

CANBY CITY COUNCIL
REGULAR MEETING
OCTOBER 7, 1981

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

Also present: Administrator Harold Wyman, City Attorney Wade Bettis, Public Works Supervisor Bud Atwood, City Planner Stephan Lashbrook, Treasurer Myra Weston, Secretary Marilyn Perrett, James Kregshouser, Walt Dohrman, Mr. & Mrs. Herman Bergman, Caroline Hovland, Mr. & Mrs. Clarence Potampa, Mr. & Mrs. Paul Duncan, Kathryn Peterson, Mr. & Mrs. Michael Gibbons, Eric Longstreet, Halvor Gregersen, Mr. & Mrs. Gordon Lindland, Ida Frum, David Bury, Henry Fairbrother, James Renner, Robert Rapp, Fred Stefani, James Heuberger, Brenda Lashbrook and others.

Mayor Swayze called the 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 September 16, 1981, seconded by Councilman Gabrion and carried 5-0.

CITIZEN IN PUT ON NON-AGENDA ITEMS: Robert Rapp, representing concerned citizens of the Save the Depot Committee, addressed the Council regarding the Depot issue. Mr. Rapp noted that 65 pledges and some 9 organizations have shown interest in the project. In reviewing the project, Mr. Rapp pointed out that in October, 1978, Resolution # 252 declared the depot as a Historical Building. The committee is requesting approval to relocate the depot building on the south end of Wait Park, at N.W. 3rd Avenue, this site having available utilities and centrally located. Mr. Rapp also pointed out that the building could be used as a museum. Mayor Swayze explained that the Council wouldn't make a decision tonight, due to the need of adequate consideration time, adequate plans, specifically the financial plan for future maintenance and upgrading the building. Attorney Bettis informed the Council that he was one of a five member board of directors for the Gelbrick Foundation which has funding from the estate for charitable purposes in and around Canby. The Foundation will be meeting on October 15th, and have in the past expressed interest in the Save the Depot Project. Mr. Bettis noted that if the Council would show a general willingness to approve the Wait Park site, he would request the Gelbrick Foundation to discuss committing the balance of the needed money to moved the depot, not to exceed approximately \$7,500. Mayor Swayze felt an adequate decision could not be made tonight and requested more information from the committee, such as site plans and future financial plans and scheduled the matter for the regular meeting of October 21st for Council consideration.

ORDINANCES & RESOLUTIONS: Mayor Swayze informed the Council that Ordinance No. 710 would not be read tonight.

Attorney Bettis read by title only, for final reading, Ordinance No. 708, City Administrator Wyman displayed the affidavit of posting. **Councilman Sowles moved that Ordinance No. 708, AN ORDINANCE AUTHORIZING CONTRACT WITH PARKER NORTHWEST PAVING, CO. FOR STREET REPAIRS AND IMPROVEMENTS TO KNIGHTS BRIDGE ROAD; AND DECLARING AN EMERGENCY be approved and become law of the City of Canby. Motion seconded by Councilwoman Funrue and approved by roll call ballot 5-0.

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Ordinance No. 709, was read in full for first reading by Attorney Bettis. Councilwoman Funrue moved that Ordinance No. 709, AN ORDINANCE AUTHORIZING CONTRACT WITH PARKER NORTHWEST PAVING, CO. FOR STREET REPAIRS AND IMPROVEMENTS TO VARIOUS AND SPECIFIED SECTIONS OF CITY OF CANBY STREETS; AND DECLARING AN EMERGENCY be properly posted and come up for final reading after 7:30 p.m. at a special meeting of October 28, 1981. Seconded by Councilman Pulver and approved unanimously.

COMMUNICATIONS: Administrator Wyman read a request from Michael Gibbons for rental of the City owned Koehler building at 196 N.W. 1st for an automotive repair business. At this time, Councilman Sowles declared a conflict of interest in the issue, due to the fact that Mr. Gibbons is presently a business tenant of his, and therefore, stepped down from the chair. Mr. Wyman pointed out that the Koehler building, at the present time, was not zoned for a business such as Mr. Gibbons' automotive repair. Also, the City is presently supporting plans for a future Police Department in the subject building and would not care to enter into any long-term outside rental agreements. City Planner Lashbrook pointed out that not only a zone change was necessary but a plan amendment too, which is costly. Mr. Gibbons was present and stated he understood the Council's reasons for denial at this time.

Councilman Sowles returned to his chair of office.

A letter from Romona Fraser, Program Chairman for the Canby Merchants Association, was read by the Administrator requesting approval for a costume Halloween parade for the local children. **Councilman Sowles moved to approve the Canby Merchants Association request to hold a Halloween Parade on October 29th, starting at 5:00 p.m., at Wait Park and to advise the Association to coordinate the parade with the Police Department. Motion seconded by Councilman Gabrion and approved 5-0.

Next on the agenda was a request from the Willamette Valley Country Club President, Fred Stefani, for a street vacation. Mr. Stefani addressed the Council requesting a vacation of public road leading from Maple Street into the Club House and surrounded by Club property. Mr. Stefani noted that in the future there is a possibility of development along Maple Street, however, it shouldn't affect the question of vacation. Planner Lashbrook said the request should be initiated by the City, and he supported the request, however, it should be turned over to the City Attorney and staff. Attorney Bettis noted that if it is vacated, a statutory procedure must be followed and costs involved, such as title reports, supported by drawings and maps and determination of ownership on 200 feet at either end of the terminus and owners notified in that perimeter. Mr. Stefani explained the only other owner, other than the Willamette Valley Country Club, was a small area west of the terminus, however, he agreed to have the Club assume the costs other than the staff and City Attorney fees. **Councilman Gabrion moved to direct the City Attorney to proceed with vacation process as requested by Mr. Stefani of the Willamette Valley Country Club for a public road off Maple Street used as the Club entrance and for the Willamette Valley Country Club to assume actual costs incurred other than the staff and City Attorney fees. Motion seconded by Councilwoman Funrue and carried 5-0.

Administrator Wyman read a letter from Lenora Stewart offering her resignation as the Canby representative on the Board of Directors for the County Community Action Agency, which she has served for almost a year, due to other civic interests which keep her busy at this time. Mayor Swayze directed Councilmembers to consider

a replacement for Mrs. Stewart and return with a recommendation for the next regular meeting. Mayor Swayze directed that a "thank you" letter be sent to Mrs. Stewart.

Administrator Wyman read a letter from Sharon Henry, Committee Chairman for Cub Scout Pack 505, offering a community service project. The Scout Pack has approximately ten 55 gallon drums they would like to paint and place as refuge cans in City parks and also organize a litter clean-up project. The Council was impressed with the offer and felt the parks could use the garbage cans. **Councilman Pulver moved to accept the offer of the Cub Scout Pack 505 to donate the ten painted garbage cans and organizing a litter clean-up project with Mr. Atwood, Public Works Supervisor, assisting the group. Motion seconded by Councilman Gabrion and approved unanimously.

Mayor Swayze called for a short recess at 8:15 p.m. and reconvened the regular meeting at 8:27 p.m.

NEW BUSINESS: **Councilwoman Funrue moved to pay accounts payable in the amount of \$49,965.68 from appropriate line items. Seconded by Councilman Sowles and carried 5-0 by roll call vote.

**Councilwoman Funrue moved to pay various bill pertaining to the water plant expansion in the amount of \$26,152.67 from warrants drawn from the 1979 Water Bond from the Clackamas County Treasury. Motion was seconded by Councilman Gabrion and approved by roll call ballot, 5-0.

Administrator Wyman presented a Special Event Liquor application from the St. Patrick's Ladies Auxiliary for October 10, 1981, for a Game Night, noting that both the Fire and Police Chiefs had signed approval. Mayor Swayze explained that this was the same event that was held last year and the Council has approved them in the past. **Councilman Sowles moved to grant a Special Events Liquor License for Beer and Wine for a Game Night to be held October 10th, between 7:30 and 12:00 p.m. for St. Patrick's Ladies Auxiliary, seconded by Councilwoman Brown, carried 5-0.

An application for a new Restaurant Liquor License, for beer and wine only, was presented by Administrator Wyman on behalf of Eric and Patty Longstreet, owners of the Country Cupboard, noting that both the Fire and Police Chiefs had signed approval on the application. **Councilwoman Brown moved to approve the application of the Country Cupboard, 406 N.W. 2nd Avenue, for a Restaurant Liquor License, for beer and wine only. Motion seconded by Councilman Pulver and approved 5-0. David Bury questioned the fact of issuing another permit when the Canby House and Grand Central Station do not use their licenses at all times. Mayor Swayze explained that they are not transferable.

The next item on the agenda was a contract from the Community School, an agreement which the City has participated in for several years offering financial support. **Councilman Pulver moved that the City of Canby enter into a joint agreement with the Canby Community School by the Canby Union High School District, Clackamas Community College and the City of Canby, with City share being \$29,597.00 and Mayor Swayze be authorized to sign the agreement. Administrator Wyman noted that the budgeted money will be coming from Revenue Sharing and these funds may be depleted in the future and other sources of funding may be necessary. Motion was seconded by Councilman Gabrion and approved unanimously.

Administrator Wyman presented a Quitclaim Deed on a City lien that had been placed on property on S. Knott Street on a nuisance abatement. **Councilman Pulver moved to execute a Quitclaim Deed to Stanley and Betty Whipple, husband and wife, to release from the County's records, the City of Canby's recorded interest of lien, and to be signed by the Mayor and City Recorder. Motion seconded by Councilwoman Funrue and carried 5-0 by roll call ballot.

An application by Henry Fairbrother for request of zone change was presented for Council action. City Planner, Lashbrook, briefly reviewed the application and past actions by the Planning Commission. Subject property is located on the south side of S.W. Township Road approximately 400 feet east of S. Ivy Street and consists of approximately 2.99 acres. Mr. Lashbrook pointed out that this is the first application for a zone change under the new Land Development and Planning Ordinance which eliminates the duplicate hearing process and instead, the Council is to act upon the record of the Planning Commission on the basis of its decision. Staff recommendation was to accept the findings of fact adopted by the Planning Commission on September 14, 1981, accept the recommendation of the Commission and approve the zone change from R-1 to R-1.5-PUD. The applicant, Henry Fairbrother, was present to answer any questions of the Council. Councilman Pulver questioned the issue of the 10 foot easements and was told by Mr. Lashbrook that this question would be handled when the plat for a PUD came before the Planning Commission. Councilman Sowles commented that during Planning Commission testimony the zone change request was "sold" as a senior center development, however, it could become something else as long as it complied with the 1.5 designation and it still must go through the PUD review process. **Councilman Sowles moved that based upon the findings of fact of the Planning Commission on September 14, 1981, the City approve the recommendation of a zone change from R-1 to R-1.5-PUD of the Henry Fairbrother property located on the south side of S.W. Township Road of approximately 2.99 acres and the City Attorney be directed to prepare the proper Ordinance. Motion seconded by Councilwoman Funrue and carried 5-0 by roll call vote.

UNFINISHED BUSINESS: Mayor Swayze reminded the Council that on two different occasions, the Council has discussed the request for Community Block Grant Fund support and would not hear anymore testimony regarding the issue tonight. The Council's first decision, at a special meeting on September 26, 1981, was to support funding in the amount of \$450,000 for a Senior Center as top priority and the remaining sum of approximately \$150,000 fund a Tot Park on the south side of Canby. Mayor Swayze asked if anyone on the Council wished to reverse the original decision, seeing no response, he said that the decision would stand and the County to be notified.

Administrator Wyman brought up the issue of increased taxes for Clackamas County. He pointed out that the City of Canby's consolidated rate is \$4.80 per thousand, up by 8½ % and this does not include the homeowners tax rate which is 30% less.

OTHER REPORTS AS REQUIRED OR NEEDED: John Falkenstein from the Canby Community School briefly reviewed the annual reports from the Spring and Summer 1981, Community School Programs. Mayor Swayze expressed his support for the program noting it's growth over the years. He requested Mr. Falkenstein to look into the program of "swapping services", where people who need things done could trade their services. Administrator Wyman also noted that he was "sold" on the Community School Program for its development over the past years, the volunteer program

associated with the baseball summer program and the soccer program that is now going on in all parks.

Administrator Wyman requested Council permission to call for sealed bids, setting a minimum figure, for the following equipment: 1973 street sweeper, 1959 GMC van, 1973 Ford, 1977 Nova, two 1978 Nova's, 3 to 5 ton Gallion roller, 1958 LaFrance fire truck and various bicycles. **Councilman Pulver moved to authorize the City Administrator to call for sealed bids on the above listed equipment and setting a minimum price per piece of equipment. Motion seconded by Councilwoman Funrue. Councilman Sowles questioned where the money went from the received sales and was told the Motor Pool Fund. Motion carried 5-0.

Mr. Atwood, Public Works Supervisor, requested permission to donate to the High School Science department two pieces of lab equipment no longer needed and of no monetary value, a scale and a pH meter. **Councilman Pulver moved that based upon a report of the City Administrator that a scale and pH meter are of no use to the City and of no monetary benefit and therefore may be donated to the Canby High School Science department for their benefitted use. Motion seconded by Councilwoman Funrue and approved unanimously.

City Planner Lashbrook brought to the attention of the Council a request from Dr. Harpster regarding property on S. Birch to be vacated. Mr. Lashbrook suggested that all property owners along the S. Birch and S.W. 4th Avenue area be advised of the request for vacation and do the whole area at once. This issue will be handled the same as the Willamette Valley Country Club request for street vacation and turned over to City staff and the City Attorney for the proper procedure.

Mayor Swayze announced a Special Meeting and Workshop Session for Wednesday, October 28, at 7:30 p.m., with the workshop session to be about the sewer rate study and also the feasibility of remodeling the Koehler Building.

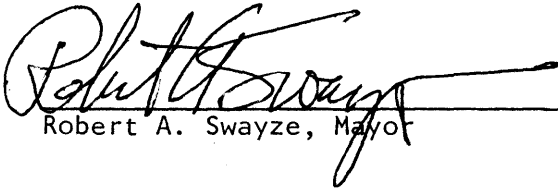
David Bury addressed the Council at this time regarding the CDBG funds accusing the Council of giving the Neighborhood Group the "shaft" regarding the funds. Mr. Bury said, "it was a political decision not based on facts or figures or the people in the area and I don't like to be cheated and lied to by this City Council or anyone-----." Mayor Swayze directed Mr. Bury to stop speaking and asked for an apology for calling the Council "liars and cheaters". Mr. Bury accused the Council of not letting the committee know what was expected from them for the last year and a half until the last minute. Councilman Pulver noted that the Council did not promise them a "rose garden". Councilwoman Brown explained there was no prejudice in their decision and the Council was being wrongly accused. Mayor Swayze explained that on three different occasions the Council discussed the issues and the Senior Center being their decision of highest priority at this time and that the community group was not formed as the "only" source of funding for Canby. The Council will continue to work with the proposed plan of the Neighborhood group; however, the decision has been made and the "matter is closed". Councilman Pulver noted he understood the feeling of disappointment; however, the infantile attack of name calling upon the Council was uncalled for, he didn't wish to hear it again. Mr. Bury replied that "if liar was the wrong word he would apologize for that and say misinformation".

At this time **Councilman Pulver moved to go into Executive Session under ORS 192.660 Subsection 1-a, to consider the employment of a public officer, subsection 1-e, to conduct deliberations with persons designated by the governing body to negotiate real property transactions and subsection 1-h, to consult with counsel concerning the legal rights regarding litigations. Motion was seconded by

Councilman Sowles and approved 5-0 by roll call ballot.

Mayor Swayze called for a short recess before going into Executive Session, recessing the Regular Meeting at 9:25 p.m.

Mayor Swayze reconvened the Regular Meeting at 10:40 p.m., asking for any further business to come before the Council, hearing none presented, Mayor Swayze immediately adjourned the meeting.



Robert A. Swayze, Mayor



Harold A. Wyman, Administrator/Recorder