>nd</sup> Reading)** Pg. 7
- B. Ord. 1439, Authorizing Contract with Heard Farms for Wastewater Sludge Removal **(2<sup>nd</sup> Reading)** Pg. 9
- C. Ord. 1440, Authorizing Contract w/Curran-McLeod, Inc. Consulting Engineers for Engineering Services to Complete Improvements to the Wastewater Treatment Facility for Sludge Storage and Conditioning; Transferring Budget Appropriations; and Declaring an Emergency **(2<sup>nd</sup> Reading)** Pg. 16

**8. NEW BUSINESS**

- A. Property Annexations and Neighborhood Meetings

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

**10. CITIZEN INPUT**

**11. ACTION REVIEW**

**12. EXECUTIVE SESSION: ORS 192.660(2)(h) 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 503.266.0733. A copy of this Agenda can be found on the City’s web page at [www.ci.canby.or.us](http://www.ci.canby.or.us). City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

# Proclamation

## Water Safety Month

WHEREAS, citizens of Canby recognizes that swimming and aquatic-related activities contribute to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, the citizens of Canby understand the essential role that Water Safety education plays in preventing drownings and recreational water-related injuries and have demonstrated that understanding by approving funding to continue operation of the Canby Swim Center; and

WHEREAS, the City of Canby is aware of the contributions made by the recreational water industry, as represented by the many organizations, including the Canby Swim Center, involved in the National Water Safety Month Coalition that have developed safe swimming facilities, swim lessons and other aquatic programs, home pools and spas, and related activities; and

WHEREAS, these facilities, along with the many natural rivers and ponds in the Canby area are providing healthy places to recreate, learn and grow, build self-esteem, confidence, and a sense of self-worth which contributes to the quality of life in our community; and

WHEREAS, the citizens of Canby recognize the ongoing efforts and commitment of the Canby Swim Center to educate the public, and especially children, regarding Water Safety issues so that they may safely enjoy the benefits of all water related activities; and

WHEREAS, the citizens of Canby understand the vital importance of communicating Water Safety rules and programs to families and individuals of all ages, whether owners of private pools, users of public swimming facilities, or visitors to area rivers and swimming holes.

NOW THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim the month of May as:

### WATER SAFETY MONTH

in the City of Canby and do urge all those in the Canby area to support and promote this observance.

Given unto my hand this 4<sup>th</sup> day of May 2016 in the City of Canby, Oregon.

Brian Hodson  
Mayor



Office of the Mayor

# Proclamation

## Poppy Days in Canby

**WHEREAS**, the American Legion Auxiliary adopted the poppy as its memorial flower which pays tribute to the war dead and serves as a source of aid to surviving veterans and their families; and

**WHEREAS**, the contributions provided by the American Legion Auxiliary are put to good use in support of the children and youth of the Canby community and toward the rehabilitation and care of veterans; and

**WHEREAS**, the work of the American Legion Auxiliary through the annual sale of poppies is a proper and fitting tribute to the acts of patriotism and courage made by our nation's veterans in time of national need.

**NOW, THEREFORE**, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim the month of May 2016 as

### Poppy Month

and I do further proclaim May 22 through May 30, 2016 as

### Poppy Days in the City of Canby

and urge all citizens of the City of Canby to proudly remember the sacrifices made by the members of our Armed Forces by contributing to the American Legion Auxiliary during the month of May 2016 in support of their service to our country's veterans.

Given unto my hand this 4<sup>th</sup> day of May 2016.

Brian Hodson  
Mayor





Office of the Mayor

# Proclamation

## National Association of Letter Carriers National Food Drive Day

**WHEREAS**, the National Association of Letter Carriers, in conjunction with the National Rural Letter Carriers' Association, U.S. Postal Service, UFCW, United Way, AFL-CIO, Valpak, Local Food Pantries, and Valassis are coordinating a non-perishable food drive; and

**WHEREAS**, the Saint Vincent de Paul Food Bank at St. Patrick's Church and Canby's local food banks are in need of food at all times; and

**WHEREAS**, the local food bank shelves are continually in need of replenishment due to the ongoing dramatic increase in the need for food; and

**WHEREAS**, last year 7,314 pounds of non-perishable food was collected; and

**WHEREAS**, during the last six months the total number of food orders at the St. Vincent de Paul Food Bank in Canby was 5,448; and

**WHEREAS**, the local letter carriers will collect non-perishable food items placed by mailboxes on Saturday, May 9, 2015.

**NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim Saturday, May 7, 2016 as**

2016 National Association of Letter Carriers  
National Food Drive Day

and urge all citizens of the City of Canby to participate in this worthwhile event by donating non-perishable food items to help feed those who are in need.

Given unto my hand this 4<sup>th</sup> day of May 2016.

Brian Hodson  
Mayor





Office of the Mayor

# Proclamation

## Walk and Bike Challenge Month

WHEREAS, for more than a century the bicycle has been an utilitarian, economical, environmentally sound and effective means of personal transportation, recreation and fitness; and

WHEREAS, the City of Canby encourages the use of bicycles and walking as a means of transportation; and

WHEREAS, the City of Canby recognizes the bicycle as a legitimate roadway vehicle and therefore is entitled to legal and responsible use of all public roadway facilities in Oregon except highways constructed to interstate standards; and

WHEREAS, the City of Canby encourages the increased use of the bicycle and walking – benefiting all citizens of Canby by improving air quality, reducing traffic congestion and noise, decreasing the use of and dependence upon finite energy sources, and fostering physical fitness; and

WHEREAS, the City of Canby recognizes the use of bicycles and walking as viable modes of transportation, endeavors to promote safe and responsible bicycling and walking and is committed to incorporating the development of bicycle and pedestrian facilities in the vision for revitalizing downtown Canby; and

WHEREAS, the City of Canby's Bicycle and Pedestrian Committee in conjunction with the Mayor encourage all citizens to ride their bicycles or walk to work, to the store, to the park, to school, and around their neighborhoods and with friends, family, and neighbors to promote the personal and societal benefits achieved from bicycling and walking.

NOW THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim the month of May as:

### WALK AND BIKE CHALLENGE MONTH

in the City of Canby and do urge all those in the Canby area to support and promote this observance.

Given unto my hand this 4<sup>th</sup> day of May 2016 in the City of Canby, Oregon.

Brian Hodson  
Mayor





Office of the Mayor

# Proclamation

## PUBLIC WORKS WEEK

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as parks, fleet, sewer, streets, stormwater, wastewater, and public buildings; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction are vitally dependent upon the efforts and skill of public works staff; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim May 15-21, 2016 as:

### Public Works Week

in the City of Canby and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works staff make every day to our health, safety, comfort and quality of life.

Given unto my hand this 4<sup>th</sup> day of May 2016 in the City of Canby, Oregon.

Brian Hodson  
Mayor



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**ORDINANCE NO. 1435**

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE  
CHAPTER 16.110.025 REGARDING THE HISTORIC REVIEW BOARD COMMITTEE  
FOR THE CITY OF CANBY**

**WHEREAS**, Chapter 16.110.025 of the Canby Municipal Code created an Historic Review Board to advise the Planning Commission and City Council regarding alterations to historic landmarks and recommendations for designation of historic landmarks or districts; and

**WHEREAS**, the Historic Review Board has proposed expanding their membership size opportunity from three to five members to include up to seven members to better serve the community.

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

**Section 1.** Chapter 16.110.025 of the Canby Municipal Code is amended to read as noted. All other sections, shall remain in full force and effect as they presently appear.

**§16.110.025 Historic Review Board.**

1. For the purpose of this ordinance, the decisions regarding alterations to Historic Landmarks and recommendations for designation of Historic Landmarks or Districts, shall be accomplished by a City of Canby Historic Review Board.
2. Appointment and Composition. The City Council shall appoint ~~three (3) to five (5)~~ **seven (7)** individuals with a demonstrated positive interest, knowledge, or competence in historic preservation. To the extent possible, individuals chosen to serve on the Historic Review Board shall represent the disciplines listed in *The Secretary of the Interior's Proposed Historic Preservation Qualification Standards*. A majority of Board members shall reside or work inside Canby's Urban Growth Boundary. (Ord. 1369, 2013; Ord. 1435 2016)

Members are appointed by the City Council upon recommendation by the Committee Chairperson and assigned Council Liaison. The Mayor may vote only to break a tie, if necessary. Any Board member failing to attend three consecutive meetings without approval of the Board Chairperson may be removed by the Council and a new member appointed to complete the unexpired term. Historic Review Board members serve at the pleasure of the City Council and are subject to removal at any time by the Council with or without cause. (Ord. 1369, 2013)

3. Terms of Service. The members of the Historic Review Board shall be appointed for three (3) years, and may be reappointed or removed at the discretion of the City Council. In the first appointment one (1) members shall be appointed for three (3) years, at least one (1) members shall be appointed for two (2) years, and at least one (1) member shall be appointed for one (1) year.(Ord. 905, 1994; Ord. 1061, 2000, Ord. 1369, 2013)

**2nd Reading**

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, April 20, 2016 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 May 4, 2016 commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

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Kimberly Scheafer, MMC  
City Recorder

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on May 4, 2016 by the following vote:

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

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Brian Hodson  
Mayor

ATTEST:

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Kimberly Scheafer, MMC  
City Recorder

**ORDINANCE NO. 1439**

**AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A CONTRACT WITH HEARD FARMS FOR WASTEWATER SLUDGE REMOVAL.**

**WHEREAS**, the City of Canby requires the hauling of tonnage of wet sludge as part of its wastewater treatment; and

**WHEREAS**, the City of Canby desires to secure a cost-effective contract for this integral service.

**THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:**

**Section 1.** The City Administrator is hereby authorized on behalf of the City to enter into a Personal Services Agreement with Heard Farms to haul wet sludge for the City. A copy of the Personal Services Agreement is attached hereto as Exhibit "A."

**Section 2.** The effective date of this Ordinance shall be July 1, 2016.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, April 20, 2016, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, May 4, 2016, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

THIS HAS BEEN REVIEWED  
BY THE FINANCE DIRECTOR

*Halcyon* 5/12/16

\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 4<sup>th</sup> day of May 2016, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Brian Hodson  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

## EXHIBIT "A"

### PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between the CITY OF CANBY (City) and Heard Farms (Contractor).

- A. City requires services which Contractor is capable of providing, under terms and conditions hereinafter described.
- B. Contractor is able and prepared to provide such services as City requires, under those terms and conditions set forth.

The Parties Agree a Follows:

- 1. Scope of Services. Contractor's services under this Agreement are set forth in Exhibit "A", attached hereto.
- 2. Contractor Identification. Contractor shall furnish to City its employer identification number as designated by the Internal Revenue Service, or Contractor's Social Security Number, as City deems applicable. **Contractor understands it is required to obtain a City of Canby Business License for conducting business in the City. Contractor agrees to obtain a Canby Business License prior to commencing work under this contract.**
- 3. Compensation:
  - A. City agrees to pay Contractor according to the proposed rate schedule submitted with the Contractor's proposal. See Exhibit "A" attached hereto. Contractor agrees that \$149,000 is the not to exceed price of this contract, without prior written approval from the City.
  - B. City agrees to pay Contractor within 30 days after receipt of Contractor's itemized statement reporting completed work. Amounts disputed by the City may be withheld pending settlement.
  - C. City certifies that sufficient funds are available and authorized for expenditure to finance costs of the Agreement.
- 4. Contractor is Independent Contractor.
  - A. Contractor's services shall be provided under the general supervision of the City Administrator. Contractor shall be an independent contractor for all purposes and shall be entitled to no compensation other than the compensation provided for under Paragraph #3 of this Agreement.
  - B. Contractor certifies that it is either a carrier-insured employer or a self-

insured employer as provided in Chapter 656 of the Oregon Revised Statutes.

- C. Contractor hereby represents that no employee of the City, or any partnership or corporation in which a City Employee has an interest, will or has received any remuneration of any description from Contractor, either directly or indirectly, in connection with the letting or performance of this contract, except as specifically declared in writing.

5. **Subcontractors and Assignment.** Contractor shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from City. City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to Contractor. Any subcontract between Contractor and subcontractor shall require the subcontractor to comply with all terms and conditions this agreement as well as applicable OSHA regulations and requirements.

6. Work is Property of City. All work performed by Contractor under this Agreement shall be the property of the City. City agrees that the Contractor may use its work in other assignments if all City of Canby data and references are removed.

7. Term.

A. This Agreement may be terminated by:

- 1. Mutual written consent of the parties.
- 2. Either party, upon thirty (30) days written notice to the other, delivered by certified mail or in person.
- 3. City, effective upon deliver of written notice to Contractor by certified mail, or in person, under any of the following:
  - a. If Contractor fails to provide services called for by this Agreement within the time specified or any extension thereof.
  - b. If Contractor fails to abide by the terms of this Agreement.
  - c. If services are no longer required.

8. Professional Standards. Contractor shall be responsible to the level of competency presently maintained by others practicing the same type of work in City's community, for the professional and technical soundness, accuracy and adequacy of all work and materials furnished under this authorization.

9. Insurance. Insurance shall be maintained by the Contractor with the following limits:

A. For General Liability Insurance, Contractor shall provide a Certificate of

Insurance naming the City of Canby as an additional insured showing policy limits of not less than \$1,000,000 Combined Single Limit for Bodily Injury/Property Damage on an occurrence basis.

B. For Automobile Insurance, Contractor shall provide a Certificate of Insurance naming the City of Canby as an additional insured showing policy limits of not less than \$1,000,000 Combined Single Limit for Bodily Injury/Property Damage on an occurrence basis for any vehicle used for City business or use otherwise related to this contract.

C. For Professional Liability—errors and omissions—a \$1,000,000 Combined Single Limit for Bodily Injury/Property Damage limit. (**Required for Architects, Appraisers, Attorneys, Consultants, Engineers, Planners, Programmers, etc.**). For purposes of professional liability, Contractor shall provide proof of a Certificate of Insurance naming the City of Canby as a Certificate Holder.

D. For Worker’s Compensation, Contractor shall provide a Certificate of Insurance naming the City of Canby as a Certificate Holder showing Worker’s Compensation Insurance with statutory limits of coverage.

Procuring of such required insurance at the above-stated levels shall not be construed to limit the Contractor’s liability hereunder. Notwithstanding said insurance, Contractor shall be obligated for the total amount of any damage, injury, loss, or related costs caused by or related to Contractor’s negligence or neglect connected with this Agreement.

10. Legal Expense. In the event legal action is brought by City or Contractor against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorneys fees, costs, and expenses as may be set by the court both at trial and all appeals there from.
11. Modifications. Any modification of the provisions of this Agreement shall be in writing and signed by the parties.
12. Notices. Any notice, bills, invoices, reports, or other documents required by this Agreement shall be sent by the parties by United States mail, postage paid, or personally delivered to the address below. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing unless sooner received.
13. Entire Agreement. This Agreement contains the entire understanding of the parties regarding the subject matter of this Agreement and supersedes all prior and contemporaneous negotiations and agreements, whether written or oral, between the parties with respect to the subject matter of this Agreement.

14. Savings Clause. Should any provision of this Agreement be found to be in conflict with any federal or Oregon state law, or final controlling decision of any Court of competent jurisdiction, or ruling or decision of any controlling administrative agency, all other provisions of this Agreement shall remain in full force and effect.

CITY: Rick Robinson, City Administrator  
City of Canby  
PO Box 930  
Canby, OR 97013

CONTRACTOR: Richard Heard  
Heard Farms, Inc.  
578 Rogers Road  
Roseburg, OR 97471

Please submit invoices to: **Attn: Accounts Payable**  
**City of Canby**  
**PO Box 930**  
**Canby, OR 97013**  
[potterl@ci.canby.or.us](mailto:potterl@ci.canby.or.us)

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers.

**CONTRACTOR:** **CITY OF CANBY**

By: By:

Date: Date:

**Subcontractors will be used \_\_\_\_\_ No (If Yes, please complete List of Subcontractors attached to this Agreement)**

Approved as to Form:

\_\_\_\_\_  
Joseph Lindsay  
City Attorney





## EXHIBIT "A"

### **Memorandum of Agreed Terms for Personal Services Agreement between City of Canby, Oregon (City) and Heard Farms, Inc. for Sludge (Bio-solid) Pickup and Disposal**

In addition to the terms agreed upon in the signed Personal Services Agreement, the City of Canby, Oregon (City) and Heard Farms, Inc. agree to the following:

1. Heard Farms will pick up and dispose of sludge (bio-solids) from the City of Canby Wastewater Treatment Plant located at 1480 NE Territorial Road in Canby, Oregon, at a price of \$57.00 per ton.
2. The above-stated price of \$57.00 per ton will remain fixed for a two-year period. Any subsequent change to the \$57.00 per ton price will require a new agreement.
3. The Personal Services Agreement shall be effective from July 1, 2016 through June 30, 2017.
4. Sludge (Bio-solids) are not required to meet the Class B standard in order for Heard Farms to haul them off and dispose of them. The sludge (bio-solids) need to be in the range of 5 to 9 on the pH scale. Any testing of the sludge (bio-solids) for disposal purposes will be the responsibility of Heard Farms and will be done at the Heard Farms facility. The City is not responsible for this testing at all.
5. Containers and/or trailers will be hauled off by Heard Farms within 24 hours of the load being ready.
6. The City does not guarantee a specific amount of sludge (bio-solids) each month, but parties assume that amounts should be fairly consistent from month to month.
7. The City continues to reserve the right to haul off or have hauled off any excess sludge that Heard Farms cannot pick up and dispose of in a timely manner (by the end of each work week). The goal is to not have any sludge (bio-solid) storage over the weekends.
8. Ownership of the sludge (bio-solids) transfers to Heard Farms upon pick-up by Heard Farms.

**ORDINANCE NO. 1440**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC. CONSULTING ENGINEERS FOR ENGINEERING SERVICES TO COMPLETE IMPROVEMENTS TO THE WASTEWATER TREATMENT FACILITY FOR SLUDGE STORAGE AND CONDITIONING, TRANSFERRING BUDGET APPROPRIATIONS; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the CITY OF CANBY has heretofore advertised and received proposals for Municipal Engineering Services, completed oral interviews and selected CURRAN-McLEOD, INC. for the City's Engineer of Record; and

**WHEREAS**, CURRAN-McLEOD, INC. has provided the Master Planning, preliminary engineering and cost estimates for engineering and construction of the Sludge Storage and Conditioning Improvements to the Wastewater Treatment Facilities; and

**WHEREAS**, the CITY OF CANBY anticipates the need to complete construction of the Sludge Storage and Conditioning Project within the 2016-17 Fiscal Year; and

**WHEREAS**, the City would like to start the engineering on the planned 2016-2017 Sludge Storage and Conditioning Project now with an estimate of \$80,000 to be realized prior to June 30<sup>th</sup>; and

**WHEREAS**, due to timing variances between budget and actual \$62,015 of expenses from the 2014-2015 wastewater treatment plant improvements were realized in fiscal year 2015-2016 instead of fiscal year 2014-2015; and

**WHEREAS**, the 2015-2016 Wastewater Treatment Facility Biosolids Loadout Building Improvements bids exceeded our budget estimates by approximately \$150,000 as noted in Ordinance 1431 approved by council; and

**WHEREAS**, to maintain compliance with local budget law the City would like to transfer \$292,015 of appropriations from existing appropriations in the Sewer Combined Fund unallocated capital outlay category to the wastewater treatment plant capital outlay category in order to have sufficient budget authority to meet the requirements of the timing and amount variances between budget and actual of improvements noted herein; 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 CURRAN-MCLEOD, INC for engineering services in an amount not to exceed \$245,000; and the City Administrator shall transfer or cause to be

2nd Reading

transferred \$292,015 of appropriations from existing appropriations in the Sewer Combined Fund unallocated capital outlay category to the wastewater treatment department capital outlay category.

**Section 2.** Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to complete this project as soon as possible, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, April 20, 2016, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, May 4, 2016, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

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Kimberly Scheafer, MMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 4<sup>nd</sup> day of May, 2016, by the following vote:

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

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Brian Hodson, Mayor

ATTEST:

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Kimberly Scheafer, MMC  
City Recorder