

CANBY CITY COUNCIL

REGULAR MEETING

MARCH 18, 1981

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

Also present: Administrator Harold Wyman, City Attorney Wade P. Bettis, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, Attorneys Roger Reif and Michael Clancey, Brenda Lashbrook, Sharon Imholt, Jim and Donna Richards, David Bury, Steve Frederick and John Tatone.

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

CITIZEN INPUT ON NON-AGENDA ITEMS: Michael Clancey, prosecuting Attorney for the City, addressed the Council regarding the "Soni" incident of about two years ago. Mr. Clancey briefly reviewed the past history of the case which involves Terry Weber, Mike and Ralph Dillon. He explained that the defendants have agreed to dismiss the civil claims against the city, councilmembers and police members in return for the city dismissing the criminal charges. At this point Mr. Clancey requested the signatures of those present that evening, Beryl Brown and Robert Swayze, for the necessary paper work. Attorney Bettis explained that in their opinion the defendants have been penalized justifiably by the costs they have incurred.

**Councilwoman Brown moved to approved as distributed the minutes of Regular Meeting, March 4, 1981. Seconded by Councilman Gabrion and approved 5-0.

At this point in the meeting Mayor Swayze requested that Ordinance No 690, the Land Use Ordinance, a document to implement the Comprehensive Plan, be read. The reading shall consist of a tape recorder playing the reading of the Ordinance for which it will probably take two full meetings to complete the first reading.

Mayor Swayze recessed the Regular Meeting at 7:43 p.m. to go into a Public Hearing on the Imholt Zone Change from R-2 to C-2. City Planner Lashbrook briefly reviewed the past history of the request of Sharon Imholt to change the zoning. The subject property is located at the northeast corner of N. Douglas Street and N.W. First Avenue and adjoins other property which was changed from R-2 and C-1 to C-2 about two years ago. Mr. Lashbrook noted that the proposed zone change conforms with the land use designation in the new Comprehensive Plan and the 1976 Interim General Plan and recommended that the Council adopt the findings of fact of the Planning Commission and approve the zone change. APPLICANT- Sharon Imholt, was present but didn't address the Council. PROPONENTS- none was voiced. OPPONENTS- David Bury, 360 N. Township Road, addressed the Council, noting he was not against the proposed zone change, however, he was concerned about street improvements for the subject area. REBUTTAL-none was voiced. Mayor Swayze closed the Public Hearing at 7:51 p.m.

Councilman Sowles wished to pursue the question on the street improvements. Mr. Lashbrook stated that the original map showed a 50 foot street, which is not fully improved, it has about a twenty-four foot oil mat surface. Council consensus was that it is not justifiable to improve the streets a portion at a time, however, the Council felt that a condition should be added to waive the right to remonstrate against any proposed LID for the subject area.

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Mayor Swayze reconvened the Regular Meeting at 7:58 p.m. **Councilwoman Funrue moved to approve the zone change application of Sharon Imholt from an R-2 to a C-2 zone located at the northeast corner of N. Douglas Street and N.W. First Avenue, described as Tax Lot 5900, Sec. 33CC,T3S, R1E, and the findings of fact of the Planning Commission be adopted by the City Council with the following conditions: 1) Applicant to prepare and record a waiver of the right to remonstrate against future water line projects and/or LID's benefitting the property. Said waiver to meet the requirements of the City Attorney; and 2) Full sidewalk improvements to be made prior to the change from residential to commercial use. Seconded by Councilman Gabrion and approved 5-0.

ORDINANCES & RESOLUTIONS: Attorney Bettis read in full for first reading, Ordinance No. 696. Administrator Wyman questioned if the bid opening for the bonds could be set for May 14 prior to the May 20th Council Meeting. Attorney Bettis pointed out that the procedure outlined in the Ordinance must be followed. **Councilman Pulver moved that Ordinance No. 696, AN ORDINANCE RELATING TO THE SALE OF IMPROVEMENT BONDS UNDER THE BANCROFT BONDING ACT; PROVIDING FOR THE FORM OF BOND; PROVIDING FOR A CALL FOR BIDS; AND DECLARING AN EMERGENCY be set for second reading April 15, 1981, after 7:30 p.m. and the proper posting be made. Seconded by Councilwoman Brown and approved unanimously.

COMMUNICATIONS: Administrator Wyman read a letter from Bob Meyer, President of the Canby Volunteer Fire Department, requesting Council support in requesting an electrical traffic control at the intersection of Highway 99E and Grant Street to enhance a quicker response and for safety measures. Councilman Pulver also pointed out that it would assist the "everyday" flow of traffic. **Councilman Pulver moved to direct staff to write a letter to the State Highway Department setting forth needs for an electrical traffic control at the intersection of 99E and Grant Street and noting the unanimous Council support. Seconded by Councilwoman Brown and approved 5-0.

Administrator Wyman read a letter from Gregg Ireland, President of Canby Kids, Inc., requesting permission to allow overnight camping for the Banks, Oregon ball team at the Canby Community Park during a tournament on May 8th and 9th. **Councilman Pulver moved to grant permission to the Canby Kids, Inc., to allow ball teams, specifically the Banks, Oregon ball team, to camp overnight at the Canby Community Park on May 8th and 9th. Seconded by Councilman Gabrion and approved unanimously.

Public Works Director, Ken Ferguson, read a staff memo with the Traffic Safety Committee recommendations on two hour parking. After some discussion the consensus of the Council was to try the recommendation for at least a six month period. **Councilwoman Funrue moved to approve the Traffic Safety recommendation as follows: 1) All downtown commercial zone and all streets running one block each way from Highway 99E in the highway commercial zone be two-hour parking; 2) Only the presently "signed" two-hour parking zones be enforced and additional "signing" zones be added in the future; and 3) The Southern Pacific parking lot between Elm Street and North Fir Street be 8½ hour parking in the back row and the rest of the entire parking lot from Elm Street to Grant Street be two-hour parking. Seconded by Councilman Sowles and carried 5-0.

Mayor Swayze called for a brief recess at 8:45 p.m. The Regular Meeting was reconvened at 8:55 p.m.

NEW BUSINESS: **Councilwoman Funrue moved to pay accounts payable in the amount of \$39,916.41. Seconded by Councilman Sowles and approved 5-0 by roll call ballot.

**Councilwoman Funrue moved to approve payment on four bills pertaining to the water system in the amount of \$36,103.33 to be paid from warrants drawn from the 1979 water bonds from the Clackamas County Treasury. Seconded by Councilman Gabrion and approved by roll call vote 5-0.

UNFINISHED BUSINESS: Mayor Swayze announced the need for appointments to the Budget Committee and the Canby Utility Board.

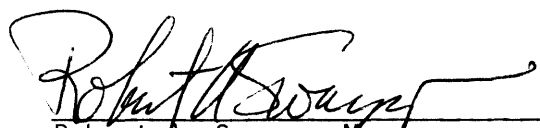
Councilwoman Brown nominated Nancy Kopelk and Norris Hart to the Budget Committee for three year terms to expire in March, 1984. **Councilman Pulver moved that nominations be closed. Seconded by Councilwoman Funrue and approved unanimously. Mayor Swayze instructed staff to write letters to the new member, Norris Hart, and to re-appointed member, Nancy Kopelk.

Mayor Swayze appointed Richard T. Mosier to the unexpired term of Howard Giger for the Canby Utility Board, to commence at the first regular meeting in April. **Councilwoman Funrue moved that the Council accept the Mayor's appointment of Richard Mosier to the Canby Utility Board, starting at the first regular meeting in April with the term to expire in December, 1981. Seconded by Councilman Sowles and approved 5-0 by roll call ballot.

Planner Lashbrook gave a status report on the Railroad Depot project. Progress is moving rapidly now and when the architect's plans are complete and necessary contracts with the County are ready the building will be moved to the permanent site.

OTHER REPORTS AS REQUIRED OR NEEDED: David Bury addressed the Council regarding the Special Meeting of March 9th on the Comprehensive Plan. He accused the Council of not answering questions which he directed to them that evening. Mayor Swayze apologized to Mr. Bury for the misunderstanding.

Mayor Swayze adjourned the Regular Meeting at 9:08 p.m.


Robert A. Swayze, Mayor


Harold A. Wyman, Administrator/Recorder