

Canby City Council
Regular Meeting
April 15, 1974

The meeting was called to order by the mayor at 7:31 p.m. followed by the traditional flag salute.

Roll Call

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

Absent: Councilman Giger

Others Present: Attorney Bettis Sr., Administrator Wyman, Supt. Whiteside, Treasurer St. Amant, Police Chief Graziano, and Budget Committee Member Johnson

Minutes of the previous session were reviewed and discussed with reference to Page 2, Paragraph 2 of the minutes of April 1. Corrections were made in that the letter to Willamette Valley Country Club and to Payton-Anderson requesting that the problem be resolved or an agreement reached was referring particularly to street improvement rather than storm sewer construction. There being no further corrections or comments, Mayor Roth declared the minutes approved as corrected.

Jim Styke, manager of the Mustang Station in Canby, approached the Council regarding his gasoline quota as set by the Federal Energy Office. Styke stated that upon his application for additional gasoline, he was told by the FEO that there was no shortage of gasoline in Canby and his application was denied. The council discussed the matter acknowledging that two stations in Canby had closed since 1972 and that no new stations had been developed and that there was apparently not sufficient gasoline furnished to stations in the City to allow them to remain open on weekends. Thereupon a motion was made by Councilman Gerber, seconded by Wagner and carried unanimously that the City Administrator be provided with documentary evidence of the FEO decisions and that the administrator then write to the FEO and cite the conditions that exist in Canby pertaining to the present gasoline supply.

Administrator Wyman read a letter from the Chief of Police, a copy of which is attached to and becomes a part of these minutes, requesting that stop signs be erected at each end of N.E. 14th Avenue where it intersects with Pine St., a stop sign be erected on Grant Street prior to entering into S.W. 3rd Avenue and that a stop sign be erected at the exit of Country Club Drive where it enters N. Maple Street. After a period of discussion a motion was made by Councilman Westcott, seconded by Gerber approving the erection of said signs. Then a motion was made by Councilman Kariker, seconded by Gerber amending said motion to include stop signs on 12th and 13th Avenues at N. Birch Street. The motion was carried by a vote of 4 yes and 1 no with Councilman Tate voting in the negative.

Administrator Wyman read a letter from the Traffic Safety Committee recommending action on the proposed left-turn channelization on Hwy. 99E through Canby. After a short period of discussion Mayor Roth requested that the item be placed on the agenda of the regular council meeting on May 6.

Administrator Wyman read a letter from the pastor of the United Methodist Church, a copy of which is attached to and becomes a part of these minutes, regarding notice by Canby Police Officers that persons who were angle parking on N.W. 2nd Avenue adjacent to the Canby Methodist Church were in violation and should park parallel. After a period of discussion a motion was made by Councilman Kariker, seconded by Gerber and carried unanimously to allow angle parking on N.W. 2nd Avenue and that signs and stripe painting be provided in the block between Elm and Douglas Streets.

A motion was then made by Councilman Tate, seconded by Kariker and carried unanimously to erect signs on Elm Street adjacent to the Methodist Church for parallel parking only. After further discussion a motion was made by Councilman Westcott, seconded by Tate and carried by a vote of 4 yes and 1 no with Wagner voting in the negative for the City to comply with State law regarding a 15' setback from crosswalks for parallel parking. Then a motion was made by Councilman Tate, seconded by Westcott and carried by a vote of 4 yes and 1 no (Wagner voting in the negative) that the 15' setback State law be complied with in commercial zones and adjacent to churches and schools. Upon discussion of the police citations and their lack of information regarding the violation involved, Attorney Battis advised that any change in the citation format be withheld pending completion of the ordinance codification in progress.

Administrator Wyman read a letter from Package Containers, Inc. regarding their intent and the cost of sewer connection fees for the Package Containers plant. After a period of discussion a motion was made by Councilman Tate, seconded by Wagner and later withdrawn to accept the letter and the contents therein from Package Containers. Then a motion was made by Councilman Tate, seconded by Gerber and carried unanimously that a note be prepared by the City Attorney for a time payment agreement plus interest with Package Containers for settlement of the sewer connection fees.

The administrator presented four local recommendation forms from CRAG for the council's action and reply as follows:

1. For widening of Hwy. 99E to 6 lanes in the Milwaukie area; motion by Councilman Tate, seconded by Westcott and carried unanimously as "no effect and no comment".
2. Pertaining to the renewal of the 701 Planning Grant for the City of Portland; motion was made by Councilman Wagner, seconded by Westcott and carried unanimously as "no effect and no comment".
3. Pertaining to the development of recreation facilities on Scoggins Reservoir in Washington County; a motion was made by Councilman Kariker, seconded by Wagner and carried unanimously that the project "has no adverse effect on Canby".
4. Pertaining to the purchase of additional equipment by Tri-met; a motion was made by Councilman Gerber, seconded by Wagner and later withdrawn that the city "has no comment". Then a motion was made by Councilman Westcott, seconded by Tate and carried unanimously indicating the city's disapproval of the proposal.

Upon presentation of computer print-outs showing claims against the city in the amount of \$13,274.38 and after a period of review and discussion a motion was made by Councilman Wagner, seconded by Westcott and carried unanimously by roll call vote that claims in the amount of \$13,274.38 be approved for payment and warrants drawn on the treasurer in payment thereof.

Administrator Wyman presented a deed from the Archdiocese of Portland for 1/2 of N.W. 9th Avenue in one block through Oliver Addition #8 for street purposes. After a period of discussion a motion was made by Councilman Westcott, seconded by Tate and carried unanimously that the deed be accepted for recording and that the recorder certify the Council's decision thereon and return to the City Attorney for filing and/or recording.

Treasurer St. Amant called the council's attention to the difficulty caused by the parking of trucks, campers, vans, etc. and blocking the vision of drivers entering at intersections. The mayor declared that the problem would be given consideration at the workshop on April 22.

Administrator Wyman and Supt. Whiteside informed the council that the staff was working on a plan to facilitate traffic problems in the city and would have the preliminary plan for workshop study soon.

The council discussed with the staff and City attorney the procedures affected by the Metropolitan Boundary Commission in regard to hearings on annexation proposals. Bettis advised that a hearing before the Planning Commission or the City Council was not required and that no ordinance would be required to finalize the decision made by the Boundary Commission pertaining to annexation. The attorney added that unofficial hearings might be held at the local level to provide the Boundary Commission with local input. After a period of discussion a motion was made by Councilman Westcott, seconded by Kariker and carried unanimously that the Administrator request that the Boundary Commission hold its hearing on Guardian Properties in Canby and contact the Boundary Commission immediately regarding said request.

Ordinance #581. AN ORDINANCE PROVIDING FOR REGISTRATION, LICENSING, OPERATION AND EQUIPING OF BICYCLES WITHIN THE CORPORATE CITY LIMITS OF CANBY, OREGON, AND FIXING PENALTIES FOR THE VIOLATION THEREOF; was read on first reading by the city attorney. After a period of discussion a motion was made by Councilman Tate, seconded by Westcott and carried unanimously to postpone action on Ordinance #581 until the May 20 meeting.

Resolution CLXXII. A RESOLUTION ACKNOWLEDGING SATISFACTION OF CANBY UTILITY BOARD'S OBLIGATION FOR INDEBTEDNESS ARISING OUT OF THE CITY'S ACQUISITION IN 1922 OF THE MOLALLA ELECTRIC COMPANY; was read by the City Attorney. After a short period of discussion a motion was made by Councilman Westcott, seconded by Kariker and carried unanimously that Resolution CLXXII be adopted effective April 1, 1974.

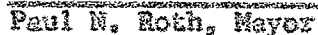
Supt. Whiteside reported that no progress had been made with the Canby Merchants on a program to develop or improve the railroad parking lots to date.

The council discussed the length of time desirable or advisable to retain recorded tapes of City Council Meetings. Opinion varied as to the intended use of said tapes and whether a policy of one year retention should be set by council action. Thereupon a motion was made by Councilman Tate, seconded by Gerber and carried unanimously authorizing the administrator to purchase sufficient tapes to record council proceedings for one year and that said tapes be stored in the City vault.

The meeting was adjourned at 10:26 p.m.



J. R. Richardson, City Recorder



Paul N. Roth, Mayor

April 17, 1974

Rev. George Boner
N.W. 2nd Ave. & Elm St.
Canby, OR 97013

Dear Rev. Boner:

The Canby City Council reviewed the contents of your letter at Monday night's regular meeting regarding parking adjacent to the Church property. The final decision was to allow angle parking on N.W. 2nd Avenue but to limit parking on Elm Street to parallel parking only.

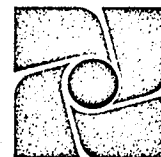
The City will adequately mark and sign the areas on either side of the Church property to designate the proper parking procedure.

Very truly yours,

J. R. Richardson
City Recorder

JRR:cl

Package Containers, Inc.



PHONE (503) 266-2721

777 N.E. 4th AVENUE ☐ CANBY, OREGON 97013

TLX. 360-390

April 1, 1974

The City of Canby
Post Office Box D
Canby, Oregon 97013

Attention: Mr. John L. Whiteside, Superintendent of Public Works

Dear Mr. Whiteside:

In accordance with the directive set forth in your letter of March 28, 1974, we hereby agree to connect to the city sanitary sewer system prior to the deadline date of June 28, 1974.

As to the quantity and quality of discharge, we consume approximately 8,500 cubic feet of water per month, and since the vast bulk of our discharge is water, the resulting total discharge would be something less than this 8,500 cubic feet per month figure.

Included in the discharge are minimal quantities of diluted printing inks, some aniline and some water soluble, plus a trace of biodegradable Oakite Stripper M-3.

Past procedure has been to drain adhesive residue through our drainage system, but effective March 28, 1974, this residue is being trapped in a specially constructed holding tank and will be dispensed via our regular garbage pickup service after it has set and dried.

Also, we have three additional sunken holding tanks in the fields adjacent to our building which serve to further filter our discharges of any "maverick" solids.

In short, we should create no problems for the city sanitary sewer system.

As per our conversation last week, we are not budgeted for this unexpected, rather large, additional cost to our company. Therefore, it is our intent to pay \$300.00 per month, plus normal sewer charges, until the total charges of \$7,450.00 have been cleared. We assume this manner of payment will meet with your approval.

Very truly yours,
PACKAGE CONTAINERS, INC.

Douglas W. Jones
Douglas W. Jones
President

71
DWJ:ko
cc:Acctg.

Mr. Wyman

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. Bettis, 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

April 10, 1974

Honorable Mayor
City Council
Planning Commission

Gentlemen:

The attached is information regarding the schedule of events and procedures to implement annexations through the Portland Metropolitan Boundry Review Commission.

Today I talked with Mr. Martin and Mr. Don Carlson of the P.M.B.R.C. concerning the proposed annexation for Gardian properties. I was informed that the public hearing, to be held in Multnomah County Court House, was scheduled for May 22. From this point on there will be no more hearings on a local level. If an individual had an opinion, however, the Boundry Commission would hear it since their purpose was to gather as much information as they can before making a decision.

Once the Boundry Commission has ordered the annexation, the City cannot reject it except through the courts. Also, the annexation would be effective from the day the Boundry Commission approves it.

I am also attaching copies of annexation procedure forms previously submitted to the City Council December 20, 1973. It explains procedures on all methods of annexation.

Respectfully submitted,

John L. Whiteside

John L. Whiteside
Superintendent of Public Works

JLW/a

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
Don T. Evans, Treasurer
John L. Whiteside, Supt. Public Works Actg.
Wade P. Bellis, 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

December 20, 1973

The Honorable Mayor
and City Council
Canby, Oregon

Gentlemen:

The attached information is a schedule of events and procedures to implement annexations through the Portland Metropolitan Boundary Review Commission.

The yellow and blue colored procedures require action by the council prior to submitting to P.M.B.R.C.

The white colored procedure does not require advanced notice to the council but application may be filed directly with P.M.B.R.C.

This covers the action necessary for annexation.

INSTRUCTIONS FOR FILING
MINOR BOUNDARY CHANGE PROPOSALS

Annexations to Cities Only - Triple Majority Method
ORS 199.490(3)(a) and 222.170

Please read all instructions before filing a petition with the City.

Step 1. Petition

Consent to Annex by Property Owner -- Using the attached form (PMALGBC FORM #8) or a form furnished by the city, supply all appropriate information as requested by blanks. Prepare two duplicate originals, both personally signed. To give consent for a particular piece of property, persons who own an interest in the property or who are purchasers of property on a contract sale that is recorded with the county must sign the annexation petition. Generally, this means that both the husband and wife should sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the annexation petition. After completing the petition, have the County Assessor's Office certify the signatures, the area, and the valuation by completing PMALGBC FORM #9.

Step 2. Legal Description

A metes and bounds legal description of the territory to be annexed shall be submitted. This description should be inserted in or attached to the Petition. In addition two separate copies of the metes and bounds description must be submitted. (A lot, block and subdivision description may be substituted for the metes and bounds description if the area is platted and no metes and bounds description is available.) After obtaining the legal description, take it and PMALGBC FORM #4 to the County Assessor's Office, obtain the map(s) noted in Step 3, and have the Assessor's Office complete FORM #4.

Step 3. Map

Submit with the proposed annexation a county assessor's quarter section map (or maps) on which you have clearly outlined the territory to be annexed. The city or district boundary should also be outlined on the map.

Step 4. List of Property Owners

If the proposed annexation involves 10 or fewer property owners, complete FORM #5 (please print or type). FORM #5 IS NOT A PETITION!

Step 5. Information Sheet

Complete information sheet furnished by the Boundary Commission (PMALGBC FORM #6).

Step 6. Copies

Please submit to the city to which you desire annexation the two signed petitions and two copies of both the map and information sheet.

(Note: The preceding six steps complete the process for property owners to file with a city. The following steps describe the city and Boundary Commission review.)

Information for Cities

The Attorney General's office has advised the Boundary Commission as follows regarding the initiation of annexations in accordance with ORS 222.170.

Regarding ORS 222.170, the "petition" (consent) must be filed with the City Council first, which begins its own proceedings in some way. Since the consent under ORS 222.170 is required to be filed with the city council, when ORS 199.490(3) states that where an annexation is "initiated" as provided in ORS 222.170 the "petition" proposing the same shall be filed with the boundary commission, this must be taken to mean that the consent and the actions of the city council must be filed with the boundary commission. The commission then acts under ORS 199.461, as specifically provided in ORS 199.490(3), and in reference to ORS 199.490(3) the election provisions of ORS 199.505 would not apply.

Cities may join together individual consent petitions to form an annexation proposal in accordance with ORS 222.170. Cities should seriously consider this alternative as a method of submitting logical annexation proposals. If the city combines consent petitions and other properties, a new map delineating the entire annexation area and a new Boundary Commission information sheet (PMALGBC Sample Form #4) should be prepared. In addition, the validity of the new area must be certified by the County Assessor's Office (using PMALGBC Form #7). The forms previously completed by the petitioners will assist in this process.

The Boundary Commission law (ORS 199.462) states that "When reviewing a boundary change, a boundary commission shall consider economic, demographic, and sociological projections pertinent to the proposal, and past and prospective physical developments of land that would directly or indirectly be affected by the proposed boundary change."

To assist in the review of the annexation proposal, the cities should address these same issues during their review. City review should include planning commission review and recommendation to the city council. Staff notes (if any) and minutes of the planning commission and city council meetings on the issue should be forwarded to the Boundary Commission with the initiating petition and resolution.

Step 7. Resolution

City adopts resolution (sample attached - PMALGBC FORM #10)

Step 8. Filing with Boundary Commission

City files annexation proposal with the Boundary Commission. (See attached schedule for filing deadlines.) Cities should forward the following documents to the Boundary Commission:

- (1) Resolution--one original or true copy and one additional copy--two total.
- (2) Petition(s) for annexation--one original or true copy complete with certification page, and one additional copy--two total. (The petitioners have filed two signed petitions with the city. The city should retain one petition and use the other for Boundary Commission filing.)
- (3) One copy of information sheet (PMALGBC FORM #5).
- (4) One County Assessor's map showing area to be annexed and its relation to the existing city limits.
- (5) One set of city review data:
 - (a) City staff notes (if available)
 - (b) Minutes of city planning commission and city council meetings
 - (c) Any departmental review reports, etc.

(Note: The above steps initiate proposal with the Boundary Commission. The following steps describe the Boundary Commission process through the public hearing.)

Step 9. Advertising Public Hearing

The Boundary Commission Law requires a notice of public hearing to be published 15 to 25 days prior to the hearing. A second publication 8 to 15 days prior to the hearing or notification directly to the property owners completes the second notification requirement. The publication must be in a newspaper serving the affected area.

Step 10. Location for Posting Notices

The Portland Metropolitan Area Local Government Boundary Commission posts notices for public hearings in the affected territory, and in other places determined necessary. The notice shall be posted at least 15 days prior to the public hearing.

Step 11. Boundary Commission Staff Study and Reports

The staff will conduct a study of the proposal. The staff will utilize all information submitted by the city; however, additional issues may be raised by the Boundary Commission staff. All pertinent information will be contained in the staff report which will be prepared approximately one week prior to the public hearing. After review by the Boundary Commission, the staff report shall be made available upon request to cities, districts, petitioners, and any other individual.

Step 12. Public Hearing

The Boundary Commission at a public hearing may approve or disapprove a proposal. The Commission may also modify a proposal to make it larger or smaller. If the Commission enlarges a proposal, notification of the affected property owners is required at the public hearing or by mail. If the Commission denies the proposal, the proceeding terminates. If the Commission approves the proposal, the annexation is then complete. (There is no waiting period for triple majority proposals.) The Boundary Commission then notifies the appropriate filing agencies, i.e., Secretary of State, County Recorder and or County Assessor, City Recorder, etc.

Submit to: Portland Metropolitan Area Local Government Boundary Commission
6400 S. W. Canyon Court
Portland, Oregon 97221

(Phone: 297-2237)