

CANBY CITY COUNCIL

REGULAR MEETING

NOVEMBER 18, 1981

Acting Mayor William Pulver presiding. Councilmembers present: David Anderson, Lee Funrue, Beryl Brown, Michael Gabrion and Gary Sowles. Absent: Mayor Robert Swayze.

Also present: Administrator Harold Wyman, City Attorney Wade Bettis, Public Works Supervisor Bud Atwood, Treasurer Myra Weston, Deputy Attorney Roger Reif, Secretary Marilyn Perkett, CUB Manager Stephan Lashbrook, Earl Oliver, City Planner Robert Mahoney, Marv Dack, David Bury, Duane Lee, Fred Kahut and Smith French, Fire Chief.

Acting Mayor Pulver called the regular meeting to order at 7:32 p.m., followed by the flag salute, meditation and roll call of Council.

**Councilwoman Brown moved to approve as distributed the minutes of regular meeting November 4, 1981, motion seconded by Councilman Gabrion and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: City Administrator, Harold Wyman, introduced Mr. Robert Mahoney to the Council, he is the newly hired Consulting City Planner.

ORDINANCES & RESOLUTIONS: Attorney Bettis read Resolution No. 307 for Council approval. **Councilwoman Funrue moved to approve Resolution No. 307, A RESOLUTION APPROVING ANNEXATION TO CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF LINDBERG, FRANZ AND SCHAEFER FOR A PARCEL OF LAND IN LOT 72, CANBY GARDENS). Seconded by Councilwoman Brown. Councilman Anderson declared a conflict since he was the broker in the transaction on subject property. Motion carried 5-0 with one abstention.

COMMUNICATIONS: Administrator Wyman read a memo from Mr. Lashbrook recommending the Council appoint Robert Mahoney to the County Policy Advisory Board for block grants, this would replace Mr. Lashbrook's position. Mr. Mahoney informed the Council that he did not represent anyone else on the board. **Councilman Sowles moved to appoint Robert Mahoney, Canby City Planner, to the County Policy Advisory Board with Mr. Wyman remaining the alternate, and authorizing the Mayor to sign a letter to the County advising them of this action. Motion seconded by Councilwoman Funrue and carried 6-0.

Mr. Wyman read a letter from Mary Ann Brown, Eccles Teacher, requesting permission to have a children's parade on Friday, November 20th, from 1:00 p.m. to 2:00 p.m. for National Education Week. Mr. Wyman noted that the Police Department will assist during the parade. **Councilman Sowles moved to grant the request from Mary Ann Brown, Eccles School Teacher, to hold a parade on Friday, November 20th, from 1:00 p.m. to 2:00 p.m. for National Education Week. Seconded by Councilwoman Brown and approved 6-0.

NEW BUSINESS: **Councilwoman Funrue moved to pay accounts payable in the amount of \$33,629.51. Seconded by Councilman Gabrion and approved by roll call 6-0.

**Councilwoman Funrue moved to pay various bills pertaining to the water plant expansion in the amount of \$156,441.53 from Clackamas County warrants drawn on the 1979 Water Bonds. Motion seconded by Councilman Anderson and approved 6-0 by roll call.

Administrator Wyman presented an application for a Special Event Liquor License for the Marks Prairie Auxiliary for a Dance on November 21st, and noted that both the Police and Fire Chief's have approved the application. **Councilman Anderson moved to approve a Special Event Beer License for the Marks Prairie Auxiliary for a dance at St. Patrick's Catholic Church on November, 21st, from 8:00 p.m. to 12 midnight. Motion seconded by Councilwoman Funrue and approved unanimously.

Mr. Wyman read a memo from Bud Atwood, Public Works Supervisor, regarding a request for street vacation from John Harpster on a portion of S. Birch Street and S.W. 4th Avenue. Mr. Atwood recommended denying the request for the following reasons: old Highway 99-E, an 80 feet right-of-way, would require by ORS to have the 20 foot vacation equally divided on each side of the street; to be consistent the full length of old 99E should be vacated which would place some sanitary sewer mains on private property and some on newly formed property lines, also access to the RV dump station would be on private property; and due to the zoning in the area it would be beneficial to have more information on the type of development in the area before vacating. **Councilwoman Funrue moved to accept the recommendation of staff for the reasons stated above and deny the request of John Harpster for street vacation on N. Birch and S.W. 4th Avenue at this time. Seconded by Councilman Gabrion and approved 6-0.

Administrator Wyman read a letter from Renato Dulay, DEQ, regarding the standards of EQC for the Willamette River Basin, which differ from the permit standards designed by Lee Engineers for the plant expansion. The letter also related that EQC requires a technical, financial and time schedule for approval before implementing any of the Phase I expansion plans. Duane Lee addressed the Council and noted that we would need a variance from EQC regarding the Willamette River basin standards and until a definite compliance is reached with both DEQ and EQC no major construction should take place. However, we could purchase the aeration equipment now as it will be late March before we get on the agenda for the EQC for a variance and the aeration equipment is needed whether any expansion is done or not. Since we must go through the EQC approval process it would be September before total construction could be done, however some of the major equipment could be installed in June or July. Mr. Lee also reviewed the document on the comparisons of the aeration systems. He explained that their recommendation was not the cheapest equipment, however, he felt it best met the criteria that Canby needed including the consideration of power needs. Lee Engineering recommended the Richards of Rockford Oxyjet for \$28,716 and the 'total present worth cost' of \$133,00 was the total cost of the equipment for the life of the equipment use of approximately a ten year period. Mr. Lee explained that a workshop in December was needed for the Council to decide upon a financial plan for the plant expansion. **Councilwoman Brown moved to authorize Lee Engineering to call for bids on aeration equipment. Seconded by Councilwoman Funrue and approved 6-0.

Attorney Bettis presented a deed to the City, a consent to local improvements and a waiver of remonstrances from Paul B. Arons for street purposes. **Councilman Anderson moved to accept for recording the deed to the City of Canby from Paul B. Arons for street widening purposes on N.E. 10th Avenue and also his consent for local improvements and a waiver of remonstrance. Motion seconded by Councilwoman Funrue and approved unanimously.

Acting Mayor Pulver called for a short recess at 8:27 p.m., the regular meeting was reconvened at 8:40 p.m.

UNFINISHED BUSINESS: Acting Mayor Pulver requested Administrator Wyman to read a letter from Fred Kahut, Planning Commission Chairman, regarding their recommendation on the request of Marv Dack for an extension on development on S.W. 13th. The Planning Commission recommendation was for the Council to deny Mr. Dack's request since the original intent over the last three years has been changed and any new development plans should be brought back to the Planning Commission. Mr. Dack addressed the Council and reiterated the financial problems due to high interest rates, he also explained his State approval for low cost housing and further noted that he was still working on other aspects for the subject property while waiting for the finances from the state on the low cost housing project. Councilwoman Brown questioned if the original intent three years ago was for low cost housing. Mr. Dack told her "No", it was for cluster apartments or condos, however, apartments are still being planned. Mr. Kahut addressed the Council, noting that both the Commission and Councilmembers have changed during the course of this issue, three years ago the original intent was a four 6-8 unit cluster concept with one child or perhaps none per unit, this is very different from the projected low cost apartments. Mr. Kahut felt it should revert back to R-1 and then Mr. Dack can proceed with his plans and come back to the Commission for a PUD. Mr. Dack replied that the apartments would still be clustered and attractive and also the management of the units afterwards should be considered for maintenance, Mr. Dack said, "if we can't do something nice for Canby, I don't want it either because it is too nice a site down there to put junk on." Mr. Kahut noted this was an investor situation and once the ownership changes it could be a different situation. Councilman Sowles felt he should go back to the Commission for the consideration of an R-2 PUD overlay, the City in good faith gave a one year extension and now is the time for decision and therefore, **moved to deny the request of Marv Dack for a time extension for development of his property on S.W. 13th Avenue as authorized under Ordinance No. 689. Motion seconded by Councilman Gabrion and approved by 6-0.

Rather than recess and go into workshop session, Acting Mayor Pulver decided to handle the workshop items in regular session, sidewalk repairs and sewer hook-up outside of City limits.

Administrator Wyman read a memo from Mr. Atwood dated November 12, recommending that a letter be sent to concerned owners informing them of their obligation to maintain their sidewalks and requesting their input on forming an LID for the sidewalk repairs. Mr. Atwood also noted that the Traffic Safety Committee recommended enforcing the existing Ordinance. The area of immediate concern is from N. Elm to N. Ivy and N.W. 1st Avenue to N.W. 4th Avenue. **Councilwoman Brown moved to approve the staff recommendation and send letters to concerned owners requesting input on formation of an LID for sidewalk improvements within the boundaries of N. Elm Street to N. Ivy Street, from N.W. 1st Avenue to N.W. 4th Avenue inclusive. Motion was seconded by Councilwoman Funrue and carried unanimously.

Administrator Wyman read a staff memo regarding sewer service connection outside the City limits which also referred to a specific request by Dick Hemmerling for such service on a parcel located on the corner of N Locust and N.E. Territorial Road. Mr. Atwood pointed out that Ordinance No. 566 states that hook-up conditions and rates are to be determined by the Council. The City can install service laterals to property adjacent to the City Limits, however the Metro Boundary Commission must approve requests for sewer mains beyond the City Limits. In view of the need for sewage plant expansion to serve the existing City, the staff recommended allowing no sanitary sewer connections to areas outside the City Limits.

Councilman Anderson expressed that he agreed with staff recommendation and with the sewer capacity at a low level he felt we could also be requested for many more such hook-up. Mr. Anderson pointed out that owners have the option of annexation. Mr. Lee pointed out that we could be faced with a bond issue to finance a sewer expansion, and in that event we could not levy a commitment to property outside the City. **Councilman Gabrion moved that the application of Richard Hemmerling for extension of the City sewer outside the City Limits to serve his property at N. Locust and N.E. Territorial Road be denied. Seconded by Councilwoman Funrue and approved 6-0. Rather than initiate an ordinance change to Ordinance No. 566, **Councilwoman Brown moved that it be the Council's Policy at this time, to deny applications for extension of sewer service lines outside the City Limits until such time of completion of improvements have been made to the City's sewerage project. Motion seconded by Councilwoman Funrue and approved 6-0. The above motion is to become a part of the City of Canby Book of Policy. Planner Mahoney also pointed out that it should not be a convenience to hook-up to the sewer system but an emergency or specific need and annexation should be eminent.

Acting Mayor Pulver reminded the Council of the following terms expiring December 31, 1981, Canby Utility Board, Richard Mosier and Planning Commission, Criag Shinn and Kurt Schrader.

Councilman Anderson questioned the progress of Cable TV. Mr. Lashbrook replied that before coming to the Council he would like to discuss issues with Attorney Bettis, however, a workshop will be scheduled soon.

Councilwoman Brown commended the Public Works and Utility Board crews for their excellent efforts of repair and clean-up following the recent storm.

Acting Mayor Pulver adjourned the regular meeting at 9:33 p.m.



Acting Mayor, William F. Pulver



Administrator/Recorder, Harold A. Wyman