

Canby City Council
Regular Meeting
February 4, 1974

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

Roll Call

Present: Mayor Roth, Councilmen Gerber, Giger, Kariker, Wagner and Westcott

Councilman Tate arrived at 8:08 p.m.

Others Present: Administrator Wyman, Supt. Whiteside, Fire Chief Buttolph, Police Chief Graziano and Sergeant Antoine, Treasurer St. Amant, Municipal Judge Liberty, Attorney Bettis Jr., Foreman Atwood and Utility Board Chairman Newton

The Mayor called for comments pertaining to the minutes of the previous meeting and there being none, the Mayor declared the minutes approved as distributed.

Howard Lewis of Route 2, Box 217-C, Aurora, appeared before the Council in regard to signalization of the fairgrounds railroad crossing where his daughter was recently injured in a collision. The Council advised him that the special railroad crossing finances did not include the fairgrounds crossing but that if any money was left in the fund after the other three crossings were signalized, that they would consider a program for the fairgrounds crossing. Lewis said that he had an appointment with the State Public Utilities Commissioner the following day to discuss the matter and see what could be done about immediate signalization at the fairgrounds crossing and that he would report to the Council on the results of the meeting. The Mayor ordered the subject placed on the agenda for the February 19, 1974 meeting.

Administrator Wyman presented the request for Jerry Freeman that his permit to operate a business from a van in the parking lot of the Canby Big Store be extended through the month of May. After a period of discussion and assurance from both the Police and Fire Chief that there had been no complaints concerning his temporary occupancy, a motion was made by Councilman Giger, seconded by Westcott and carried unanimously to extend the permit. The Council also requested that Freeman advise the body by letter of his intent regarding the burned out Canby Big Store structure.

Administrator Wyman read a letter from Robert Rohensee regarding an offer to trade certain properties with the City of Canby in order to straighten the curve in Baker Drive. The Council discussed the matter and a motion by Councilman Gerber, seconded by Giger and carried unanimously authorized Administrator Wyman and Supt. Whiteside to search out details of the proposed trade and negotiate with Rohensee and report their findings back to the Council.

Administrator Wyman read a letter from Mr. & Mrs. Dick Perkett concerning damages at their residence as a result of a blocked sewer line in the Territorial Road area. Wyman advised the Council that the claim had been referred to our liability insurance carriers and that Mrs. Perkett had been so advised. Details of the instance given by Whiteside stated that the emergency existed from 3:15 p.m. Monday to 7:00 p.m. Tuesday, and that he was in regular contact with the Perketts during that time. Whiteside stated that 30 feet of the sewer line was replaced due to fractures caused by heavy rock back fill.

After the Council reviewed the purchase order print-outs and were assured that the accounts payable were in order, a motion was made by Councilman Giger, seconded by Westcott and carried unanimously by roll call vote approving payment of claims in the amount of \$74,084.94 and that warrants be drawn on the treasurer in payment thereof.

The Council reviewed the contents of Ordinance 577; pertaining to establishing a new City Planning Commission and after a period of discussion a motion was made by Councilman Tate and seconded by Westcott that portions of Paragraph 12, subparagraphs 3, 4, 5, 6, 7 and 9 be restated and after a period of further discussion a motion was made by Councilman Kariker, seconded by Giger and carried unanimously to table the previous motion for further information.

Ordinance 566; pertaining to sewer, plumbing and planning fees for subdivisions was reviewed by the Council and it was agreed that further information was necessary. Then the Council discussed the contents of Ordinance 580 and the Mayor referred the three unfinished ordinances to a special Council meeting for that and other purposes to be held on February 11, 1974.

Ordinance 578; subdivision development fee ordinance scheduled for final adoption was read by title only by the City attorney. After a period of discussion a motion was made by Councilman Giger and seconded by Gerber that Ordinance 578 be adopted on final reading. The roll call vote was 5 yes and 1 abstention. Thereupon Councilman Tate declared that he was an affirmative voter and thereby moved to reconsider stated motion for adoption. The motion was seconded by Councilman Westcott and carried by a vote of 4 yes and 2 no. The following discussion revealed that Tate's motion resulted from a lack of clarification of whether or not the cost of water and electrical installation was included in the total development cost of any particular parcel of property being considered. After considerable discussion and assurance by the Attorney that special agreements signed by the subdivider in each case would specify whether or not the utility costs were included in the total development cost, then Tate moved for adoption of Ordinance 578. The motion was seconded by Westcott, but was defeated by a roll call vote of 4 no and 2 yes.

Administrator Wyman advised the Council that street repair during the 74-75 fiscal year would in many instances require more permanent installation than could be developed by the City's existing street oiling equipment and advised that the Council consider more permanent street repair and formulate a policy thereon.

The Council further discussed the existing tabulation of fees for subdivision inspection as prepared and distributed by Supt. Whiteside. After a period of discussion a motion was made by Councilman Gerber, seconded by Kariker and carried by a vote of 4 yes and 2 no that the fees for the four existing subdivisions who have not paid 5% to date, pay 5% inspection fees as prescribed in the agreements signed by the developing parties. A schedule of the paid and unpaid fees from June, 1971 to date is attached to and becomes a part of the file copy of these minutes.

Administrator Wyman advised the Council that a preliminary 1974-75 budget document would be prepared and ready for distribution about February 11 and after a period of discussion the Mayor declared a workshop on the preliminary budget for February 25 and stated that he planned to set the first official budget meeting for the week of March 11-14.

Judge Liberty approached the Council to discuss the dissatisfaction which exists of the Court Clerk, Police Clerk his private secretary and the attorney's secretary all participating in the Court's paperwork and thereby causing duplication. He recommended that a clerk be designated to work half-time for the Court and half-time for the Police Dept. or the Recorder's office. The Council appeared in agreement with the Judge's recommendations but no action was taken. Administrator Wyman advised the Council that the new radio equipment was arriving and that as soon as it was installed he would recommend 24-hour coverage in the Police Dept. and that such action would tie in and simplify the Judge's request. The Mayor ordered further investigation and a staff report on the subject.

Upon the Administrator's request, a motion was made by Councilman Giger, seconded by Gerber and carried unanimously authorizing a call for bids for the City's gas and oil requirements for the coming year.

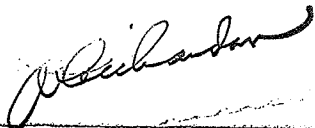
Upon the Administrator's advice, a motion was made by Councilman Giger, seconded by Wagner and carried unanimously that the City sell a 1959 Chevrolet pickup to the Utility Board for \$150.

Administrator Wyman requested permission to attend a Northwest Manager's Conference in Victoria, British Columbia March 6-9 with the City paying for the travel and accommodations. After a period of discussion, a motion was made by Councilman Wagner, seconded by Giger and carried unanimously authorizing the Administrator's attendance at the conference.

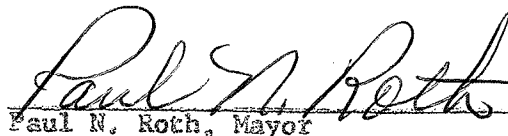
Administrator Wyman advised the Council that a portion of the estate of Russell C. Scramlin recently bequeathed to the Canby Library involved an automobile and that Attorney Bettis requested the Council's decision whether or not to sell said vehicle. The Council informally agreed that the City had no use for the vehicle and the library needed cash.

The Mayor and certain Councilmen urged better attendance at workshop meetings and stressed the importance of Councilmen appearing in an endeavor to develop several ordinances for final adoption. The Mayor advised that in the event a Councilman will not be able to attend a workshop to please call the Recorder's office and so advise the City. Mayor Roth said it was of utmost importance that the four ordinances in question be clarified for final adoption and that this work must be done through workshop meetings rather than a formal session.

The meeting was adjourned at 10:46 p.m.



J. R. Richardson, City Recorder



Paul N. Roth, Mayor

January 21, 1974

Harold Wyman
City of Canby
182 N. Holly
Canby, Oregon 97013

Dear Mr. Wyman:

Sometime ago I spoke to John Whiteside regarding the possibility of exchanging properties and he advised me to put it in writing to you.

What I'm proposing is that we exchange land fronting on N.W. Baker Dr. for land owned by the City of Canby fronting on N.W. 8th Ave.; details of the properties to be exchanged to be worked out.

Sometime back the City verbally requested permission to straighten out Baker Dr. since our lot is situated at an angle requiring that the road make a jog on Baker Dr. Permission was granted at that time to do so. However, it would appear that the proper legal steps should be taken to effect this transaction and perhaps the above proposal could be incorporated at the same time.

If you believe an exchange could be worked out, I would appreciate the opportunity to discuss this further with you. You can reach me by leaving a message at 266-2632 or I could meet with you on most any day after 4:15 p.m.

Sincerely yours,



Robert Hohensee
596 N.W. Baker Dr.
Canby, Oregon 97013

January 28, 1974

City of Canby,

Due to what we feel was handled improperly by the city crew of your sewer work, we are submitting the enclosed itemized bill to your insurance company for the following reason:

We live at 660 N.E. 20th Avenue and have a full basement, on January 20th, Sunday, about 7 P.M. we noticed water coming into our basement around the toilet base. I and my three children mopped it up and then I proceeded to work for four solid hours to keep mopping water up as it slowly came in, untill about 11 P.M. (I quit counting after carrying 20 buckets of water out of my basement.) I did this to save the carpeting in my son's 14' x 16' bedroom.

The next morning I called a couple of neighbors to see if they had any trouble, but they didn't. So my husband called a plumber with a roto-ruter and after spending 2½ hours and a \$40.00 service charge we found our house was "clear", nothing was plugged up. However, after checking the man-hole cover in front of our home and finding 2 feet of water and another sewer drain ½ block away with about 6 feet of water in it we immediately notified the city and asked them to check it out and pump off the sewer drain. That same afternoon the city found the troubled area on Territorial and began work. At about 5 P.M. I went to the work sight and talked to Mr. McNamee, told him of our problem, he thought I'd be able to use our water facilities in a few hours and said he'd let me know when it was safe. I was never notified so we did not use any water facilities. However, as you well know they ran into a great deal of trouble with cave-ins, which by the way would have probably not been quite so bad if they had "shored" the sides as they went.

That evening we had company and about 9:30 went to the basement only to find RAW SEWAGE WATER bubbling up in our basement around the toilet and up our floor drain in another area. Mr. David Anderson and my husband went immediately to the work area and finding Mr. Whiteside told him of our problem and asked again for them to get a pump and start relieving our problem, which they did. Mr. Whiteside said, "That's a good idea."

A lot of our personal belongings had to be thrown out after sitting in raw sewage, including the soiled carpet.

Needless to say we suffered a great monetary loss not to mention the terrible inconvenience of not being able to wash a dish or even let my three children use our bathrooms for two whole days.

Enclosed is the itemized bill, I am keeping copies of service bills which you may see at any time and feel free to call and check anything you wish.

*if this can
save any*

Sincerely,
Dick and Marilyn Perrett
660 N.E. 20th
Canby, Oregon 266-9592

Sunday--4 hours labor

— \$ 12.00

Hubbard Plumbing

39.50

Washer Repair

10.50

Extra Garbage Pick-up

2.00

Items which had to be thrown out

1 foot stool

10.00

1 3' x 4½' scatter rug

7.00

2 music stands

5.00

1 electric football game

12.00

bath scale

10.00

1 Mattel Hot wheels game

10.00

2 chemistry sets

15.00

15 pint jars

4.00

* New carpeting for 14' x 16' bedroom ??

4 real sponges

16.00

Servpro(cleaning and sanitizing)

\$ 135.56

* We are in hopes of saving the Carpet, we have had it cleaned & sanitized but it still has a very strong sewer odor. We'd like to wait & see if this can be corrected. If it can't then a new Carpet must be put in.

THE CITY OF

INCORPORATED
1893

Canby

GARDEN SPOT OF THE WILLAMETTE VALLEY

POSTOFFICE BOX D

CANBY, OREGON 97013

Paul N. Roth, Mayor
Harold A. Wyman, City Administrator
Jarrel R. Richardson, Recorder
John F. St. Amant, Treasurer
John L. Whiteside, Supt. Public Works Actg.
Wade P. Bertis, City Attorney
Vincent Graziano, Chief of Police
Everett L. Buttolph, Fire Chief
Gordon L. Ross, Chairman Planning Com.
Dale D. Liberty Sr., Municipal Judge
David Halstead, City Forester
Norman Christiansen, Fire Marshal

COUNCILMEN
Anthony E. Gerber
Howard J. Giger
C. Ron Kariker
Albert D. Tate
Joe M. Wagner
Robert D. Westcott

January 30, 1974

Canby Planning Commission
Canby, Oregon 97013

Subject: Zoning Developments vs Street Improvements

Worthy Commission Members:

On several occasions the Planning Commission has discussed street improvement problems with regards to zone change developments. On a zone change we look closely at some of these types of problems but have only touched lightly on existing street conditions in the areas with a current multiple zone.

I wish to take this opportunity to notify the Commission to the fact that there is a large portion of the R-2 zoned areas which is located on streets which are in very poor condition and with inadequate street rights of way.

You will note section 14 of the Zoning Ordinance makes provisions with regards to additional setbacks. This section is good if enforced but still does not cover many areas of current and future concern.

It is my opinion that the Planning Commission proceed with a study regarding construction on inadequate and unimproved streets. Some recommendations for a solution might be: (1) a planning and design review before the Planning Commission on all construction projects larger than a duplex; (2) establish requirements which require an impact statement by the developer and allow permits only after adequate street right of way and street improvements are made within the area to be built upon.

I am enclosing a map of current R-2 zoning which are cases in point of the urgent need of this action.

The attached map shows two primary areas noted as area A and area B.

You will note that in area A, the land shown as green has applied for a building permit to construct 56 dwelling units; the land area shown in yellow denotes areas which are not now developed but potentially could accommodate under current zoning standards an additional 393 dwelling units. I have noted South Locust Street and Township Road in red which indicates they are

currently inadequate with regards to R/W and street improvements. Also adequate sewer and water facilities are lacking in these streets. Currently South Locust is serving as prime access for 96 single family and multi-family dwelling units.


You will note also potential usage of Township Road will be increased substantially to accommodate this potential increased development. Also one should note that many of the existing single family homes in this area have values which may lend to their removal and replacement with multi-family unit type construction. I have not shown any of this redevelopment in this report except for one home along Township Road just east of South Locust. Based on current development and potential development of this area we can figure an average daily traffic volume of 1,635 cars per day based on 3 trips per day per dwelling.

Unless positive steps are taken now to provide for this type of development in this area we will be, if not now, faced with a real crisis.

Area "B" is currently zoned R-2 and would accommodate construction of 55 dwelling units as zoned. Again this development area is currently being designed and I anticipate a request for a building permit will be forthcoming soon. I would like to notify you of the fact, this land lies at the termination of N. W. Sixth Avenue which is an unimproved 40 foot right of way.

In my opinion these areas I have mentioned demand attention immediately and would recommend that the Planning Commission direct Mr. Edwards, upon council ratification to prepare ordinances and procedures to help solve these problems.

Respectfully submitted,


John L. Whiteside
Acting Supt. of Public Works

JLW:cb

Enclosure

cc: ☒ Harold Wyman
P. N. Roth, Mayor
Wade Bettis, Attorney
Eldon Edwards

THE CITY OF

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GARDEN SPOT OF THE WILLAMETTE VALLEY

POSTOFFICE BOX D

CANBY, OREGON 97013

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Anthony E. Gerber
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Joe M. Wagner
Robert D. Westcott

January 31, 1974

Mr. Wade Bettis, Jr.
160 N. W. Third Ave.
Canby, OR 97013

Re: Multifamily building development vs Street conditions

Dear Wade:

I have attached herewith a copy of a letter from me to the Planning Commission regarding multifamily development within unimproved areas.

The Planning Commission has requested that I request you to review the ordinances with regards to any legal leverage we might have to require the developers to improve access to their developments, with respect to additional street R/W, street improvements and additional water, sewer and storm drainage requirements.

This review is specifically with reference to area "B" as shown on the attached map. Basically the lot in question will accommodate according to land area, 55 dwelling units but it would be blocking a projection of a street. The street R/W is only 40 feet existing and is currently unimproved. Also you might note that the only frontage this lot has is 40' which is where the street terminates at the property line.

I am sure you can see the concern which I have pointed out to you and the Planning Commission.

Respectfully,

John L. Whiteside

John L. Whiteside
Acting Supt. of Public Works

JLW:cb

Enclosures

cc: Harold Wyman
P. N. Roth
G. Ross, Eldon Edwards

P.S. Notice faded copy of Ord. #369 enclosed as reference to N.W. 6th Ave.

Subdivision INSPECT FEE TABULATION

1/21/74

by J.L.W.

Subdivision	Agreement Date	Construction Value	3%	5%	Amount PAID	REMARKS
Amrine Add	4/25/72	60,900 ⁰⁰	1827. ⁰⁰	3045. ⁰⁰	1827. ⁰⁰ ✓ (1/21/74)	Completed
Ross Add	6/4/73	26,975. ⁰⁰	809. ²⁵	1348.75	- 0 - ✓	Not Completed
DEBBIE AC.	7/24/72	36,245. ⁰⁰	1087. ³⁵	1812.25	1812. ²⁵	Completed
Westwood ACRES annex Canby Terrace	6/8/71	12,000. ⁰⁰	360. ⁰⁰	600. ⁰⁰	600. ⁰⁰	Completed
Greentree Manor	7/25/72	26,088. ⁰⁰	782. ⁶⁴	1304. ⁴⁰	1304. ⁴⁰	Completed
Big Fir AC.	2/14/73	9,421. ⁰⁰	282. ⁶³	471. ⁰⁵	471. ⁰⁵	Completed
OLIVER No. 7	7/11/73	22,142. ⁰⁰	664. ²⁶	1107. ¹⁰	1107. ¹⁰	Complete
Country Club Estates Annex # 2.	2/14/72	175,000. ⁰⁰	5250. ⁰⁰	8750. ⁰⁰	- 0 - ✓	Not Complete
Candy Acres	2/22/72	26,671. ⁰⁰	800. ¹³	1333. ⁵⁵	1333. ⁵⁵	Complete
RO-ME-CO *3	7/1/73	26,000. ⁰⁰	780. ⁰⁰	1300. ⁰⁰	- 0 - ✓	To be finished prior to acceptance
Fastwood Estates	6/22/72 3/29/72	27,200. ⁰⁰	816. ⁰⁰	1360. ⁰⁰	1360. ⁰⁰	Incomplete
Totals		448,642. ⁰⁰	13,459. ²⁶	22,468. ¹⁰	9,815. ³⁵	

3195.35 Dif

The above, are the only subdivisions for which we have or are scheduled to collect inspection fees at this date.

(A)