

CANBY CITY COUNCIL

REGULAR MEETING

AUGUST 15, 1984

Mayor Michael L. Gabrion presiding. Councilmembers present: David Anderson, Gene Clift, Gary Sowles, Bill Pulver, Scott Taylor and Nancy Kopelk.

Also present: Acting City Administrator Bud Atwood, City Attorney John Kelley, Deputy Recorder Marilyn Perkett, Chief of Police Jerry Giger, Marv Dack, Harry Lee Kwai, Ed Buschow, David Bury, Mark Zimel, Steve Kleffner, Dr. Michael Harms, Richard Brown, Steve Frederick, Earl Oliver, Chip Phelps, Mr. and Mrs. James Kreigshauser and Walt Annas.

Mayor Gabrion called the regular session to order at 7:32 p.m., followed by the flag salute and meditation.

Roll call of Council showed a quorum present.

**Councilman Clift moved to approve as distributed the minutes of regular meeting, August 1, 1984, seconded by Councilman Taylor and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None was voiced.

COMMUNICATIONS: Administrator Atwood read a letter from Cascade Employers Association requesting our annual membership fee to continue services. **Councilman Taylor moved to approve payment of \$1,140.00 to Cascade Employers Association for services from September 1, 1984 through August 31, 1985. Motion seconded by Councilwoman Kopelk and approved unanimously.

Mr. Atwood read a letter from Douglas E. Truax, 824 N.W. Territorial Road, requesting permission to connect to City water services. Mr. Atwood pointed out that the Urban Growth Element of the adopted Comprehensive Plan specifically denies connecting to City service without annexation. Council consensus was to write a letter to Mr. Truax pointing out the benefits of annexation and the restrictions set forth in the Comprehensive Plan as to no connections without first annexing.

ORDINANCES & RESOLUTIONS: Attorney Kelley explained the changes he had incorporated into the proposed Business License Ordinance, specifically, the omitting of any reference to itinerent businesses; leaving the annual fee open for approval; and exempting City sanctioned functions such as General Canby Day. **Councilman Clift moved to approve on first reading Ordinance No. 751, AN ORDINANCE PROVIDING FOR THE LICENSING OF BUSINESSES FOR THE PURPOSE OF CITY REVENUE; ESTABLISHING LICENSE FEES; PROVIDING PENALTIES FOR VIOLATIONS; REPEALER; AND DECLARING AN EMERGENCY with the amendment of Section 21, last sentence, the word calendar be changed to LICENSE; and amending the annual fee to be \$25.00 and not \$100.00, and the seconded reading to be September 5, 1984, after properly posted. Motion seconded by Councilman Taylor.

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Councilman Anderson also requested that landlords with rental units of less than two units be exempt. Earl Oliver, spoke in support of Mr. Anderson's suggestion. Councilman Taylor felt there was no distinction between a landlord with perhaps one unit rental, than a small home business which requires a business license. Councilman Sowles also questioned whether the ordinance was a revenue or regulatory ordinance. Attorney Kelley explained that it was a combination of both and cited Section 8 of the ordinance. **Councilman Anderson moved to further amend the ordinance to exempt those persons who have rental units of less than two, seconded by Councilman Pulver and approved 5-1, with Councilman Taylor voting nay. Mayor Gabrion called for the vote on the original motion of approval on first reading of Ordinance No. 751, motion carried 6-0, by roll call ballot.

Administrator Atwood briefly reviewed Ordinance No. 752, explaining the request of the cable TV company to change their franchise payment date and also to be allowed to purchase one-half inch equipment for access was the reason for the creation of the proposed ordinance. **Councilman Taylor moved to approve on first reading Ordinance No. 752, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANBY, OREGON, AMENDING ORDINANCE NO. 732, TITLED "CABLE COMMUNICATIONS FRANCHISE WITH THE CANBY TELEPHONE ASSOCIATION", and after the proper posting, final reading be set for September 5, 1984. Motion seconded by Councilwoman Kopelk and approved 6-0. Harry Lee Kwai asked if they could go ahead and order the equipment before final passage. Mayor Gabrion explained that he could not guarantee a vote on the final reading, however, the vote on first reading was 6-0 for approval and that was a good indication of approval.

NEW BUSINESS: **Councilman Taylor moved to approve accounts payable in the amount of \$81,212.70, seconded by Councilwoman Kopelk and approved by roll call vote, 6-0.

The next order of business was the authorization to sign the inter-governmental agreement between Clackamas County and the City to participate in the Community Development Block Grant Program. **Councilman Anderson moved to authorize the appropriate signature for approval of the Intergovernmental Agreement between the City and Clackamas County Community Development Block Grant Program, seconded by Councilman Pulver and approved unanimously. Councilman Sowles noted that the Council should seek citizen and group input as to City needs before submitting our October 19, 1984, proposals for funding.

Administrator Atwood briefly review his memo, and the letter of George Irwin, requesting the City replace a 1000 gallon fuel tank that at this time is in the requested right-of-way that the City is requesting deed for. **Councilman Clift moved to authorize the City to replace a fuel tank for George Irwin, 645 S. Elm Street, for approximately \$500 cash outlay and \$500 in-kind services; this to be in exchange for a deed of property for right-of-way purposes. Motion seconded by Councilman Pulver and approved 6-0.

Mr. Atwood reviewed the two bids received for an overlay project on a section of South Elm Street, recommending the low bid from Oregon

Paving Company for \$7,678. **Councilman Pulver moved to accept the low bid from Oregon Asphaltic Paving Company, Portland, Oregon, of \$7,678, for an overlay project on a section of S. Elm Street. Motion seconded by Councilman Taylor and carried 6-0.

Steve Frederick, addressed the Council as an Art Squad Member, asking what action the Council intended on a recent letter sent by the Art Squad regarding the condition of the Wait Park restrooms. Mr. Atwood informed him that the City had ordered new fixtures for the restrooms and would be painting them very soon.

Mayor Gabrion called for a short recess at 8:20 p.m., reconvening the regular session at 8:35 p.m.

UNFINISHED BUSINESS: Administrator Atwood briefly reviewed the past history of the proposed siting of S.W. 13th Street Extension in compliance with the Comprehensive Plan. Westech Engineers and Lee Engineering firms both had done a study on the project with the result of the original proposed site. Marv Dack, 715 S.W. 13th Street, inquired how and when would the street be built and with what money. Mr. Atwood said the future of the sited street would depend on development in the area. Councilman Anderson suggested that the street be sited from Berg Parkway up to Mr. Dack's property, noting that if we sited the street on through Mr. Dack's property we could be forced to buy some of it and if we waited until Mr. Dack developed, we could work on a joint street development. Mr. Dack requested that they move the proposed site over from his property into the industrial zoned property. Councilman Sowles pointed out that the Planning Commission had made a decision on the project based on testimony they had heard. **Councilman Anderson moved to accept the recommendation of the Planning Commission, using the map dated July 9, 1984, and siting the S.W. 13th Street Extension as set forth on the map, with the amendment of from Berg Parkway up to and stopping at the north end of the Marv Dack property (a map is attached to these minutes). Motion seconded by Councilman Taylor. Attorney Kelley informed the Council that according to law, the siting of a street is not sufficient to constitute a compensable taking, however, once building commences on the siting you can either revamp the siting or purchase property. Richard Brown, Superintendent of the High School District, noted that a well is in the area of the siting. Mr. Atwood said that the engineers felt it could either be put in a pit or a pump installed and the pump would still remain in the ownership of the High School District. Michael Harms, Chairman of the Canby Union High School District No. 1, addressed the Council and noted that most of the right-of-way was being taken from the high school property, he asked to go on record for the district as opposed to this as they needed all of the property for future expansion. Councilman Anderson felt the school district had the most to gain, and in fact would be causing most of the traffic problems in the area, specifically if they planned to expand. Mr. Atwood said that in his review of the district's master plan for expansion, he felt the Planning Commission would not approve the proposed parking lot that would come between residential sites onto S. Douglas Street. Richard Brown accused Mr. Atwood of not being equal to all in his prior statement and referred to the parking lots at Maple Street Park.

Administrator Atwood pointed out that Maple Street is either an arterial or collector street and S. Douglas is only a residential street. (Review of the map, indicates that N. Maple Street is a collector street.) Roll call vote on the 13th Street siting was for approval 6-0.

Attorney Kelley informed the Council that he had received the final order of dismissal from LUBA regarding the appeal by Ray Baldwin on the Canby Comprehensive Plan.

Administrator Atwood asked the Council if they wished to put the tax base measure on the November ballot. **Councilman Pulver moved to submit the measure for a new City Tax Base on the November 6, 1984, ballot in the amount of \$884,000, motion seconded by Councilman Taylor and approved unanimously.

Mr. Atwood also informed the Council that he had not received any other volunteers that wished to have their name submitted to the State of Oregon Park Grant Board, therefore, Canby would be submitting Bob Rapp's name.

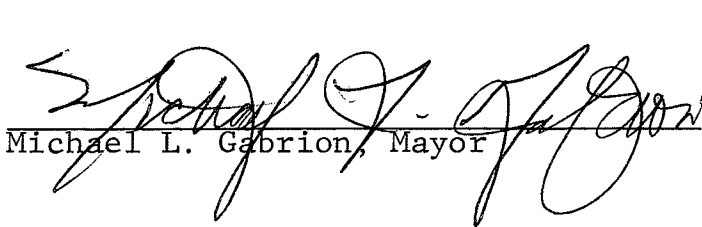
Mayor Gabrion set August 29, 1984, 7:00 p.m., for a special meeting and workshop session on cable TV access.

**Councilman Taylor moved to go into Executive Session under ORS 192.660 subsection (1) (a), motion seconded by Councilman Sowles and approved 6-0.

Mayor Gabrion recessed the regular session at 9:03 p.m. and the Council reported to the Administration office for Executive Session. The regular meeting was reconvened at 9:25 p.m.

At this time **Councilman Anderson moved to authorize an increase in salary for Bud Atwood to the rate of \$35,000 per year, pro-rated from the date he was appointed Interim City Administrator. Motion seconded by Councilman Pulver and approved unanimously.

Mayor Gabrion adjourned the regular meeting at 9:27 p.m.

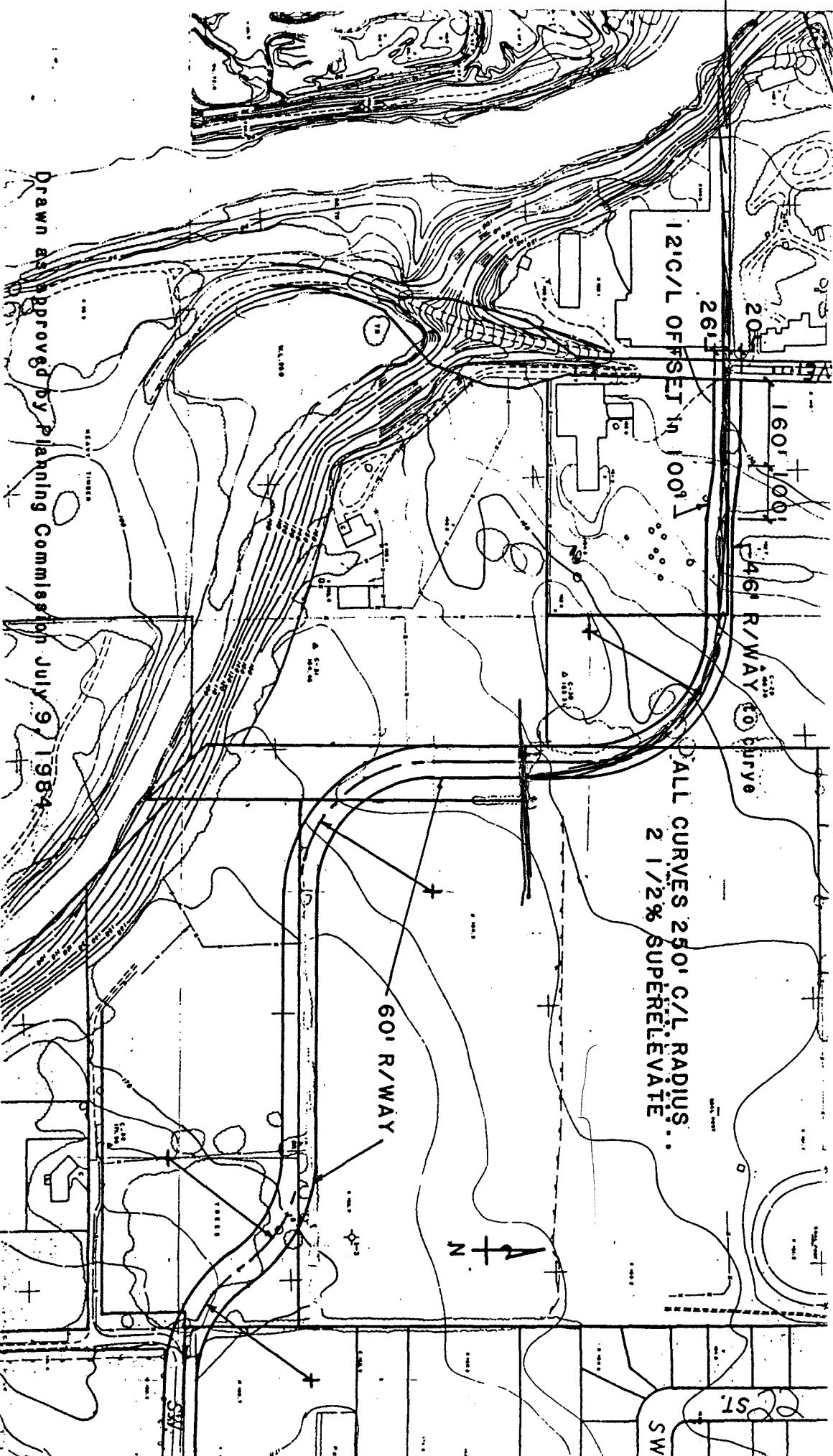


Michael L. Gabrion, Mayor



Marilyn K. Perkett, Deputy Recorder

Drawn and approved by Planning Commission July 9, 1984



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