



**AGENDA
CANBY CITY COUNCIL
REGULAR MEETING – 7:00 PM
EXECUTIVE SESSION – 8:00 PM**

September 7, 2022

**Hybrid/Virtual Meeting/Council Chambers
Council Chambers - 222 NE 2nd Avenue, 1st Floor**

Register here to attend the meetings virtually:

https://us06web.zoom.us/webinar/register/WN_s4h7XUIRQ2iUI3yTEln6Ng

The meetings can be viewed on YouTube:

<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>

For questions regarding programming, please contact:

Willamette Falls Studio (503) 650-0275; media@wfmstudios.org

Mayor Brian Hodson

Councilor Christopher Bangs
Council President Traci Hensley
Councilor Art Marine

Councilor Greg Parker
Councilor Sarah Spoon
Councilor Shawn Varwig

REGULAR MEETING – 7:00 PM

1. CALL TO ORDER

- a. Invocation
- b. Pledge of Allegiance

2. PROCLAMATION – POW MIA RECOGNITION DAY

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3. SWEARING IN CEREMONY OF NEW POLICE OFFICER

4. EMPLOYEE INTRODUCTIONS

- 5. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. If you are attending in person, please complete a testimony/comment card prior to speaking and hand it to the City Recorder. Each person will be given 3 minutes to speak. Staff and the City Council will make every effort to respond to questions raised during citizens input before the meeting ends or as quickly as possible thereafter. *****If you would like to speak virtually please email or call the Deputy City Recorder by 4:30 pm on September 7, 2022 with your name, the topic you'd like to speak on and contact information: benhamm@canbyoregon.gov or call 503-266-0720. Once your information is received, you will be sent instructions to speak.**

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 July 20, 2022 Work Session and Regular City Council Minutes.

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7. ORDINANCES

- a. Consider **Ordinance No. 1582**: An Ordinance Amending Canby Municipal Code (CMC) Chapter 3.35.090 (F) regarding the Expiration of the Park Maintenance Program. (*Second Reading*)
- b. Consider **Ordinance No. 1583**: An Ordinance Authorizing the City of Canby to Execute a Contract with JB Construction & Design in the amount of \$62,500.00. for Insulating Two Public Works Warehouses. (*Second Reading*)
- c. Consider **Ordinance No. 1584**: An Ordinance Amending Title 16, Chapter 16.110 Historical Preservation, of the Canby Municipal Code. (*Second Reading*)
- d. Consider **Ordinance No. 1585**: An Ordinance Authorizing the City of Canby to Enter Into a Purchase Agreement with Peterson Cat for a New Excavator to come up for a second reading on September 21, 2022. (*First Reading*)

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8. OLD BUSINESS

- a. Update on Dog Park.
- b. Possible Cancellation of October 5, 2022 City Council Meeting.

9. MAYOR'S BUSINESS

10. COUNCILOR COMMENTS & LIAISON REPORTS

11. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

12. CITIZEN INPUT

13. ACTION REVIEW

14. ADJOURN

EXECUTIVE SESSION – 8:00 PM

(Will begin after the City Council Meeting ends but not before 8:00 PM)

EXECUTIVE SESSIONS ARE CLOSED TO THE PUBLIC. Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision.

1. CALL TO ORDER

2. EXECUTIVE SESSION: Pursuant to ORS 192.660 (2) (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

3. 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 Maya Benham at 503-266-0720. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov.



PROCLAMATION

POW/ MIA RECOGNITION DAY

WHEREAS, The United States of America has participated in many wars, calling upon its sons and daughters to fight for their country; and

WHEREAS, American men and women have been held captive by hostile powers during their military service; and

WHEREAS, Many American prisoners of war were subjected to harsh and inhumane treatment by their captors which often resulted in death; and

WHEREAS, Americans are still listed as missing and unaccounted for, and the families and friends of these missing Americans, as well as their fellow veterans, still endure uncertainty concerning their fate; and

WHEREAS, The sacrifices of Americans still missing are deserving of national recognition and support for continuing priority efforts to determine their fate; and

WHEREAS, the City of Canby is proud to join with other cities in the State of Oregon and nation in honoring those still missing.

NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, hereby proclaim September 16, 2022 as:

POW/MIA Recognition Day in Canby

and encourage all citizens to join in this observance.

Given unto my hand this 7th day of September 2022.

**Brian Hodson
Mayor**

**CANBY CITY COUNCIL
WORK SESSION MINUTES
July 20, 2022**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Traci Hensley, Art Marine, Sarah Spoon, Christopher Bangs and Greg Parker.

ABSENT: Shawn Varwig.

STAFF PRESENT: Joseph Lindsay, City Attorney/Assistant City Administrator; Maya Benham, Deputy City Recorder, and Brianna Addotta, Associate Planner.

ABSENT: Scott Archer, City Administrator.

CALL TO ORDER: Mayor Hodson called the Work Session to order at 6:00 p.m. in the Council Chambers.

Permanent Parklet Regulation Program – Brianna Addotta, Associate Planner, presented. She gave a background on the program and discussed the process, scope of the program, and fees.

There was discussion regarding Type 2 level of review, public notice, annual review, permanence of the structure, ongoing maintenance, reasons for objection, appeal to the Planning Commission, zoning districts, limiting the percentage of the whole downtown parking instead of a percentage per block, giving the same amount of space to every business, first applied first served, amount of the fee, initial fee and monthly rental of the parking spots, and design standards.

Staff would do a downtown parking space count and outreach to businesses.

ADJOURN: Mayor Hodson adjourned the Work Session at 7:10 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
July 20, 2022**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Traci Hensley, Art Marine, Sarah Spoon, Christopher Bangs and Greg Parker.

ABSENT: Shawn Varwig.

STAFF PRESENT: Joseph Lindsay, City Attorney/Assistant City Administrator; Maya Benham, Deputy City Recorder, Jorge Tro, Police Chief, and Jerry Nelzen, Public Works Director.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:31 p.m. in the Council Chambers followed by the opening ceremonies.

SWEARING-IN CEREMONY OF NEW POLICE OFFICER, TYLER WOOD:

Jorge Tro, Police Chief, introduced new Police Officer Tyler Wood.

Rod Grafe, Municipal Court Judge, swore in Officer Wood.

PROMOTION OF OFFICER SCHARMOTA TO SERGEANT:

Chief Tro announced the promotion of Officer Scharmota to Sergeant.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Ken Buckles spoke about the Honoring Vietnam Veterans Across America campaign. He asked for a sponsorship donation from the City.

There was consensus to direct City staff to provide a \$1,500 donation and draft a resolution for the October 19 Council meeting in support of the campaign.

Councilor Spoon wanted to see parameters around sponsorship in the future.

Lonna Bollinger, Canby resident, spoke about how they were losing the City's urban canopy due to development. They needed to establish a committee to create policies to maintain and promote the canopy. She also suggested the City buy some forested property and make it an extension of Eco Park.

There was consensus for staff to look into the purchase of the property and creation of a committee.

Jason Padden, Canby resident, thought they should purchase both forest and agricultural land in the City for urban gardens. He suggested a program to honor veterans by sponsoring a veteran flag or banner.

PRESENTATION FROM CANBY POLICE, CLACKAMAS COUNTY PUBLIC HEALTH REGARDING IMPACT OF OPIOIDS AND FENTANYL:

Chief Tro shared statistics about opioids and fentanyl overdoses and introduced speakers Apryl Herron and Trevor Higgins from Clackamas County and Captain Wold from the Clackamas Co. Sheriff's Office.

Ms. Herron and Mr. Higgins presented on the Opioid Affected Youth Initiative Program. They spoke about drug overdose deaths, how alcohol and drug addiction had worsened, drug related data, key takeaways from the Oregon Overdose Report, interviews with Canby residents, community response and local efforts, and how the Council could get involved.

Captain Wold discussed enforcement of illegal distribution of drugs by the Clackamas County Interagency Task Force. He gave statistics about overdoses compared to car crashes and how many fentanyl pills had been seized.

There was discussion regarding the draw to fentanyl, where it was coming from, how it was disguised as other drugs, education in schools, and next steps.

The Council stated they wanted an update in the future from Ms. Herron and Mr. Higgins.

CONSENT AGENDA:

****Council President Hensley moved to adopt the minutes of the May 18, 2022 City Council Regular Meeting. Motion was seconded by Councilor Spoon and passed 5-0.**

RESOLUTIONS & ORDINANCES:

Resolution 1374 – Jason Hudson and Chris Wright, Canby Disposal, requested the annual CPI rate increase, which would be 4.19%, to be backdated to July 1, 2022.

Joe Lindsay, City Attorney, explained the franchise agreement with Canby Disposal.

There was discussion regarding recycling fees, backdating the rate, and amending the resolution to be effective August 1, 2022.

Mr. Hudson requested that next year their item be on the Council agenda in May to be in time for a July 1 effective date.

****Councilor Bangs moved to approve Resolution 1374, A RESOLUTION AUTHORIZING A RATE INCREASE AND ESTABLISHING A NEW RATE SCHEDULE FOR GARBAGE COLLECTION BY CANBY DISPOSAL WITHIN THE CITY OF CANBY with an effective date of August 1, 2022. Motion was seconded by Councilor Marine and passed 5-0.**

Ordinance 1581 – Todd Wood, Transit Director, explained the RFP process and selection of the vendors as well as the cost.

Heidi Muller, Transit Coordinator, discussed the current system and features of the new software.

There was discussion regarding outreach and training on the new system and five year contract.

****Council President Hensley moved to approve Ordinance 1581, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE TECHNOLOGY AND SERVICES FROM PASSIO TECHNOLOGIES OF ATLANTA, GEORGIA AND CTS SOFTWARE OF SWANSBORO, NC to come up for second reading on August 3, 2022. Motion was seconded by Councilor Spoon and passed 5-0 on first reading.**

Ordinance 1582 – Mr. Lindsay said the League of Oregon Cities put out a guide regarding homelessness in public spaces in response to new state legislature. This ordinance addressed time, space, and manner regulations for camping in the public rights-of-way.

There was discussion regarding definition of camping, where camping was prohibited, widths of sidewalks, fines, and need for a Work Session on the topic.

****Council President Hensley moved to table Ordinance 1582 to a Work Session. Motion was seconded by Councilor Spoon and passed 5-0.**

OLD BUSINESS:

Follow up Discussion on Street Maintenance Fee Process – Mr. Lindsay gave a background on the Street Maintenance Fee Task Force.

Jerry Nelzen, Public Works Director, explained the reasons he thought they should re-establish the Task Force. In 2009, the City's CPI was an average of 59, and in 2018 it was an average of 75. The plan was to have a recommendation on the fee to the Council by November or December.

Resolution 1375 – ****Council President Hensley moved to approve Resolution 1375, A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO RE-ESTABLISH A STREET MAINTENANCE FEE TASK FORCE. Motion was seconded by Councilor Spoon and passed 5-0.**

NEW BUSINESS:

Discussion Regarding City Council Meeting Start Times – After some discussion, there was consensus to move Regular Council meetings to 7:00 p.m. effective the first meeting in September.

Discussion regarding Diversity, Equity, Inclusion, and Belonging (DEIB) RFP – Councilor Spoon discussed sample RFPs and creation of a DEI Plan.

Mayor Hodson said the City signed on to be involved in the County's DEI Strategic Plan.

Councilor Spoon thought they should do a separate one for Canby's population.

There was consensus for staff to move forward with an RFP process.

MAYOR'S BUSINESS: Mayor Hodson reported on the Parks and Recreation Advisory Board meeting where the picnic shelter at Locust Street Park, sealant for the pickle ball courts at Maple Street Park, pond treatment at Community Park, park naming process, Park Maintenance Fee, future of Molalla State Park, boundary for CAPRD, purchasing property, and Park Master Plan update were discussed. C4 met and discussed housing. He attended a tolling meeting. The Housing Needs Analysis and Economic Opportunities Analysis work had started. He thanked

staff for the Fourth of July event. Slice of Summer was going on and Canby's Big Weekend was August 26-28.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Spoon said Through the Looking Glass Art Festival would be on July 23.

Councilor Parker asked when tolling would begin. Mayor Hodson said the earliest would be 2025.

Council President Hensley said the intersection at 4th and Pine was slated for restriping and the stop sign could be looked at again. Mayor Hodson suggested illuminating the stop sign.

Council President Hensley said the County was working on an upgrade to Knights Bridge.

Councilor Bangs said the Library Advisory Board chose a new Chair and Vice Chair. Friends of the Library was doing concerts in the park and summer book sale. They had also acquired pickle ball kits to check out. He listed the library of things that were available.

Councilor Marine toured Willamette Falls Studios.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Lindsay reported on the Quiet Zone which got the final approval from the Railroad.

CITIZEN INPUT: Jason Padden, Canby resident, said he was not doing anything in secret regarding the Street Maintenance Fee. He was trying to be an advocate for the City.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Approved Resolutions 1374 and 1375.
3. Approved Ordinance 1581 for a second reading on August 3, 2022.

The meeting was adjourned at 10:31 p.m.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood



CITY COUNCIL STAFF REPORT

Meeting Date: 9/7/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Joseph Lindsay, City Attorney/ Assistant City Administrator

Agenda Item: Ordinance 1582, An Ordinance Amending Canby Municipal Code (CMC) Chapter 3.35.090 (F) Regarding the Expiration of the Park Maintenance Program (*Second Reading*)

Goal: Develop a more robust Parks & Recreation Program aligned with the Parks Master Plan

Objective: Evaluate how to sustainably fund park development and ongoing maintenance

Summary

On August 3, 2022, the Mayor and City Council held a Work Session to discuss the Park Maintenance Fee. In 2017, the City Council adopted Ordinance 1466 - AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE (CMC) BY ADDING A NEW CHAPTER 3.35, "PARK MAINTENANCE PROGRAM", AND REQUIRING PAYMENT OF A PARK MAINTENANCE FEE. At the close of the workshop, staff was instructed to bring back an amending ordinance to either eliminate the sunset provision in the program or extend out the sunset date.

Background

The City of Canby enacted a Park Maintenance Program by adoption of Ordinance 1466 in 2017. Canby Municipal Code (CMC) 3.35.040 dedicates revenues collected pursuant to the Park Maintenance Program to only be used for the program—namely, to maintain, repair, and reconstruct City Parks. Under the Chapter, the fees collected shall be used for activities that include administration and collection of Park Maintenance Fees, preventative maintenance, rehabilitation and reconstruction projects, design and inspection of such projects, park condition monitoring and assessment, and staff training and consultant services in support of such activities and projects.

The Park Maintenance Fee itself is outlined in Canby Municipal Code (CMC) 3.35 "Park Maintenance Program". CMC 3.35.090 Determination of Park Maintenance Fee outlines the fees associated with the Park Maintenance Fee and includes the expiration provision.

3.35.090 Determination of Park Maintenance Fee.

- A. **Residential Unit.** There is hereby imposed upon developed residential units in the City an initial Park Maintenance Fee of \$5.00 (five dollars) for each dwelling unit existing on that parcel.
- B. **Multiple-Family Unit.** There is hereby imposed upon the responsible party for a multiple-family unit an initial Park Maintenance Fee equal to \$5.00 (five dollars) for each separate dwelling unit within the multiple-family unit existing on that parcel. By way of example, an apartment complex containing thirty units would be subject to a monthly Park Maintenance Fee of \$150.00 (one hundred fifty dollars).
- C. **Nonresidential Unit.** There is hereby imposed upon the responsible party for a nonresidential unit an initial Park Maintenance Fee of \$5.00 (five dollars) for each common meter to serve the nonresidential unit existing on that parcel.

- D. This fee is deemed reasonable and is necessary to pay for the operation and maintenance of parks and facilities within the City. The effective starting date of this fee will be January 1, 2018, and will appear on sewer bills delivered in December, 2017.
- E. **Annual Adjustment.** An annual rate adjustment shall be made based on the Consumer Price Index (CPI-U) for the Portland, Oregon MSA and index period 1982-1984 = 100. The adjustment shall be the percent change in the CPI for the calendar year ending December 31st of each year. The first adjustment shall be made in May 2019 upon resolution duly adopted and approved by the City Council. All adjustment to the Park Maintenance Fee shall be set by resolution.
- F. **Expiration.** Unless extended by a majority of the City Council, this fee shall expire and Chapter 3.35: Park Maintenance Program shall automatically be repealed on December 31, 2022.

In 2019, the City Council adopted Ordinance 1505 to amend CMC 3.35 to utilize a different Consumer Price Index due to the fact that the one used in the original ordinance (1466) was discontinued.

Discussion

If nothing is changed, the Parks Maintenance Program and the Fee associated with it will sunset December 31st, 2022. Without this park's dedicated revenue, the ongoing level of service would decrease.

The Parks & Advisory Committee has recommended an extension of the Parks Maintenance Fee for five years or an appropriate time until there is ample information from the final Parks Master Plan and SDC Methodology study in order to better define what the appropriate fee amount might be.

If the Council extends The Parks Maintenance Program, future funding will be used to retain employees, buy needed equipment, and improve the current park's inventory in ways that does not qualify for System Development funds.

Fiscal Impacts

The Park Maintenance Fee currently generates nearly \$500,000 dollars annually.

Attachments

- Ordinance 1466 and CMC Chapter 3.35
- Parks & Recreation Advisory Committee letter

Options

Pass Ordinance 1582 and continue to fund parks service levels. Option 1 extends 5 years. Option 2 has no sunset.

Table Ordinance 1582 for future discussion.

Vote against Ordinance 1582 and let the Parks Maintenance Program expire at the end of the calendar year.

Recommendation

Staff recommends extending the program for at least 5 years.

Proposed Motion

"I move to adopt Ordinance 1582, an Ordinance amending Canby Municipal Code (CMC) 3.35.090 (F) regarding the expiration of the Parks Maintenance Program, Option 2 for no sunset."

ORDINANCE NO. 1582

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 3.35.090 (F) REGARDING THE EXPIRATION OF THE PARKS MAINTENANCE PROGRAM

WHEREAS, the City of Canby established the Parks Maintenance Program by Ordinance 1466, commencing on January 1, 2018;

WHEREAS, Canby Municipal Code 3.35.090 (F) automatically repeals the Park Maintenance Program on December 31, 2022 unless it is extended by a majority vote of the City Council; and

WHEREAS, the Canby City Council wishes to extend the Park Maintenance Program.

NOW THEREFORE, THE CANBY CITY COUNCIL ORDAINS AS FOLLOWS:

1. The Canby City Council hereby amends Canby Municipal Code (CMC) Chapter 3.35.090 (F) to read:

3.35.090 Determination of Park Maintenance Fee.

~~F. Expiration. Unless extended by a majority vote of the City Council, this fee shall expire and Chapter 3.35: Park Maintenance program shall automatically be repealed on December 31, 2022.~~

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, August 17, 2022, 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, September 7, 2022, commencing at the hour of 7:00 p.m. in the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Melissa Bisset, CMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on September 7, 2022 by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Melissa Bisset, CMC
City Recorder

ORDINANCE NO. 1466

AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE (CMC) BY ADDING A NEW CHAPTER 3.35, "PARK MAINTENANCE PROGRAM", AND REQUIRING PAYMENT OF A PARK MAINTENANCE FEE.

WHEREAS, the revenues from existing sources are not adequate to maintain the City of Canby's park system; and

WHEREAS, the City has deferred maintenance activities in existing parks and delayed the opening of new parks; and

WHEREAS, additional funding is required in order to fund increased maintenance of the City of Canby's park system.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: The City of Canby's Municipal Code is amended by adding a new Chapter 3.35. "Park Maintenance Program" attached hereto as Exhibit "A".

Section 2. This ordinance shall take effect 30 days after passage. The fee imposed by Section 1 shall commence on January 1, 2018.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, August 16, 2017, 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, September 6, 2017, commencing at the hour of 7:30 p.m. in the Council Meeting Chambers located at 222 NW 2nd Avenue, 1st Floor, Canby, Oregon.


Kimberly Scheafer MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on September 6, 2017 by the following vote:

YEAS 4 NAYS 3



Brian Hodson
Mayor

ATTEST:



Kimberly Scheaf, MMC
City Recorder

Exhibit "A"

CHAPTER 3.35: PARK MAINTENANCE PROGRAM

Section	
3.35.010	Creation of Park Maintenance Fee, Purpose.
3.35.020	Definitions.
3.35.030	Administrative Officers.
3.35.040	Dedication of Revenues.
3.35.050	City Maintenance and Effort Contribution.
3.35.060	Annual Park Maintenance Program Report.
3.35.070	Park Maintenance Fee.
3.35.080	Low Income Assistance.
3.35.090	Determination of Park Maintenance Fee.
3.35.100	Administration of Park Maintenance Fee.
3.35.110	Waiver of Park Maintenance Fee in Case of Vacancy.
3.35.120	Park Maintenance Fee Appeal Procedure.
3.35.130	Exceptions to Park Maintenance Fee.
3.35.140	Severability.

3.35.010 Creation of Park Maintenance Fee, Purpose.

There is hereby created a Park Maintenance Fee for the purpose of providing for the operation and maintenance of parks and facilities within the City of Canby. Fees collected shall be deposited into the City of Canby's General Fund Park Maintenance Fee Account to be used only for purposes identified within this chapter.

The City Council hereby finds, determines and declares the necessity of providing operation and maintenance of the City's parks and facilities as a comprehensive Park Maintenance Fee, with such operation and maintenance to include such activities as are necessary in order that the parks and facilities may be properly operated and maintained and that the health, safety and welfare of the City and its inhabitants may be safeguarded.

§ 3.30.020 Definitions.

As used in this chapter, unless the context requires otherwise:

Public Works Director. The City of Canby Public Works Director or the Director's designee.

Developed Property. A parcel or portion of real property on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, landscaping and outside storage.

Dwelling Unit. One or more rooms designed for occupancy by 1 family and not having more than 1 cooking facility.

Multi-unit Residential Property. Residential property consisting of 2 or more dwelling units. For the purposes of this chapter, condominiums, attached single-family residences, and individual mobile home units are also classified as multi-unit residential properties.

Non-Residential Property. Any property that is not residential property.

Residential Property. A property that is primarily for personal, domestic accommodation, including single single-family, multi-unit residential property and group homes, but not including hotels and motels.

Responsible Party. The person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. Unless another party has agreed in writing to pay and a copy of the writing is filed with the City, the person(s) paying the sewer bill for an occupied unit shall be deemed the responsible party as to that occupied unit. For any occupied unit not otherwise required to pay a sewer bill, "responsible party" shall mean the person or persons legally entitled to occupancy of the occupied unit, unless another responsible party has agreed in writing to pay and a copy of the writing is filed with the City. Any person who has agreed in writing to pay is considered the responsible person if a copy of the writing is filed with the City.

Single Family Residential. Residential property that has only detached dwelling units.

Park Lands. A public Park that is under the jurisdiction or control of the City. For purposes of this chapter, landscaped City property maintained by the Parks Department during the 2016-17 fiscal year shall be considered Park Lands.

Park Maintenance Program. Program established by this chapter to maintain, repair and reconstruct City Parks. Activities include the administration and collection of the Park Maintenance Fee; preventive maintenance, rehabilitation and reconstruction projects; design and inspection of such projects; Park condition monitoring and assessment, including inspection of Park repairs; and staff training and consultant services in support of the above activities.

Maintenance of Effort (MOE). The share of cost of the Park Maintenance Program borne by the general fund of the City of Canby.

Consumer Price Index (CPI). Consumer Price Index for Portland Metropolitan Statistical Area.

§ 3.35.030 Administrative Officers.

A. Except as provided below, the Public Works Director shall be responsible for the administration of this chapter.

B. The Public Works Director shall annually develop a Park Maintenance Program schedule.

C. The Public Works Director shall provide an annual report on the Park Maintenance Program to the City Council and Budget Committee.

D. The Finance Director shall be responsible for the administration and collection of fees under this chapter.

§ 3.35.040 Dedication of Revenues.

All funds and all proceeds from funds collected pursuant to this chapter shall be used for the Park Maintenance Program.

§ 3.35.050 City Maintenance of Effort Contribution.

A. The General Fund of the City of Canby shall contribute funds towards the operation of City parks in an amount equal to the actual operating expenditures for the City's Park budget for the fiscal year 2016-17, excluding Capital Outlay.

B. The City contribution shall be adjusted annually in an amount equal to the percentage change in the consumer price index for the Portland Metropolitan Statistical Area.

§ 3.35.060 Annual Park Maintenance Program Report.

A. Each year the Public Works Director shall prepare and present to the Budget Committee and City Council the "Annual Park Maintenance Program Report." This document is a public record.

B. The report shall include a narrative description of the overall condition of the Parks, the findings of any new condition assessments, a detailed project schedule for the upcoming year, and a report on the previous year projects, workload impacts, and overall program progress. The report shall include revenues received relative to revenue projections, and any other new developments that impact the adequacy of the program funds to meet program goals.

§ 3.35.070 Park Maintenance Fee.

A. A Park Maintenance Fee is imposed and levied upon the responsible party for all developed property within the City. The fee shall be based on the direct and indirect use of or benefit derived from the use of public Parks generated by the developed property, to be calculated as described in § 3.35.090.

B. The Park Maintenance Fee is also imposed and levied on the property owner of the developed property in the event of non-payment by the responsible party.

§ 3.35.080 Low Income Assistance

A. Monthly Park Maintenance Fees for parks maintenance to the principal residence of low income citizens, as defined under the City's low income assistance program for sewer bills, shall be charged at one-half the regular rate. Any citizen currently receiving the reduced sewer service charge for low-income citizens shall automatically receive the reduced parks maintenance fee.

§ 3.35.090 Determination of Park Maintenance Fee.

A. Residential Unit. There is hereby imposed upon developed residential units in the City an initial Park Maintenance Fee of \$5.00 (five dollars) for each dwelling unit existing on that parcel.

B. Multiple-Family Unit. There is hereby imposed upon the responsible party for a multiple-family unit an initial Park Maintenance Fee equal to \$5.00 (five dollars) for each separate dwelling unit within the multiple-family unit existing on that parcel. By way of

example, an apartment complex containing thirty units would be subject to a monthly Park Maintenance Fee of \$150.00 (one hundred fifty dollars).

C. Nonresidential Unit. There is hereby imposed upon the responsible party for a nonresidential unit an initial Park Maintenance Fee of \$5.00 (five dollars) for each common meter to serve the nonresidential unit existing on that parcel.

D. This fee is deemed reasonable and is necessary to pay for the operation and maintenance of parks and facilities within the City. The effective starting date of this fee will be January 1, 2018, and will appear on sewer bills delivered in December, 2017.

E. Annual Adjustment. An annual rate adjustment shall be made based on the Consumer Price Index (CPI-U) for the Portland, Oregon MSA and index period 1982-1984 = 100. The adjustment shall be the percent change in the CPI for the calendar year ending December 31st of each year. The first adjustment shall be made in May 2019 upon resolution duly adopted and approved by the City Council. All adjustment to the Park Maintenance Fee shall be set by resolution.

F. Expiration. Unless extended by a majority vote of the City Council, this fee shall expire and Chapter 3.35: Park Maintenance Program shall automatically be repealed on December 31, 2022.

§ 3.35.100 Administration of Park Maintenance Fee.

A. The Park Maintenance Fee shall be billed and collected with and as part of the monthly sewer bill for those lots or parcels utilizing City sewer and billed and collected separately for those developed properties not utilizing City sewer. In the event of non-payment, the City may bill the property owner or take other action as authorized by law to collect from the responsible party.

B. In the event funds received from City utility billings are inadequate to satisfy in full all of the sanitary sewer and Park Maintenance Fees, credit shall be given first to the Park Maintenance Fee and second to the sanitary sewer service charges.

C. Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of this chapter, including, but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative.

§ 3.35.110 Waiver of Park Maintenance Fee in Case of Vacancy.

A. When any property within the City becomes vacant and utility services are discontinued (if applicable), a waiver of the Park Maintenance Fee may be granted by the Finance Director upon written application of the person responsible, including a signed statement, affirming under penalty of perjury that the property is vacant, and upon payment of all outstanding sanitary sewer and Park maintenance charges.

B. For purposes of this section, "vacant" shall mean that an entire building or utility billing unit has become vacant or continuously unoccupied for at least 30 days. "Vacant" shall not mean that only a portion of a property without a separate water meter has become vacant or unoccupied.

C. Fees shall be waived in accordance with this section only while the property remains vacant. The person responsible shall notify the City within 5 days of the premises being occupied, partially occupied or used, regardless of whether utility service is restored.

§ 3.35.120 Park Maintenance Fee Appeal Procedure.

A. Any owner who disputes any fee assessment may request a review and appeal such fee, but only in accordance with this section. The dispute must first be presented to the Public Works Director for review and thereafter may be appealed to the City Council in accordance with this section. Failure to appeal within the time and in the manner provided shall be sufficient cause to deny the relief requested. Except in cases of hardship as determined by the Council, disputes which result in changes in the Park Maintenance Fee charged under this chapter shall become effective with the next billing cycle.

B. A customer who wishes to dispute an interpretation made by the Public Works Director shall submit a written appeal to the City Administrator within 10 days from the date of notice of the Public Works Director's determination under division B., together with a filing fee in the amount of \$300. Appeals shall be limited to the issue of whether the property in question has been occupied during the period in dispute.

C. The City Administrator shall schedule the matter for City Council review and notify the appellant not less than 10 days prior to the date of such Council review. The City Council shall conduct a hearing during a public meeting and determine whether there is substantial evidence in the record to support the interpretation given by the Public Works Director. The Council may continue the hearing for purposes of gathering additional information bearing on the issue. The Council shall make a tentative oral decision and shall adopt a final written decision together with appropriate findings in support. The decision of the Council shall be final.

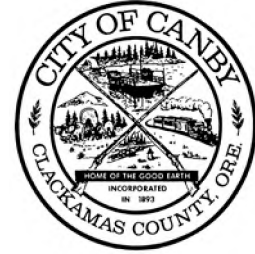
§ 3.35.130 Exceptions to Park Maintenance Fee.

City Parks shall not be subject to the Park Maintenance Fee.

§ 3.35.140 Severability.

In the event any section, subsection, paragraph, sentence or phrase of this chapter is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter shall continue to be effective. If a court of competent jurisdiction determines that this chapter imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the Park Maintenance Fee shall be created and the remainder of the ordinance and the fees imposed thereunder shall continue to apply to the remaining properties without interruption. Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements pursuant to applicable law.

MEMORANDUM



TO: *Honorable Mayor Hodson and City Council*
FROM: *Rick Robinson, City Administrator*
DATE: *August 8, 2017*

Issue/Objective:

The City's Parks Maintenance Division maintains City parks and other landscaped City properties. For purposes of this report, references to City Parks includes the other landscaped City properties as well.

The City lacks the funding to fully maintain its City parks and other landscaped City properties. As a consequence, the City has deferred maintenance activities in existing parks and delayed the opening of new parks. The City Council Values and Goals statement adopted by the Council on April 5, 2017 has a defined goal to "Identify funding and strategic alliances for acquisition, improvement, and maintenance of park lands."

The information provided with this staff report summarizes the current status of existing City parks and the opportunities for improvements to our park system that funding enhancements would create, and includes a funding recommendation from the City's Parks and Recreation Advisory Board.

Summary:

The Canby City Council identified the necessity to resolve the unmet funding needs for park maintenance in both the 2013 Canby Community Visioning Plan and the 2017 Council Values and Goals Statement. To support this priority, the Canby Parks and Recreation Advisory Board has worked to gather the information needed to provide an informed recommendation to the City Council. Their efforts have been productive, and the Parks Advisory Board has unanimously voted to submit their recommendations to the City Council for consideration.

The recommendation of the Canby Parks and Recreation Advisory Board is divided into near term and long term objectives. The near term recommendation is to continue the current percentage of General Fund allocation to parks and additionally establish a \$5 per month Park Maintenance Fee that would be subject to an annual CPI adjustment. The long term objective is to establish a special park district, subject to voter approval, specifically addressing the needs of the Canby community.

The Parks and Recreation Advisory Board's official letter with detailed recommendations is included in the attachments.

Discussion & Background:

When staffing was reduced due to budget constraints, some of the maintenance activities that

would typically be done in our Parks on a recurring basis had to be deferred or eliminated. Our Parks maintenance crew has worked during the past year to quantify these tasks and the hours required to perform them. An estimated 2,869 hours of work is deferred in City parks each year due to staffing reductions. If currently planned but as yet undeveloped parks are included, the shortfall increases to approximately 3600 hours.

The Canby Parks and Recreation Advisory Board has worked closely with City Staff to develop an objective understanding of both the challenges associated with maintaining our current parks, and the obstacles inherent in considering the expansion of our park system. To assist in gathering information, the Advisory Board developed two resident surveys. The goal was to better understand the desires of our Canby community residents, particularly relating to the maintenance and expansion of the Park system.

Using this information as a basis for their analysis, the Canby Parks and Recreation Advisory Board worked with Staff to identify feasible strategies to fund park maintenance in Canby. The results of these efforts are included as attachments in this report and summarized in the points below.

- The majority of survey respondents believe well maintained parks are important.
- While a majority of respondents indicated that they support additional funding for park maintenance, they also indicated that they are generally satisfied with the current level of park maintenance.
- The research conducted indicates that Park and Recreation Districts generally provide the most stable funding and successful park and recreation services. There are at least 14 established park and recreation districts in Oregon, distributed across the state.
- Currently eight Oregon communities that are not included in one of the 14 districts have implemented monthly park maintenance fees. Two additional communities have plans to do so.
- The City currently has approximately 4,750 active sewer connections in the City. If the City were to implement a Park Maintenance Fee of \$5 a month, calculated based on the number of sewer connections in the City (4,750), the fee would generate approximately \$285,000 annually. This equates to approximately three positions and 5,300 labor hours.

Recommendation:

Staff recommends the Council approve Ordinance 1466.

Recommended Motion:

“I move to approve Ordinance 1466, An Ordinance Amending the Canby Municipal Code (CMC) by Adding a New Chapter 3.35 “Park Maintenance Program”, and Requiring Payment of a Park Maintenance Fee to come up for second reading on September 6, 2017.

Attachments:

July 24, 2017 Parks and Recreation Advisory Board recommendation memo
Deferred Maintenance Memo from Parks Maintenance Lead
Ordinance 1466

DATE: July 18, 2017

MEMO TO: Honorable Mayor Hodson and City Councilors

FROM: Canby Parks and Recreation Advisory Board

RE: Recommendations from Canby Parks and Recreation Advisory Board

Issue:

Insufficient sources of funds to maintain existing and planned Canby parks at our current level of maintenance.

Recommendations:

Near term:

- Continue current percentage of General Fund allocation to parks
- Establish a \$5 a month park maintenance fee to be included in the monthly utility billing
- Annually adjust as per CPI (Consumer Price Index for Portland MSA)
- This option would address our current and near term unmet park maintenance needs.

Long term:

- Establish a special park district specifically for Canby. This option depends on voter approval and will require sustained focus and extensive marketing to achieve. Not feasible for the near term, but if successfully implemented it could provide a source of stable funding to meet our future park maintenance needs.

Background:

In the spring of 2016 the Canby Parks and Recreation Advisory Board worked with staff to identify additional viable funding sources for park maintenance. The Board researched and reviewed funding options, and developed and distributed two park surveys to the Canby Community via US Mail and social media. Survey results helped the Board identify which additional funding sources could be supported by the Canby community. The Board reviewed the results and shared those results with the City Council. The Council requested the Board make an official recommendation to the Council regarding feasible funding sources for current and future park maintenance. After much deliberation, the Board voted unanimously to present the above recommendations to the City Council.

Related Council Policies:

Council Goal: Parks and Recreation

Identify funding and strategic alliances for acquisition, improvement, and maintenance of park lands.

Council Vision: General Parks Aspiration

PRIORITY GAP: *Expand Funding and Resources*

ACTION STEPS: *Explore feasibility of implementing a Park Maintenance Fee (Paid monthly by residents) and user fees.*

Deferred Maintenance

16-17 Budget cycle, estimated on 03-17-2017

The City of Canby has 3 Full time Employee's dedicated to parks. Each employee represents approximately 1760 hours of actual annual maintenance hours (2080 hours less time off, meetings and training). This number is further reduced by half for the Lead Worker to account for time, report writing, project review and coordination. 3 FTE's = 4400 hours available for actual park maintenance.

The Parks Department has been grant 1.5 Full Time Equivalent of seasonal maintenance workers. To date we have utilized 1550 hours of Part Time Labor or 65% of the available hours. While the hours utilized and provided by the PT employees and volunteers (500 hours) are basic in nature, they provide a dramatic aesthetic improvement and help enhance our service level.

Here is an estimate of the maintenance being deferred at each location. The deferred annual hours are needed to maintain the said assets. Note: additional hours will be required to bring assets back to a maintained state.

Adult Center - Service Level adequate, unless otherwise directed.

Arneson Gardens- pressure washing (16 hrs.), path maintenance (60 hrs.), mulching (70 hrs.), shrub trimming/fertilizing (90 hrs.), tree trimming (16 hrs.) and asset repairs (24 hrs.). **276 hrs.**

Baker Prairie Cem. - Service Level adequate, unless otherwise directed.

City Hall-old - N/A next budget cycle.

Community Park – pressure washing (45 hrs.), painting (60 hrs.), tree trimming (120 hrs.), cleaning (104 hrs.), asset repair (60 hrs.), signage (20 hrs.), trail maintenance (140 hrs.), string trimming (30 hrs.) and fence maintenance (40 hrs.) **619 hrs.**

CPIP Sign property – sign cleaning, mulching/fertilizing and one more shrub trimming. **16 hrs.**

Disc Golf Course - Service Level adequate, unless otherwise directed.

Eco Park – trail maintenance/inspection (40 hrs.), tree trim/remove (24 hrs.), parking lot maintenance (30 hrs.), **94 hrs.**

Faist 5 lot - Service Level adequate, unless otherwise directed.

Finance Landscape-old - N/A next budget cycle.

Holly and Territorial sign - Service Level adequate, unless otherwise directed.

Klohe Fountain - Service Level adequate, unless otherwise directed.

Deferred Maintenance Continued, page 2.

Library-old - N/A next budget cycle.

Legacy Park - pressure washing (60 hrs.), painting (60 hrs.), asset repair (40 hrs.), turf maintenance/irrigation (80 hrs.), and cleaning (104 hrs.) **344 hrs.**

S. Locust Park - pressure washing (30 hrs.), painting (60 hrs.), asset repair (24 hrs.), turf maintenance/irrigation (44 hrs.), and cleaning (104 hrs.) **262 hrs.**

Logging Rd. Path – tree trimming (24 hrs.), sweeping (24 hrs.), asset repair/replace, painting and cleaning/pressure wash (112 hrs.) **160 hrs.**

Fish Eddy- Log Boom - Service Level adequate, unless otherwise directed.

Maple St. Park - pressure washing (40 hrs.), painting (50 hrs.), asset repair (72 hrs.), turf maintenance/irrigation (56 hrs.), tree trim/ remove (40 hrs.) and cleaning (104 hrs.) **362hrs.**

19th Loop – pressure washing (16 hrs.), asset repairs/brush control (80 hrs.) and water level control “Beaver issues” (40 hrs.) **136 hrs.**

Northwood Park – pressure washing (8 hrs.), turf maintenance/ irrigation (16 hrs.) **24 hrs.**

Police Department – landscape maintenance (120 hrs.), leaf removal and hardscape cleaning (80 hrs.) **200 hrs.** **Note!!** Even if the 200 hrs. are granted for this site, there is still a 160 hour maintenance deficit from what the Landscape Contractor recommends as a best practice.

Simnitt Property - undeveloped at this time, N/A

Skate Park – pressure washing (16 hrs.), turf maintenance (16 hrs.) asset maintenance (30 hrs.) **62 hrs.**

Shop Complex - Service Level adequate, unless otherwise directed.

Swim Center - Service Level adequate, unless otherwise directed.

Territorial-CLC Property - Property thus far has been maintained by the CLC Art Park organization. With the addition of the bicycle repair kiosk and any other future development slated, maintenance cannot be determined until the level of involvement is known. Service Level adequate, unless otherwise directed.

Transit Bus Stop – pressure washing (24 hrs.), painting (16 hrs.), sweeping (12 hrs.) and Landscape repair/replace (12 hrs.) **64 hrs.**

Triangle Park – pressure wash (8 hrs.) and landscaping (8 hrs.) **16 hrs.**

Wait Park – pressure wash (40 hrs.), paint (60 hrs.), asset repairs (40 hrs.), cleaning (104 hrs.), turf maintenance (80 hrs.), mulching (40 hrs.) and tree trimming (126 hrs.) **490 hrs.**

Deferred Maintenance Continued, page 3.

Veterans Memorial - Hardscapes thus far has been maintained by the Arora VFW organization. The Parks department is responsible for the irrigation system and the landscaping. Fertilization and weed control (40 hrs.) **40 hrs.**

Knights Bridge Property - Service Level adequate, unless otherwise directed.

WWTP - Service Level adequate, unless otherwise directed.

New: Timber Park Subdivision – Restroom cleaning/garbage pickup (312 hrs.), mowing (108 hrs.), string trimming/edging (60 hrs.), turf maintenance (24 hrs.), spraying/weed control (16 hrs.), irrigation, on/off, adjust/repair (40 hrs.), asset repairs (40 hrs.), graffiti/vandalism (16 hrs.) and tree trimming/leaf and debris removal (80 hrs.) **696 hrs.**

Deferred Maintenance – Total = 3,861 hours

The majority of park assets are heavily used March through October. Currently we are not able to take advantage of the off season (November through February) to perform maintenance tasks due to the current staffing level granted.

It has been my experience that every fully developed park we acquire will take approximately 700 hrs. of maintenance per acre to achieve a low to moderate service level.

Hours are based on the time it takes a competent employee to finish assigned tasks. Hours are inclusive of fueling, loading of equipment, travel time, unloading of equipment, cleaning of equipment and offloading of debris.

Parks can be built to be maintenance friendly... Wooden structures require more maintenance than cement or steel building. Shrub beds drive up maintenance costs. The hours needed to maintain shrub beds compared to mowing the same amount of turf area is astronomical.

The Parks Department has been tasked with tracking actual hours being spent at each park. We now have eight months' worth of actual data (July 16 through February 17) complete. An example of a low maintenance park would be Northwood Park. We are currently only deferring 24 hours of maintenance at this location. To date we have only spent 119.5 hrs. maintaining this site in the last eight months. No shrub beds, no restrooms, no fences, no mature trees, just fertilize, water, edge, spray, mow and go...

Respectfully Submitted,

Jeff G. Snyder, Park Maintenance Lead

DATE: July 25, 2022

TO: Mayor Hodson and Members of the Canby City Council

FROM: Barry Johnson, Chair
Canby Parks & Recreation Advisory Board

SUBJECT: Parks Maintenance Fee Recommendation

At its July 19, 2022, monthly meeting, the Canby Parks & Recreation Board voted unanimously to recommend to you extension of the Parks Maintenance Fee an additional five years, to sunset on December 31st 2027, or an appropriate amount of time until ample information is received from the updated and Council-approved SDC methodology. The Board agreed the monthly Parks Maintenance Fee remain at the current level plus the Consumer Price Index that is adjusted each year. The Parks Maintenance Fee is scheduled to sunset December 31, 2022.

This recommendation is based on the following:

- Continuation of the Parks Maintenance Fee beyond December 31, 2022, will avoid a potential staff reduction in our Parks Department. A staff layoff would drastically affect the maintenance and thus the usability of Canby's Parks.
- The future of Canby Area Parks & Recreation District is not known at this time and how it may or may not affect the future of the Parks Maintenance Fee. Since this is an unknown currently, an extension enables us to further pursue this as an option.
- The outcome of the updated Parks Master Plan will provide better information regarding the Park Maintenance Fee. This could better define what an appropriate amount of the Parks Maintenance Fee including a potential increase over the current amount would look like.

On behalf of the Canby Parks & Recreation Board, we recommend continuation of the Parks Maintenance Fee until December 31st 2027 and ask for your unanimous approval to ensure the exceptional level of Parks maintenance continues.

Barry Johnson, Chair
Canby Parks & Recreation Advisory Board



CITY COUNCIL STAFF REPORT

Meeting Date: 9/7/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Jerry Nelzen, Public Works Director

Agenda Item: Ordinance No. 1583, an Ordinance Authorizing The City of Canby to Execute a Contract with JB Construction and Design in the Amount of \$62,500 for Insulating Two Public Works Warehouses. (*Second Reading*)

Goal: Align resources to address future community growth

Objective: N/A

Summary

The City of Canby Facilities Department is requesting funds to insulate Public Work warehouses.

Background

Two Public Works warehouses have been uninsulated since the 1990's. Insulation is critical for any building, including warehouses, to maintain a proper internal temperature that is not affected by the hot or cold weather.

Discussion

An appropriate insulation level in a warehouse walls/ceilings helps protect the interior and everything inside from moisture. A non-insulated building is more prone to outside moisture finding its way inside, creating potential issues with mildew, mold, and other potential hazards. Insulated warehousing, on the other hand, will protect the supplies, tools and equipment from sitting in a damp environment. This will also make the warehouses more energy efficient and a potential emergency warming center if a natural disaster were to occur.

Attachments

Ordinance No. 1583

JB Construction & Design, VERA Construction and Woodburn Construction

Fiscal Impact

\$62,500.00

Options

- 1) Continue to move on without two insulated warehouses.
- 2) Proceed to insulate two warehouses.

Recommendation

Insulate two Public Work warehouses.

Proposed Motion

"I move to adopt Ordinance No. 1583, An Ordinance authorizing the City of Canby to execute a contract with JB Construction & Design to insulate two Public Work Warehouses."

ORDINANCE NO. 1583

AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO EXECUTE A CONTRACT WITH JB CONSTRUCTION & DESIGN IN THE AMOUNT OF \$62,500.00 FOR INSULATING TWO PUBLIC WORKS WAREHOUSES.

WHEREAS, the City of Canby Public Works has two uninsulated warehouses; and

WHEREAS, insulation is critical for these warehouses, to maintain a proper internal temperature that is not affected by the hot or cold weather; and

WHEREAS, an appropriate insulation level in a warehouse walls/ceilings helps protect the interior and everything inside from moisture; and

WHEREAS, in accordance with Oregon Public Contracting law, three (3) contractors were contacted and were submitted a scope of work for the project; and

WHEREAS, three (3) bids were received by the deadline of July 29th, 2022 at 4:30pm, and the bids were reviewed, with the summary of bids as listed below:

1	JB Construction & Design	\$62,500.00
2	VERA Construction	\$65,625.00
3	Woodburn Construction	\$101,734.00

NOW THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The City Administrator is 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 JB Construction and Design for the insulation of two (2) Public Works Warehouses in the amount of \$62,500.00.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, August 17th, 2022; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, September 7th, 2022, after the hour of 7:00 PM at the Council Meeting Chambers located at 222 NE 2nd Avenue, Canby, Oregon.

Melissa Bisset, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 7th day of Septmeber 2022, by the following vote:

YEAS_____

NAYS_____

Brian Hodson, Mayor

ATTEST:

Melissa Bisset, CMC
City Recorder

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between the CITY OF CANBY (City) and JB Construction & Design (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 \$62,500 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.

By entering into this agreement, contractor represents and warranties that they have complied with the tax laws of the State of Oregon and the City of Canby. Further, for the duration of this contract, Contractor promises to continue to

comply with said State and local tax laws. Any failure to comply with tax laws will be considered a default of this contract and could result in the immediate termination of this agreement and/or other sought damages or other such relief under applicable law.

9. Insurance. Insurance shall be maintained by the Contractor with the following limits
 - A. For Comprehensive General Liability Insurance, Contractor shall provide a Certificate of Insurance naming the City of Canby as an additional named 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 named 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, electronically, faxed, 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: Scott Archer, City Administrator
City of Canby
PO Box 930
Canby, OR 97013

CONTRACTOR: John Bartholomew, Owner
JB Construction & Design
2870 N Maple Court
Canby, OR 97013

**Please submit invoices to: Attn: Accounts Payable
City of Canby
PO Box 930
Canby, OR 97013
ap@canbyoregon.gov**

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 ____ Yes ____ No (If Yes, please complete List of Subcontractors attached to this Agreement)

Approved as to Form:

Joseph Lindsay, City Attorney

11/6/15

LIST OF SUBCONTRACTORS

As per Section 5 of the Personal Services Agreement, the following businesses will be subcontractors. Subcontractors are required to have a City of Canby Business License prior to commencing work under this contract.

[illegible]

The City hereby approves the above listed subcontractors.

City of Canby

Date



CITY COUNCIL STAFF REPORT

Meeting Date: 9/7/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Jamie Stickel, Economic Development Director

Agenda Item: Consider Ordinance No. 1584, an Ordinance Amending Title 16, Chapter 16.110 Historic Preservation, of the Canby Municipal Code. *(Second Reading)*

Goal: N/A

Objective: N/A

Summary

The City of Canby's Heritage and Landmark Commission worked with NW Vernacular to create a Preservation Plan in 2020. The efforts to create a Preservation Plan included amendments to Canby Municipal Code 16.110, Historic Preservation. The amendments were reviewed and approved.

Background

The Economic Development Director presented to the Mayor and Council the proposed amendments for Canby Municipal Code 16.110, Historic Preservation, on Wednesday, August 17th, 2022. The code amendments to 16.110 were part of the creation of the 2020 Preservation Plan, which was led by the City of Canby's Heritage and Landmarks Commission. At the August 17th City Council meeting, the Council heard the presentation and moved to approve the amendments to 16.110 without adopting the proposed change to 16.110.025 A.

16.110.025 A addresses the appointment and composition of the Heritage and Landmarks Commission. It was originally proposed to remove the requirement that "a majority of the Heritage and Landmarks Commission voting members shall reside or work inside Canby's Urban Growth Boundary." The Heritage and Landmarks Commission felt this would allow for the members to broaden their scope in regards to recruitment. After a lively discussion by the Mayor and Council, Councilor Sarah Spoon moved to approve the amendments to 16.110 without changing the requirement for residency of the members of the HLC board. The motion was approved 5-1.

Discussion

This is a second reading of Ordinance 1584 which includes the amendment to 16.110.025 A. The proposed historic preservation code amendments include updates to the following sections of 16.110. Below is an outline of the proposed changes to 16.110, which is included in full in Ordinance 1584, attached. Section 16.110.025 A was removed as part of an amendment by City Council at the August 17th City Council meeting.

16.110.020 DEFINITIONS

- The proposed changes to clarify the meanings and bring them in-line with industry standards. The additions cover gaps in the existing code.

16.110.025 HERITAGE AND LANDMARKS COMMISSION

- ~~• A. Includes a suggestion from the HLC Chair, who requested removing the requirement that a majority of HLC members live or work in the Canby Urban Growth Boundary, as means to fill vacancies in a timelier manner. This change was approved by the City Attorney.~~
- In Sections D. & E., these additions describe current practices and insert language needed to meet the National Park Service requirements for CLG status.

16.110.030 HERITAGE AND LANDMARKS COMMISSION POWERS AND DUTIES

- Suggestion to retitle to “Powers and Duties.”
- Sections D. and G., changes clarify which proposals require the HLC’s review and approval by the HLC.
- In Section O, the addition describes the HLC’s role in supporting state preservation statutes.

16.110.035 INVENTORY OF HISTORIC RESOURCES

- Sections A., B., and C., which remove the Planning Commission’s responsibilities relative to the maintenance and use of the Inventory of Historic Resources; define what the inventory is, how it should be maintained, and how it can be used; describe the HLC’s responsibilities relative to this process. This reflects current practice and aligns with the guidance of Oregon SHPO.

16.110.045 DESIGNATION PROCEDURE FOR HISTORIC LANDMARKS AND HISTORIC DISTRICTS

- Suggestion to retitle to “Designation Procedure.”
- The update simplifies language relative to who can initiate a designation.
- Section F provides clarity in terms of what the HLC should consider and how that should be recorded.
- Section H includes language describing how historic resources on the National register should be handled.

16.110.050 REVIEW NOTICE AND PUBLIC HEARING PROCEDURES

- Removes language that conflicts with 16.110.080 E.

16.110.055 CRITERIA FOR HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATION

- Suggestion to retitle to “Designation Criteria.”
- A.2. adds cultural significance to the criteria, which is consistent with current practice and guidance.
- Sections B.1., 2., and 3. Includes the additions of “or” makes it clear that one factor could satisfy the significance criteria.

16.110.070 BUILDING CODE REQUIREMENTS AND HANDICAP ACCESS

- Suggestion to retitle to “Building Code Requirements, Universal Access.”

16.110.075 MOVING OR DEMOLITION OF A LANDMARK OR CONTRIBUTING RESOURCE

- Suggestion to retitle to “Moving or Demolition.”

- Expands the definition of cultural resources that should be subject to review.

16.110.080 ALTERATION OF A HISTORIC LANDMARK OR CONTRIBUTING RESOURCE

- Suggestion to retitle to “Alterations”
- Clarifies that the HLC is responsible for reviewing and making decisions on proposed alterations, eliminates redundant language, and corrects the language.

Attachments

- Ordinance 1584 (includes amendment to 16.110.025 A.)

Fiscal Impact

None.

Options

1. Adopt Ordinance No. 1584, amending Title 16, Chapter 16.110 Historic Preservation, of the Canby Municipal Code.
2. Do not adopt Ordinance No. 1584, amending Title 16, Chapter 16.110 Historic Preservation, of the Canby Municipal Code.

Recommendation

Staff recommends the Council adopt Ordinance No. 1584, amending Title 16, Chapter 16.110 Historic Preservation, of the Canby Municipal Code.

Proposed Motion

“I move to adopt Ordinance No. 1584, amending Title 16, Chapter 16.110 Historic Preservation, of the Canby Municipal Code.”

ORDINANCE NO. 1584

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.110 HISTORIC PRESERVATION, OF THE CANBY MUNICIPAL CODE.

WHEREAS, the City of Canby's Heritage and Landmarks Commission proposed text amendments to update, clarify, and amend Title 16, Chapter 16.110 Historic Preservation, of the Canby Municipal Code after previously bringing the proposed amendments to the Oregon State Historic Preservation Office for review and approval; and,

WHEREAS, the Canby Planning Commission held a Work Session on June 13th, 2022 to review and discuss the proposed changes to the Canby Municipal Code 16.110; and,

WHEREAS, the City of Canby provided appropriate 35-day notice to the Department of Land Conservation and Development; and,

WHEREAS, the Canby Planning Commission reviewed and approved the proposed amendments at the August 8, 2022 Planning Commission meeting with a 3-2 vote; and,

WHEREAS, the City Council, after reviewing the proposed amendments to Chapter 16.110, concluded the changes to be necessary and appropriate to update the Historic Preservation section of the Canby Municipal Code.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Canby Municipal Code (CMC) Chapter 16.110 are hereby amended as follows:

Division X - Canby Historic Preservation Planning Code

16.110.010 Purpose.

The purpose of this chapter is to promote the historic, educational, cultural, architectural, economic and general welfare of the public, and to safeguard the city's historic and cultural heritage through the identification, preservation and protection of structures, site, objects and districts of cultural interest within the city. (Ord. 1469, 2018)

- A.** Foster community pride and a sense of cultural identity.
- B.** Strengthen the city's economy by enhancing property values and enhancing the historic and cultural resources for tourists, visitors and residents and to serve as a support and stimulus for business and industry.
- C.** To encourage public knowledge, understanding and appreciation of the city's history and culture.
- D.** To facilitate and encourage restoration and maintenance of historic buildings, structures, or other physical objects and geographical areas.
- E.** To preserve diverse architectural styles reflecting periods of the city's historical and architectural development, and to encourage complementary design and construction impacting historic development.
- F.** To identify and resolve conflicts between the preservation of historic and cultural resources and alternative land uses.
- G.** To integrate the management of historic and cultural resources into public and private land management and development processes.
- H.** To provide an additional means to implement the mandates of Statewide Planning Goal 5 and the Comprehensive Plan policies relating to historic resources.

I. To recognize the importance of historic transportation corridors (railroad venue and 99-E, Road of a Thousand Wonders, Territorial and Market roads) and waterways (Willamette and Molalla Rivers) to the origin and development of the Canby community. (Ord. 905, 1994)

16.110.015

(Ord. 905, 1994; Deleted by Ord. 1061, 2000)

16.110.020 Definitions.

For purposes of Division X, the following definitions apply. Terms not defined can be assumed to go by their commonly construed meaning.~~terms mean:~~

Alteration . Changes to the exterior of a Landmark or Contributing Resource; minor being that which does not change the existing appearance or material, or which duplicates or restores the affected exterior features and materials, as determined from historic photographs or other evidence of original features or materials; major being that which does change the existing material or appearance. (See section 16.110.080)

Building Code . State of Oregon Structural Specialty Code (Commercial Code); or state of Oregon One and Two Family Dwelling Code (Residential Code)

Heritage and Landmarks Commission . An appointed committee of volunteers who are each experts in some aspect of historic preservation and who review all designations, alterations, demolitions and other activities involving historic resources. (See section 16.110.025) (Ord. 1469, 2018)

Certificate of Appropriateness . An official permit which indicates approval of all proposed alterations, construction, and development affecting designated landmarks or districts. This is in addition to the normal building permit. (see section 16.10.080).

~~**Commission** . Canby's Planning Commission. (See Chapter 16.06)~~

Conflicting Use . Development or redevelopment planned for a property which may result in demolition, alteration or moving of a Landmark or Contributing Resource.

~~**Contributing Resource**. A building, site, structure, or object within a Historic District that contributes to its character. Such resources to be identified at the time of adoption of the Historic District or added at a later date through the same process.~~

Corridor . See Historic Corridor.

Council . Canby's City Council.

Demolish . Raze, destroy, dismantle, deface or, in any other manner, cause partial or total destruction of a Contributing Resource or Landmark. (See section 16.110.075)

~~**Design review**. Review of proposed alterations subject to the procedures and criteria set forth in section 16.110.080 for compliance with the Secretary of the Interior's Standards for Rehabilitation and additional criteria for consideration established in section 16.110.080.E.~~

~~**Eligible/Contributing**. A building, structure, object or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district.~~

~~**Eligible/Significant**. A building, structure, object or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district and are likely individually eligible for listing in the Local Landmark Registry.~~

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Exceptional Significance. The quality of historic significance achieved outside the usual norms of age, association or rarity.

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Historic Corridor . A linear shaped grouping of properties, sites, trail, roadway, rail corridor, landscape corridor, or waterway, associated with events that have made a significant contribution to the broad patterns of our history.

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Heritage and Landmarks Commission. The entity created through and with the responsibilities identified in section 16.110.025

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Historic District . Includes contiguous or non-contiguous districts or corridors. A contiguous district is a geographically defined area composed of structures, sites and objects classified as Landmarks, Contributing Resources and non-contributing resources. A non-contiguous district is a non-geographically related collection of landmark quality structures, sites and objects which have a common builder, style, theme, or other relationship. May be referred to as a district within the ordinance. (See section 16.110.045)

Historic Integrity. The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a historic resource, as opposed to its physical condition,

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Historic Landmark . Any building, site, object, or structure and the property surrounding it designated under this division as historically, architecturally, or environmentally significant. May be referred to as landmark within ordinance. (See section 16.110.040)

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Historical Protection Overlay Zone . Specific zoning that is additional to base zone as per section 16.36. The Historical Protection Overlay Zone is applied to each property designated as a Historic Landmark or District, unless the City Council denies such zoning (See section 16.110.045).

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Historic Resource . ~~A general term for buildings, sites, structures and objects which are Historic Landmarks or Historic District, or have potential to be. A building, structure, object, site, or district that is at least fifty (50) years old or is of exceptional significance and potentially meets the age, integrity, and significance criteria for listing in the Register of Historic Landmarks and Historic Districts or the National Register of Historic Places, but may not necessarily be recorded in the Historic Resource Survey.~~

Historic Resource of Statewide Significance. A building, structure, object, site, or district that is listed on the National Register of Historic Places.

Historic Significance. The physical association of a building, structure, site, object, or district with historic events, trends, persons, architecture, or method of construction, or; that have yielded or may yield information important in prehistory or history.

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Historic Themes . ~~Archeology and prehistory, exploration, western migration, settlement, agriculture, commerce and industry, transportation, government politics and military activities or culture.~~

Inventory of Historic Resources. The record of buildings, structures, objects and sites recorded in the Oregon Historic Sites Database within the City of Canby, used to identify historic resources.

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Moving . Relocating a historic ~~or cultural~~ resource from its original location noted in the Record of Designation, ~~existing parcel or tax lot, to another site.~~

National Register of Historic Places. The nation's official list of buildings, structures, sites, objects, and districts important in the nation's history and maintained by the National Park Service in Washington, D.C., and hereinafter referred to as the "National Register." Historic resources listed in the National Register are referred to as "Historic Resources of Statewide Significance" in Oregon Revised Statutes.

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Non-compatible . -An addition or new construction which is not architecturally or stylistically consistent with a historic resource or surrounding resources in a District. An alteration that is not compliant with the Secretary of the Interior's Standards for Rehabilitation.

Non-contiguous District . see Historic District.

Non-contributing Resource . A structure, site or object within a Historic District, which is neither a Contributing Resource, nor a Landmark. A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.

Not in Period. A building, structure, object or site that was originally constructed outside the applicable period of significance.

Planning Director . Person holding the position of Planning Director for the City of Canby, or their designated representative. (Ord. 905, 1994; Ord. 1061, 2000) The city official responsible for the administration of this ordinance.

Object. A construction that is largely artistic in nature or is relatively small in scale and simply constructed in comparison to buildings or structures, including a fountain, sculpture, monument or milepost, etc.

Ordinary Maintenance. Activities that do not remove materials or alter qualities that make a historic resource eligible for listing the Local Landmark Register, including cleaning, painting (when color is not specifically noted in the Landmark's Record of Designation), and a limited replacement of siding, trim and window components when such material is beyond repair and where the new piece is of the same size, dimension, material and finish as that of the original historic material. Excluded from this definition is the replacement of an entire window or sash or more than twenty (20) percent of the siding or trim on any one side of a Landmark at any one time within one (1) calendar year.

Period of Significance. The time period, from one to several years or decades, during which a Landmark was associated with an important historic event(s), trend(s), person(s), architecture, or method(s) of construction. A Landmark may have more than one period of significance to encompass multiple historic associations.

Record of Designation. The official document created by the Heritage and Landmarks Commission that describes how a Landmark meets the criteria for listing in the City of Canby Register of Historic Landmarks and Historic Districts.

Register of Historic Landmarks and Historic Districts. The list of historic resources officially recognized by the City of Canby as important to in its history and afforded the protection under this Ordinance. The register is administered by the Heritage and Landmarks Commission per section 16.110.040 consisting of all properties so designated by the City Council.

Rehabilitation. The process of returning a Landmark to a state of utility through repair or alteration, which makes possible an efficient use while preserving those portions and features of the Landmark and its site that convey its historic significance.

Site. The location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building, structure, or object.

Structure. A functional construction made usually for purposes other than creating human shelter, such as an aircraft, bridge, fence, dam, tunnel, etc.

Streetscape. The physical parts and aesthetic qualities of a public right-of-way, including the roadway, gutter, tree, lawn, sidewalk, retaining walls, landscaping and building setback.

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16.110.025 Heritage and Landmarks Commission.

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 Heritage and Landmarks Commission. (Ord. 1469, 2018)

A. Appointment and Composition. The City Council shall appoint seven (7) individuals with a demonstrated positive interest, knowledge, or competence in historic preservation. An additional non-voting member shall be a High School Student, residing within the Canby School District boundary. To the extent possible, individuals chosen to serve on the Heritage and Landmarks Commission shall represent the disciplines listed in *The Secretary of the Interior's Proposed Historic Preservation Qualification Standards*. A majority of Heritage and Landmarks Commission voting members shall reside or work inside Canby's Urban Growth Boundary. (Ord. 1369, 2013; Ord. 1435 2016; Ord. 1469, 2018)

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 Heritage and Landmarks Commission member failing to attend three (3) consecutive meetings without approval of the Heritage and Landmarks Commission Chairperson may be removed by the Council and a new member appointed to complete the unexpired term. Heritage and Landmarks Commission 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; Ord. 1469, 2018)

B. Terms of Service. The members of the Heritage and Landmarks Commission shall be appointed for three (3) years, and may be reappointed or removed at the discretion of the City Council. The High School Student's term shall end upon graduation. (Ord. 905, 1994; Ord. 1061, 2000; Ord. 1369 2013; Ord. 1369, 2013; Ord. 1469, 2018)

C. Officers. Each year at the first meeting the Heritage and Landmarks Commission shall select a Chairperson and Vice-Chairperson who shall serve for a term of one (1) year.

D. The Heritage and Landmarks Commission shall meet at least four (4) times a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Meeting minutes, applications for Certificates of Appropriateness, Landmark nominations, records of designation, staff reports and decisions of the Heritage and Landmarks Commission shall be created and maintained as public records in accordance with applicable local state laws.

E. A simple majority of the members of the Heritage and Landmarks Commission shall constitute a quorum. The concurring vote of the members present shall be required for approval or disapproval of any motion or other action of the Heritage and Landmarks Commission.

16.110.030 ~~Heritage and Landmarks Commission~~—Powers and Duties

It is the responsibility of the Heritage and Landmarks Commission to ensure that the purposes of this section are implemented, and to perform the following duties (Ord. 1469, 2018):

A. Adopt rules to govern its deliberations and decisions, including a method to record its proceedings.

B. Carry out the duties described for it in this ordinance and assist the Planning Director, Planning Commission and City Council on historic preservation matters (Ord. 1469, 2018).

C. Maintain and update an inventory of historic resources within the city, as provided under section 16.110.035.

D. Review and render decisions on ~~all historic landmark and historic district applications, as provided under section 16.110.045.~~ all proposals to alter the exterior of a Historic Landmark or contributing resource within a designated Historic District subject to the procedures and criteria set forth in section 16.110.080.

E. Review and make recommendations on application of the Historical Protection Overlay Zone, as provided under section 16.110.045.

F. Review and render decisions on proposals to alter the exterior of a Historic Landmark subject to the procedures and criteria set forth in section 16.110.080.

G. Review and render decisions on all proposed new construction subject to a building permit on property where a Historic Landmark is located or within a Historic District on property where a Historic Landmark is located, or within a Historic District, subject to the procedures and criteria set forth in section 16.110.080.

H. Review all requests for demolition of a historic landmark or contributing resource, as provided under section 16.110.075.

I. Review and make recommendations to the Planning Commission on all Conditional Use applications under section 16.38.

J. Review and make recommendations on all partitions and subdivisions of designated properties, as provided under section 16.110.085.

K. Disseminate information to educate the public as to local, state and federal laws protecting antiquities and historic places.

L. Act as consultant for local preservation groups, educational workshops, signage and monumentation projects, and other similar projects.

M. Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the city.

N. Provide design guidance for historic property owners. (Ord. 905, 1994; Ord. 1061, 2000)

O. The Heritage and Landmarks Commission shall support the enforcement of all state laws relating to historic preservation.

16.110.035 Inventory of Historic Resources

~~—A. The Planning Commission, upon initiation and review by the Heritage and Landmarks Commission, shall develop or adopt a system for evaluating historic resources. The system shall rank surveyed historic resources as eligible, potentially eligible, or ineligible for designation as a Historic Landmark or Historic District. (Ord. 1469, 2018)~~

~~—B. The Planning Commission, upon initiation and review by the Heritage and Landmarks Commission, shall periodically update the Inventory of Historic Resources and make it available to the public. (Ord. 1469, 2018)~~

~~—C. Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are automatically designated as Historic Landmarks or Historic Districts. As Historic Resources of Statewide Significance, all such properties are subject to the regulations in Sections 16.110.070-085, pursuant to Oregon Administrative Rule 660-023-200. However, only properties designated as Historic Landmarks or Historic Districts by the City of Canby as provided for under this Division are eligible for the local public incentives and zoning designation herein. (Orig. section del., repl. by Ord. 1061, 2000; Ord. 1111, 2003)~~

The Inventory of Historic Resources lists, describes, and determines the eligibility of historic resources for listing in the City of Canby Register of Historic Landmarks and Historic Districts. Not all properties

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listed in the Inventory of Historic Resources are eligible for listing in the City of Canby Register of Historic Landmarks and Historic Districts. A property need not be first listed in the Inventory of Historic Resources before being nominated to the City of Canby Register of Historic Landmarks and Historic Districts under Section 16.110.045.

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The Heritage and Landmarks Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources based on the community's needs and interests.

Before commencing inventory studies or updates, the Heritage and Landmarks Commission shall provide public notice describing the inventory and its purposes, as well as invite public participation.

Surveyed properties shall be identified as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Inventory of Historic Resources shall meet the requirements of the document, "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the SHPO and supplied to the agency within six (6) months of the completion of the study. All survey data will be recorded in the Oregon Historic Sites Database.

The Heritage and Landmarks Commission shall request a Geographic Information System (GIS) point layer for properties within and immediately adjacent to the City of Canby, with associated attribute data from the SHPO's Oregon Historic Sites Database, for integration within the City's GIS system and for making the data publicly available via the city's website. This data sharing will be updated annually. No archaeological data will be included in this data sharing.

The Inventory of Historic Resources shall be maintained as a public record with the exception of archaeological sites, which is prohibited by state law.

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Citizens shall have the opportunity to review and correct information included in the Inventory of Historic Resources. Any member of the public may place a property in the Inventory of Historic Resources; however, the Heritage and Landmarks Commission retains the authority to determine the property's eligibility for listing in the City of Canby Register of Historic Landmarks and Historic Districts.

The Heritage and Landmarks Commission may collect further information including, but not limited to, current photographs, architectural descriptions based on on-site observations, or archival documentation for properties already listed in the City of Canby Register of Historic Landmarks and Historic Districts or National Register for the purposes of administering this Ordinance pursuant to the provisions of this Section.

16.110.040 Register of Historic Landmarks and Historic Districts.

A. The Heritage and Landmarks Commission shall maintain a register of Historic Landmarks and Historic Districts, consisting of all properties so designated by the City Council. (Ord. 1469, 2018)

B. The three structures already designated under the Historic Overlay provisions in 1984, by Ordinance No. 742, are hereby added to the Register of Historic Landmarks.

C. Designated Historic Landmarks and Historic Districts shall have the Historical Protection Overlay Zone applied to them unless the City Council finds that such zoning is not appropriate to a specific piece of property. (Orig. section del., repl. by Ord. 1061, 2000)

16.110.045 Designation Procedure, ~~for Historic Landmarks and Historic Districts.~~

~~A. The City's Historic Landmark designation procedure may be initiated by the City Council, Planning Commission, Heritage and Landmarks Commission, or owner(s) of the proposed landmark, hereby referred to as applicant. (Ord. 1469, 2018)~~

~~B. The City's Historic District designation procedure may be initiated by the Heritage and Landmarks Commission, the City Council, Planning Commission, any citizen, or by owners of at least fifty-one (51) percent of the privately owned property in the area to be designated. (Ord. 1469, 2018)~~

~~A. Anyone may initiate the City's Historic Landmark or Historic District designation procedure. (Ord. 1469, 2018)~~

C. No property shall be designated without the written consent of the owner, or, in the case of multiple ownership, a majority of the owners. If the owner or owners refuse to consent to designation at any point during the designation process, the property shall be removed from any form of consideration for local designation.

D. The Planning Director shall establish standards for a complete application and may require a pre-application conference. Upon acceptance of a complete application, the Planning Director shall schedule a public hearing pursuant to applicable state laws.

E. After review, notice and public hearing, as specified in section 16.110.050, the Heritage and Landmarks Commission shall make a decision on the City's Historic Landmark or Historic District designation. In addition the Heritage and Landmarks Commission shall make a recommendation to the Canby Planning Commission and City Council for assignment of the Historical Protection Overlay Zone. (Ord. 1469, 2018)

~~F. The Heritage and Landmarks Commission shall develop findings to support its decisions. These findings shall indicate those elements of a property or district that are included in the designation and subject to regulation under the provisions of this Division. A list of Contributing Resources shall be identified upon creation of a Historic District. (Ord. 1469, 2018) The Heritage and Landmarks Commission shall develop a record of designation describing how the Landmark meets the criteria for listing in the City of Canby Register of Historic Landmarks and Historic Districts. This record shall indicate the period of significance and those elements of a property or district that are included in the designation and subject to regulation under the provisions of this Ordinance. A list of contributing resources shall be identified upon creation of a historic district. (Ord. 1469, 2018)~~

G. Upon receipt of the record of the Heritage and Landmarks Commission proceedings and the recommendation of the Heritage and Landmarks Commission, the Planning Commission shall conduct a review of that record and shall make a recommendation to the City Council on the overlay zone designation. The City Council shall conduct a review of the records of both the Heritage and Landmarks Commission and Planning Commission and shall vote to approve, deny, or approve subject to modifications the recommendation that has been forwarded to them. The Planning Commission and City Council may, but are not required to, hold new public hearings on the matter. (Ord. 905, 1994; Ord. 1061, 2000; Ord. 1111, 2003; Ord. 1469, 2018)

H. Historic resources within the corporate boundaries of the City of Canby and listed in the National Register, including all National Register-listed historic districts in their entirety, may be listed in the City of Canby Register of Historic Landmarks and Historic Districts using the procedures outlined in Section

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16.110.045, but need not be documented as outlined in Section 16.110.55. In such cases, the National Register nomination shall serve as the Record of Designation. As Historic Resources of Statewide Significance, all National Register-listed properties, including individual properties in recognized National Register-listed historic districts, are subject to the regulations in Section 16.110.75, pursuant to Oregon State Law.

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16.110.050 Review, Notice, Public Hearing Procedures.

A. Review of any application pursuant to this chapter shall follow procedures set forth in Canby Ordinance Chapter 16.89.

B. The Heritage and Landmarks Commission shall follow the public hearing procedures found in ordinance section 16.88.130(C) and the notice requirements of ordinance section 16.88.130 (D) when reviewing the following applications (Ord. 1469, 2018):

1. Designation of a Historic Landmark or Historic District;
2. Modification of a Historic District boundary;
3. Demolition or moving of a Historic Landmark or Contributing Resource;
4. Alterations subject to the Heritage and Landmarks Commission review. (Ord. 1469, 2018)
5. New construction subject to the Heritage and Landmarks Commission review. (Ord. 1469, 2018)

~~-C. The Planning Commission shall apply the criteria of this ordinance to major alterations to be reviewed within its jurisdiction for reasons other than Historic Preservation purposes, but which occurs on or to a Historic Landmark or a Contributing Resource within a Historic District. The Heritage and Landmarks Commission will make recommendations regarding these matters to the Planning Commission and the commission shall recognize such recommendations in its action. (Ord. 1469, 2018)~~

Commented [JJ5]: Conflicts with the language of 16/110/080 (E) that the HLC shall review all new construction and major alterations.

D. The Planning Director shall apply the criteria of this ordinance when reviewing:

1. Minor alterations subject to the Planning Director's jurisdiction (see section 16.110.020, definition of Alterations.)
2. Lot line adjustments which occur on or to a Landmark or within a Historic District.

E. All other historically related administrative actions for which the Planning Director has decision making authority shall be subject to the review procedures provided in section 16.89.

F. The Planning Commission shall receive notice of all public hearings held by the Heritage and Landmarks Commission (Ord. 905, 1994; renumb., mod. by Ord. 1061, 2000; Ord. 1080, 2001; Ord. 1469, 2018)

16.110.055 Designation Criteria ~~for Historic Landmark and Historic District Designation.~~

A. In order to designate buildings, sites, objects, or structures as Historic Landmarks or Historic Districts, it shall be found that:

1. The resource is about 50 years or older, or the resource is less than 50 years old but of exceptional importance with regard to its historical, architectural or environmental significance; and

2. There is historical, architectural, cultural and/or environmental significance.

B. The following factors shall be considered in determining whether the criteria found in subsection 1(b) of this section are satisfied:

1. Historical Significance.

a. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state or nation; or,-

b. Association with an event that has made a significant contribution to the city, county, state or nation; or,-

c. Association with broad patterns of cultural, political, social, economic, industrial, or agricultural history; or,-

d. Potential for providing information of a prehistoric or historic nature in the city, county, state, or nation; or,-

e. Listed on the National Register of Historic Places.

2. Architectural Significance.

a. Example of a particular architectural style, building type and/or convention; or,-

b. Example of quality of composition, detailing and/or craftsmanship; or,-

c. An example of a particular material and/or method of construction; or,-

d. It retains original design features, materials and/or character; or,-

e. The only remaining, or one of few remaining resources of a particular style, building type, design, material, or method of construction; or,-

f. The work of a master architect.

3. Environmental Significance.

a. A visual landmark in the neighborhood or community; or,-

b. Existing land use surrounding the resource contributes to the integrity of the pertinent historic ~~period~~period; or,-

c. It consists of a grouping of interrelated elements including historic structures, plant materials and landscapes, view sheds and natural features.

d. It contributes to the continuity or historic character of the street, neighborhood and/or community. (Ord. 905, 1994; renumb., mod. by Ord. 1061, 2000)

16.110.070 Building Code Requirements, Universal~~Handicapped~~ Access.

A. Permits Required. Any alteration or relocation of a Historic Landmark shall be subject to the applicable regulations under the Building Code.

B. Waivers. Except for 1-2 family structures, as provided in section 104(f) of the Uniform Building Code, repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation or continued use of a Historic Landmark, or building within a Historic District or Historic Corridor, may be made without conformance to all the requirements of the Uniform Building Code when authorized by the Building Official, provided:

1. Any unsafe conditions as described in the Uniform Building Code are corrected;
2. The restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and
3. The Building Official seeks the advice of the Heritage and Landmarks Commission and/or the Oregon State Historic Preservation Officer. (Ord. 1469, 2018)

C. Alterations of Landmarks and Contributing Resources to provide handicap access, as approved by the Building Official with advice from the Planning Director and Heritage and Landmarks Commission, shall be allowed. To the extent practical, the design of the alteration shall be discreet and preserve the historic features upon which the designation is based. (Ord. 1469, 2018)

D. Modifications to certain regulations. As pertains to designated properties, the Planning Commission may modify the Land Development and Planning Code regulations pertaining to signs, fence and wall provisions, general provisions regarding height, yards, area, lot width, frontage, depth, coverage, number of off-street parking spaces required, and regulations prescribing setbacks, if the modifications:

1. Are necessary to preserve the historic character, appearance or integrity of the proposed Historic Landmark, and
2. Are in accordance with the purposes of the zoning and sign regulations.

The Heritage and Landmarks Commission shall make recommendations to the Planning Commission on such matters. (Ord. 1469, 2018)

E. Appeals. In the case of appeals related to the application of the Uniform Building Code to a Historic Landmark, or building within a Historic District, the City Council or the appropriate Local or state appeals board shall seek the advice of the state Historic Preservation Officer. (Ord. 905, 1994; Ord. 1061, 2000)

16.110.075 Moving or Demolition of a Landmark or Contributing Resource.

A. Purpose. The intent of this subsection is to protect Historic Landmarks and Historic Districts from destructive acts and to provide the citizens of the city time to review the significance of a Historic Landmark or Contributing Resource within a Historic District, and to pursue options to preserve such building(s), structure(s), objects(s), sites(s) or district(s), if historic preservation is deemed in the best interest of the community.

B. Prior to submittal of a request for moving or demolition, a preservation plan is required.

1. The applicant shall prepare and submit a plan for preservation of the Landmark or Contributing Resource. A pre-application conference shall be scheduled to allow the applicant and staff to discuss the proposal, the preservation plan requirements, and the applicable criteria. The plan shall be reviewed by the Heritage and Landmarks Commission. (Ord. 1469, 2018)

2. The Preservation Plan shall include a narrative describing how the applicant will accomplish all of the following:

a. The resource shall be advertised in the local, regional and historic preservation newspapers of general circulation in the area, once per week during the pre-application period.

b. A city-provided sign shall be placed on the property informing the public of intended action which will remove or demolish the structure. The sign shall remain on the property until a permit is issued.

c. Information will be prepared and made available, related to the history and sale of the property, to all who inquire.

d. The proposed plan for the new use of the Historic Landmark site shall be provided.

e. A record of the parties who have expressed an interest in the structure shall be provided and, to ensure that an adequate effort has been made to secure a relocation site, a list of locations and owners who have been contacted regarding purchase of a relocation site shall be provided.

3. Following receipt of the preservation plan, the Planning Director shall review and approve said plan and shall issue a media release to local newspapers of general circulation. The media release shall include, but not be limited to, a description of the significance of the Historic Landmark, the reasons for the proposed demolition or removal, and the possible options for preserving the Historic Landmark.

C. Moving or Demolition Permit. No building designated as a Historic Landmark or Contributing Resource within a Historic District shall be intentionally moved unless such action is approved by the Heritage and Landmarks Commission. No building designated as a Historic Landmark or Contributing Resource within a Historic District shall be intentionally demolished unless such action is approved by the City Council. Application for permit to move or demolish such a building shall be made to the Planning Director. (Ord. 1469, 2018)

D. Public Hearing Review. The Heritage and Landmarks Commission shall hold a public hearing under provisions and procedures in Subsection 16.110.050, to review the request to move, demolish or destroy a Historic Landmark or Contributing Resource within a Historic District. The Heritage and Landmarks Commission shall make a final decision on applications to move a Landmark or Contributing Resource and shall make a recommendation to the City Council on demolitions. The Heritage and Landmarks Commission shall make written findings supporting its decision to approve or suspend the request. The burden of proof lies with the applicant. For demolition applications, the City Council shall review the record and findings of the Heritage and Landmarks Commission and make a final decision. The Council may, but is not required to, hold a public hearing on the matter. (Ord. 1469, 2018)

E. Moving a Historic Landmark or Contributing Resource. In order to allow the moving of a Historic Landmark or Contributing Resource, the Heritage and Landmarks Commission shall consider the following (Ord. 1469, 2018):

1. Relocation is the only alternative for preservation of the Historic Landmark or Contributing Resource;

2. The proposed relocation site will not greatly reduce the historical and/or architectural significance of the Historic Landmark or Contributing Resource; the site is a contextually appropriate setting; it is within the city and preferably within the neighborhood within which it is currently located;

3. The designated resource cannot reasonably be used in conjunction with the proposed use;

4. The continued location of the Landmark or Contributing Resource on the proposed development site precludes development on the site which would provide a greater community benefit;

5. The designated Landmark or Contributing Resource is structurally capable of relocation;

6. If the Landmark or Contributing Resource is relocated within the city, the owner of the relocation site agrees, as a condition of the purchase agreement, to apply within ninety (90) days of relocation, to the city for designation as a Historic Landmark, to be protected under the provisions of this ordinance;

7. The loss of the Landmark or Contributing Resource will not affect the integrity of a Historic District; and adequate effort has been made to seek a relocation site within the Historic District.

F. Demolition of a Historic Landmark or Contributing Resource. In order to allow the demolition of a Landmark or Contributing Resource, the Heritage and Landmarks Commission and City Council shall consider the following (Ord. 1469, 2018):

1. All plans, drawings, and photographs submitted by the applicant; and,

2. Information presented at the public hearing concerning the proposed work proposal; and,

3. The Canby Comprehensive Plan; and

4. The purposes of this ordinance as set forth in section 16.110.010; and

5. The criteria used in the original designation of the Historic Landmark or Historic District in which the property under consideration is situated; and,

6. The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to the other buildings within the district or corridor; and the position of the building in relation to public rights-of-way and to other buildings and structures in the area; and,

7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district or corridor which cause it to possess a special character or special historical or aesthetic interest or value; and,

8. Whether suspension of the permit will involve substantial hardship to the applicant, and whether approval of the request would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this ordinance; and,

9. When applicable, the findings of the Building Official in determining the status of the subject building as a dangerous building under section 15.16 of the Municipal Code, and the feasibility of correcting the deficiencies to meet the requirements of the City Council rather than demolishing the building.

G. Approval of Moving or Demolition Request/Appeals. The Heritage and Landmarks Commission or City Council may approve the moving or demolition request in consideration of the provisions under 3 and 4, above. The action of the Heritage and Landmarks Commission shall be transmitted to the applicant in writing within ten (10) days of the decision on the request, and shall be final after a period of fifteen (15) days from the date of the letter and findings approving the request, unless a notice of appeal is filed by any aggrieved party, pursuant to section 16.89. (Ord. 1469, 2018)

H. Suspension of Moving or Demolition Permit Request. The Heritage and Landmarks Commission may suspend the request for moving or demolition of a Historic Landmark or Contributing Resource if it determines that in the interest of preserving historic values for public benefit, the building should not be moved or demolished. Written findings supporting the suspension of the request shall be transmitted to the applicant within ten (10) days of the final public hearing on the request. (Ord. 1469, 2018)

I. Stay of Moving or Demolition. If the moving or demolition request is suspended by the Heritage and Landmarks Commission, the written finding supporting the action to suspend the request shall be transmitted to the Planning Director, along with a request that the enforcement of any applicable notice and order of the building official be stayed during the pendency of an appeal, or for a period of not more than sixty (60) days from the date of the letter and findings supporting the suspension. During this stay of demolition period, the following actions may be taken (Ord. 1469, 2018):

1. The Fire Marshal, Chief of Police, or the City Council designee, may require the owner or other party responsible for the subject building to take appropriate actions, other than demolition, to protect the public from hazardous conditions associated with the building.

2. The applicant may be required by the Heritage and Landmarks Commission to continue to carry out the Preservation Plan (Section [16.110.075](#) (2)) activities through the entire stay of moving or demolition. (Ord. 1469, 2018)

3. The Heritage and Landmarks Commission may research programs or projects underway which could result in public or private acquisition of the subject building and site, and assess the potential for the success of these programs or projects. (Ord. 1469, 2018)

a. If the Heritage and Landmarks Commission determines that there is reasonable grounds to believe that such program or project may be successful, it may extend the suspension period up to thirty (30) additional days per extension, not to exceed more than a total of 120 days from the date of the letter and finding suspending the request. (Ord. 1469, 2018)

b. If the Heritage and Landmarks Commission determines that all such programs or projects are unlikely to be successful, and the applicant has not withdrawn his application for a demolition permit or taken appropriate alternative action to correct the hazards associated with the subject building as provided in a notice and order of the City Council, then at the end of the

stay of demolition period, the building official may, with advice of the Planning Director, issue such permit, subject to all other applicable codes and ordinances. (Ord. 1469, 2018)

J. Appeal of Stay of Demolition. Action of the Heritage and Landmarks Commission in suspending issuance of the permit for demolition may be appealed by the applicant, to the City Council, within fifteen (15) days of the date of the written findings suspending the demolition permit, by filing a notice of appeal, as provided in section 16.88.140. (Ord. 1469, 2018)

K. Documentation Required. When moving or demolition is imminent, whether by direct approval or if efforts during the Preservation Plan and Stay of Demolition are unsuccessful, the following complete documentation of the structure(s) is required to be submitted to the Planning Director by the applicant, or access allowed to a designee of the Heritage and Landmarks Commission (Ord. 1469, 2018):

1. Floor plans, to scale, of the structure(s) and related structures.
2. Site plan, to scale, showing surrounding roadways, landscaping, natural features, structure(s) and related structure(s).
3. Photographs of all exterior elevations.
4. Photographs of architectural detail not shown in elevation photographs.
5. The Historic Preservation League of Oregon, Canby Heritage League, Old Home Forum, and any other local preservation group shall be given written notice of the opportunity to salvage and record the resource. A copy of such notice shall also be given to the Planning Director.

L. Moving or Demolition Permit Issuance. A moving or demolition permit for a Landmark found to comply with all provisions set forth in Division 10 of this ordinance shall not be issued until all development permit applications for the new use or development have been approved by the city. (Ord. 905, 1994; Ord. 1061, 2000)

16.110.080 Alterations of a Historic Landmark or Contributing Resource, or New Construction Within a Historic District.

A. Purpose. ~~The intent of this subsection is to provide the procedures and criteria utilized by the Heritage and Landmarks Commission to review and render decisions on any proposal to alter the exterior of a Historic Landmark or a contributing resource within a designated Historic District, and on all new construction subject to a building permit on property where a Historic Landmark is located, or within a Historic District. It is the intent of this subsection to provide for the appropriate level of review for proposed new construction, alterations and development affecting properties within Historic Districts, or those affecting Historic Landmarks, and to provide criteria for review.~~

B. Application Requirements. In addition to any normally required building permits, a Certificate of Appropriateness is required. Prior to formal application, a pre-application conference between the applicant and Planning Director shall occur. All applications for alterations and development made pursuant to this section shall include:

1. The applicant's name and address.
2. The owner's name(s) and address.

3. A detailed explanation of proposed alterations.
4. A written description of the location of the site and, if applicable, boundaries of the Historic District ~~or Corridor~~.
5. A map illustrating the location of the site and, if applicable, boundaries of the District.
6. A list of exterior materials pertinent to the application request.
7. Drawings:
 - a. Side elevation for each side of any affected structure,
 - b. Shall indicate dimensions and be to scale,
 - c. Photographs may be used in lieu of drawings for small projects.

Site plan showing relationship of structure(s) to roadways, parking areas, access drives, landscape features, plant materials, fences and other pertinent elements, drawn to scale.

C. Maintenance. The normal responsibilities of the property owner to care, repair and replace with like materials can be done without formal review. Normal maintenance may include, but not be limited to:

1. Painting and related preparation of the structure.
2. Repair and/or replacement of roofing materials with the same kind existing.
3. Ground care and maintenance required for the permitted use on the property.
4. Replacement of fences, shrubs or other yard fixtures or landscaping with like type or style.
5. Existing materials may be replaced in-kind, of either building or grounds because of damage or decay of materials.
6. Installation and maintenance of irrigation systems.

D. Minor Alterations. The Planning Director shall determine the status of a proposed alteration. While the following improvements may not always require a regular building permit, minor alterations shall always be reviewed and approved by the Planning Director, who may consult with the Heritage and Landmarks Commission, or any member thereof, in applying the provisions of this section. A Certificate of Appropriateness is required for minor alterations. An alteration shall be considered minor when the result of the proposed action is to restore portions of the exterior to the original historic appearance while performing repairs, such as (Ord. 1469, 2018):

1. Addition of gutters and downspouts (suggest repair of built-in, wooden, or half-round gutters and round downspouts).
2. Repairing or providing a compatible new foundation that does not result in raising or lowering the building elevation.
3. Change in material to match original type of material on the structure or grounds.

4. Change in type of roof material in character with the original roofing material.

5. Replacement of storm windows or doors with wooden, dark anodized, clad or painted in compatible color.

E. New Construction or Major Alterations Criteria. The Heritage and Landmarks Commission shall review all proposed new construction and alterations which exceed a minor status. A request for a new construction or alteration permit under this provision shall be made on the appropriate application form provided by the Planning Department. Review and approval of an application shall consider the following Secretary of the Interior's Standards for Rehabilitation (Ord. 1469, 2018):

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and ~~spatial~~ relationships.

2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features and spaces and special relationships that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other historic properties, shall not be undertaken.

4. Changes to properties that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive materials, features, finish and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

8. Archeological resources affected by a project shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and special relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale, and proportion and massing, to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property, including historic plant materials, and its environment would be unimpaired. *(Additional Criteria for Consideration)*

11. The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site or within the District or Corridor, considering setbacks, distances between structures, location of entrances and similar siting considerations.

12. Changes to yard areas including planters, fences, ponds, walkways and landscape materials, should be compatible with the overall historic setting. (Ord. 905, 1994; Ord. 1061, 2000)

16.110.085 Partitions and Subdivisions.

The Heritage and Landmarks Commission shall review and make recommendations, as soon as possible, to the Planning Commission, on all proposed partitions or subdivisions of sites designated as a Landmark or located within a Historic District. The Planning Director shall transmit applications to the Heritage and Landmarks Commission as soon as possible. Review of proposed subdivisions or partitions shall be based on the following criteria (Ord. 1469, 2018):

A. The partition or subdivision does not allow a significant feature of the original site, as identified in the designation action and inventory, to be located on a separate site from the Landmark.

B. The partition or subdivision allows adequate setbacks from Landmark improvements to provide for buffering and mitigation of impacts associated with development of the new parcels. Such special required setbacks shall be indicated on the plat or partition or in deed covenants.

C. Yard and landscaped areas including large trees and shrubs associated with the Historic Landmark structure shall be retained with the structure whenever possible. (Ord. 905, 1994)

16.110.090 Incentives.

A. Economic.

1. The Planning Director or Heritage and Landmarks Commission shall provide all applicants and interested parties with details regarding monies available from national, state, county, and local sources. (Ord. 1469, 2018)

2. The city shall explore and consider the feasibility and advisability of the adoption of economic incentives for the benefit of owners of historic resources (i.e. revolving fund, to offset hardship, buy endangered properties, offer low interest loans or grants, tax relief).

3. The city shall explore and consider property tax rebates for designated properties.

4. The city shall explore and consider Community Development Block Grants for rehabilitation of designated properties.

5. The city shall encourage the establishment of a mechanism for providing opportunities for:

6. Cooperative purchase of materials for improvement;
7. Assistance in application for National Register application; and
8. Facilitating loan and insurance availability for designated properties.

B. Educational.

1. The Planning Director shall provide owners of historic resources with the names of local, state, and national preservation organizations and pertinent publications.

2. All owners of historic resources shall be invited to attend an annual preservation workshop sponsored either by the city, or in partnership with other jurisdictions in the county and shall be made aware of their eligibility for and advantage of membership in the Historic Preservation League of Oregon.

3. The Heritage and Landmarks Commission members may provide design guidance (but not to be construed as free long-term design service). (Ord. 1469, 2018)

4. The Heritage and Landmarks Commission and the Planning Director shall work with Parks Development and local developers to feature historic themes at appropriate sites. (Ord. 1469, 2018)

C. Recognition.

1. The city shall provide all owners of designated Landmark properties with an appropriate certificate.

2. Consistent with the requirements of the Sign Code section 16.42, property owners of Historic Landmarks and Contributing Resources shall be encouraged to display a standard identifying sign, as available through local preservation organizations. (Ord. 905, 1994; renumb. by Ord. 1061; 2000)

16.110.095 Casualty Destruction.

A historic resource damaged or destroyed by unintentional means, to the extent that the cost of rebuilding damaged portions would exceed fifty (50) percent of the replacement value of the entire historic resource, may be removed from the Landmark status list by requesting such action of the City Council, and providing such proof as is necessary to establish that the requirements of this section are met. (Ord. 905, 1994)

16.110.100 Fees.

No fees or deposits for applications, plan reviews, interpretations or any other action pursuant to this chapter, shall be established. (Ord. 905, 1994)

16.110.105 Enforcement.

It shall be the duty of the Planning Director to enforce the provisions of this chapter and to insure compliance with conditions of approval or postponement. (Ord. 905, 1994)

16.110.110 Penalties.

Any person who fails to comply with, or who violates any provision of this chapter, except the demolition provisions of section 16.110.075, or who violates or fails to carry out the terms and conditions of any approval granted pursuant to this chapter, shall be subject to a fine of not less than \$50.00 or more than \$500.00 per violation. The demolition of a Landmark in violation of section 16.110.075 is punishable by a fine of not less than \$500, nor more than \$25,000. (Ord. 905, 1994; Ord. 1061, 2000)

16.110.115 Official Action.

All officials, departments and employees of the city vested with authority to issue permits or grant approvals shall adhere to and require conformance with this chapter, and shall issue no permit or grant approval for any development, alteration, moving or demolition which violates or fails to comply with conditions or standards imposed to carry out this chapter. Any permit or approval issued or granted in conflict with the provisions of this chapter, whether intentional or otherwise, shall be void. (Ord. 905, 1994)

16.110.120 Abatement of Violations.

Any development which occurs contrary to the provisions of this chapter or contrary to any permit or approval issued or granted hereunder is hereby declared to be unlawful and a public nuisance, and may be abated by appropriate proceedings.(Ord. 905, 1994)

16.110.125 Injunctive Relief.

Upon request of the city administrator, the City Attorney may institute an appropriate action in any court to enjoin the demolition, alteration or moving of any historic resources, or noncontributing resource or construction on or to any Landmark or within any Historic District which is in violation of any provision of this chapter. (Ord. 905, 1994)

16.110.130 Evidence of Violation.

Proof of a violation of this chapter or permit or approval issued or granted hereunder shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the unlawful activity, condition, building, structure or other development exists. Prosecution, or lack thereof, of the owner of the property, the occupant, or other person in possession or control of the property shall not be deemed to relieve any other responsible person. (Ord. 905, 1994)

16.110.135 Cumulative Remedies.

The rights, remedies and penalties provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the city under any other provision of law. A person holding a city business license who violates the provisions of this chapter is also subject to a proceeding to consider revocation of the license pursuant to Code section 5.04, Business Licenses. (Ord. 905, 1994)

16.110.140 Interpretation, Regulations and Procedures.

The Planning Director shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this section. A request for an interpretation of this section shall be made in writing and may be appealed pursuant to section 16.110.145. The Planning Director may develop rules, regulations and procedures to aid in the implementation and interpretation of the provisions of this section. (Ord. 905, 1994; Ord. 1061, 2000)

16.110.145 Appeals.

A. Any person may appeal a decision of the Planning Director to the Heritage and Landmarks Commission. The appeal must be filed within fifteen (15) days of the written decision of the Planning Director. (Ord. 1469, 2018)

B. Any person may appeal a decision of the Heritage and Landmarks Commission within fifteen (15) days of the written decision of the Commission. The appeal will be heard by the City Council, pursuant to procedures set forth in Code section 16.89. (Ord. 905, 1994; Ord. 1061, 2000; Ord. 1469, 2018)

16.110.150

(Ord. 1061, 2000; del. by Ord. 1111, 2003)

16.110.155

(Renumb. to 16.110.090 by Ord. 1061, 2000)

16.110.160, .165, .170, .175, .180

(Ord. 905, 1994; Del. by Ord. 1061, 2000)

16.110.185 Carryover Provisions.

Any alteration of the three structures already designated under the Historic Overlay provisions in 1984, by Ordinance No.742, shall be reviewed under provisions of this chapter. (Tax Lot 6900 of Tax Map 3-1E-33CD; Tax Lot 1100 of Tax Map 3-1B-33CC; and Tax Lot 2600 of Tax Map 3-1E-33CC.) (Ord. 905, 1994)

16.110.190 Severability.

Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 905,1994) **16.110 page 15**

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, August 17th, 2022, 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, September 7th, 2022, commencing at the hour of 7:00 PM in the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Melissa Bisset, CMC
City Recorder

on second and final reading by the Canby City Council at a regular meeting thereof on the 7th day of September, 2022 by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Melissa Bisset, CMC
City Recorder



CITY COUNCIL STAFF REPORT

Meeting Date: 9/7/2022

To: The Honorable Mayor Hodson & City Council

Thru: Scott Archer, City Administrator

From: Jerry Nelzen, Public Works Director

Agenda Item: Consider Ordinance No. 1585, An Ordinance Authorizing the City of Canby to Enter into a Purchase Agreement with Peterson Cat for a New Excavator. (*First Reading*)

Goal: Align resources to address future community growth

Objective: N/A

Summary

The City of Canby Department of Public Works (Public Works) is requesting funds to purchase a new excavator.

Background

Public Works would like to purchase a new excavator to add to the City's fleet to help with the growing infrastructure.

Discussion

The City of Canby is a growing city with an ever expanding infrastructure. To help with the ever demanding needs of the City it would be in the best interest to add this to the fleet. This excavator was approved by budget committee and if approved by the City Council with be purchased through government pricing.

Attachments

Ordinance No. 1585

Peterson CAT Quote 206034-01

Quoted as per Sourcewell Contract# 032119-CAT

Fiscal Impact

\$102,413.96

Options

1. Continue to use the excavator currently owned by the City. As time progresses this option is going to become more expensive in labor, downtime, and parts.
2. Purchase a new excavator.

Recommendation

Purchase the new excavator.

Proposed Motion

“I move to pass Ordinance No. 1585; An Ordinance authorizing the City of Canby to Enter Into a Purchase Agreement with Peterson CAT for a New Excavator to come up for a second reading on September 21, 2022.”

ORDINANCE NO. 1585

AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A PURCHASE AGREEMENT WITH PETERSON CAT TO BUY A NEW EXCAVATOR.

WHEREAS, the City of Canby Department of Public Works (Public Works) requires excavation of material as part of its mission to perform maintenance on City of Canby (City) streets, the City's sanitary sewer system, and the City's storm system;

WHEREAS, the City of Canby Public Works Department uses one excavator;

WHEREAS, the excavator in the possession of the City of Canby is a piece of equipment used daily by the Public Works Department; and

WHEREAS, a new excavator with different bucket attachments would provide for a more efficient and safe operations for excavating material which is part of the City of Canby Public Works functions.

NOW THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The City Administrator is hereby authorized on behalf of the City to enter into a purchase agreement with Peterson CAT to purchase a Caterpillar 306 Cr Excavator. A copy of the Purchase Agreement is attached hereto as Exhibit "A."

Section 2. The effective date of this Ordinance shall be October 21, 2022.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, September 7, 2022; ordered posted as required by the Canby City Charter; and scheduled for second reading on September 21, 2022 commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.

Melissa Bisset, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the September 21, 2022 by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Melissa Bisset, CMC
City Recorder



Jul 20, 2022

CITY OF CANBY

PO BOX 930
CANBY Oregon 97013
Attention: CHRIS GOETZ

RE: Quote 206034-01

We would like to thank you for your interest in our company and our products, and are pleased to quote the following for your consideration.

One (1) New Caterpillar Model: 306 Compact Construction Equipment

MACHINE SPECIFICATIONS

306 07A CR MHE CFG14B	614-2570	\$109,953.80
INCLUDES:		\$0.00
523-7568 306 07A CR MINI EXCAVATOR		\$0.00
523-7593 ENGINE, EPA TIER 4 FINAL		\$0.00
523-8003 ELECTRICAL ARR, C2.4 HRC		\$0.00
382-8757 DRAIN, ECOLOGY	382-8757	\$0.00
511-6170 ALARM, TRAVEL		\$0.00
522-6499 LIGHTS, LED	522-6499	\$0.00
523-7583 BOOM, SWING		\$0.00
541-4573 TRAVEL PEDALS		\$0.00
555-8731 FILM, COUPLER, ISO	555-8731	\$0.00
557-1709 SOFTWARE, PROPORTIONAL CONTROL		\$0.00
557-1710 SOFTWARE, STICK STEER CONTROL		\$0.00
557-1711 SOFTWARE, 2 WAY CONTROL	557-1711	\$0.00
557-1713 SOFTWARE, CODED START		\$0.00
NOTE: NOTE: 306CR "A la Carte" cab Unit		\$0.00
LINES, BOOM	532-7892	\$0.00
LINES, STICK	532-7890	\$0.00
LINKAGE BUCKET W/ LIFTING EYE	538-2697	\$339.20
TRACK, 16", RUBBER BELT	527-2800	\$0.00
BELT, SEAT, 3" RETRACTABLE	510-6085	\$0.00
INTEGRATED RADIO	511-6219	\$503.50
PRODUCT LINK, CELLULAR PL243	557-5067	\$0.00
CAMERA, REAR VIEW	522-6505	\$526.82
CAT KEY, WITH PASSCODE OPTION	522-6460	\$0.00
COUNTERWEIGHT, EXTRA	542-6391	\$938.10
BLADE, ANGLE, BOCE	579-2605	\$4,298.30
CONTROL, QC, 3 LINE	532-8607	\$932.80
LINES, QC, STD STK, 3 LINE	532-8632	\$916.90
THUMB, HYD + COUPLER, PG, HYD, 5T	575-0492	\$6,654.68
PINS, BUCKET, 45MM	282-2785	\$117.66
BUCKET-HD, 16", 2.7 FT3, 5T	464-9908	\$1,347.26
BUCKET-HD, 24", 4.6 FT3, 5T	535-8405	\$1,560.32

BUCKET-GRADING, 59",11.6FT3,5T	388-9665	\$2,017.18
STICK, LONG, ANGLE BLADE	579-2627	\$0.00
SEAT, AIR SUSP, FABRIC, HEATED	569-7626	\$1,049.40
MONITOR NEXT GEN, ADVANCED, CR	557-5082	\$1,319.70

SELL PRICE	\$132,475.62
SOURCEWELL MEMBER DISCOUNT AT 20% OF CAT CONTENT	(\$27,642.11)
ADDITIONAL DEALER DISCOUNT	(\$3,000.00)
NET BALANCE DUE	\$101,833.51
CORP ACTIVITY SURCHARGE (0.57%)	\$580.45
TOTAL BALANCE	\$102,413.96

WARRANTY

Standard Warranty: 24 Months, 2000 Hours Standard Warranty

ADDITIONAL CONSIDERATIONS

- Quoted as per Sourcewell Contract# 032119-CAT

Accepted by _____ on _____

Signature

This Quote is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact me.

Sincerely,
Joe Lindberg
Machine Sales Representative
Peterson CAT
(503) 880-6648
JALindberg@petersoncat.com

Form C**EXCEPTIONS TO PROPOSAL, TERMS, CONDITIONS,
AND SOLUTIONS REQUEST**Company Name: Caterpillar Inc.

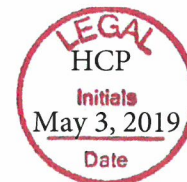
Any exceptions to the terms, conditions, specifications, or proposal forms contained in this RFP must be noted in writing and included with the Proposer's response. The Proposer acknowledges that the exceptions listed may or may not be accepted by Sourcewell or included in the final contract. Sourcewell will make reasonable efforts to accommodate the listed exceptions and may clarify the exceptions in the appropriate section below.

Section/page	Term, Condition, or Specification	Exception	Sourcewell ACCEPTS
8.11 / page 29	Assignment of Contract	Notwithstanding the Terms of Section 8.11, Caterpillar shall be permitted to subcontract certain of its duties to Cat dealers for performance. *	Sourcewell accepts
Section Q / page 32	Provisions for non-federal entity procurements under federal awards or other awards; airport improvement program provisions	Section Q shall be deleted in its entirety. However, Caterpillar Dealers will review individual transactions that may implicate certain provisions within section Q on a case by case basis as required. *	Sourcewell accepts

*Please see page 2 of this form for comments regarding this exception request.

Proposer's Signature: _____

Date: _____

Sourcewell's clarification on exceptions listed above:

**EXCEPTIONS TO PROPOSAL, TERMS, CONDITIONS,
AND SOLUTIONS REQUEST**



Caterpillar Comments on Exception Requests:

Exception to 8.11

Because we rely on our dealer network to work closely with customers to execute the terms of this agreement, we want to clarify that we may subcontract these obligations to them. This is how we are operating today to the satisfaction of all involved and we intend for this strong, close, and effective relationship to continue.

Exception to Section Q

In many situations we will be willing to comply to these terms. However, it is impossible to provide a blanket acceptance as each transaction is unique. For example, the Buy American provision referenced in 8.43 will be acceptable for some products and not for others depending on the source of production. By looking at each transaction individually we can ensure careful consideration. It is our desire to earn this business and when we are able to comply we will honor the terms specific to the transaction.

Contract Award
RFP #032019

FORM D



Formal Offering of Proposal
(To be completed only by the Proposer)

HEAVY CONSTRUCTION EQUIPMENT WITH RELATED ACCESSORIES, ATTACHMENTS, AND SUPPLIES

In compliance with the Request for Proposal (RFP) for **HEAVY CONSTRUCTION EQUIPMENT WITH RELATED ACCESSORIES, ATTACHMENTS, AND SUPPLIES**, the undersigned warrants that the Proposer has examined this RFP and, being familiar with all of the instructions, terms and conditions, general and technical specifications, sales and service expectations, and any special terms, agrees to furnish the defined products and related services in full compliance with all terms and conditions of this RFP, any applicable amendments of this RFP, and all Proposer's response documentation. The Proposer further understands that it accepts the full responsibility as the sole source of solutions proposed in this RFP response and that the Proposer accepts responsibility for any subcontractors used to fulfill this proposal.

Company Name: Caterpillar Inc. Date: 3/6/19

Company Address: 100 NE Adams Street

City: Peoria State: IL Zip: 61629

CAGE Code/DUNS: 11083/944204924

Contact Person: Patty Redpath Title: Governmental Account Manager

Authorized Signature:  Patrick Kearns
(Name printed or typed)

FORM E**CONTRACT ACCEPTANCE AND AWARD**

(Top portion of this form will be completed by Sourcewell if the vendor is awarded a contract. The vendor should complete the vendor authorized signatures as part of the RFP response.)

Sourcewell Contract #: 032119-CAT

Proposer's full legal name: Caterpillar Inc.

Based on Sourcewell's evaluation of your proposal, you have been awarded a contract. As an awarded vendor, you agree to provide the products and services contained in your proposal and to meet all the terms and conditions set forth in this RFP, in any amendments to this RFP, and in any exceptions that are accepted by Sourcewell.

The effective date of the Contract will be May 13, 2019 and will expire on May 13, 2023 (no later than the later of four years from the expiration date of the currently awarded contract or four years from the date that the Sourcewell Chief Procurement Officer awards the Contract). This Contract may be extended for a fifth year at Sourcewell's discretion.

Sourcewell Authorized Signatures:

DocuSigned by:

Jeremy Schwartz

COED2A139D06489
SOURCEWELL DIRECTOR OF OPERATIONS AND
PROCUREMENT/CPO SIGNATURE

DocuSigned by:

Chad Coquette

7E42BBF817A84CC...
SOURCEWELL EXECUTIVE DIRECTOR/CEO SIGNATURE

Jeremy Schwartz
(NAME PRINTED OR TYPED)

Chad Coquette
(NAME PRINTED OR TYPED)

Awarded on May 10, 2019

Sourcewell Contract # 032119-CAT

Vendor Authorized Signatures:

The Vendor hereby accepts this Contract award, including all accepted exceptions and amendments.

Vendor Name Caterpillar Inc.

Authorized Signatory's Title North America Industry Manager

Patrick Kearns

VENDOR AUTHORIZED SIGNATURE

Patrick Kearns

(NAME PRINTED OR TYPED)

Executed on May 10, 2019

Sourcewell Contract # 032119-CAT

Form F**PROPOSER ASSURANCE OF COMPLIANCE****Proposal Affidavit Signature Page****PROPOSER'S AFFIDAVIT**

The undersigned, authorized representative of the entity submitting the foregoing proposal (the "Proposer"), swears that the following statements are true to the best of his or her knowledge.

1. The Proposer is submitting its proposal under its true and correct name, the Proposer has been properly originated and legally exists in good standing in its state of residence, the Proposer possesses, or will possess before delivering any products and related services, all applicable licenses necessary for such delivery to Sourcewell members agencies. The undersigned affirms that he or she is authorized to act on behalf of, and to legally bind the Proposer to the terms in this Contract.
2. The Proposer, or any person representing the Proposer, has not directly or indirectly entered into any agreement or arrangement with any other vendor or supplier, any official or employee of Sourcewell, or any person, firm, or corporation under contract with Sourcewell, in an effort to influence the pricing, terms, or conditions relating to this RFP in any way that adversely affects the free and open competition for a Contract award under this RFP.
3. The Proposer has examined and understands the terms, conditions, scope, contract opportunity, specifications request, and other documents in this solicitation and affirms that any and all exceptions have been noted in writing and have been included with the Proposer's RFP response.
4. The Proposer will, if awarded a Contract, provide to Sourcewell Members the /products and services in accordance with the terms, conditions, and scope of this RFP, with the Proposer-offered specifications, and with the other documents in this solicitation.
5. The Proposer agrees to deliver products and services through valid contracts, purchase orders, or means that are acceptable to Sourcewell Members. Unless otherwise agreed to, the Proposer must provide only new and first-quality products and related services to Sourcewell Members under an awarded Contract.
6. The Proposer will comply with all applicable provisions of federal, state, and local laws, regulations, rules, and orders.
7. The Proposer understands that Sourcewell will reject RFP proposals that are marked "confidential" (or "nonpublic," etc.), either substantially or in their entirety. Under Minnesota Statute §13.591, Subd. 4, all proposals are considered nonpublic data until the evaluation is complete and a Contract is awarded. At that point, proposals generally become public data. Minnesota Statute §13.37 permits only certain narrowly defined data to be considered a "trade secret," and thus nonpublic data under Minnesota's Data Practices Act.
8. The Proposer understands that it is the Proposer's duty to protect information that it considers nonpublic, and it agrees to defend and indemnify Sourcewell for reasonable measures that Sourcewell takes to uphold such a data designation.

[The rest of this page has been left intentionally blank. Signature page below]

By signing below, Proposer is acknowledging that he or she has read, understands, and agrees to comply with the terms and conditions specified above.

Company Name: Caterpillar Inc.

Address: 100 NE Adams Street

City/State/Zip: Peoria, IL 61629

Telephone Number: 309-675-1000

E-mail Address: Cat_Governmental@cat.com

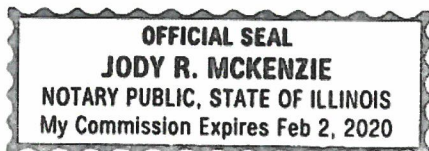
Authorized Signature: 

Authorized Name (printed): Patrick Keane

Title: North America Industry Manager

Date: 3/6/19

Notarized



Subscribed and sworn to before me this 6th day of March, 20 19

Notary Public in and for the County of Peoria State of Illinois

My commission expires: February 2, 2020

Signature: 

Form P

PROPOSER QUESTIONNAIRE

Payment Terms, Warranty, Products and Services, Pricing and Delivery, and Industry-Specific Questions

Proposer Name: _____ **Caterpillar Inc.** _____

Questionnaire completed by: _____ **Patty Redpath** _____

Payment Terms and Financing Options

- 1) What are your payment terms (e.g., net 10, net 30)?

Our dealers accept payment from members and their terms may vary. The most common term is net 30.

- 2) Do you provide leasing or financing options, especially those options that schools and governmental entities may need to use in order to make certain acquisitions?

Yes. We offer both leasing and financing options to governmental members of Sourcewell at rates lower than available to the general public.

- 3) Briefly describe your proposed order process. Please include enough detail to support your ability to report quarterly sales to Sourcewell. For example, indicate whether your dealer network is included in your response and whether each dealer (or some other entity) will process the Sourcewell Members' purchase orders.

Our simple order process has been and will continue to be well appreciated by Sourcewell and Sourcewell members:

- 1) **When a member decides to purchase a new Cat machine, they simply include their Sourcewell member number on the Purchase Order they issue to the Cat dealer.**
- 2) **The Cat dealer then accepts the PO, issues the invoice, accepts payment, and delivers the machine.**
- 3) **After the machine has been delivered, the dealer, as part of their normal process, includes the member number when filing their sales claim with Caterpillar.**
- 4) **At month end, Caterpillar aggregates these reports and sends the sales information quarterly to Sourcewell along with the administration fee.**

Important Note: Should a member wish to include additional terms and conditions to this contract, or to otherwise request a Participating Addendum, that agreement/PA should be executed between the member and the Cat dealer directly.

- 4) Do you accept the P-card procurement and payment process? If so, is there any additional cost to Sourcewell Members for using this process?

Because Cat dealers will be receiving payments directly from members, accepting P-card procurement will be at their discretion. Many dealers do accept this method without additional fees. Some have limitations on the amount that can be processed.

Warranty

- 5) Describe in detail your manufacturer warranty program, including conditions and requirements to qualify, claims procedure, and overall structure. You may include in your response a copy of your warranties, but at a minimum please also answer the following questions.

- Do your warranties cover all products, parts, and labor?

Yes. Caterpillar has the most extensive warranty coverage in the industry. We cover all products, parts, and labor with fewer exclusions than our competitors. Please see **Attachment D** for details.

- Do your warranties impose usage restrictions or other limitations that adversely affect coverage?

We do not impose usage restrictions. We are pleased to say that our warranties cover defects in material and workmanship for the time specified in the policy when the equipment is used as per design intent.

- Do your warranties cover the expense of technicians' travel time and mileage to perform warranty repairs?

The Caterpillar warranties cover the cost of replacement parts and the labor to install them, they do not cover travel time and mileage. Dealer territories vary considerably from state to state as do their policies about travel time and mileage during the warranty period.

- Are there any geographic regions of the United States for which you cannot provide a certified technician to perform warranty repairs? How will Sourcewell Members in these regions be provided service for warranty repair?

We have no restrictions on warranty repairs. One of our key differentiating strengths is our ability to service equipment regardless of where it is located.

- Will you cover warranty service for items made by other manufacturers that are part of your proposal, or are these warranties issues typically passed on to the original equipment manufacturer?

Warranty service for on machines ordered from a Caterpillar facility is generally provided by Caterpillar and performed by Cat dealers. Some items, such as tires, are covered under their manufacturers' warranties.

- What are your proposed exchange and return programs and policies?

We warrant that upon delivery our products will be free from defects in material and workmanship and will operate as intended. If they are not, we will make any necessary corrections.

- 6) Describe any service contract options for the items included in your proposal.

We have a large variety of service contract options which can all be customized according to customer needs. Below are just two examples. More solutions are available, and we encourage members and dealers to explore all options.

1) Equipment Protection Plans (Extended Service Coverage/Cat Insurance)

After the initial warranty period ends, members may choose to purchase additional protection plans to reduce their exposure to unplanned costs. These policies are written based on months and hours of operation. There are four standard levels of coverage:

- a) Powertrain
- b) Powertrain + Hydraulics

- c) Powertrain + Hydraulics + Technology
- d) Premier

A description of all these options is included in **Attachment E**.

Important note: The purchase price for these Extended Service Coverage plans is lower for governmental agencies than it is for private buyers.

2) Customer Service Agreements (CSAs)

A member may choose to enter into an agreement with their Cat dealer to perform routine maintenance and/or repairs. These contracts are customizable based on member needs.

The selling Cat dealer can take responsibility for some or all the required service and maintenance needs to allow the agency to gain efficiency by focusing on the performance demands more than maintenance. CSAs are a useful tool to manage expenses. Most CSAs are bundled at the time of purchase; however, they may be added at any time.

Pricing, Delivery, Audits, and Administrative Fee

- 7) Provide a general narrative description of the equipment/products and related services you are offering in your proposal.

We are offering the new machine and work tool product lines as set forth in this proposal. This includes nearly 200 machine choices and more than 200 types of work tools.

In addition to new machines and work tools, we are happy to offer members access to rental machines, used machines, parts, service, extended service coverage plans, CSAs, products from Cat Safety Services, sourced goods, and open market items.

We understand that each member's needs will vary, and we are proud to supply a complete solution from the industry's largest product line.

- 8) Describe your pricing model (e.g., line-item discounts or product-category discounts). Provide detailed pricing data (including standard or list pricing and the Sourcewell discounted price) on all of the items that you want Sourcewell to consider as part of your RFP response. If applicable, provide a SKU for each item in your proposal. (Keep in mind that reasonable price and product adjustments can be made during the term of an awarded Contract. See the body of the RFP and the Price and Product Change Request Form for more detail.)

Our pricing model is simple. We offer a deep discount off the current machine and work tool list prices to all Sourcewell members.

We have provided base machine pricing in **Attachment F**. However, for execution of the agreement we will ask our dealers and Sourcewell members to use the Caterpillar price list that is current at the time of the quote. Dealers, in consultation with the member, will configure the machine to the desired specifications and apply the agreed upon stated minimum discount to that configured List Price amount. Dealers and members should remember to factor in any expected price increases if a machine will be built to order.

Attachment G shows the discount offered for each new machine.

Additionally, we are pleased to offer a discount of 15% off all products and consulting services under the Cat Safety Services Umbrella; and 5% off our Technology Enabled Safety Solutions.

- 9) Please quantify the discount range presented in this response. For example, indicate that the pricing in your response represents is a 50% percent discount from the MSRP or your published list.

Our discount range varies between 3% and 30%. It's important to note that discount comparisons between different machines cannot be considered an apple-to-apples comparison. Caterpillar product managers have broad leeway in product pricing, and there are some significant variations on pricing strategy. For example, a discount of 10% on Product A, may be equivalent to a 20% discount on Product B. The discounts offered to Sourcewell members are better than what is widely available to non-member/private purchasers.

- 10) The pricing offered in this proposal is

- _____ a. the same as the Proposer typically offers to an individual municipality, university, or school district.
- _____ b. the same as the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.
- _____ **X** c. better than the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.
- _____ d. other than what the Proposer typically offers (please describe).

- 11) Describe any quantity or volume discounts or rebate programs that you offer.

Our dealers are empowered to consider purchase order volume, repeat purchases, member responsiveness, etc. They may offer members additional discounts and/or services at their discretion.

- 12) Propose a method of facilitating "sourced" products or related services, which may be referred to as "open market" items or "nonstandard options". For example, you may supply such items "at cost" or "at cost plus a percentage," or you may supply a quote for each such request.

Sourced goods / Open Market Items are available to members from our Cat dealers. The prices for these goods or services will represent fair market value and will be determined between the member and the selling dealer. We encourage our dealers and members to use this option as it facilitates complimentary products and streamlines the procurement process.

Customers and dealers are responsible for including their Sourcewell member numbers on all documentation related to these purchases. Caterpillar Inc. is not a party to these sales and is exempted from including them in the quarterly reports. For audits, inclusion of a customer's Sourcewell member number on the PO and/or invoice shall be deemed sufficient.

- 13) Identify any total cost of acquisition costs that are **NOT** included in the pricing submitted with your response. This cost includes all additional charges that are not directly identified as freight or shipping charges. For example, list costs for items like installation, set up, mandatory training, or initial/pre-delivery inspection. Identify any parties that impose such costs and their relationship to the Proposer.

Machines are unique in their requirements for preparation prior to use. Some may require local final assembly due to their large size, others may have locally installed options (fire suppression, beacons, auto lube systems for example). When a dealer issues a quote for a machine, any additional costs will be itemized separately and are not subject to the Sourcewell discount.

- 14) If travel expense, delivery or shipping is an additional cost to the Sourcewell Member, describe in detail the complete travel expense, shipping and delivery program.

There is no additional cost to members who choose to pick up their machine from the Cat dealer. Dealers may charge fees for delivery to the member's location.

- 15) Specifically describe those travel expense, shipping and delivery programs for Alaska, Hawaii, Canada, or any offshore delivery.

Just as for members in the 48 contiguous states, there is no additional cost to members who choose to pick up their machine from their Cat dealer. Dealers may charge fees for delivery to the member's location.

- 16) Describe any unique distribution and/or delivery methods or options offered in your proposal.

Machines are large purchases and if there are unique member requirements our dealers will be happy to discuss on a case by case basis.

- 17) Please specifically describe any self-audit process or program that you plan to employ to verify compliance with your proposed Contract with Sourcewell. This process includes ensuring that Sourcewell Members obtain the proper pricing, that the Vendor reports all sales under the Contract each quarter, and that the Vendor remits the proper administrative fee to Sourcewell.

We plan to continue our very robust process to ensure reporting speed, accuracy, and contract compliance.

Caterpillar and our Cat dealers have very close and trusting relationships. Our dealers are long-established, and the current process is working well.

- To ensure pricing accuracy, we maintain our current Sourcewell customer discount sheet on our dealer-facing pricing pages. Dealers integrate these numbers automatically in their quoting software.
- To ensure new machine and work tool sales are recorded properly, we use our post-sale credit system. In a nutshell, this means that we corporately support the pricing offered in this contract at a level below what's available to other customers. To receive this additional monetary support after the machine is delivered, dealers must supply the member's name, address, and member number. There is no additional burden or cost to our dealers to use the Sourcewell contract and this is part of the reason for their high engagement and our high reporting accuracy.
- After month end, we gather the new machine and work tool sales data attributed to Sourcewell and aggregate it for our reporting.
- After quarter end, we will send the quarterly sales report and administration fee payment to Sourcewell for all items that are subject to the administrative fee.

- 18) Identify a proposed administrative fee that you will pay to Sourcewell for facilitating, managing, and promoting the Sourcewell Contract in the event that you are awarded a Contract. This fee is typically calculated as a percentage of Vendor's sales under the Contract or as a per-unit fee; it is not a line-item addition to the Member's cost of goods. (See RFP Section 6.29 and following for details.)

We would be pleased to offer an administration fee of 0.50% of net dealer revenue on the sales of new machines and work tools. Caterpillar will pay this fee and will not ask members or dealers to bear any additional burden.

Industry-Specific Questions

- 19) Describe any industry-specific quality management system certifications obtained by your organization.

Throughout the history of Caterpillar, we've produced reliable, durable products our customers have been able to count on for many years...if not decades. This reliability and durability is foundational to our brand. We measure ourselves on both defects and durability. Defects are issues that prevent a machine or any part of it from performing as intended within the first year of service. Durability is defined as the actual achieved life of a machine or component. We pride ourselves on leading the industry.

Specifically, as it relates to this question, the below list shows our current quality certificates:

03 - Thin Film Coating Center, Mossville (IL), USA - CQMS / ISO9001:2015 Certificate (Exp date: 09-Mar-2019)
05 - Caterpillar Global Machine Development - Peoria Proving Ground, Peoria (IL), USA - ISO17025:2005 (Expiry date 31-Jan-2021)
06 - Caterpillar Inc., Cast Metals Organisation, Mapleton (IL), USA - ISO9001:2015 (Expiry date 24-Apr-2021)
08 - Caterpillar Inc., - SOS Services Laboratory (Main Multi-site), Peoria, IL, USA - ISO9001:2015 (Expiry date 29-Nov-2020)
12 - Caterpillar Inc. - Matl Handling & Underground Div. (Aurora), Montgomery IL, USA ISO9001:2015 Certificate. (Exp: 23-Feb-2020)
13 - Caterpillar Inc.- Construction and Mining Equipment (HQ), Decatur (IL), USA - ISO9001:2015 Certificate. (Exp date: 26-Oct-2021)
16 - Caterpillar Inc. - East Peoria (Multi-Site - TTT), Tractor Drive, East Peoria (IL), USA - ISO9001:2015 Certificate (Exp: 30-Nov-2019)
28 - Caterpillar Brasil Limited, Campo Largo, Brasil - ISO9001:2015 (Exp date: 23-Jul-2020)
28 - Caterpillar Brasil Ltda., Piracicaba, Brasil - ISO9001:2015 Certificate (Exp date: 19-Mar-2021)
29 - Caterpillar Engine Systems Inc. (HQ), Pontiac (IL), USA - ISO9001:2015 Certificate (Exp date: 06-Aug-2019)
40 - Caterpillar Engine Systems Inc., Mossville (IL), USA - ISO9001:2015 Certificate (Exp date: 06-Aug-2019)
40 - Caterpillar Inc., Industrial Power Systems Division, Mossville (IL), USA - ISO9001:2015 Certificate (Exp Date: 17-Feb-2019)
40 - Caterpillar Inc., Industrial Power Systems Division, San Antonio (TX), USA - ISO9001:2015 Certificate (Exp Date: 17-Feb-2019)
40 - Caterpillar Inc., Industrial Power Systems Division, Schertz (TX), USA - ISO9001:2015 Certificate (Exp Date: 17-Feb-2019)
41 - Caterpillar Powertrain & Hydraulics - Systems Development, Mossville (IL), USA - ISO17025:2005 (Expiry date 31-Dec-2019)
41 - Global Engine Development - North America, Mossville, IL 61552, USA - ISO17025:2005 (Exp Date: 31-Aug-2019)
68 - Caterpillar Inc. (Remanufacturing Site-Specific Certificate), Corinth (MS), USA ISO9001:2015 Certificate (Expiry date 19-Jun-2020)
68 - Caterpillar Inc. Remanufacturing Services (HQ), Corinth, MS 38834, USA, ISO 9001:2015 (Exp Date: 19-Jun-2020)
7P - Perkins Motores Do Brasil LTDA, Curitiba, BRASIL - CQMS:2015 / ISO9001:2015 Certificate (Expiry date 05-Oct-2020)
88 - Caterpillar Inc. Lafayette Engine Center, Lafayette (IN), USA - ISO9001:2015 Certificate (Expiry date 04-Feb-2021)
89 - Caterpillar Mexico S.A. de C.V. (Monterrey), Nuevo Leon, Mexico 66350 - CQMS:2015/ISO 9001:2015 Certificate (Exp: 12-Jul-2019)
92 - Caterpillar Midwest Logistics Center (Champaign), Illinois - ISO 9001:2008 (Exp Date: 29-Jan-2018)
CF - Caterpillar Inc. (Remanufacturing Site-Specific Certificate), Nuevo Laredo (FINSA 1), Mexico - ISO 9001:2015 (Exp: 19-Jun-2020)
CF - Caterpillar Inc. (Remanufacturing Site-Specific Certificate), Nuevo Laredo (FINSA 3), Mexico ISO9001:2015 Certificate (Exp: 19-Jun-2020)
CF - Caterpillar Inc. (Remanufacturing Site-Specific Certificate), Nuevo Laredo (ORADEL), Mexico ISO9001:2015 Certificate (Exp. 19-Jun-2020)
CP - Caterpillar Global Machine Development - Tucson Proving Ground, Tucson (AZ), USA ISO17025:2005 (Expiry date 31-Jan-2020)
DQ - Caterpillar Inc. Building Construction Products Division, Clayton (NC), USA - ISO9001:2015 (Expiry date 06-Jul-2021)
FJ - Anchor Coupling (Menominee), Menominee (MI), USA ISO9001:2015 (Expiry date 22-Jan-2021)
HL - Caterpillar Inc. (Remanufacturing Site-Specific Certificate), Prentiss (Boonville - MS), USA ISO9001:2015 Certificate (Exp. 19-Jun-2020)
HP - Caterpillar Dyersburg, Tennessee - ISO9001:2008 Certificate. (Expiry date 14-Sep-2018)
HZ - Caterpillar Inc., Industrial Power Systems Division, Sequin (TX), USA - ISO9001:2015 Certificate (Exp Date: 17-Feb-2019)
JA - Caterpillar Inc. Building Construction Products Division, Sanford (NC), USA - ISO9001:2015 (Expiry date 06-Jul-2021)
JL - Caterpillar Inc. - Precision Pin Products Group, Sumter (SC), USA - ISO9001:2015 (Expiry date 22-Oct-2018)
JQ - Caterpillar Inc. Building Construction Products Division, Athens (GA), USA - ISO9001:2015 (Expiry date 06-Jul-2021)
LE - Caterpillar Inc., Griffin Generators, Griffin (GA), USA - ISO9001:2015 Certificate. (Expiry date 03-Mar-2021)
LS - All Caterpillar Newberry LLC Facilities - DNV ISO 9001:2008 (Exp Date: 15-Sep-2018)
M5 - Caterpillar Inc. Building Construction Products Division (HQ), Cary (NC), USA - ISO9001:2015 (Expiry date 06-Jul-2021)
MC - Caterpillar Inc. Building Construction Products Division, Torreon, MEXICO - ISO9001:2015 (Expiry date 06-Jul-2021)
N4 - Advanced Components and Technologies, Mossville (IL), USA - ISO 9001:2015 Certificate (Exp Date: 24-May-2019)
PE - Caterpillar Inc. (Remanufacturing Site Specific Certificate), West Fargo (ND), USA ISO9001:2015 Certificate (Exp: 19-Jun-2020)
PV - Perkins Shibaura Engines LLC, Griffin (GA), US ISO9001:2015 (Expiry date 31-Jan-2020)
QR - Caterpillar Global Mining - Houston PA - ISO 9001:2008 (Exp Date 15-Sep-2018)
R8 - Caterpillar Inc. / Paving Products / Minneapolis, (MN), USA - ISO 9001:2015 Certificate (Exp Date: 27-Nov-2020)
T3 - Solar Turbines Europe S.A. - Oil and Gas, Avenue de Finlande, Braine L'Alleud, Belgium - ISO 9001:2015 Certificate (Exp. 22-Sep-2020)
T3 - Solar Turbines Inc. (Packaging Systems Operations), San Diego (CA), USA - ISO9001:2015 (Expiry date 22-Sep-2020)
T3 - Solar Turbines Inc. (Power Generation), San Diego (CA), USA - ISO9001:2015 (Expiry date 22-Sep-2020)
T3 - Solar Turbines Inc. - Oil and Gas, 10203 Sam Houston Park Drive, Houston TX, USA - ISO 9001:2015 Certificate (Exp: 22-Sep-2020)
T3 - Solar Turbines Inc. - Oil and Gas, 9250 Sky Park Court, San Diego (CA), USA - ISO 9001:2015 Certificate (Exp Date: 22-Sep-2020)
T3 - Solar Turbines Inc. - Oil and Gas, 9280 Sky Park Court, San Diego (CA), USA - ISO 9001:2015 Certificate (Exp Date: 22-Sep-2020)
T3 - Solar Turbines Inc. - Oil and Gas, 9330 Sky Park Court, San Diego (CA), USA - ISO 9001:2015 Certificate (Exp Date: 22-Sep-2020)
T3 - Solar Turbines Inc. - Pkg Systems Operations (HQ), 4200 Ruffin Road, San Diego CA, USA - ISO 9001:2015 Certificate (Exp: 22-Sep-2020)
T3 - Solar Turbines Inc. - Pkg Systems Operations, Teran-Teran 20120 Int., Tijuana (BC), Mexico - ISO 9001:2015 Certificate (Exp: 22-Sep-2020)
T3 - Solar Turbines Inc. - Power Generation, 4180 Ruffin Road, San Diego (CA), USA - ISO 9001:2015 Certificate (Exp : 22-Sep-2020)
T3 - Solar Turbines Inc. - Turbomachinery, DeZavala Road, Channelview (TX), USA - ISO9001:2015 Certificate (Expiry date 23-Jul-2021)
T3 - Solar Turbines Inc., - Construction Services, Houston (TX), USA - ISO9001:2015 Certificate (Exp Date: 07-Jul-2021)
T3 - Solar Turbines Inc., - Desoto Overhaul Operations, Desoto (TX), USA - ISO9001:2015 Certificate (Expiry date 24-Aug-2021)
T3 - Solar Turbines Inc., Turbomachinery Prod, W Seattle Street, Broken Arrow OK, USA - ISO9001:2015 Certificate (Exp 03-May-2021)
T3 - Solar Turbines Inc., Turbomachinery Prod - Gas Compressors, Ruffin Road, San Diego (CA), USA - ISO9001:2015 Cert. (Exp 03-May-2021)
T3 - Solar Turbines Inc., Turbomachinery Prod - Gas Compressors, Sky Park Ct, San Diego (CA), USA - ISO9001:2015 Cert (Exp 03-May-2021)
T3 - Solar Turbines Inc., Turbomachinery Prod - Gear Systems / Superior Gear, Gardena (CA), USA - ISO9001:2015 Cert (Exp 03-May-2021)
T3 - Solar Turbines Inc., Turbomachinery Prod - Turbotec Bldg 1, Chilpancingo, Tijuana, B.C. Mexico - ISO9001:2015 Cert (Exp 03-May-2021)

T3 - Solar Turbines Inc., Turbomachinery Prod - Turbotec Bldg 2, Ciudad Ind Otay, Tijuana, B.C. Mexico - ISO9001:2015 Cert (Exp 03-May-2021)
T3 - Solar Turbines Incorporated, Mabank (TX), USA - ISO9001:2015 Certificate (Expiry date 04-Aug-2021)
T3 - Solar Turbines Switzerland Sagl, 6595 Riazino, Switzerland - ISO9001:2015 Certificate (Expiry date 08-May-2018)
UD - Denison, TX -Caterpillar Global Mining LLC-ISO 9001:2008 (Exp Date: 03-Aug-2020)
UH - Caterpillar Acuna - Construction and Mining Equipment, Ciudad Acuna, Coahuila, Mexico - ISO9001:2015 Certificate. (Exp: 26-Oct-2021)
UH - Caterpillar Inc. - Acuna, Coahuila, MEXICO - ISO9001:2015 Certificate (Expiry date 26-Oct-2018)
UJ - Caterpillar - North Little Rock, North Little Rock (AR), USA - CQMS:2015 / ISO 9001:2015 Certificate (Exp Date: 05-Jun-2019)
XO - Anchor Coupling (Goldsboro), Goldsboro (NC), USA - ISO 9001:2015 (Exp date: 20-Dec-2018)
XY - Caterpillar Reynosa S.A. de C.V., Reynosa, Tamaulipas, Mexico - ISO9001:2015 Certificate (Exp date: 03-Oct-2020)
YP - Caterpillar Inc. (Remanufacturing Site-Specific Certificate), Franklin (IN), USA ISO9001:2015 Certificate (Expiry date 19-Jun-2020)
YV - Caterpillar Surface Mining and Technology, South Milwaukee (WI), USA - ISO9001:2015 (Expiry date 04-Jun-2021)
ZZ - Caterpillar Inc. - Advanced Components Manufacturing (Hydraulic Cylinders), Sumter (SC), USA - ISO9001:2015 Cert (Exp: 28-Mar-2020)

20) Describe any environmental management system certifications obtained by your organization.

We described our “green initiatives” more completely in Form A, Question 29. To be specific regarding ISO standards, we are listing here the plants that are certified to ISO 14001:2004 Environmental Management System:

Plants certified with ISO 14001:2004 Environmental Management System

Anchor Coupling - Goldsboro, NC - ISO 14001:2004 - Sept 2018
Anchor Coupling - Menominee - ISO 14001:2015 - Jan. 2021
Gen Sets - Newberry - ISO 14001:2004 - Nov. 2017
Mapleton - 14001:2004 self-certification - issued January 2013
Reman Services - Corinth, MS - ISO 14001:2015 - Sept. 2021
Reman Services - Franklin - ISO 14001:2004 - May 2017

21) Describe any preventive maintenance programs that your organization offers for the solutions you are proposing in your response.

Caterpillar understands the value to the customer of a well-defined preventive maintenance plan. Each machine we sell has very clear and detailed instructions for routine maintenance. We find that some customers prefer to do the maintenance themselves, others want our dealers to track and perform the service.

For customers who retain maintenance responsibilities, we have several tools available to facilitate that. As an example, My.Cat.Com makes it easy for customers to access critical information about their fleet.

STARTER CONNECTIVITY: If the customer purchases a machine with a factory-installed Product Link device, the customer will receive Cat Daily connectivity at no cost (for seven years on Building Construction Products machines; 12 years on Global Construction & Infrastructure machines). Cat Daily provides basic information once per day via My.Cat.Com or via a mobile app as described below.

My.Cat.Com users have access to:

- Equipment location
- Hours
- Diagnostic and operational events
- Fuel burn
- Dealer work orders
- Parts lists and Preventive Maintenance Checklists
- Parts ordering
- Safety service letters
- Rental documentation
- Warranty information

- Operation and maintenance manuals
- Preventive maintenance alerts and scheduling
- Cat Inspect outcomes
- S-O-S fluid analysis results

A subset of this information is also available in the Cat App: Fleet Management (IOS and Android).

In some situations, information available through My.Cat.Com provides an agency with sufficient data. But sometimes the equipment manager/public works director wants a more comprehensive view of their assets and/or the ability to manage an entire fleet. To meet that need, Caterpillar offers VisionLink—a powerful, flexible platform with enhanced capabilities, like customizable reports and notifications, that makes it easier to optimize productivity, manage assets and reduce costs.

ADVANCED CONNECTIVITY TRIAL: For any construction machine with a Product Link device, the customer will receive a six-month complimentary VisionLink Essentials trial. After the trial period ends, customers may elect to continue access at several different levels:

- **VisionLink Daily** – offers convenient, affordable, once-a-day telematics information. Ideal for customers who only need once-per-day reporting
- **VisionLink Basic** – provides basic asset management features including hour and location monitoring as well as geographic fencing and maintenance management. Recommended for machines that only report hours, where data updates and related features are needed more frequently than once per day.
- **VisionLink Essentials** – includes all the features of Basic plus health, utilization, and productivity features with frequent data updates. Ideal for customers needing up-to-date information about site operations, productivity, asset location, and operator performance, as well as timely notification of issues as they occur.

Another free app we offer is designed to help customers focus on safety and preventive maintenance. The “Cat Inspect” app offers multiple features geared to make regular machine inspections simple and useful.

- **Daily Walkaround** inspections are designed primarily for operators who are guided where to look on their particular machine and allows them to document and report any abnormalities.
- **Preventive Maintenance** inspections are more in-depth and are designed for customer or dealer technicians to inspect components for signs of wear and to ensure that all recommended preventive maintenance procedures are completed and recorded.
- **Technical Analysis** inspections are the most in-depth and are normally used once per year or when a machine is at the end of a customer’s ownership period.

This app includes the ability to take pictures, make notes and complete and share inspections electronically. Inspection reports are also integrated into both My.Cat.Com and VisionLink, providing visibility to overall fleet health.

For customers who intend to rely on dealers for maintenance, they can schedule the work themselves as needed, or we propose a variety of CSAs (Customer Support Agreements). These are completely customizable, but we offer starting points for several levels with corresponding price points which vary by product.

- Customer performed preventative maintenance – the Cat dealer will provide the necessary parts per the maintenance schedule; the customer will do the work.

- Dealer performed preventative maintenance – the Cat dealer will handle basic preventative maintenance for any machine or group of machines to help keep scheduled downtime to a minimum.
- Component maintenance and repair agreement – the Cat dealer will take care of maintaining and servicing systems such as engines, transmissions, etc. to extend service resources and equipment life.
- Total maintenance and repair agreement – the Cat dealer covers service and maintenance for any one piece of equipment or the entire fleet. This agreement can include guaranteed availability and uptime.

Signature: Ante A. Redpath Date: 3/13/19

**AMENDMENT #1
TO
CONTRACT #032119-CAT**

THIS AMENDMENT is by and between **Sourcewell** and **Caterpillar Inc.** (Vendor).

Sourcewell awarded a contract to Vendor for Heavy Construction Equipment with Related Accessories, Attachments, and Supplies effective May 13, 2019, through May 13, 2023 (Contract). Vendor implemented changes to its dealer reporting system and now wishes to modify the Contract to accurately report Administrative Fee payment calculations.

The parties wish to amend the following terms within the Contract:

1. This Amendment is effective upon the date of the last signature below.
2. Any Contract term related to calculation of Administrative Fee that is paid to Sourcewell is deleted and replaced with the following:

“Vendor will pay to Sourcewell an Administration Fee calculated at 0.33% of Caterpillar’s MSRP for each piece of equipment purchased by Sourcewell’s Participating Entities. Caterpillar will pay the Administration Fee to Sourcewell on a quarterly basis.”

Except as amended above, the Contract remains in full force and effect.

Sourcewell

DocuSigned by:
By: Jeremy Schwartz
Jeremy Schwartz, Chief Procurement Officer

Date: 7/12/2021 | 7:35 PM CDT

Approved:

DocuSigned by:
By: Chad Coquette
Chad Coquette, Executive Director/CEO

Date: 7/12/2021 | 8:38 PM CDT

Caterpillar Inc.

DocuSigned by:
By: Dawn Zink
Dawn Zink

Title: Caterpillar Governmental Marketing Manager

Date: 7/12/2021 | 3:32 PM CDT