

CANBY CITY COUNCIL

Reconvened Meeting of the Regular Council Meeting of January 2, 1973

The meeting was called to order at 7:02 P.M. by Mayor Roth, January 5, 1973.

Roll Call: Present - Mayor Roth, Councilmen Giger, Tate, and Wagner.
Councilman Gerber arrived at 7:36 p.m.

Absent - Councilmen Kariker and Westcott.

Others present - Supt. Herbison, Asst. Supt. Whiteside,
Recorder Richardson, Planning Commission members
Ross, Hulbert and Edgerton and 24 other interested
persons.

The roll call was followed by the traditional flag salute.

Minutes of the hearing of December 1, 1972 were read and, due to no objections or corrections indicated, the Mayor declared the minutes approved.

Mayor Roth announced that the principle purpose of the meeting was a recent hearing of the zoning application presented by Canby Industrial Park and previously denied by the Canby Planning Commission as published in the Canby Herald under legal notices, December 27, 1972 and January 3, 1973. Upon Mayor Roth's call for comments from proponents in the matter, John Carlson, agent for the property owners, gave a detailed history of the application proposed and incidents thereto. He said the application was for a zone change from R1 to R2 for a 3.5 acre tract laying between the site of the future Globe-Union Battery Company Development and Debbie Acres, which was allegedly to be developed as a buffer zone between residential and industrial areas. He reminded the Council that said application had been denied by the Planning Commission and again denied by the Canby City Council on December 1, 1972. Said hearing before the Council having been declared in default by lack of notification to property owners and other interested persons. Other persons speaking in favor of the zone change included property owners James Goodwin, Sid Brockley, Stanley Urbigkeit and Jack Anicker, who testified that the value of the property involved could not be substantiated by single family dwelling or as a landscaped buffer zone. Duane Weeks, of the Canby Realty Company, reviewed the process by which the property was acquired by the present owners.

Upon the Mayor's call for opponents in the matter, the members of the Planning Commission, who were present, stated their reasons for the original denial of the application and stated that at that time they favored a Planned Unit Development area giving the City better control of future development than the so called buffer strip. Neighboring property owners Terry McAllister, Frank Gutterrrz and others registered objections to over developing the property with duplexes and apartments which could cause traffic problems. Members of the Council directed questions at various speakers to satisfy themselves that they had a complete picture of the situation.

A motion was made by Councilman Wagner, seconded by Gerber and carried unanimously to close the hearing at 8:20 p.m. Then the Mayor advised the Council that a decision would have to be made to uphold or reverse the decision of the Planning Commission. After a period of discussion a motion was made by Councilman Wagner, seconded by Gerber, to grant a zone

change from R-1 to R-2 with a plan of future development submitted by the owners and approved by the Planning Commission by March 14, 1973 or the property would revert to R-1. Upon call by the Mayor, the vote resulted in a 2 - 2 vote and the Mayor declared the motion defeated. After a period of more discussion by members of the Council, a motion was made by Councilman Giger, seconded by Gerber and carried by a vote of 3 - 1 that the property be rezoned as R-2 in place of R-1. Upon the presentation of guaranty and deed restrictions in future developments of the property in question (approved by the Planning Commission) or the property involved in the Canby Industrial Park would revert to R-1 on March 15, 1973.

Martin Provost, agent for Mass. Mutual Insurance, appeared before the Council at 9:50 p.m. and discussed the contents of his letter, dated 12-5-72, requesting continued pursuit of a retirement proposal. After a period of discussion Mayor Roth appointed Supt. Herbison and ex-Councilman Lindsay to work with Insurance Chairman Giger to work out details with the agent in respect to a vesting and finance plan, and report to the Council. A motion was made by Councilman Wagner, seconded by Giger and carried unanimously approving the Mayor's action. After further review of Provost's letter, a copy of which is attached to the file copies of these minutes, and a discussion of the tentative annual cost of the retirement plan to the City, a motion was made by Councilman Giger, seconded by Gerber and carried unanimously to tentatively adopt the plan in principle.

Mayor Roth advised the Council of the recent death of Tom Oliver, father of ex-Mayor Earl Oliver, and announced the funeral services at 1:00 p.m. on Monday. After a period of discussion, a motion was made by Councilman Giger, seconded by Gerber and carried unanimously, that the City make a \$10:00 contribution to the Canby Ambulance fund in memorial tribute to Tom Oliver.

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

Paul N. Roth
Mayor

J. Richardson
City Recorder

GICER

MEET 1/5 AFTER HEARING

CALL PRINTER

CALLED 12:56 PM 1-3-73 JF

December 5, 1972

Mr. Carl A. Braman, Mayor
City of Canby
Canby, Oregon 97013

Dear Mayor:

Mr. Carey and I appreciated the attention and concern by the Council during our meeting with them last Friday evening.

Over the past six months that we have been working with your committee, we believe greater progress has been made for the City's benefit in the area of pension planning than has been experienced in the past. If the necessary steps are not enacted to set up the qualified plan, it would appear that the City and its Council members will be continually confronted with an ongoing labor problem, most probably in the area of fringe benefits.

We believe that the structure of the plan proposed is strong and recommend the Council's consideration in the following areas:

1. That the formal approval of the plan proposed be granted and authorization to proceed with its orderly installation.
2. That a special committee be appointed to work with Mr. Carey and myself to lay out the qualifications for:
 - a. Age for entrance into the plan;
 - b. Time with the City before qualifying for the plan;
 - c. Set up the vesting schedule;
 - d. Determination of the management of the side fund.

This committee should be empowered to make these decisions on behalf of the Council.

Mr. Carl A. Braman, Mayor
Page 2
December 5, 1972

The actual determination of how the uniform personnel are to be handled is really a bridge that will have to be crossed at that time. Because of the number involved, this should not present any major problem.

We trust you will give favorable consideration to the items outlined.

The very best to you during the Christmas holiday season.

Sincerely,



Martin Provost

MP:ja

cc: Mr. Paul N. Roth, Mayor-elect
Mr. Jarrel Richardson, City Recorder