

Regular Meeting  
Canby City Council  
January 7, 1974

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

Roll Call

Present: Councilmen Gerber, Giger, Kariker, Tate, Wagner and Westcott

Absent: Mayor Roth

Others Present: Administrator Wyman, Supt. Whiteside, Treasurer St. Amant,  
Fire Chief Buttolph, Planning Commission Chairman Ross  
and Foreman Atwood

Attorney Bettis, Sr. arrived at 7:55 p.m.

President Giger called for comments regarding the minutes of the December 17 and December 20 meetings and there being no objections of consequence, the Council President declared the minutes approved as distributed to the officials.

Canby Herald Editor, David Weston, appeared before the Council and introduced Tony Staley as an employee of the local newspaper and to be designated as editor in the near future.

A letter from Carl Polloch requesting permission to unload a cesspool pumping truck in the City's sanitary system was read by Administrator Wyman. After a period of discussion regarding policy and necessity for a written agreement regarding the dumping of sewage into the sanitary system, a motion was made by Councilman Tate, seconded by Wagner and carried unanimously that the Administrator compile a temporary agreement for Polloch's signature prior to dumping in the sanitary sewer and to suffice until a standardized agreement could be compiled.

Administrator Wyman read a letter from Guardian Properties, Inc. regarding their application for annexation of property to the City of Canby and a request that the city staff be authorized to work with Guardian's engineer in planning future utility service. After a period of discussion and a study of the sewer system expansion map, a motion was made by Councilman Tate, seconded by Wagner and carried unanimously that the City adhere to its development plan of the sewage expansion system and that the department heads submit the development plan to Guardian Properties in lieu of any temporary construction plans.

Administrator Wyman read a letter from the Clackamas County Park Commission announcing a meeting of the Clackamas County Park Advisory Board and the Inter-agency Advisory Committee on Monday, January 14, to discuss the distribution of land and water conservation fund monies. The Council considered the matter and recommended that the Administrator make plans to send a City representative to the meeting.

A clearinghouse letter from CRAG was discussed regarding an application to remove some forty-three million tons of sand and gravel from the Ross Island area in the Willamette River. A motion was made by Councilman Gerber, seconded by Wagner and carried unanimously to report to CRAG that this request has no significant effect on Canby and we have "no comment".

The Council considered the contents of letters from the Oregon State Hwy. Division regarding improvement of the Elm St. and Grant St. surfaces from Hwy. 99E to NW 1st Avenue. The Council acknowledged that this would be a combination railroad, highway and City project and advised the Administrator and staff to follow through on the planning thereof.

The Council considered the Accounts Payable claims in the amount of \$12,067.66 and inspected the computer print-out listing said claims. After a number of questions and assurance from the Administrator that certain accounts were not overdrawn and that computer corrections were in the process of being made, a motion was made by Councilman Westcott, seconded by Gerber and carried unanimously by roll call vote approving claims against the City in the amount of \$12,067.66 and that warrants be drawn on the City Treasurer in payment thereof.

The Council continued the discussion of left-turn channelization on Hwy. 99E and studied copies of State Hwy. reports furnished by the office of Regional Engineer, C. O. Frederickson. Citizens Bill Stevens, Hugh Harper and Rene DuPont, who conduct businesses adjacent to Hwy. 99E, appeared before the Council to discuss the channelization program and to register objections to widening the portion of the highway adjacent to their properties for a fifth turn lane. After a period of discussion, the Council directed the Administrator to thank Engineer Frederickson by letter for the detailed information provided by his office and to refer the study to the Council's Traffic Safety Committee which is composed of Lloyd Younce as chairman, Matt Knoblauch and Curtis Johnson.

The Administrator read a letter from the City Planning Commission explaining the Commission's action regarding the inclusion of proposed annexations to the City of Canby on maps prepared for and by CRAG. A copy of said letter is attached to and becomes a part of the file copy of these minutes. The Council discussed the matter in detail and Gordon Ross explained the alternatives and reasoning the Planning Commission used in classifying each property being considered relative to availability of sewer and water service.

Administrator Wyman told the Council that he and the Recorder had discussed the City's annuity insurance program with Investor's Insurance Company Officer Carl Braman, and that Braman said he would investigate and report back, but that no report had been received as yet. Council President Giger ordered the matter held for receipt of said report.

Per the Administrator's assurance to the Council that the Canby Utility Board had agreed to accept \$862.50 as its share of rent collected by the City on the Nelson house, a motion was made by Councilman Westcott, seconded by Gerber and carried unanimously approving the payment to the Canby Utility Board for \$862.50 which represents 1/2 the rent collected on the Nelson house from February 1, 1971 to January 31, 1973.

Ordinance #577. AN ORDINANCE ESTABLISHING A NEW CITY PLANNING COMMISSION IN COMPLIANCE WITH THE PROVISIONS OF ORS.227 was presented for first reading. Upon Attorney Bettis' advice that he had recently received further information from the Bureau of Municipal Research regarding revision of said ordinance draft, a motion was made by Councilman Wagner, seconded by Gerber and carried unanimously to postpone the first reading of Ordinance #577 until revisions were accomplished and that said ordinance be submitted to the Council Workshop for further study.

Ordinance #578. AN ORDINANCE AMENDING SECTIONS 15 AND 18 OF SUBDIVISION ORDINANCE #443 TO PROVIDE FOR SUBDIVISION DEVELOPMENT FEES was read on first reading by Attorney Bettis. It was thereupon brought to the Attorney's attention that the fee schedule in Section 15, Subsection 6 was not complete as the Council had agreed at a previous meeting. Thereupon a motion was made by Councilman Westcott, seconded by Gerber and carried unanimously to pass Ordinance #578 on first reading with the understanding that Attorney Bettis would make the necessary changes in said Paragraph 6. The Council agreed that said ordinance should become effective at 12:01 a.m. on the 5th day of February, 1974, said ordinance to come up for final action of the Council February 4, 1974 and to be posted in compliance with the City Charter.

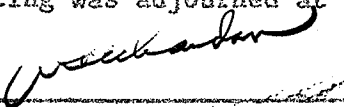
Upon hearing a personnel report from Administrator Wyman, a motion was made by Councilman Wagner, seconded by Tate and carried unanimously that Acting Chief of Police, Vincent Graziano be removed from probation as official Chief of Police with no change in pay status at this time. Then a motion was made by Councilman Westcott, seconded by Wagner and carried unanimously authorizing the end of the probation period for Administrator Wyman and that his salary be adjusted as of January 1, 1974.

The Administrator advised the Council of recent communications and preparation for codification of City ordinances. After a period of discussion, a motion was made by Councilman Kariker, seconded by Westcott and carried unanimously authorizing the Administrator to proceed with the codification process, the cost of which is not to exceed \$1,500.00.

Planning Commission Chairman Ross advised the Council of the requirements contained in House Bill 2607 which recently became a state law involving the Land Development and Consumer Protection Act. Chairman Ross read applicable portions of the act and discussed its impact on local developers. He said the Council was responsible for designating a representative who would inspect and report for required subdivision registration. After a period of discussion a motion was made by Councilman Tate that a resolution be prepared by the Supt. of Public Works for establishing fees for registration and inspection service. Thereupon Attorney Bettis said that he would prepare the necessary draft without formal motion.

President Giger stated that Mayor Roth had transmitted a letter to Councilman Tate regarding the CRAG incident and was expecting an answer thereto. Councilman Tate said that he was in the process of initiating an answer.

The meeting was adjourned at 10:12 p.m.

  
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J. R. Richardson, City Recorder

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Howard Giger, Acting Mayor

LAFKY & MACDONALD  
ATTORNEYS AT LAW  
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UNION TITLE BUILDING  
SALEM, OREGON 97301

ELTON T. LAFKY  
RON MAC DONALD

TELEPHONE 585-2450  
AREA CODE 503

C E R T I F I E D

March 26, 1974

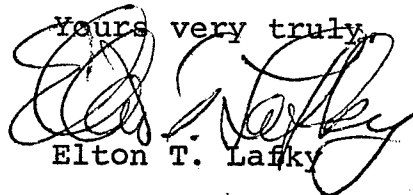
Mr. Harold A. Wyman  
City Administrator  
City of Canby  
City Hall  
Canby, Oregon 97013

Dear Mr. Wyman:

This office represents William H. Haskin in connection with an unlawful arrest and detention which took place on September 30, 1973. Information in our file indicates that City of Canby employees, and specifically police officers Antoine and DeLorenzo arrested, detained and placed Mr. Haskin in custody and lodged him in the Clackamas County Jail, allegedly for purposes of detoxification due to drunkenness. At said time and place, said City of Canby police officers did not have reasonable cause or justification for said arrest, detainment and lodging of Mr. Haskin in the Clackamas County Jail. Furthermore, said actions were unwarranted, arbitrary and unsupported by the evidence.

Demand is hereby being made upon you for the payment of damages of \$25,000.00. Payment of said damages, or negotiations thereon are expected from you within ten (10) days from the date of your receipt of this letter. In the event that you do not respond within the ten day period, legal action will be commenced against you without further notice.

Yours very truly,



Elton T. Lafky

ETL:ok

Dear Sirs

Due to the fuel shortage, and the distance to Salem I am unable to purchase the gas to take care of my customers, and if you will please give me permission to unload my truck at canby it would help my fuel problem.

I would be willing to pay \$10.00 a load to dump. I have been in business in the canby area for five years.

Sincerely,

Carl Pollock

Carls Septic Tank cleaning

# GUARDIAN PROPERTIES, INC.



811 EAST BURNSIDE  
PORTLAND, OREGON 97214  
(503) 232-0171

December 21, 1973

c/o Mr. Harold Wyman  
Canby City Council  
Canby City Hall  
Canby, Oregon

Subject: Request for water, sewer and power services

Gentlemen:

During the period required for processing our application for annexation of the property described on the enclosed plat and legal description we are continuing our work in developing this shopping center. Plans for the center layout have been prepared and submitted to the Planning Commission for design review. Also a Minor Boundary Change for submission to the City and Boundary Review Commission as per our agreement. This will be supplied immediately upon expiration of the annexation moratorium.

In order to complete our leasing and financing work it is necessary for us to establish the costs required for utility service connections. This can only be accomplished by having our engineer work with the City Department heads in establishing requirements. In order to do this these departments will require authorization of the City Council since a part of the property is within the city but a part is outside.

Based upon the previous favorable actions of the Council we would like to request that the City Council authorize the department heads to work with us on line sizes, locations and volumes for sewer, water and electricity to serve this project.

Very truly yours,

*R. W. Brenneke*  
R. W. Brenneke

*Utility board*

RWB:ng  
Encl. 2