

CITY OF CANBY

Regular Council Meeting - February 5, 1973

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, Tate, Wagner and Westcott. None absent.

Others present - Attorney Bettis, Acting Supt. of Public Works Whiteside, Police Chief Harris, Fire Chief Buttolph, Planning Commission Chairman Ross, Foreman Atwood and employees Kyllö and Roberts.

Mayor Roth declared the minutes of the meetings of January 15, 25 and 29 approved as distributed, after minor corrections were made.

ORDINANCE NO. 563

AN ORDINANCE AUTHORIZING A CONTRACT WITH B. J. FORD TRACTOR COMPANY FOR PURCHASE OF AN ALL WHEEL DRIVE TRACTOR

was read on final reading by title only by Attorney Bettis. A motion was made by Councilman Giger, seconded by Gerber and carried unanimously adopting Ordinance No. 563 and thereby making it a part of the laws of the City of Canby.

RESOLUTION NO. CLIII

A RESOLUTION RELATING TO FEDERAL SURPLUS PROPERTY AND APPOINTING AUTHORIZED REPRESENTATIVES OF THE CITY

was read by Attorney Bettis. A motion was made by Councilman Giger, seconded by Westcott and carried unanimously adopting Resolution CLIII.

Harry Noyes, representing Restlawn Mausoleum Builders of Salem, approached the Council in regard to the possibility of building a mausoleum structure at Zion Memorial Park. His proposal included a pre-need sale of 1/2 the crypts in a 300 crypt structure. He quoted as tentative cost \$52,500.00 plus 7% for engineering and design and \$1,300.00 for advertising, printing and office rent which would leave \$2,500.00 in cash plus the revenue from the remaining 150 crypts for the City's income from the project. Noyes said that the construction by their specifications met government earthquake approval and that the program provided for a perpetual endowment fund. After a period of discussion, the Mayor appointed Councilmen Tate and Kariker as a committee to make a study of this proposal and report back to the Council.

Mayor Roth stated that he had received the resignation of Councilman Westcott from the Building Code Board of Appeals, since he had become a member of the Council. A motion was made by Councilman Wagner, seconded by Tate and carried unanimously to accept Westcott's resignation.

The Mayor declared that it was 8:00 p.m. and the time had arrived to conduct the Public Hearing on the proposal presented by Clarence VanDorn to annex 46.7 acres to the City of Canby and directed the City Recorder to read aloud the Notice of Public Hearing as it appeared in the Canby Herald, January 24 and 31, 1973. Upon the Mayor's call for remarks from the proponents of the annexation proposal, Attorney Dale Liberty spoke at length of the advantages to the City that would present themselves through annexation of the property in question. The members of the Council agreed to no objections to Attorney Liberty's representing the petitioner at the same time as holding the position of Municipal Judge, acknowledging that no conflict of interest was evident. Clarence VanDorn testified that he had obtained signatures to a petition constituting at least 2/3 of the property owners owning 2/3 of the property assessed by at least 2/3 of the evaluation of the total area. VanDorn stated that the application had been under process for two years and that he had paid two \$250.00 fees to the City. Upon the Mayor's satisfaction that there were no further proponents present, he then called for comments from opponents of the annexation application. Richard Weiss said that he was opposed to the property being annexed without the public's knowledge of the type of development that was intended for the property and that upon questioning James Payton he had received no satisfactory answer. Allen Manuel said he was opposed to transforming the unusual type of agricultural

soil that exists in that area into subdivided property and thereby eliminating it forever for the purpose of raising bulb type plants for which it is ideally adaptable.

Thad Sprague stated that he opposed a City subdivision immediately adjacent to his 2.47 acre homesite. Sprague posed questions to the City to furnish utilities; whether the proposed annexation would be an asset or liability to the City; whether the advantages would effect few or many people; what the tax advantages might be; or what the development would do to the already critical school situation. Dean Way stated his opinion that the proposed annexation would be a burden to the City as pertaining to sewer, water, street and electrical services were concerned; that a recent prediction indicated that there was room inside the City limits to house a 17,000 population, and he thereby opposed further annexation for the present. John Edgerton stated that the City's water service was already inadequate and that new subdivisions in both the north and south extremities of the City were already in the development stage and that electrical services would be required. Fire Chief Buttolph displayed a map of the City's water system and described the inadequacy of water distribution and pressure as it would apply to fire suppression. He emphasized that many water lines of adequate size were choked down by small diameter connecting lines. S. W. Dresen, member of the Canby Utility Board, stated that all new water lines constructed were of adequate diameter.

Councilman Gerber introduced a recent report from Clark and Groff Engineers which indicated that the present water supply system is capable of furnishing two million gallons a day, but that the distribution system had not yet been expanded to adequately deliver to all areas of the City. Gerber added that it appeared that a lot of the city street services would have to be torn up to replace inadequate water lines. Upon the Mayor's call for further objections or comments from those opposing the annexation and there being none in evidence, Attorney Liberty was afforded an opportunity for rebuttal. Liberty's remarks included that the Canby Utility Board, who are responsible for water supply and distribution, had given their okay to the annexation project. Liberty said that he sympathized with the Dahlia growers, but that property in such an ideal location could not be held indefinitely for agricultural purposes.

The Councilmen in turn, stated their individual views on the proposal. Hugh Harper posed the question of who would pay the cost of extending water and sewer lines to the property. Attorney Liberty answered that VanDorn and Payton had offered, in writing, to stand up to 60% of the cost of extending the lines. Mayor Roth read excerpts from a detailed historical report compiled by the State Boundary Board. Acting Supt. Whiteside quoted portions of Ordinance No. 492, that full cost of six inch water lines and eight inch sewer lines leading to the property to be developed, must be born by the property owner with the right to recoup a portion of his cost as other property owners along the line requested service. Councilman Kariker questioned the alleged approval of the project by the Canby Utility Board, and requested a written report from that body. This statement brought forth comments both pro and con concerning estimates of costs compiled for the Utility Board and later revised. The Mayor declared the hearing concluded at 9:30 p.m. and requested the Council's reactions and intentions in adopting or rejecting the proposal. After a period of discussion, in which Councilman Giger suggested to delay action for further study, a motion was made by Councilman Westcott, seconded by Giger to postpone any further action on the matter until March 19. Upon call for the vote, the result being three yes and three no with the Mayor declining his right to cast the deciding vote, the motion was defeated. Then a motion was made by Councilman Kariker, seconded by Giger to declare a one year moratorium on the annexation matter. Attorney Bettis stated that the motion was out of order as the Public Hearing would have to be re-conducted after that much lapse of time. Councilman Giger still contended that he was not ready to vote on the proposal for lack of substantial information from the Canby Utility Board. After further discussion, a motion was made by Councilman Giger, seconded by Gerber and carried by a vote of five to one to delay any further action until February 20. The Mayor thereby declared the matter continued until February 20 for more information.

Mayor Roth stated the next order of business as the continuation of the sewer connection fee discussion at the Doric Capri Apartments. Attorney Liberty, representing James Payton, present owner of the apartments, presented copies of documents received by mail from Edward Frye who instigated the development of the Doric Capri property on S.E. Second Avenue. The documents included a copy of an application and permit to connect to the sewer signed by Edward Frye and Lee Cox as City Engineer, dated June 26, 1961, and indicating a \$50.00 fee paid. Also, a statement from the City of Canby to Edward Frye for a sewer hookup charge of \$50.00 and stamped as paid June 28, 1961; and further, a hand printed letter to Mr. Payton from Edward Frye constituting a cover letter for the above documents. At this point, Earl Oliver, officer of a firm who purchased the Doric Capri from Frye and later sold, stated that the property was purchased with no prepaid rights indicated, and was sold with no prepaid rights attached; that the sewer line was constructed by Frye in the wrong direction from Knott Street west 130 feet on S.E. Second Avenue to the property to be benefited, and further testified that there was no call for a free right as a result of property transactions. Councilman Giger stated that there has been more building since that time, specifically, the six unit apartment building on which the contested \$1,900.00 fee was charged. Discussion followed during which Acting Supt. of Public Works Whiteside said that there was no question of the charge as being legitimate under the existing Ordinances. A motion was made by Councilman Tate, seconded by Gerber and carried unanimously to deny the application of James Payton to permit the six additional Doric Capri units to be connected to the City sewer without payment of the \$1,900.00 fee. Mayor Roth then stated that the contents of the Sewer Ordinance applies, and that the action taken by the former Council on December 28th, would stand as approved by this motion.

City employee Donald Kylo approached the Council in regard to Union Negotiation, stating that the former balloting for membership was not valid and recommended that an election be conducted by the P.E.R.B. The Council discussed the matter and the Mayor stated that the proposal would be discussed at the scheduled Union negotiation, Thursday at 7:30 p.m.

A motion was made by Councilman Giger, seconded by Westcott and carried unanimously approving Police Chief Carl Harris's attendance at a Police Chiefs Association conference at Seaside, and an advanced expense account of \$100.00.

The draft form of bids specified for a new police car was presented to the Council and discussed. It was the feeling of Council members that the specifications were inadequate, not being specific enough in some areas. The Mayor declared the matter tabled until the next regular meeting and appointed Councilmen Gerber and Westcott to bring in a more adequate proposal.

RESOLUTION CLII

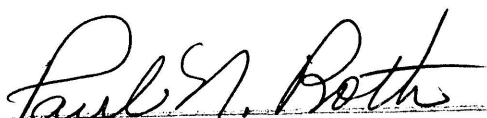
A RESOLUTION CREATING THE OFFICE OF CITY ADMINISTRATOR FOR THE CITY OF CANBY, OREGON, DEFINING TERMS AND DESCRIBING THE POWERS AND DUTIES OF SAID ADMINISTRATOR

was read by Attorney Bettis who explained that it was designed from a former draft of the proposed resolution. A motion was made by Councilman Giger, seconded by Gerber and carried unanimously adopting Resolution CLII.

The Council members reviewed the claims as presented for approval, and after a period of discussion regarding each Commissioner's responsibility in recommending claims for Council approval, a motion was made by Councilman Giger, seconded by Gerber and carried unanimously by roll call vote, approving all claims as presented with the exception of one from Knutson Insurance in the amount of \$2,259.00 and that they be approved for payment and warrants be drawn from the Treasurer in payment thereof. Upon the Mayor's direction, the Recorder advised the Council of the extremely low balance in the City's checking account and the poor prospects for any incoming revenue, unless the Canby Utility Board can pay some of its obligations to the City.

Mayor Roth reminded the Council and Department heads of a scheduled meeting Tuesday at 7:30 p.m. for work on the Revenue Sharing Supplemental Budget.

The meeting was adjourned at 10:55 p.m.


Mayor


City Recorder