

CANBY CITY COUNCIL

REGULAR MEETING

MAY 20, 1981

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

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, John Tatone, Frank Blecha, Miriam Bettis, David Bury, Steve Frederick, Mr. & Mrs. Craig Shinn, Hank Fairbrother, Nikki Ray, Mr. Carl, Michael Durgan, Jim Renner, Richard Garvey, Marlin DeHaas, Charles Landsckroner and others.

Mayor Swayze called the regular meeting to order at 7:32 p.m., followed by the flag salute and a moment of silent meditation. Roll call of Council showed a quorum of four members present.

**Councilwoman Brown moved to approve as distributed the minutes of regular meeting, May 6, and the special meeting of May 13th. Seconded by Councilman Gabrion and approved unanimously.

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

At this time, Mayor Swayze announced that the normal agenda would vary due to the 8:00 p.m. Bancroft Bond bid opening.

ORDINANCES & RESOLUTIONS: None was voiced.

COMMUNICATIONS: Administrator Wyman read a memo from Al Millar, owner of property adjacent to the Canby Community Park, regarding a needed fence between the City property and his property. Mr. Millar offered to provide the chain link fencing materials if the City would provide installation materials, labor and future maintenance. Mr. Atwood noted that the fence would be approximately 500 feet and Attorney Bettis said a survey had been done several years ago so this information should be on file. **Councilwoman Brown moved to accept the offer of Al Millar to provide the chain link fencing materials and the City to provide the installation, labor and future maintenance of a fence to be erected in the Canby Community Park to divide Mr. Millar's adjacent property from the City's. Seconded by Councilwoman Funrue and approved 4-0.

Administrator Wyman read letters from Governor Victor Atiyeh and Representative Fred Parkinson in response to the City's letters of concern regarding the HB 2955 and SB 541, their letters noted they would take the issue under strong consideration before decision making.

Mr. Wyman read a letter from Dennis McElroy, 900 N.E. 14th, regarding his concern of the use of alcoholic beverages at the Maple Street Park. Mr. McElroy requested the Council to consider an Ordinance against allowing alcoholic beverages in the City parks. Councilman Gabrion felt that all City parks should have this restriction. Mayor Swayze noted that this would be fine for Maple Street and Wait Parks, however, the "river" Park is often used for large family gatherings and beer is usually present. The Mayor also felt it would be difficult for the Police to enforce such an Ordinance, however, the Baseball Association has indicated

they will assist in keeping their players from participating in the use of alcohol. Councilman Anderson suggested that in the event of special occasions the Council could grant permission for alcohol at the parks. **Councilman Gabrion moved that the City Attorney be directed to prepare an appropriate ordinance to prohibit the use, possession and consumption of all alcoholic beverages in both Maple Street and Wait Parks except on special permit of the Canby City Council. Seconded by Councilwoman Funrue and approved unanimously.

Administrator Wyman read a letter from Attorney Bettis noting that the City of Canby had maintained its "A" Bond Rating with Moody Investments, the letter also thanked Judy, Virginia and Marilyn, City Staff, for their assistance to Mr. Bettis with needed information.

Attorney Bettis presented two documents for recording, Consent to LID's and Waiver of Remonstrance, from Walter Bever and from Robert Lehman Warren and Carol Jean Warren. Subject property is located at N.E. 10th Avenue and N. Pine Street. **Councilman Anderson moved to accept for recording the Waiver of Remonstrances and Consent to Local Improvements from Robert Lehman Warren and Carol Jean Warren and from Walter Bever. Seconded by Councilwoman Funrue and approved 4-0.

Mayor Swayze recessed the regular meeting at 7:48 p.m., and reconvened at 8:00 p.m., before opening the Bancroft Bond bids.

At 8:00 p.m., Mayor Swayze announced that this was the time for opening bids for sale of the City's General Obligation Improvement (Bancroft) Bonds to be dated June 1, 1981, for a total of \$387,698.41 for improvements in the City's Local Improvement Districts 8, 9 and 10. He inquired of City Recorder Wyman if he had received any bids according to the published notice of the bond sale. Mr. Wyman announced that he had received a total of five sealed envelopes addressed to him marked "Proposal for Bonds". He further explained that two of them had been delivered to his home at the same time and was unable to state which was received first but that the other three envelopes were delivered to him at the City Hall and some even immediately prior to the opening of the Council meeting. He had kept the bids in the order in which they were received and then at the direction of Mayor Swayze he proceeded to open the envelopes containing the bids and passed them to City Attorney Bettis who then read aloud each bid proposal. The following bids for such bonds were received and read:

<u>NAME OF BIDDER</u>	<u>BID</u>
United States National Bank of Oregon Paine, Webber, Jackson & Curtis, Inc. Atkinson & Company	9.45640
First National Bank of Oregon	9.8198
Ellis & Carl, Incorporated	9.5725
The Oregon Bank Bank of Oregon	9.69705
Foster & Marshall, Inc.	9.637343

The Council determined that the most favorable bid received for the bonds was that jointly submitted by United States National Bank of Oregon, Paine, Webber, Jackson & Curtis, Inc., Atkins & Company, for a net effective interest rate of 9.45640. Accordingly, upon motion duly made by Councilperson Anderson and seconded by Councilperson Brown, and adopted by roll call ballot of 4-0, such bid was accepted. Thereupon Councilperson Funrue offered and moved approval of the following resolution, which motion was duly seconded by Councilperson Gabrion and by roll call vote adopted 4-0. to wit:

RESOLUTION

BE IT RESOLVED that the \$387,698.41 in General Obligation Improvement (Bancroft) Bonds of the City of Canby, Clackamas County, State of Oregon, sold on the 20th day of May, 1981, be issued to bear the date of June 1, 1981, and interest at the following rates:

\$27,698.41	due June 1, 1982 @ 11.000%	\$40,000	due June 1, 1987 @ 9.000%
30,000	due June 1, 1983 @ 11.000	40,000	due June 1, 1988 @ 9.000
30,000	due June 1, 1984 @ 11.000	45,000	due June 1, 1989 @ 9.250
35,000	due June 1, 1985 @ 9.000	50,000	due June 1, 1990 @ 9.500
35,000	due June 1, 1986 @ 9.000	55,000	due June 1, 1991 @ 9.750

At this point, Attorney Bettis commented that the City was fortunate in receiving so many bids and at such good rates.

Mayor Swayze recessed the regular meeting at 8:45 p.m. and reconvened at 8:52 p.m. Prior to going into the Public Hearing on the Estate Eight Annexation, Mayor Swayze briefly explained the public hearing procedures to the audience. Mayor Swayze recessed the regular meeting at 8:54 to go into a public hearing.

City Planner, Stephan Lashbrook, briefly reviewed the annexation, subject property is approximately 16.59 acres located along the south side of S.W. 13th Avenue, directly across from the end of S. Elm Street. Mr. Lashbrook also pointed out a 40 foot wide strip of land on the west side of the subject property belonging to Bill Stevens who had no objections for this small area to be included in the annexation approval. This application was approved by the Planning Commission on April 13th and the staff recommendation was to accept the findings of fact of the Planning Commission and recommend to the Boundary Commission for approval.

APPLICANT: Marlin DeHaas, agent for the Estate Eight, briefly addressed the hearing body and pointed out that this project was begun in 1977 and was first denied due to water and electricity shortages and also over capacity problems for the sewage plant. These, however, have been resolved and Mr. DeHaas urged the approval of the annexation. Councilman Anderson questioned if the two houses to the south of the property would be served by an easement. Mr. Lashbrook said that any development to the annexed property would go through a review and an easement access would probably be done then.

PROPOSERS: None was voiced.

OPPOSERS: Frank Blecha, 855 N. Cedar Court, was concerned if the City had enough water and sewer capabilities to handle the annexed area. Mayor Swayze noted that the Utility Board had sent a letter with no objections and work was in the process now to correct these concerns. Mr. Blecha also felt there was adequate empty area already in the city limits for building, however, Councilman Anderson noted that there was very few buildable lots available.

David Bury voiced a concern regarding the traffic problem that could arise due to increase of traffic on S. Elm and Ivy Streets.

REBUTTAL: None was voiced.

Mayor Swayze closed the public hearing at 9:10 p.m.

Councilman Anderson felt the application was in order and saw no reason to deny it on the basis of traffic problems as it has always been a problem and he felt it would eventually resolve itself. Councilwoman Funrue questioned the traffic problem. Mr. Lashbrook noted that 13th Avenue is an arterial and Elm Street a collector, hopefully 13th Avenue would carry the traffic to Ivy, which is in need of improvement. Mr. Lashbrook pointed out that the south side of town has a great deal of street and traffic problems to work out and felt this should not hold up the application. **Councilwoman Funrue moved that the City Council adopt the findings of fact of the Planning Commission and approve the annexation of Estate Eight of 16.59 acres along the south side of S.W. 13th Avenue including the 40 foot strip of land owned by Bill Stevens, and recommend to the Boundary Commission approval. Seconded by Councilman Gabrion and approved 4-0.

NEW BUSINESS: **Councilwoman Funrue moved to pay accounts payable in the amount of \$30,393.03. Seconded by Councilman Gabrion and approved 4-0 by roll call vote.

**Councilwoman Funrue moved to pay various bills regarding the water treatment expansion project from warrants drawn from the Clackamas County Treasury on the 1979 Water Bond in the amount of \$70,558.08. Seconded by Councilman Gabrion and approved 4-0 by roll call ballot.

Administrator Wyman informed the Council of a recent litigation, brought to his attention by Attorney Bettis. Approximately five years ago a joint project of the Canby High School, Baseball Association, Kiwanis Club and the City of Canby of installation of lights at a high school ballfield was undertaken. Due to defective brackets the lights fell and therefore, the above mentioned organizations are in litigations with Westinghouse Electric Corp., for \$9,047.93 for repair of the lights.

UNFINISHED BUSINESS: Members of the South Canby Neighborhood Group were present anticipating a Council decision on the South Locust Street project which had been a subject of an earlier Council workshop. At this time, Mayor Swayze allowed the Council a few minutes to review the two proposed plans, the engineers plan, Mr. Ron Tatone being the engineer, and the modified plan of the South Canby Neighborhood Group. **Councilwoman Brown moved to adopt the modified plan of the South Canby Neighborhood Association and the plans to become a reference of these minutes. Seconded by Councilman Gabrion and approved unanimously.

In regards to the proposed concession stand at Maple Street Park, Mr. Wyman noted that the State must first make formal acceptance of the entire park project. At this time the basic concern regarding the concession stand is the plan approvals, especially the proposed stairwell and Council will be updated on the progress of the project as it proceeds. **Councilwoman Brown moved that the City will absorb all costs possible for the concession building project, except for those mandated by the state and Utility Board. Seconded by Councilman Gabrion and approved 4-0.

Correction: Add "Building" before costs.

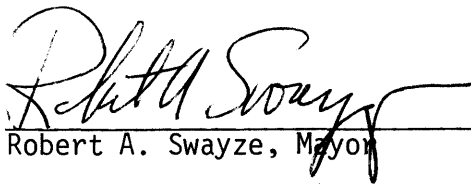
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Mayor Swayze reminded the Council of the budget meeting for the next evening, Thursday, May 21, at 7:30 p.m., due to the defeat of the City's proposed Ballot "B" measure.

May 27, Wednesday, 7:30 p.m., a Special Meeting will be held with a cable TV workshop to be held.

City Planner Lashbrook informed the Council that the Boundary Commission had approved the Canby Utility Board extension project of water lines near South Pine and also the Garmire annexation.

Mayor Swayze adjourned the Regular Meeting at 9:45 p.m.



Robert A. Swayze, Mayor



Harold A. Wyman, Administrator/Recorder