



AGENDA

CANBY CITY COUNCIL MEETING

May 6, 2015

7:30 PM

Council Chambers
155 NW 2nd Avenue

Mayor Brian Hodson

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

*Councilor Traci Hensley
Councilor Greg Parker
Councilor Todd Rocha*

CITY COUNCIL MEETING

1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance
- C. Presentation by Canby Fire District of Commendation Letter/Award to Canby Police Officer Nolan Booth
- 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
- I. Drinking Water Week Proclamation Pg. 6

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 15, 2015 City Council Work Session & Regular Meeting
- B. Approval of Minutes of the April 22, 2015 City Council Work Session

7. RESOLUTIONS & ORDINANCES

- A. Ord. 1415, Vacating Two Small Portions of S. Berg Parkway Public Right-of-Way that Lie on the West Side Outside of the Existing Paved Street and Sidewalk (**2nd Reading**) Pg. 7
- B. Ord. 1417, Authorizing a Contract with Heard Farms for Wastewater Sludge Removal; and Declaring an Emergency Pg. 15

8. NEW BUSINESS

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

10. CITIZEN INPUT

11. ACTION REVIEW

12. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation and ORS 192.660(2)(e) Real Property

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. 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 6th day of May 2015 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 2015 as

Poppy Month

and I do further proclaim the week of May 24 through May 30, 2015 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 2015 in support of their service to our country's veterans.

Given unto my hand this 6th day of May 2015.

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, Valpak, U.S. Postal Service, United Way, AFL-CIO, Feeding America, 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 8,377 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 5,301; 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 9, 2015 as

2015 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 6th day of May 2015.

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 6th day of May 2015 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 17-23, 2015 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 6th day of May 2015 in the City of Canby, Oregon.

Brian Hodson
Mayor





Office of the Mayor

Proclamation

DRINKING WATER WEEK

WHEREAS, water is our most valuable natural resource; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, any measure of a successful society - low mortality rates, economic growth and diversity, productivity, and public safety - are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of our city is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues by getting to know their water.

NOW THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim May 3-9, 2015 as:

Drinking Water Week

in the City of Canby and call upon all citizens to support and promote this observance.

Given unto my hand this 6th day of May 2015 in the City of Canby, Oregon.



Brian Hodson
Mayor

ORDINANCE NO. 1415

AN ORDINANCE VACATING TWO SMALL PORTIONS OF SOUTH BERG PARKWAY PUBLIC RIGHT-OF-WAY THAT LIE ON THE WEST SIDE OUTSIDE OF THE EXISTING PAVED STREET AND SIDEWALK.

WHEREAS, the City presently owns and maintains two small portions of S Berg Parkway public right-of-way to be vacated with both the northern and southern vacation areas described through legal description and illustrated in Exhibits “A”, and attached heretofore and by this reference incorporated herein; and

WHEREAS, the City initiated this vacation of the aforementioned right-of-way areas by application on March 23, 2015; and

WHEREAS, the application was reviewed by the Planning Director and found to be complete; and

WHEREAS, the vacation is requested as a component set forth in an agreement reached between the City and adjacent property owner to resolve several existing land issues; and

WHEREAS, the City Council adopts a condition of approval to reserve a utility easement in place of the street vacation areas to assure access to any existing utilities; and

WHEREAS, as required by law, notice of public hearing was published for two (2) consecutive weeks in the Canby Herald newspaper, posted on the area to be vacated, and mailed to all property owners within the State Statute defined “affected” area for both the northern and southern vacation areas as indicated in Exhibit “B”; and

WHEREAS, a public hearing was held on this matter before the Canby City Council on April 15, 2015 and all statutory requirements for the vacation were found to be met and the request suitable for approval; now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

1. The two public right-of-way areas as described by legal description and as illustrated in Exhibits “A” shall be vacated and title to the vacated property shall attach to the neighboring property owner.
2. The Canby City Council adopts a condition of approval reserving a utility easement in place of the vacated areas to assure access to any existing utilities.

2nd Reading

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on April 15, 2015, 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 6, 2015, commencing at the hour of 7:30 PM in the City Council Chambers located at 155 NW 2nd Avenue, Canby, Oregon

Kimberly Scheafer, MMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 6th day of May 2015, by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



6950 SW Hampton St., Ste. 170
Tigard, OR 97223-8330
Ph.: (503) 941-9585
Fax: (503) 941-9640
www.weddlesurveying.net

February 10, 2015

Job No. 4730 - Vacation
Legal Description

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
ANTHONY B. RYAN
58833

RENEWAL DATE: DECEMBER 31, 2016

EXHIBIT "A"

A tract of land for Right-Of-Way Vacation purposes being a portion of South Berg Parkway as described in Deed to the City of Canby recorded March 18, 1956 in Volume 539, Page 440, Clackamas County Deed Records, in the Northeast Quarter of Section 5, Township 4 South, Range 1 East, Willamette Meridian, City of Canby, Clackamas County, Oregon, more particularly described as follows:

Commencing at the Southeast corner of Parcel 2, Partition Plat No. 2009-044, a plat of record in said County, said corner being 15.00 feet Westerly of the centerline of said South Berg Parkway; thence along said right-of-way line South 00°03'00" East, a distance of 115.00 feet to a point opposite Engineer's Centerline Station 4+13.37, 15.00 feet from centerline per Survey No. PS 22239, Clackamas County Survey Records; thence South 89°57'00" West, a distance of 4.41 feet to the True Point of Beginning of the herein described tract of land; thence South 12°03'08" West, a distance of 28.78 feet to a point opposite Engineer's Centerline Station 4+42.31, 25.00 feet from centerline and the beginning of a non-tangent 891.73 foot radius curve to the left, a radial line bears South 88°14'29" East; thence along the arc of said curve 28.15 feet through a central angle of 1°48'31" (the long chord bears North 00°51'16" East, a distance of 28.15 feet); thence North 89°57'00" East, a distance of 5.59 feet to the True Point of Beginning.

Containing therein 77 Square Feet (0.002 Acres), more or less.

The Basis of Bearings for this description is Survey Number 22239, Clackamas County Survey Records.

EXHIBIT "A"

RIGHT-OF-WAY VACATION

IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF CANBY, CLACKAMAS COUNTY, OREGON

P.O.B.
S.E. CORNER, PARCEL 2,
PARTITION PLAT NO. 2009-044

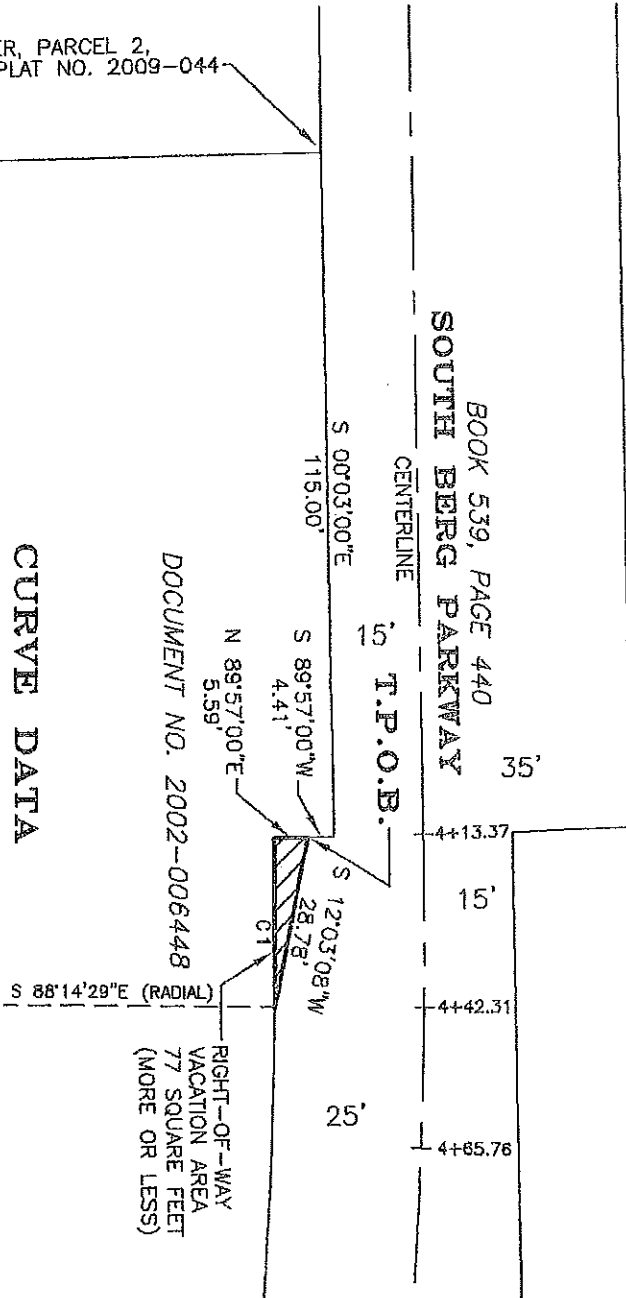
T.P.O.B. = TRUE POINT OF BEGINNING
P.O.B. = POINT OF BEGINNING



SCALE 1" = 30'
FEBRUARY 10, 2015

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	891.73'	28.15'	1°48'31"	28.15'	N 00°51'16" E

CURVE DATA



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
ANTHONY B. RYAN
58833

RENEWAL: DECEMBER 31, 2016



6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223
PH: (503) 941-9685 FAX: (503) 941-9640
www.weddlesurveying.net

JOB NO. 4730



6950 SW Hampton St., Ste. 170
Tigard, OR 97223-8330
Ph.: (503) 941-9585
Fax: (503) 941-9640
www.weddlesurveying.net

February 10, 2015

Job No. 4730 - Vacation
Legal Description

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Anthony B. Ryan
OREGON
JULY 13, 2004
ANTHONY B. RYAN
58833

RENEWAL DATE: DECEMBER 31, '16

EXHIBIT "A"

A tract of land for Right-Of-Way Vacation purposes being a portion of South Berg Parkway as described in Deed to the City of Canby recorded March 18, 1956 in Volume 539, Page 440, Clackamas County Deed Records, in the Northeast Quarter of Section 5, Township 4 South, Range 1 East, Willamette Meridian, City of Canby, Clackamas County, Oregon, more particularly described as Follows:

Commencing at the Southeast corner of Parcel 2, Partition Plat No. 2009-044, a plat of record in said County, said corner being 15.00 feet Westerly of the centerline of said South Berg Parkway; thence along the Westerly right-of-way line of said South Berg Parkway South 00°03'00" East, a distance of 115.00 feet to a point opposite Engineer's Centerline Station 4+13.37, 15.00 feet from centerline per Survey No. PS 22239, Clackamas County Survey Records; thence continuing along said right-of-way line South 89°57'00" West, a distance of 10.00 feet to the beginning of a non-tangent 891.73 foot radius curve to the right, a radial line bears North 89°57'00" East; thence along the arc of said curve 104.79 feet, through a central angle of 6°43'59" (the long chord bears South 03°19'00" West, a distance of 104.73 feet to the True Point of Beginning of the herein described tract of land, said point being opposite Engineer's Centerline Station 5+21.10, 25.00 feet from centerline; thence leaving said Westerly right-of-way line South 00°02'44" East, a distance of 129.11 feet to a point opposite Engineer's Centerline Station 6+49.71, 4.02 feet from centerline; thence South 89°51'23" West, a distance of 11.01 feet to a point opposite Engineer's Centerline Station 6+51.63, 14.85 feet from centerline; thence South 19°04'40" West, a distance of 122.96 feet to a point opposite Engineer's Centerline Station 7+73.05, 34.32 feet from centerline; thence South 21°47'23" West, a distance of 110.46 feet to a point opposite Engineer's Centerline Station 8+86.35, 55.00 feet from centerline, to said Westerly right-of-way line and the beginning of a non-tangent 452.44 foot radius curve to the left, a radial line bears South 74°42'12" East; thence along said Westerly right-of-way line and along the arc of said curve 42.09 feet, through a central angle of 05°19'48" (the long chord bears North 12°37'54" East, a distance of 42.07 feet); thence along a non-tangent line North 09°58'00" East, a distance of 27.89 feet; thence North 24°57'24" East, a distance of 115.99 feet; thence North 09°58'00" East, a distance of 125.57 feet to the beginning of an 891.73 foot radius curve to the left; thence along the arc of said curve 51.10 feet, through a central angle of 03°17'01" (the long chord bears North 08°19'30" East, a distance of 51.10 feet) to the True Point of Beginning.

Containing therein 2,920 Square Feet (0.067 Acres), more or less.

The Basis of Bearings for this description is Survey Number 22239, Clackamas County Survey Records.

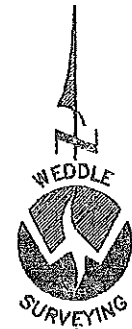
EXHIBIT "A"

RIGHT-OF-WAY VACATION

IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF CANBY, CLACKAMAS COUNTY, OREGON

T.P.O.B. = TRUE POINT OF BEGINNING
P.O.B. = POINT OF BEGINNING

P.O.B.
S.E. CORNER, PARCEL 2,
PARTITION PLAT NO. 2009-044



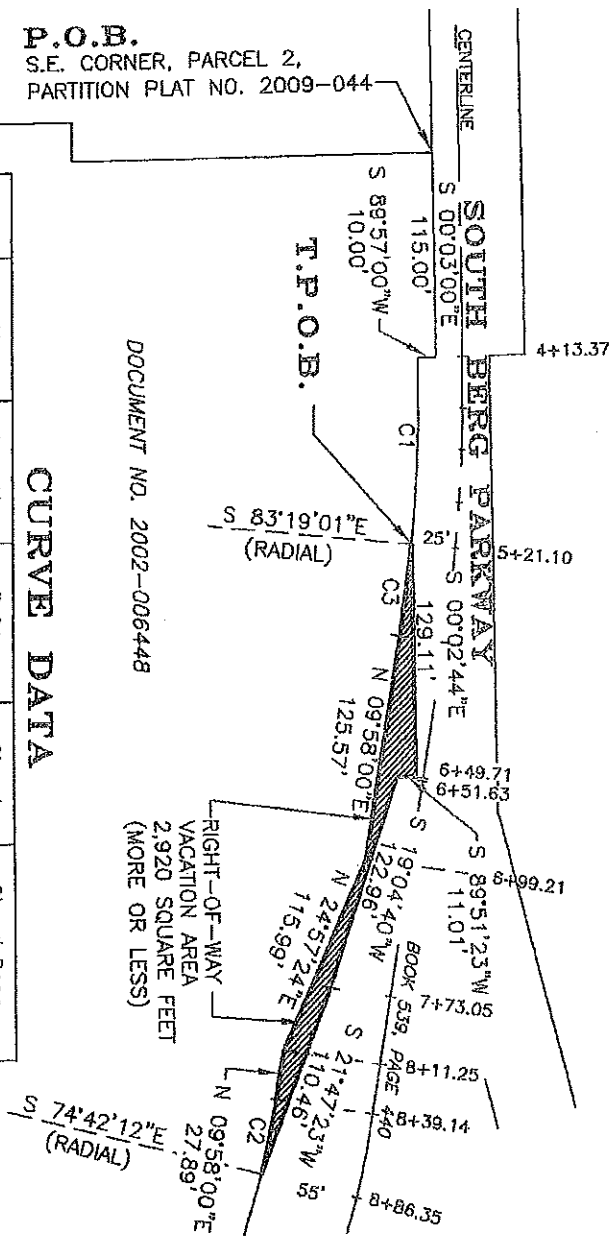
SCALE 1" = 100'
FEBRUARY 10, 2015

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	891.73'	104.79'	6°43'59"	104.73'	S 03°19'00" W
C2	452.44'	42.09'	5°19'48"	42.07'	N 12°37'54" E
C3	891.73'	51.10'	3°17'01"	51.10'	N 08°19'30" E

CURVE DATA

DOCUMENT NO. 2002-006448

RIGHT-OF-WAY
VACATION AREA
2,920 SQUARE FEET
(MORE OR LESS)



REGISTERED
PROFESSIONAL
LAND SURVEYOR

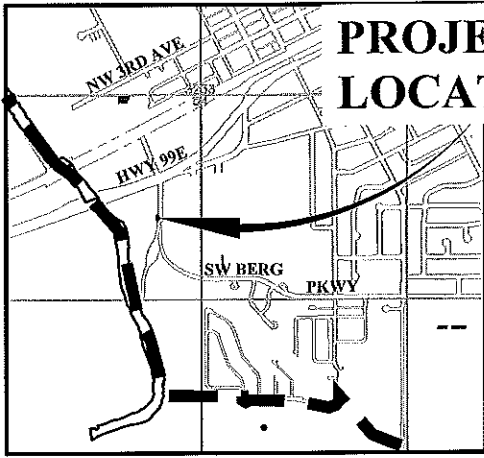
Anthony B. Ryan
OREGON
JULY 13, 2004
ANTHONY B. RYAN
58833

RENEWAL: DECEMBER 31, 2016



6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223
PH: (503) 941-9585 FAX: (503) 941-9540
www.weddlesurveying.net

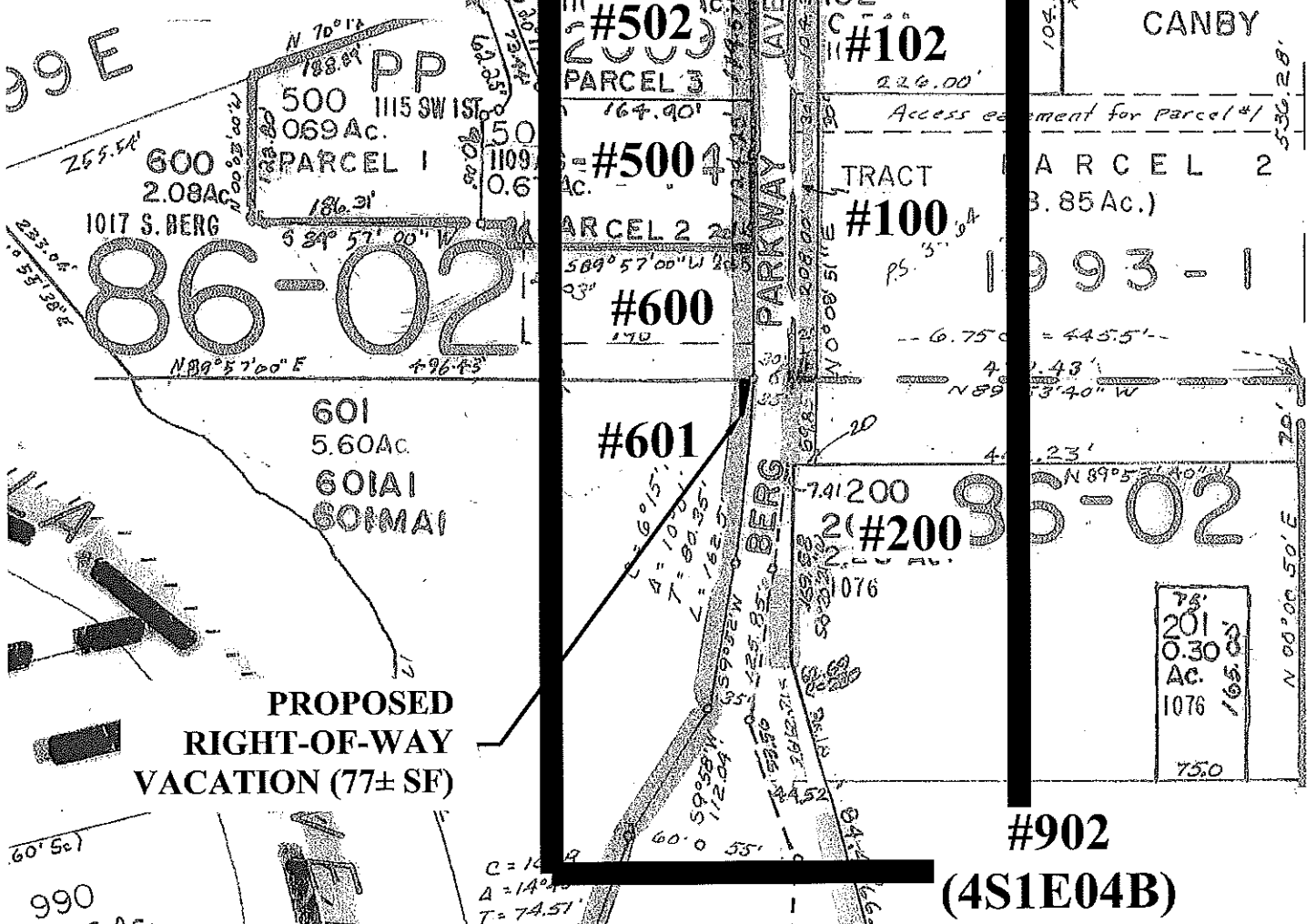
JOB NO. 4730



VICINITY MAP
CITY OF CANBY

PROJECT LOCATION

AFFECTED AREA FOR NOTIFICATION OF VACATION



**PROPOSED
RIGHT-OF-WAY
VACATION (77± SF)**

S. BERG PARKWAY RIGHT-OF-WAY VACATION NE ¼ SEC. 5 T.4S. R.1E. W.M., CLACKAMAS COUNTY ASSESSOR MAP 4S1E05A

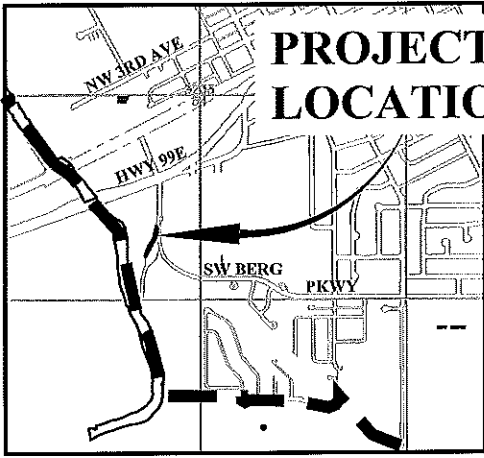
CANBY, OREGON

EXHIBIT B - NORTHERN AREA



SCALE: 1"=150'

J:\Canby\1009 ROW Vacationing\SouthBergParkway_030515\SouthBergParkwayVacation_030515.dwg, 3/13/2015 10:23:13 AM, Kyocera TASKalfa 5501i KXletter.pc3



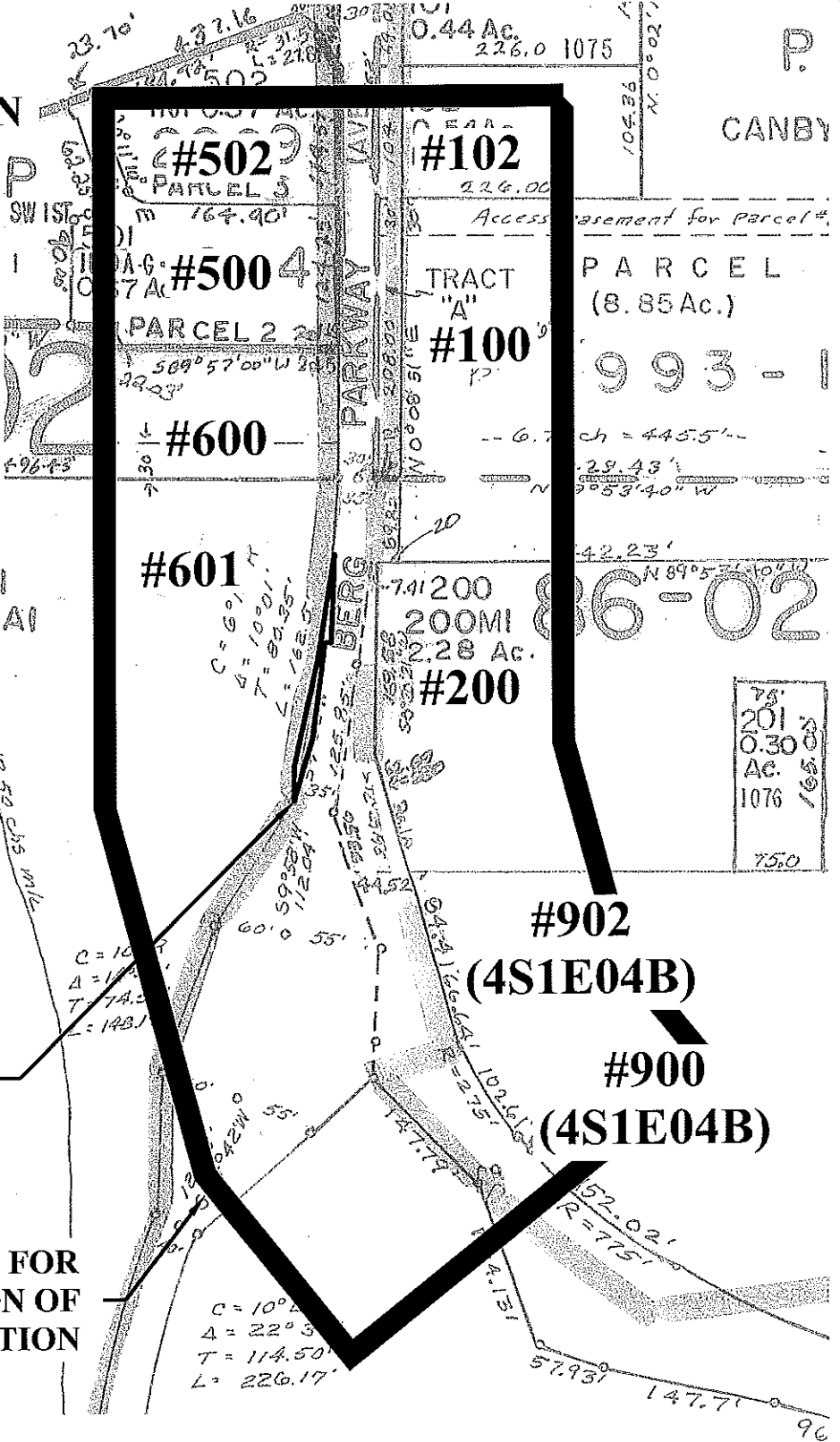
PROJECT LOCATION

VICINITY MAP
CITY OF CANBY



**PROPOSED
RIGHT-OF-WAY
VACATION (2,920± SF)**

**AFFECTED AREA FOR
NOTIFICATION OF
VACATION**



S. BERG PARKWAY RIGHT-OF-WAY VACATION NE ¼ SEC. 5 T.4S. R.1E. W.M., CLACKAMAS COUNTY ASSESSOR MAP 4S1E05A

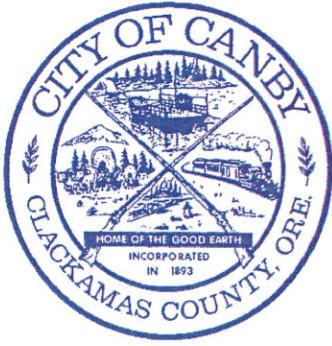
CANBY, OREGON

EXHIBIT B - SOUTHERN AREA



SCALE: 1"=200'

City Council Packet Page 14 of 25
COURTNEY M. LEOD, INC.
CONSULTING ENGINEERS



City of Canby

Office of the City Administrator

MEMORANDUM

DATE: MAY 6, 2015
TO: CANBY CITY COUNCIL
FROM: RICK ROBINSON, CITY ADMINISTRATOR
RE: ORDINANCE NO. 1417: AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A CONTRACT WITH HEARD FARMS FOR WASTEWATER SLUDGE REMOVAL; AND DECLARING AN EMERGENCY

Issue: Whether or not to continue to contract with Heard Farms for sludge removal services for the City.

Summary: The City is currently contracting with Heard Farms for sludge removal at the City's Wastewater Treatment Facility. Under the existing contract, the price charged per wet ton hauled was \$53. The new price was negotiated at \$55 per wet ton. This price is still \$17 less per wet ton than the nearest competitor. For this agreement, the not-to-exceed price on the total amount of services is capped at \$149,000 as a precaution under public contracting law (so as to only have to operate at the formal quote procedure in securing the contractor).

Attachments: Ordinance 1417, Personal Services Agreement with Heard Farms, and Exhibit A.

Recommendation:
Authorize this contract.

Motion: *"I move to approve Ordinance No. 1417, AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A CONTRACT WITH HEARD FARMS FOR WASTEWATER SLUDGE REMOVAL; AND DECLARING AN EMERGENCY to come up for second reading on May 20, 2015."*

THIS HAS BEEN REVIEWED
BY THE FINANCE DIRECTOR

Haley J. 4/27/15

ORDINANCE NO. 1417

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

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. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to dispose of sludge and wastewater, in order to provide both essential and general services to the public, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, May 6, 2015, 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 20, 2015, commencing at the hour of 7:30 PM at the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 20th day of May 2015, 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

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 \$55.00 per ton.
2. The above-stated price of \$55.00 per ton will remain fixed through June 30, 2016. Any subsequent change to the \$55.00 per ton price will require a new agreement.
3. 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.
4. Containers and/or trailers will be hauled off by Heard Farms within 24 hours of the load being ready.
5. 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.
6. 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.
7. Ownership of the sludge (bio-solids) transfers to Heard Farms upon pick-up by Heard Farms.

Management Team Meeting Minutes

April 13, 2015

2:00 PM

City Hall Conference Room

In attendance: Rick Robinson, Bret Smith, Kim Scheafer, Bryan Brown, Haley Fish, Melissa Kelly, Amanda Zeiber, Renate Mengelberg, Eric Laitinen, Julie Wehling, and Joseph Lindsay.

Kim Scheafer

- Reviewed Agendas for May 6 URA & CC meetings

Amanda Zeiber

- Four contractors are being interviewed Friday for the Library/Civic Building Project
- There was a good turnout at the public input meetings last week for the Library/Civic Building Project. A concept of the new building will be presented at the last community meeting tomorrow night.
- The Agency will see a concept of the new Library/Civic Building at their meeting Wednesday night
- Public Works Director position is being reposted
- A Police Officer candidate is currently going through the background check phase

Bret Smith

- Looking at starting up a Reserve Program again
- Go live date to activate and operate the police case management and mobile report writing entry system is April 15 at 6:00 AM
- Will be at the OACP Conference Tuesday – Thursday
- New police dog is training

Bryan Brown

- Traffic study is done on the N Maple Street application. The recommendation is to eliminate current parallel parking on street.
- Traffic study for new apartment complex on Sequoia identifies the intersection at Hazel Dell and Sequoia as a problem
- New location for Farmers Market was approved
- Received a customer service compliment from demolition company that took down the old Hoi Tin restaurant

Melissa Kelly

- Library staff was happy with the community meeting recommendation for the Library/Civic Building project
- National Library Week is this week
- Food for Fines is this week. \$1 is waived off fines for every can of food donated.
- A Library staff member is retiring on June 30
- Burgerville will be doing a fundraiser for the Library
- Kiwanis donated money to the library for the 1,000 Books Before Kindergarten program
- Submitting an application for a Latino Americans grant

Joe Lindsay

- Attended training last Friday

Julie Wehling

- Transit Day was April 8. Went to the State Capitol with a few CAT Board Members and riders.
- A petition is online called Stand up for Transportation regarding supporting federal funding of it
- Asphalt is finished at new Transit Parking lot
- Worked with Curt on getting bids for bus sign installation

Renate Mengelberg

- Meeting with two downtown development teams this week. Will present them to CC Wednesday night at the Work Session
- CC will be having a Work Session on April 22 to have informal discussions with Don Scheldahl.
- Canby Business Survey had a 25% return rate. Presenting results to CC on May 20.
- A Street Dance will be held on August 28 on NW 2nd Avenue between Grant and Fir Streets. There will be food vendors and a live band.

Hailey Fish

- Finalizing the budget
- Budget documents will be reviewed at the April 30 City Budget Meeting. General Fund will be presented on May 7 and all other funds on May 14.

Minutes taken by Kim Scheafer