

Canby City Council
Regular Meeting
July 6, 1976

Present: Mayor Roth, Councilmen Westcott, Rapp, Taylor, Giger, and Kariker

Others Present: City Administrator Wyman, City Attorney Bettis, Sr., Bud Atwood, Supervisor of Public Works, Ken Ferguson, Superintendent of Public Works, John Najera, C.P.D., Neal Butler, C.P.D., Lloyd Cannaday, C.P.D., Larry Keil, C.P.D. Reserve, Smith French, Fire Chief, Gordon Ross, Planning Commission Chairman, Pete Kelly, Planning Commission Member, Doug and Robin Maxwell, Tom Rushton, Julie Tharp, Gary and Yvonne Pope, Marjorie Hanson, Paul Boring, Robert Warren, Marc Gibson, Mrs. Vincent Graziano, Gerry Najera, Linda Kishpaugh, Shirley Roseland, David Roth, Carol Basey, Mary Lanphere, C.P.D., David E. Burg, Myra Weston, Doris McNamee, Charles McNamee, Patrick McNamee, Charlotte Wade, Warren Wade, Tilda Jones, Steve Binder, Greg Pilcher, Doug Gagliardi, Martin Clark, Lloyd Clark, LaVern Dahandeh, Teresa Wahlman, Lewis Shull, Darryl Jones, W. Beauford Knight, Meriam Bettis, H.M. Gaunt, Bill Stevens, Eileen Dodd, and many others

The meeting was called to order at 7:30 p.m. followed by the traditional flag salute.

Mayor Roth then called for additions or corrections to the minutes of June 21, 22, 23, and 28, 1976. A correction was noted in the minutes of June 28, 1976, page 2, paragraph 5, last line with an insertion of abstaining instead of sustaining. The minutes were then approved as corrected.

Ordinance No. 607; AN ORDINANCE ASSESSING VARIOUS LOTS, PARCELS AND TRACTS OF PROPERTY FOR STREET IMPROVEMENTS MADE OR BEING MADE TO NORTHEAST SECOND AVENUE IN LID NO. 5; DIRECTING THE ENTRY OF ASSESSMENTS IN THE DOCKET OF CITY LIENS: PROVIDING FOR NOTICE THEREOF; AND DECLARING AN EMERGENCY, was read on first reading by City Attorney Bettis, Sr. Discussion followed. Councilman Rapp moved that the time period be 10 years instead of 5 years, seconded by Councilman Giger. The motion passed unanimously. More discussion followed. Councilman Giger moved that Ordinance No. 607 be passed on first reading, to be read on final reading August 2, 1976, at the Regular Council Meeting, seconded by Councilman Westcott and passed unanimously.

Resolution No. 202; A RESOLUTION ENDORSING REPEAL OF SB 100 AND THE AUTHORITY OF L.C.D.C.; was read by the City Attorney in its entirety. Councilman Kariker moved that the Council approve Resolution No. 202, seconded by Councilman Taylor and passed unanimously.

Next on the agenda was a letter from Kent & Snow concerning comments about the City's audit report for the fiscal year ended June 30, 1975, having been construed as a misappropriation of the City's resources being highly erroneous, which the City Administrator read to the Council and the citizens in attendance.

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Next on the agenda was a letter from Clackamas County Agency in reference to vehicles capable of transportation elderly and handicapped persons and a certificate to be signed for understanding, approval and legal acceptance of the program in our area, which Administrator Wyman read to the Council and citizens. Discussion followed. Mayor Roth stated this letter would be held over until the next meeting, July 19, 1976 so as to get more information about the program from Mr. Jono Hildner. More discussion followed.

Administrator Wyman then read a communication from Ken Ferguson, Superintendent of Public Works concerning the paving of Berg Parkway Avenue adjacent to Canby Square Shopping Center. Discussion followed. The discussion was then delayed until the Public Hearing ended concerning the Gagliardi property was over.

The Mayor then called the Public Hearing concerning the application of Ellen J. Gagliardi and Martin Clark for approval of minor land partitions, located at N.E. Fourth Avenue and Knott Street to order at 8:09 p.m. with the City Attorney reading the Order. A lengthy discussion followed. Councilman Westcott moved that this matter be held over until July 19, 1976, seconded by Councilman Kariker and carried unanimously.

Mayor Roth then stated the Council would return to the matter of the paving of Berg Avenue. After a lengthy discussion, Councilman Westcott moved that the Council adopt Alternative No. 3 in Mr. Ferguson's communication which reads:

3. Provide minimal basing and an oil mat from the curb to the edge of the existing asphalt as per City specifications and sign an agreement against remonstrance;

and that the City Engineer be directed to do a feasibility study and draw up a LID on Berg Parkway, seconded by Councilman Taylor. More discussion followed. The motion passed unanimously.

Next on the agenda was a communication on the Lavatory Development and Road Development in the City Park. Discussion followed. Councilman Rapp moved that the City proceed with the project of building the restrooms and the road in the City Park and the cost is not to exceed the amount of \$8,500, seconded by Councilman Giger and carried unanimously.

Administrator Wyman then read a letter from Smith French, Fire Chief in reference to a letter of appreciation concerning Officer Dan Stouffer. Councilman Giger moved that the letter from Smith French be put in the personnel file of Dan Stouffer, seconded by Councilman Taylor. Councilman Rapp amended the motion saying the Council will write a letter to Officer Stouffer also, and this letter will also be entered into Officer Stouffer's personnel file. The motion passed unanimously.

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Administrator Wyman then read a letter from a group of concerned citizens requesting that a representative of the group be allowed to speak at this meeting tonight. Discussion followed allowing the request.

Next on the agenda was the approval of the Eldon Edwards invoice in the amount of \$952.97. Councilman Giger moved that the bill in the amount of \$952.97 be approved for pay, seconded by Councilman Taylor and passed unanimously.

Next on the agenda was the Class "A" liquor license application from DDS Enterprises (Canby Inn) for approval from the Council. Discussion followed. Councilman Taylor moved that we approve the Class "A" liquor license application for beer and wine, seconded by Councilman Rapp. Daniel Davidson then discussed with the Council his plans for the new restaurant. The motion passed with Councilman Westcott voting no.

Next on the agenda was the liquor license application from Red Barn Enterprises. Discussion followed. Administrator Wyman then read a letter from the new Fire Marshal, Jack Stark, in reference to the liquor license application. Discussion followed. Councilman Taylor moved that the City Administrator write a letter to the applicant stating the reasons for denial of the application at this time, seconded by Councilman Giger. Discussion followed. Councilman Taylor moved that the motion be tabled, seconded by Councilman Rapp and passed unanimously.

Next on the agenda was the Accounts Payable. Councilman Giger moved that the Accounts Payable in the amount of \$58,632.02 be approved, seconded by Councilman Taylor and passed by roll call vote with Councilmen Kariker, Westcott, Giger, Rapp, and Taylor voting aye. A discussion followed concerning the bills of the Recall and the Year to Date Summary.

Mayor Roth then recessed the meeting for 10 minutes at 10:00 p.m.

After the meeting was called back to order at 10:12 p.m., the Council discussed the Swimming Pool Agreement. Councilman Rapp moved that we accept the Consent to Assignment of Lease be adopted and the City adhere to the conditions set forth in the agreement, seconded by Councilman Taylor and passed unanimously.

Councilman Rapp then asked the City Administrator for a report on the playground equipment for Wait Park. Discussion followed. Administrator Wyman stated the playground equipment had been ordered.

Administrator Wyman then stated that there was one more street that needed to be oiled. Discussion followed. Councilman Taylor moved to approve the oiling of the street, Township Road, as suggested by Administrator Wyman, seconded by Councilman Giger. The motion was passed unanimously.

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Administrator Wyman then discussed the property annexation concerning the Vraves property east of the Farm House Restaurant.

Councilman Giger excused himself from the meeting at 10:39 p.m.

Mayor Roth then stated the meeting concerning the Comprehensive Plan will be on Thursday, July 22, 1976 at 7:30 p.m.

Wayne Fettus then spoke to the Council on behalf of a concerned citizens committee. A lengthy discussion followed with several citizens speaking. A workshop was then set for Monday, July 12, 1976 at 7:30 p.m. with a concerned citizens committee. More discussion followed.

The meeting adjourned at 11:19 p.m.

Harold A. Wyman

Paul N. Roth

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