

REGULAR MEETING OF THE CANBY CITY COUNCIL

August 6, 1973

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

Roll Call: Present - Mayor Roth, Councilmen Gerber, Giger, Kariker, Tate, Wagner and Westcott.

Absent - None.

Others present - Administrator Wyman, Attorney Wade Bettis, Sr, Supt. Whiteside, Fire Chief Buttolph, Foreman Atwood, Utility Board member Newton and Manager Cox.

Upon the Mayor's call for comments regarding the minutes of July 16, 1973, it was recommended that the name of Administrator Harold Wyman be added to the Mayor's Blue Ribbon Committee as exofficio member and there being no further corrections or additions, the Mayor declared the minutes approved as corrected.

James D. Johnson, who had previously approached the Council regarding the possibility of paving North Juniper Street at the property owners expense, approached the Council again for its dispensation. Upon his question as to whether the residents who paid for street improvements could be exempt from special levies and other improvement costs of other streets in the City, Attorney Bettis said there was no way that any property owner could be exempt from a tax levy and that the only alternative was the local improvement district as described in Ordinance No. 393 whereby credit could be given for other local street improvements.

Utility Board Manager Cox objected to the increase from 3% to 5% of the water and light total billing for July as billed to them in lieu of taxes. Cox said the Board was not aware that the increase was intended and that it was not budgeted for by the Utility Board. The Mayor and others present explained that the City had budgeted anticipated revenue to include the 5% rate. It was revealed that when the rate was reduced to 3% in the 1972-73 budget, that it was understood the reduction was for one year only. The Mayor said the matter would be researched and brought up for discussion at the next Council workshop.

Dr. E. E. Davies outlined a plan before the Council that the Canby High School Board had studied regarding the construction of a building which would adequately house both the High School and the City Public Library. He said the school was contemplating a bond issue which, if approved, would finance the construction program within a two year period. The Mayor ordered consideration of the proposal at the next Council workshop period.

Administrator Wyman read a letter from the Clackamas County Juvenile Department which solicited funds for Juvenile Department operation in the amount of \$302.82 from Revenue Sharing Funds as Canby's share. Discussion followed regarding prior information on the subject which the Mayor said would have to be researched from the minutes of several months ago.

After report was made by Supt. Whiteside that the owner of residential property at 295 South Knott Street had secured a building permit for repair at that address to bring it up to fire and zone requirements, a motion was made by Councilman Gerber, seconded by Wagner and carried unanimously that the residence at 295 South Knott Street be removed from the condemnation list. Then a motion was made by Councilman Wagner, seconded by Gerber and carried unanimously setting the date of August 20, at 7:30 p.m. for a public hearing concerning the condemnation of a residence at 614 N.W. Second Avenue and a garage building at 494 S.W. Third Avenue with the prescribed public notice and notices to property owners involved.

The Council discussed the contents of letters from the Grade School principal and the school bus administrators requesting certain signs and curb painting for traffic control. The matter having been researched at the last Council workshop, a motion was made by Councilman Wagner, seconded by Gerber and carried unanimously to advise the school authorities that the City would install the traffic control signs if the school would purchase said signs, but that no curb painting for traffic control would be advised at that time.

Mayor Roth reported that he had contacted a number of persons regarding appointment as City Treasurer to no avail, and requested recommendations from the Council and from Dr. Davies regarding capable candidates. A number of names were suggested after Attorney Bettis read aloud the qualifications and duties as contained in the City Charter. Mayor Roth thereby tabled the appointment to the next regular Council meeting.

The Council discussed recommendations made by the Traffic Safety Committee and referred the matters to the Administrator for research and Mayor Roth requested the item be placed back on the agenda for August 20, 1973.

The Council then considered the application of the American Legion Post #122 for a Class C Liquor Dispensers License. After a period of discussion, a motion was made by Councilman Wagner, seconded by Giger and carried by a vote of five to one that the Council recommend the application to the Liquor Control Commission subject to written approval by the City Police and Fire Departments. It was agreed that future applications must be approved in writing by the Police and Fire Departments before they will be considered by the Council.

ORDINANCE NO. 571 AN ORDINANCE AMENDING ZONING ORDINANCE NO. 452 AND PROVIDING AN EFFECTIVE DATE.

was read by title only by the City Attorney, prior to final action by the Council. After a short period of discussion, a motion was made by Councilman Giger, seconded by Gerber and adopted Ordinance No. 571. At that point, a number of citizens arose to object to Section 10 which involved off-street parking in a C1 zone. Those who spoke in objection to the passage of the Ordinance were Dr. E. E. Davies, Hazel Irwin, C. C. Sheppard, Richard Morse and Walter Daniels. Thereupon, a motion was made by Councilman Kariker, seconded by Westcott and carried by a vote of five to one to table the motion for the adoption of Ordinance No. 571. A motion was then made by Councilman Wagner, seconded by Gerber to refer the Ordinance draft back to the Planning Commission for further consideration. After a period of discussion, Councilman Wagner withdrew his motion and a motion was then made by Councilman Wagner, seconded by Kariker and carried unanimously to refer the Ordinance draft to the Mayor's Blue Ribbon Committee for research and recommendations.

Mayor Roth excused himself from the meeting at 9:17 p.m. upon information that there had been a death in his family. Council President Giger presided during the remainder of the meeting.

RESOLUTION NO. CLXII A RESOLUTION REQUIRING PROPERTY OWNERS ON THE NORTH CEDAR STREET EXTENSION TO ENTER INTO AN AGREEMENT BEFORE BUILDING PERMITS WILL BE ISSUED.

was read by the City Attorney. After a period of discussion, a motion was made by Councilman Tate, seconded by Westcott and carried unanimously to adopt Resolution No. CLXII.

Councilman Wagner called the Council's attention to the Fire Department monthly report distributed on the table and commented favorably on the quality of the report.


Upon the Council President's inquiry if there were new bills to be approved, the Recorder reported that most of July's office transactions had been delivered to the Electronic Record and Billing Service at Lake Oswego for computerization and that claim payment was being held up awaiting returns from the computer service and the printing of new check blanks.


Upon the Administrator's recommendation, a motion was made by Councilman Gerber, seconded by Tate and carried unanimously authorizing the purchase of a new grave lowering device and green mound coverings for Zion Cemetery.

Upon Administrator's advice, a motion was made by Councilman Tate, seconded by Westcott and carried unanimously to rescind the Council's action of June 4, 1973, in appointing Martin Provost of Mass. Mutual Insurance Company as agent of record for retirement insurance purposes.

Administrator Wyman and Supt. Whiteside described a recent break-down of clarifier equipment at the sewage treatment plant and reported that steps were being taken to make repairs.

The meeting was adjourned at 9:52 p.m.


Mayor


Recorder

August 6, 1973

CIRCUIT COURT FOR CLACKAMAS COUNTY

JUVENILE DEPARTMENT

2121 KAEN ROAD

OREGON CITY, OREGON 97045

655-8342

HOWARD J. BLANDING
JUDGE

DONALD D. WELCH
DIRECTOR

July 24, 1973

CLACKAMAS COUNTY JUVENILE DEPARTMENT SUMMER COUNSELING REC. PROGRAM

Paul N. Roth, Mayor
City of Canby
City Hall
Canby, Oregon 97013

Dear Mayor Roth:

I recently sent a proposal to the City of Canby which involved a request for revenue sharing monies in the amount of \$302.82, computed on the percentage of youth from your community likely to participate in and receive benefits from the program.

Some cities have responded in the affirmative to our request, some have not. Since Canby is in the latter category, it may be possible that you have questions or need additional information to reach a conclusion on the matter. I would happy to meet with you to offer any further explanation you might consider helpful. Please feel free to contact me in this regard.

Yours truly,

John Schleining
John Schleining
Counselor

JS:cdd

City of Canby

Public Works • Superintendent • Jim Herbison

TO: Harold Wyman

July 27, 1973

FROM: John L. Whiteside

SUBJECT: Repair or removal of building - 295 S. Knott St.

Mr. Wyman:

Mr. Stan Whipple, owner of house located at 295 South Knott Street was in the office today. He stated that he was unaware of the actual condition of said house until recently, since he lives near Eugene. He is planning to repair and clean up residence as per a letter from him attached hereto. I have issued him a permit for said repair work. Therefore, since his intention is to repair said building, I would recommend we remove this residence from the scheduled abatement hearing before the council.

Respectfully Submitted,

JLW

attached: 1

City of Canby • P.O. Box 'D' • Canby, Oregon. 97013 • 266-1152

Attention: Jarrell Richardson

7-30-73

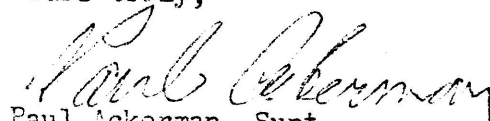
Canby City Council
Canby, Oregon

We would like to call your attention to the attached request from School Bus Services, for the painting of various curbs and the erection of signs indicating the times the curbs are needed for Bus loading and unloading.

We hope this can be carried out since it will facilitate a smooth running busing program and add to the safety of our children.

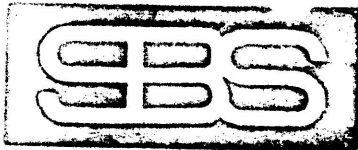
Please accept our thanks for the erection of the barricade on Cedar street.

Yours truly,

A handwritten signature in cursive script, appearing to read "Paul Ackerman".

Paul Ackerman, Supt.
School District 86C
Canby, Oregon 97013

SCHOOL BUS SERVICES, Inc.



311 N. E. Second
Gresham, Oregon 97030
10706 S.W. Capitol Hwy. Portland, Oregon 97211

July 27th, 1973

Mr. Paul Ackerman, Superintendent
Canby School District 86-C
Canby, Oregon

Dear Mr. Ackerman:

As a safety factor for bus loading and unloading, we would appreciate your assistance in getting the curbs painted yellow next to the Grant, Eccles and Middle schools in the bus zones.

In addition, if signs could be posted notifying the public of the bus loading times, both a.m. and p.m. In this respect, we have had some difficulties in loading at the Middle School in particular with cars, and trucks blocking the bus zone. If the teacher bus supervisor (for the summer only, for only six buses or so will need to load at the Middle School for the Fall schedule) could clear the bus area about 15 minutes before the buses are due to arrive, the loading problem there could be solved.

I would suggest that the signs would read as follows;
Grant: "No Parking between the hours of 8:30-9:00 a.m.,
2:30-3:00 p.m."
Middle: "No Parking between the hours of 8:00-8:30 a.m.,
3:00-3:30 p.m."

We certainly appreciate the cooperation that we have been receiving from the schools. If we can be of any help concerning the above requests, please let me know.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Donald C. Molinski'.

Donald C. Molinski, Mgr.
Phone: 266-2064

cc: Mr. Gary Empy, Principal

P.O. Box 79
Canby, Oregon 97013
July 13, 1973

City of Canby
City Council
Canby, Oregon

Dear Councilmen:

The following are some more recommendations by this committee to further the traffic safety within our growing community.

With the added downtown traffic ever increasing the problem with truck unloading at Cutsforth Thriftway is becoming more evident. Not only do many of these trucks block one complete lane of traffic but present a hazard to pedestrian traffic as well. Our recommendation is that a loading zone be posted from N. W. 2nd & Holly to the alley from 6:00am to 11:00 a.m. to allow parallel parking of the large trucks.

Further we recommend that if any way possible the Southern Pacific parking area be improved or paved to allow more off street parking. Enforcement of the posted 2 hour parking in the core area would also help customer parking.

A traffic hazard is present at N. Holly and Ferry Rd junction for traffic crossing the junction to go to Knights Bridge R. The center of the curve should be double lined yellow to keep traffic to the right side coming in from the North. A left turn could then be permitted at Knights Bridge and Ferry Rd. and not at Ferry and Holly.

The same type problem exists on the curve of N. Ivy and 6th where we recommend again a not left turn and double lining of the street curve to keep traffic on the right side.

Stop signs are recommended at the following locations:

1. Aneta & Faith Streets
2. Garden View & Amrine Rd.
3. Bouncy Blvd. & Amrine
4. Bouncy Blvd. & Country Club Rd.
5. Libee & Amrine Rd.
6. N. W. 12th & Pendleton Drive

Further 25 mph signs are also needed on both North and South Elm.

Respectfully Submitted,

Traffic Committee
Lloyd Younce
Curt Johnson
Matt Knoblauch

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the following matters will be held before the Canby City Council of Canby, Oregon, Monday, August 20, 1973, at 7:30 P.M. ODT, at the Canby City Hall, 182 North Holly Street, Canby, Clackamas County, State of Oregon.

The meeting will be for the consideration of the following as described to-wit.

1. Consideration of the abatement of a structure located at 614 N.W. Second Avenue, Canby, Oregon. In accordance with Sec. 203 of the Uniform Building Code this building is declared a dangerous building.

2. Consideration of the abatement of a detached garage on property located at 494 S.W. Third Avenue, Canby, Oregon. Said structure is deemed a dangerous building in accordance to the Uniform Building Code, Section 203.

Notice of this hearing is given pursuant to order of the Mayor of the City of Canby as provided in Section 4, Canby Ordinance No. 336.

Dated the Sixth day of August, 1973.

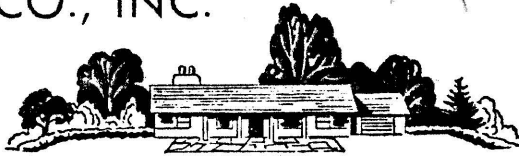


J. R. Richardson
City Recorder

G & T CONSTRUCTION CO., INC.

13817 S. E. McLoughlin Blvd.
Portland, Oregon 97222

RECEIVED
AUG 02 1973



GERALD THOMPSON
LEE THOMPSON
Telephone (AC 203) 654-3988
Commercial & Residential

John Whitesides

Enclosed please find a letter from
our attorney in regards to the
removal of the house at 2nd & Douglas.

It is our sincere desire to remove the
house & clean up the lot, but as you can
see by the letter we must comply with
the terms of our contract.

We intend to remove the house
immediately, so the City & county will
not have to look at that eyesore anymore.

Sincerely

G & T Const. Co. Inc.

Gerald Thompson, Secretary

ASSOCIATE
WALTER E. MANGERICH, JR.

DALE D. LIBERTY, SR.
ATTORNEY AT LAW
714 MAIN STREET
OREGON CITY, OREGON 97045
TELEPHONE 656-1674

July 26, 1973

Mr. Roger Eddy
Box 305
Aurora, Oregon 97002

Re: G & T Construction Company, Real Property Transaction

Dear Mr. Eddy:

You will be advised that this office represents G & T Construction Company, who has brought your letter to me.

G & T Construction has informed me that you were given actual notice that they plan to demolish the existing house. It appears that you have not requested to remove the said home as suggested in the contract. However, you will be advised that my clients would be willing to let you move this home if you desire, but would need to know within 7 days.

In event you should desire to exercise this option you will be further advised that the property will be greatly enhanced in value and your security strengthened by the removal of this home. I am sure that you are aware that G & T has received several rather strongly worded letters, from the City of Canby, saying that, in event they do not remove it, the City will do so. Therefore, would you please let this office know within 7 days of the date of this letter as to whether or not you wish to exercise your option to remove the home from the property; otherwise G & T Construction Company will then demolish the home.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

Dale D. Liberty, Sr.

DDL:rs
cc: G & T Construction Company

RESOLUTION NO. CLXII

A RESOLUTION REQUIRING PROPERTY OWNERS ON THE NORTH CEDAR STREET EXTENSION TO ENTER INTO AN AGREEMENT BEFORE BUILDING PERMITS WILL BE ISSUED.

WHEREAS, the City of Canby and School District 86c entered into an Agreement on or about April 15, 1971 which provided for the conveyance of a one foot strip of land from the School District to the City and which provided in part:

"The extension of North Cedar Street will not be open to through traffic until it is improved and properly surfaced according to the basic minimum new street requirements as provided by city ordinances and regulations of the city street department."

and

WHEREAS, School District No. 86c by its representatives has complained of the noise, traffic and dust on the North Cedar Street extension as a result of recent construction; and

WHEREAS, the City of Canby is experiencing difficulty in obtaining written agreements from the property owners on the North Cedar Street extension that they will be responsible for a pro rata sharing of the cost of surfacing and improving the street according to the basic minimum new street requirements as provided by city ordinances and regulations of the city street department which will be completed when all of the utilities have been installed; and

WHEREAS, it is incumbent upon the City of Canby to insure that the agreement with School District No. 86c is fulfilled, and that the property owners pay for a pro rata share of improving the extension of North Cedar Street; Now, Therefore,

BE IT HEREBY RESOLVED by the City Council of the City of Canby in regular session assembled that the Acting Superintendent of Public Works will not issue any building permits on the extension of North Cedar Street until the property owners have executed a written agreement with the City of Canby that they will proportionately share in the cost of surfacing and improving the extension of North

Cedar Street to basic minimum new street requirements as provided by city ordinances and regulations of the city street department.

Adopted by the Canby City Council at a regular meeting thereof this 16th day of August 1973.


Paul N. Roth - Mayor

ATTEST:

J. R. Richardson - City Recorder

Canby Planning Commission
Regular Meeting
August 25, 1973

Present: Chairman Ross, Commissioners Hulbert, Cutsforth, Shaw, Johnson
and DiTommaso

Absent: Commissioner Edgerton

Also Present: Council Representative Tony Gerber, Planning Consultant Eldon
Edwards and Acting Supt. of Public Works John Whiteside.

Meeting was called to order by the Chairman at 8:12 P.M.

Corrected minutes of July 11th meeting, and minutes of the July 18th
meeting were approved as read.

The secretary read a letter from Hood View Builders requesting an extension
of time from July 1st 1973, to complete improvements on the Green Tree Manor
Subdivision. Delay is due to Operating Engineers strike and beyond their
control.

Discussion followed. Motion was made by DiTommaso to grant a 90 day exten-
sion for improvement completion. Seconded by Hulbert. Motion passed
unanimously. A copy of said letter will be on file and made part of these
minutes.

Chairman Ross opened a Public Hearing for a zone change from R-1 to R-2
applied for by Rufus Kraxberger/Larry Hien. The application was to construct
a 4 plex or 2 duplexes. Chairman Ross called on our Planning Consultant Edwards
to present his recommendation. Edwards showed a slide view of the property
explaining size of parcel, access, water, sewer, police and fire protection,
etc. Mr. Edwards stated a precedence may be set by allowing this unit into
an area which presently does not have this type of use. His recommendation
was to deny the zone change. (167 N.W. 9th Ave)

The Chairman called for proponents. None being present, he called for
opponents. Mrs. Sawin of 849 N. Ivy St., presented a letter strongly opposing
the zone change. The letter was signed by 17 signatures. Those present who
wished to go on record as opposing the zone change were:

Wayne Lundsten 785 N. Ivy Street
Hazel Lundsten " "
Frank Bernstetter 890 N. Holly Street
Robert Ticknor 844 N. Holly Street
Francis Miller N.W. 9th Avenue.

A letter was read by the Chairman, from Mrs. Evelyn Johnson Meredith of
915 N. Ivy Street. She would not be able to be present at the Public Hear-
ing but strongly opposed the zone change.

These letters will be made a part of these minutes and a copy will be on file.

The Public Hearing was closed. Discussion followed. Commissioner Hulbert
made a motion to deny the zone change application. Seconded by DiTommaso.
motion carried unanimously.

Canby Planning Comm. on
Regular Meeting
August 25, 1973

- 2 -

The Chairman called a 5 minute recess.

The meeting resumed with a Minor Land Partition by Wayne Schumacher. *189 SW 3rd Ave.*
Planning Consultant showed slide views of the parcel of land located on
Tax Lot 6500 Sec. 33 CD T3S R1E W.M. He made comments regarding roads,
water, sewer, police and fire protection, size of lot etc. Mr. Edwards
recommendation was for approval of minor land partition.

Discussion followed. Motion was made by DiTommaso to approve the Minor
Land Partition. Seconded by Cutsforth. Motion carried unanimously.

Next on the agenda was a Minor Land Partition application by Hozy and *375 S. Hwy 21.*
Agnes Drew. Their property is located on Tax Lot 6100 Sec. 33CD T3S R1E WM.
They also wish to divide their lot. Mr. Edwards showed slide views of their
parcel of land making comments of size, services, police and fire protection
etc. His recommendation was for approval of minor land partition.

Discussion followed. Motion was made by Hulbert to approve the Minor
Land Partition. Seconded by Shaw. Motion carried unanimously.

Meeting adjourned at 10:00 P.M.

Respectfully Submitted,

Thelma Austin

Thelma Austin
Secretary

Gentlemen: We are very strongly opposed to any rezoning of a portion of property south of Ninth Street (Virginia) between Ivy and Holly, for the following reasons:

- We respectfully request that you deny the requested rezoning.

Florence J. Zucker
 Weyman H. Zucker
 Anne B. Sawin
 C. W. Sawin
 E. A. Blank
 Elizabeth Blank
 John B. Hair
 Edna C. Hair
 Pearl F. Hall
 John W. Hall
 Wynona Bygones
 Hazel Bigman
 Richard R. Brown
 Bertine D. Brown
 Olga Melum
 Nellie C. Melum
 Florence D. Kyllis

RECEIVED
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July 10, 1973

Mr. J. R. Richardson
City Recorder
Canby, Oregon

Dear Sir:

In reference to your notice of Public Hearing, it is my understanding that this zone change would make it possible to erect apartment houses or multiple dwellings in this zone.

As a home owner and tax payer in this zone would like to voice my opinion of this change.

As will be on vacation at the date of this hearing would like to by this letter oppose any zone change to allow this. Families have purchased homes in this area because of a homey neighborhood. If multiple dwellings would be allowed to be built would tend to do away with this atmosphere. I feel the property in question is not large enough either to cope with multiple dwellings.

Hereby let it be known that I am vehemently opposed to this zone change.

Sincerely,

Evelyn Johnson Meredith

Evelyn Johnson Meredith
915 N. Ivy
Canby, Oregon 97013

em