

Canby City Council
Regular Meeting
June 16, 1975

The meeting was called to order by Mayor Roth at 7:00 p.m., followed by the traditional flag salute.

Present: Councilmen Giger, Rapp, Wagner, Kariker, and Westcott.

Others Present: City Administrator Wyman, City Attorney Bettis, Chief Graziano, Bud Atwood, Elsie Cutsforth, Ralph Hulbert, Lawrence Housen, Myra Weston, and many guests.

When corrections or additions to the minutes of June 2, 1975 were called for, no corrections were noted, but an addition was noted on Page 3, paragraph 1, line 3 to read, "the council does not need to approve said bill due to prior approval." There being no additional comments, the minutes were approved as read.

Mayor Roth then called for Public Hearings, at which time Elsie Cutsforth spoke concerning the L. I. D. on N. E. 2nd street, stating they took a petition around and had it signed and their first estimation on it was that it would be \$12.50-\$14.50 per square foot given to them by Mr. John Whiteside. Another petition was taken around and signed, but it had no prices on it. Mrs. Cutsforth stated they need the street and they are willing to pay for it, but they had a different price quoted them.

Discussion followed Mrs. Cutsforth's statement with City Administrator Wyman stating that the first petition had some kind of a quotation on it, but it had been erased. A new petition was issued to the people, and it was without any cost announced whatsoever.

Mayor Roth then asked if there were any more proponents or opponents to the L. I. D., at which time Mr. Lawrence Housen spoke. Mr. Housen stated he did sign the petition to have N. E. 2nd improved. He signed it with the idea of getting some work instigated there, but also with the fact that he knew that a hearing would come up at this time and wanted to discuss this with more of the city petitioners. The property had been zoned commercially for quite a few years and in the meantime, the city of Canby had experienced two five (5) year street-serial levies. Most of this property depreciated the serial levy for the improvement of the street and the people had not enjoyed any income from the particular property. At this time he would like to propose to the City that the property owners curb their own property and that the city, through its street funds, pave the street, as they have in other instances. Mr. Housen stated he is in favor of the improvement, but he disapproves of the property owners picking up the expense for this road.

City Attorney Bettis arrived at 7:23 p.m., during the L. I. D. hearing.

Mr. Morse stated he is against the L. I. D. for several reasons, one being that any property owner who wishes to put in curbs in his street may do so. Mr. Morse went on to say that the city is under the obligation to clear the curb area; the owner pays for the curb and the city is to replace the debris. This was an understood verbal contract handed down from council to council.

Councilman Giger corrected Mr. Morse by saying that the council did not have any set policy on the curbing of the streets, that the people were told they had to put in a curb before they could have a street.

Mr. Morse then continued with his opposition, stating that another reason he is against the L. I. D. is because there was to be a store sewer included within the street, to be paid for by the L. I. D. He owns 600 feet of the property and he was not asked to sign any petition. Mr. Morse then asked why Elsie Cutsforth was made to put in all of the storm sewers in that area, via John Whiteside. He understood this was going to be the best street in Canby, development wise, and the streets that it would go into are not of the same caliber of the street to be put in. The City Manager advised him that N. E. 2nd street is concrete, and others said it is not. Mr. Morse went on to say that the reference was to people who have paid tax dollars, the L. I. D., and the inequity of it. There are people in this town who have paid for these streets without any benefit to themselves and their property. Quite a few of them have lived in paved areas and have been happy to pay. Those people paid for their improvements when they moved in and never had any improvements. He does not see how the council can justify in its mind that they can go to individual L. I. D's when people who are paying for the improvement of the business downtown are paying for the improvements and there are still a good many people who are paying tax dollars at the same time who have been waiting. Mr. Morse then stated he had no arguments at all about paying his tax dollars and seeing other streets taken care of. He has never had one benefit from the serial levy, his store, or at his home. He said he is happy to pay, it can be needed, and now the people with L. I. D's are being isolated and having to pay an additional tax. These people who live on improved areas are not going to pay.

Mayor Roth, in answer to Mr. Morse's statement stated that the council has received a lot of opposition on the new developments for the paved portion and the parking for development from people who seriously object to the serial levy. So the city has both positions to deal with, and the majority of the people live in the new developments where streets were installed, and they paid for it, and now they paid for the serial levy and offer the same objection that Mr. Morse has offered.

City Administrator Wyman stated that there is an 8" line running from the

north side of 2nd street to the corner of Juniper down to Ivy street. He stated that that storm drain now is inadequate, and the proposal was to enlarge the storm drain lines going west over to Ivy where there is one existing drywell and put in an existing 12" line, attach it into the drainage on 2nd street, which is a 20" line, otherwise the water doesn't go anyplace except a small drywell which is by the bank corner. All the added blacktop, including Cutsforth's Market, where there is a lot more blacktop, does not section in all the water today. We have to get rid of some of the water out there, so naturally this is a very expensive item, \$8,235 for that one specific item alone, but there is no way we can take care of the water unless we blacktop. It has to get out of there. All of the figures quoted are estimates:

Excavation	\$1600
Furnish 8" concrete storm sewer pipe	1500
Furnish and place 420' of 10"	2300
Furnish and place standard manholes	1400
Furnish and place standard catch basins	1125
Connect to the existing catch basins and new laterals	300
TOTAL BEING	\$8235

At this time, Myra Weston brought forth and read a letter from Mrs. Leona Thomas, a resident of N. E. 2nd street. Mrs. Thomas stated in her letter that she was willing to do her fair share, but she felt that the price for the improvement was way out of line, and that the streets should have been improved a long time ago, when the prices were cheaper. She advised the city to get busy and get the job done.

City Administrator Wyman then asked for the total front footage remonstrance from the opponents. They are as follows:

Morse	301.00 ft.
Housen	45.00 ft.
Cutsforth	431.60 ft.
Thomas	50.00 ft.
TOTAL FOOTAGE:	827.60 ft.

Following more discussion, the hearing was closed to the public, and brought before the council for discussion. Councilman Giger stated the public knew the city didn't have enough money to improve the streets. The first petition was knocked down because the price was raised. He felt that it was up to the property owners entirely to pay for the street. After some further discussion on the matter of price, Councilman Kariker asked if there was a sufficient remonstrance. City Administrator Wyman stated that by not counting the city property or the intersection, there was 1547 approximate feet, and 827 of it

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was remonstrated against the L. I. D., and with the city included, there is insufficient (2/3) remonstrance.

Councilman Kariker, upon directing his question to the city staff, asked if the suggestion by Mr. Morse to cut back on the class of street or the quality of the street is acceptable for cutting corners, and if any cutting was done, how much could reasonably be cut. Administrator Wyman answered Councilman Kariker's question stating that by reducing 1" off the 3" of blacktop, the price could be cut down by approximately \$7,000, and added that if this were done, the city would have to come back in two or three years time and add to what had already been done.

After hearing the oral and written remonstrances, Councilman Giger moved that it be resolved by the Council as there was not sufficient remonstrances; and that the work be done on contract as soon as an acceptable bid is received; that the City Administrator advertise for bids in two (2) successive issues of the Canby Herald for bid opening, not later than the first council meeting in August 1975. The motion to adopt the resolution was seconded by Councilman Kariker and on roll call vote the motion was adopted by the following vote:

Councilman Giger	Aye
Councilman Kariker	Aye
Councilman Rapp	Nay
Councilman Wagner	Aye
Councilman Westcott	Nay

The next public hearing was the appeal of the minor land partition by Mr. Rufus Kraxberger. Mr. Kraxberger stated he had done a considerable amount of study through the superintendent for the city and his employees, and it was recommended to him that it could be done and stay under all of the ordinances of the city and comply with everything in this area. Mr. Kraxberger said he went ahead with it, and stated the lot size and the frontage are over the ordinance of the city, and comply with anything they could find, and that is why he is appealing the Planning Commission. He emphasized the fact that he didn't think the lot size of 9900' determined the quality of the house put on a piece of property. He stated that 7000' is the ordinance and that they have 9900'.

Ralph Hulbert then spoke on behalf of the Planning Commission, stating that the Planning Commission felt that the property owners who were interested in this property saw the sub-division as it was platted originally with 110' front footage on Oak street, and what appealed to them was the size

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of the lots originally. They purchased their property there, built the houses they have built with that in mind. The Commission felt it was a matter of discretion on the part of the property owners who had already built there to maintain the situation as it was when they bought and built there.

Mayor Roth then asked to hear from any opponents to the minor land appeal. Mr. Larry Cole, his wife Karen, and the following citizens, Mr. & Mrs. Harvey Hansen; Mr. & Mrs. Robert Schoelenberg; Mr. & Mrs. Pete Keller; voiced their opposition to the appeal. Mr. Cole read a brief letter composed by the above named citizens stating their reasons for opposition.

After a somewhat lengthy discussion, Councilman Westcott moved to uphold the Planning Commission in their action of denying the minor land appeal to Mr. and Mrs. Rufus Kraxberger on N. E. Oak street. Councilman Kariker seconded the motion. Discussion followed. Mayor Roth then called for a roll call vote and the motion was defeated unanimously. Councilman Giger then moved that the application for a minor land partition by Mr. and Mrs. Rufus Kraxberger be approved, according to the recommendations of the Planning Director, Eldon E. Edwards and staff. Councilman Wagner seconded the motion, and without further discussion, a roll call vote was called for and the motion was carried unanimously.

The Parking Lot Committee was then asked to speak on the suggestions they has come up with in regards to the parking lot on N. W. 1st street. Mr. Lawrence Housen stated that the council requested a letter from the parking lot committee stating what their recommendations were for rental charges for spaces in the parking lot on N. W. 1st street. The Parking Lot Committee recommended that a \$7.50 a month rent charge be charged for each space. Prior recommendations were that the southerly portion of the parking lot be reserved for all day parking, and the northerly portion for two (2) hour parking, therefore only the southerly portion would require a rental charge fee. After a brief discussion, Councilman Westcott moved to accept the Parking Lot Committee's recommendation to charge \$7.50 a month per space for all day parking on the south side of the parking lot located on N. W. 1st street, seconded by Councilman Wagner, and carried unanimously.

Ordinance #580, AN ORDINANCE REGULATING STREET EXCAVATIONS; REQUIRING A BOND AND PERMIT; IMPOSING REQUIREMENTS FOR THE PROTECTION OF THE PUBLIC; REGULATING THE BACK FILLING AND RESURFACING; PROVIDING PENALTIES FOR VIOLATIONS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, was read on final reading by Attorney Bettis by title only.

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A motion was made by Councilman Giger, seconded by Councilman Rapp, and carried unanimously by roll call vote to adopt Ordinance #588 to become part of the laws of Canby.

Next on the agenda was a letter from Mr. Broetje, in regards to the dilapidated house on N. 10th and N. Juniper. He advised the council that he had a building permit and that he was going to improve this home and have it finished within ninety (90) days. The council discussed the matter further, and decided that he be sent a letter of appreciation for his response and advise him that a letter should also be written to the lady who started the petition to let her know her concern is well taken. It was then adopted by direction of Mayor Roth.

A petition signed by 16 citizens in regards to the busses from the First Christian Church being parked in a residential area was then discussed. Planning Commission spokesman, Ralph Hulbert stated that the Planning Commission had considered the use of the busses as an enlargement of educational facilities and moved to approve the variance and accept the requirement they were asking for in reduction of front yard requirements and front yard set-backs. The conditions which were attached to this variance were that the parking lot for the congregation parking, the ordinance calls for one off-street parking space for each eight (8) feet of paw space in the church. Also a written agreement be obtained from Willamette Valley Savings and Loan for additional parking during the hours of church services when Willamette Savings and Loan was not in operation. And that bus parking not be permitted on the parking area except for loading and unloading. It was decided by the council that the people of the congregation talk with the neighbors of the church and explain to them the intended plan for the parking lot and the busses.

Councilman Giger moved the Accounts Payable in the amount of \$53,349.82 be paid, seconded by Councilman Westcott. Discussion followed. Roll call vote was called for and the motion was carried unanimously.

Councilman Westcott moved to approve payment to A. J. Berndt in the amount of \$3,871.30. The motion was seconded by Councilman Kariker, voted on, and carried unanimously.

The council then discussed the workshop meeting planned for Saturday, June 21, at Bowman's Resort, Wemme, Oregon. It was decided since only 9 people planned to go, the meeting was to be cancelled.

Councilman Giger was excused from the council meeting at 10:28, and the City

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Attorney retired at 10:32 p.m.

A special meeting was discussed to canvass the election of June 24, 1975. It was decided that since the council charter requires the council to meet on the Thursday following the election to canvass the vote, a meeting would be scheduled for Thursday, June 26, 1975. All councilmen are to be reminded of the meeting at noon on the 26th.

Next, the council discussed the Canby Big Store. Councilman Westcott moved with Councilman Rupp seconding, a letter be sent to Mr. Jerry Freeman at his business address, with a copy of the engineers reports stating that he inform the city within ten (10) days of the option he chooses as described in the letter from Gary L. McIllellan, dated June 10, 1975, and the date he intends to start his procedure. The motion was voted on and carried unanimously.

Discussion followed in regards to Water Permit G-5101. Councilman Westcott moved, Councilman Karkner seconded the motion, to send a letter to the State permitting Water Permit G-5101 to lapse. The motion was voted on and carried with Councilman Wagner abstaining.

Mayor Roth then asked the council who wanted to serve on a Special State Citizen Involvement Advisory Committee. The matter was discussed and the Mayor decided he would take care of finding someone to serve on the committee.

The subject of David DeLorenzo's Memorial Fund was then brought up and discussed. Councilman Karkner made a motion that the sum of \$50.00 be added to the money that has come in as memorial in memory of detective DeLorenzo. Councilman Rupp seconded the motion and it was carried unanimously. Mayor Roth also stated that a letter should be sent by Mr. Wyman to the family in California, informing them of the council's action.

Meeting was adjourned at 10:55 p.m.

Harold A. Wyman

Paul H. Roth