

CANBY CITY COUNCIL

REGULAR MEETING

JANUARY 21, 1981

Mayor Robert A. Swayze presiding. Councilmembers present: Beryl Brown, Beauford Knight, Michael Gabrion, William Pulver, Lee Funrue and Gary Sowles.

Also present: Administrator Harold Wyman, City Attorney Wade Bettis, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, Secretary Marilyn Perkett, Treasurer Myra Weston, Dorothy Knight, Oregonian Reporter Pat Jeffries, Benda Lashbrook, Jeanne Eyman, Marv Dack, John Tatone, David Bury, Dr. and Mrs. Kurt Schrader, James Renner and Robert Prieve.

Mayor Swayze called the Regular Meeting to order at 7:32 p.m., followed by the flag salute and roll call of Council.

Councilman Knight noted that in the minutes of the Special Meeting, January 14, 1981, on pages one and two the word appeal should be corrected to read REPEAL and also on the last page, paragraph five, it should read that Mr. Westcott's signature was needed for APPROVAL ON REQUISITIONS and not bonds.\*\*Councilwoman Brown moved that the minutes be approved as distributed and corrected for the Regular Meeting, January 7th and the Special Meeting, January 14th. Seconded by Councilman Knight and approved 6-0.

Mayor Swayze recessed the Regular Meeting to go into a Public Hearing on the Marv Dack Zone change on his development at 7:38 p.m. The Mayor instructed the audience in the procedure of a Public Hearing and asked all people wishing to enter testimony to state their name and address. Mayor Swayze turned the Hearing over to City Planner Stephan Lashbrook for the staff report. Mr. Lashbrook reported that the zone change is an addition of a PUD Overlay for the Dack property, a parcel of approximately 15 acres south of Canby High School and at the west end of S.W. 13th Avenue. This zone change will merely apply criteria for the Planning Commission to review this as essentially a design review. In November, the Council approved a time extension to allow for multi-family designation to continue on for another year and at that time the City became the applicant in initiating the zone change. The recommendation was to approve the Planning Commission's findings of fact: A) Conformance with the adopted City Plan and the plans of other agencies; B) Public need for the zone change; C) Whether the change will serve the public need better than a similar change for other available property; D) Preservation and protection of the health, safety and general welfare of the residents of the area; and E) Compliance with the Statewide Planning Goals.

APPLICANT- Marv Dack, the applicant, did not offer any comment.

PROPOSERS - None was voiced.

OPPOSERS - None was voiced.

Mayor Swayze closed the Public Hearing at 7:44 p.m. and immediately reconvened the Regular Meeting. \*\*Councilman Knight moved that the application for zone change of the property referred to as the Marv Dack Property be approved and the Council adopt the findings of fact of the Planning Commission and that an appropriate Ordinance be submitted for enactment to effect the change. Seconded by Councilman Pulver and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Mayor Swayze noted that it was nice to see so many people in the audience for the evening.

January 21, 1981

ORDINANCES & RESOLUTIONS: Attorney Bettis read Ordinance No. 693 in full for first reading. \*\*Councilman Pulver moved that Ordinance No. 693, AN ORDINANCE FIXING COMPENSATION FOR THE SERVICES OF CITY COUNCILPERSONS AND MAYOR AND REPEALING ORDINANCE NO. 594, be properly posted and second and final reading be on February 18, 1981, after the hour of 7:30 p.m. Seconded by Councilwoman Brown and approved 6-0.

Ordinance No. 694 was read in full for first reading by Attorney Bettis. \*\*Councilman Pulver moved that Ordinance No. 694, AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF CANBY (APPLICATION OF CITY OF CANBY RE: MARVIN L. & MARY LOU DACK PROPERTY; R-2 (MEDIUM DENSITY RESIDENTIAL) TO R-2/PUD (MEDIUM DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) ZONE), be properly posted and second and final reading be February 18, 1981, after 7:30 p.m. Seconded by Councilman Gabrion and approved 6-0.

COMMUNICATIONS: Administrator Wyman read a letter from Gary Sowles, newly appointed Councilman, submitting his formal resignation from the Planning Commission. \*\*Councilman Pulver moved that the Council accept Gary Sowles resignation from the Planning Commission and a letter of thanks for his service on that body be sent. Seconded by Councilman Gabrion and unanimously approved.

Mr. Wyman read a letter from Jon Eyman, Board Member of the Canby Swim Club, requesting permission to reserve the Community Pool for March 7 and 8, for the Columbia Basin Swim League Championship and also permission to allow self-contained campers to park overnight in the pool parking area. The League budgets \$200.00 for this event which will be turned over to the City. Mayor Swayze commented on the fact that we have done a lot of work upgrading and maintaining the pool and felt such events were an asset to the community and deserved the support of the Council. \*\*Councilman Pulver moved to grant permission to the Canby Swim Club to reserve the Community Pool from 6:00p.m. on March 6 until 10:00 p.m. on March 8 to host the Columbia Basin Swim League Championships and also grant permission for overnight camping of self-contained campers of the participants and also to allow the Canby Swim Club to retain the \$200.00 for their Treasury. Seconded by Councilwoman Brown and approved 6-0. Administrator Wyman suggested that we also encourage that the overnight campers use the Canby Community Park along the Molalla river.

Administrator Wyman read a letter from Blair Services, Inc., regarding their retainer of \$300.00 for labor negotiations for 1981 and the terms of the agreement shall remain the same as in the past. Mr. Wyman recommended we approve this agreement. \*\*Councilman Knight moved that the Council retain Blair Services, Inc., for the 1981 labor negotiations for a retainage fee of \$300. Seconded by Councilwoman Funrue and approved 6-0. Councilman Knight commented that Blair Services has been working with the City for four years and has the background experience.

Mr. Wyman read a letter from the Lucile Pepper family thanking the city for their donation and intended plaque in Mrs. Pepper's Memory for the City Library.

Mr. Wyman read a letter from Ray Wellman, Everhart and Kent Funeral Home, regarding his concern of the aesthetic quality across the street from their business and requesting a two hour parking restriction on S. Grant Street to the corner of S.W. 2nd Avenue. Mr. Wyman reported that an abandoned auto had been removed and the City street sweeper has cleaned the subject area. Mayor Swayze noted that he has received other complaints regarding overtime parking in other areas in the community. Attorney Bettis, noted that he is concerned about the enforcement of Ordinances, and he felt that "for a while" a full time traffic enforcement officer could make a reasonable salary. Mayor Swayze directed Ken Ferguson, Public Works Director, to review the areas that are currently time restricted and to also review the downtown area, and adjacent areas, for the need of restricted parking time. The Council will then take a look at perhaps obtaining part time parking enforcement personnel. Mayor Swayze directed staff to write a letter to Mr. Wellman informing him of this

issue and the anticipation of further action.

Mayor Swayze called for a short recess at 8:23 p.m. The Regular Meeting was reconvened at 8:40 p.m.

NEW BUSINESS: \*\*Councilman Knight moved that accounts payable be paid in the amount of \$20,300.00. Seconded by Councilman Gabrion and approved 6-0 by roll call vote. \*\*Councilman Knight moved that eight bills from various firms in the amount of \$68,582.06 be paid on warrants drawn on the 1979 Water Bond from the Clackamas County Treasury. Seconded by Councilwoman Brown. Councilman Knight noted that Mr. Westcott had signed all the bills except for one to Southern Pacific, a bill to pay Southern Pacific's inspector for the water line work. Mayor Swayze noted that he had reviewed that bill and directed Judy Hogland, Bookkeeper, to sign that particular bill. Motion carried 6-0 by roll call vote.

The next item of business was appointments, Mayor Swayze noted that a Canby Utility Board Member and two Planning Commissioners were needed. However, at this time there has been a large number of interested citizens wishing to gain a seat on the Planning Commission, therefore, Mayor Swayze postponed any appointments on the Commission until the Council could review the applicants. The Utility Board Member will also be appointed at a later date.

Mayor Swayze noted the need to appoint a Council President, who presides in the absence of the Mayor. Councilman Knight noted that in the past, the practice has been to elect the Senior Councilmember, and noting that he was the "ranked" member, he graciously declined. Councilman Knight also noted that Mrs. Brown had the next "ranking" and she indicated she would like to decline a nomination of Council President. \*\*Councilman Knight moved to nominate Bill Pulver as the Council President, noting he was very well qualified. Seconded by Councilwoman Brown and approved unanimously. Councilman Pulver thanked the Councilmembers for their vote of confidence.

The next item of business was request for Liquor License Renewals. Mr. Wyman informed the Council that all ten requests had been approved by both the Fire Department and Police Department. \*\*Councilman Sowles moved that the following be granted Liquor License Renewals: 7-11 Food Store; Grand Central Station Restaurant; Giuseppe's Pizza; Cutsforth's Thriftway; Canby House Restaurant; American Legion Post No. 122; Canby Home Discount Grocery; El Gazebo Tavern; Hiway Market; and Roth's IGA Foodliner. Seconded by Councilman Gabrion and approved 6-0 by roll call vote.

Administrator Wyman presented two Special Event Liquor License requests from St. Patrick's Church. One for March 1, 1981, Spaghetti Dinner and the other for February 14, 1981, Monte Carlo Night for the Men's Club, both applications were signed by the Police Chief and Fire Marshal. \*\*Councilman Pulver moved that the Special Event Liquor License applications for St. Patrick's Church for February 14, 1981, Men's Club Monte Carlo Night and March 1, 1981, Spaghetti Dinner be granted. Seconded by Councilman Gabrion. Councilman Knight commented that it "was against his grain" to mix liquor, gambling and Church, however, he had no objection for the Spaghetti Dinner license request. Mayor Swayze noted that there has been no request for gambling. Mayor Swayze pointed out that he had talked to the Church Priest and the Monte Carlo Night was to be a fund raiser with a donation at the door to get in and all the games will be played with "play money" and not to be redeemable. Councilman Knight requested that the motion be made two motions for each event. The maker of the motion and the second agreed to this request. \*\* The first motion, to grant

a Special Event Liquor License for February 14, 1981, for St. Patrick's Men's Club Monte Carlo Night. Roll call vote was 4 yeas, and two nays, with Councilman Knight and Councilwoman Brown voting against the motion. The second motion, to grant a Special Event Liquor License for March 1, 1981, for the St. Patrick's Spaghetti Dinner. Roll call vote was 6-0 in favor of the motion.

UNFINISHED BUSINESS: None was presented.

OTHER REPORTS AS REQUIRED OR NEEDED: Administrator Wyman informed the Council that the 1981-82 Budget is ready and he passed out the copies to the Council and reminded them of the first budget meeting on Monday, January 26th.

City Planner, Lashbrook, handed out copies of the Neighborhood Improvement Plan to the Council and asked them to review them. He explained that members of the Improvement Committee will be at the February 4th meeting for any discussion or comments on the Plan. He also requested the Council to return the copies when they were finished reviewing them.

\*\*Councilman Sowles moved to go into Executive Session under ORS 192.661, Subsection 1, h, regarding litigations. Seconded by Councilwoman Funrue and approved 6-0 by roll call vote.

Mayor Swayze recessed the Regular Meeting at 9:05 p.m. to go into Executive Session. The Regular Meeting was reconvened at 9:45 p.m. and immediately adjourned.



Robert A. Swayze, Mayor



Harold A. Wyman, Administrator/Recorder