

CANBY CITY COUNCIL

REGULAR MEETING

OCTOBER 21, 1981

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

Also present: Administrator Harold Wyman, City Attorney Wade Bettis, City Planner Stephan Lashbrook, Public Works Supervisor Bud Atwood, Treasurer Myra Weston, Secretary Marilyn Perkett, Bob Schaefer, Ray & Cathe Franz, Rod Burnham, Bob Smith, Mark Ensign, Annemarie Cosley, Kathy Loomis, Karin Collin, Terri Berkey, Clint Perkett, Ken Herbst, Mike Maldonado, Randy McLaren, David Bury, Ron Farner, Mark Bucholtz, Kim Jones, Ellen Burbridge, Steve Frederick and John Conley.

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

**Councilwoman Brown moved to approve as distributed the minutes of regular meeting October 6, 1981, motion seconded by Councilman Gabrion and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: Mayor Swayze welcomed the several North Marion students in the audience that were attending as a government class project.

Mayor Swayze announced that the Save the Depot Committee was in the process of preparing plans and budget papers for the relocation and maintenance of the depot and would endeavor to have them ready for the Council for the Special Meeting on October 28th, for consideration for the November 4th agenda.

Mayor Swayze recessed the regular meeting at 7:36 p.m. to go into public hearing on application for annexation. Procedure for public hearing was explained to the audience by Mayor Swayze. Councilman Anderson declared conflict of interest regarding the issue due to the fact he was the real estate broker on the subject property, he was excused from the Council chair.

STAFF REPORT - City Planner Stephan Lashbrook briefly reviewed the application of Bob Schaefer for annexation of a parcel of property located east of N. Pine Street, approximately 350 feet north of N.E. 10th Avenue and approximately .94 acre. Mr. Lashbrook indicated that owners of surrounding property were contacted and were not interested in annexing. Also the subject property would automatically become an R-1 zone. Mr. Lashbrook reviewed the 10 points of finding of fact by the Planning Commission and recommended the Council adopt the findings and instruct the City Attorney to prepare the appropriate order for approval of the annexation by the PMALGBC.

PROPONENTS - None voiced, however, the applicant was present.

OPPONENTS - None voiced.

Mayor Swayze closed the public hearing at 7:44 p.m. and immediately reconvened the regular meeting.

Council had no questions regarding the proposed annexation and therefore, Councilman Sowles moved **that the City Council adopt the findings of fact of the Canby Planning Commission as follows: 1) The proposed annexation is compatible with the text and maps of the Comprehensive Plan, particularly those provisions dealing with the Urban Growth Boundary; 2) The proposal complies with all known City ordinances and policies governing annexations; 3) Urban level services are readily available to serve the subject property. The property owners cannot utilize those services without first annexing the property; 4) The proposal is valid "triple majority" application as defined in ORS 222; 5) There is a public need for the annexation of this small area for residential growth which can be anticipated over the next three to five years; 6) There is a public need for the annexation of this particular area because of the lack of available, developable property on the east side of the City. Inclusion of this site within the highest priority area for annexation in the Comprehensive Plan further supports the findings of public need. The subject property adjoins the City on two sides; 7) The subject property is not known to be subject to flooding or any other natural hazards; 8) This annexation is not expected to have any adverse impacts on any specially designated open space, scenic, historic, or natural resource areas; 9) No adverse economic impacts are expected to result from this annexation; and 10) The proposal complies with applicable State-wide Planning Goals, given its small size and its prior commitment to urban development. Also, City Attorney Bettis to be directed to prepare the appropriate order for approval of the annexation by the Portland Metro Area Local Government Boundary Commission. Motion was seconded by Councilwoman Funrue and approved 5-0 by roll call vote with Councilman Anderson declaring conflict of interest.

Councilman Anderson returned to his chair on the Council at this time.

ORDINANCES & RESOLUTIONS: Attorney Bettis read Resolution No. 306, A Resolution Authorizing the Mayor of Canby to Act as the Grand Marshal of the Kiddy Halloween Parade and Permitting Him to Appear as the Great Pumpkin Without Undue Harrasment, noting that the costs will come from the contingency fund and not to exceed \$ 3.00 , since stuffing for the costume will not be necessary. **Councilman Gabrion moved to approve Resolution No. 306 as read by the City Attorney, motion seconded by Councilwoman Brown and approved by a unanimous vote and Council President William Pulver signing the Resolution.

COMMUNICATIONS: Administrator Wyman read a letter from Ted Zogg, President of the Canby Swim Club, request use of the Canby Swim Center for their scheduled Saturday morning swim meets for the 1981-82 season and also during the CBSL Championships from 6:00 p.m. on March 6, 1982 through March 7, 1982. The Council has allowed this in the past and felt it a most worthwhile function. **Councilwoman Funrue moved to grant the request of the Canby Swim Club to hold their scheduled swim meets on Saturday mornings for the 1981-82 season and also to be allowed the use of the Swim Center on March 5, 1982, at 6:00 p.m. through March 7, 1982, for the annual Championship Meet of the CBSL. Motion seconded by Councilwoman Brown and approved 6-0.

Mayor Swayze called for a short recess at 7:55 p.m. and reconvened the regular meeting at 8:01 p.m.

NEW BUSINESS: **Councilwoman Funrue moved to pay accounts payable from the appropriate funds in the amount of \$21,910.88. Seconded by Councilman Anderson and approved by roll call vote 6-0.

**Councilwoman Funrue moved to pay various bills pertaining to the water treatment expansion in the amount of \$209,255.35 from warrants from the Clackamas County Treasury on 1979 Water Bonds. Councilman Anderson seconded the motion and approval was 6-0 by roll call vote.

Attorney Bettis informed the Council he had a Termination Release Agreement with the Southern Pacific Company which needed the signature of the Mayor on a recent piece of property deeded to the City from S.P. In his opinion the property was the piece of property on N.W. 3rd Avenue which was deeded to the City on October 16, 1979, however, he felt a written statement to that fact should be sent by the Southern Pacific Company before the agreement was authorized for signature.

UNFINISHED BUSINESS: An appointment to the County Community Actions Board to replace Lenora Stewart, who resigned, was scheduled for the agenda. Councilwoman Funrue offered Ron Farner's name as a candidate. Mayor Swayze appointed Mr. Farner to the vacant position as member of the Community Actions Board as representative from Canby.

Mayor Swayze noted that the Library Board had brought to his attention that Carol Meeuwsen's term as Library Board Member had expired June, 1981, and she was willing to be reappointed to that position. **Councilman Pulver moved to appoint Carol Meeuwsen to a four year term from July, 1981 to June 30, 1985, as a Library Board Member. Motion seconded by Councilman Gabrion and approved 6-0.

OTHER REPORTS AS REQUIRED OR NEEDED: Administrator Wyman informed the Council that he has hired a part time Planning Consultant, Bob Mahoney, for one-half day per week to assist the Planning Commission and building department for a fee of \$25.00 per hour. Mr. Mahoney was highly recommended by both Wilsonville and Mr. Bettis, he will start his duties next Wednesday.

Administrator Wyman informed the Council that he would not be hiring an appraiser to appraise proposed park property on the river. Mr. Wyman had inquired at the State for funding and no money is available at this time and if it does become available they will require appraisals then.

Mr. Wyman also reminded the Council of the surplus equipment, autos, bikes, etc., that were being sold by sealed bid. They will be on view Thursday, Oct. 21 and Tuesday, Oct. 27 and bids opened on Wednesday, 2:00 p.m., October 28th.

Mayor Swayze reminded Council of the Special Meeting on October 28th and to be thinking about the League of Oregon Cities Convention, and submit their reservations to the business office.

At this time, **Councilman Pulver moved to go into Executive Session under ORS 192.660, Subsection 1-h, to consult with counsel concerning legal matters. Motion seconded by Councilwoman Brown and approved by roll call vote 6-0.

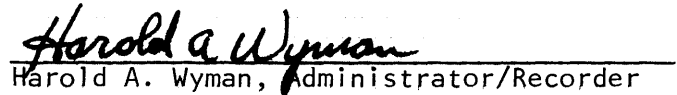
Mayor Swayze recessed the regular meeting at 8:15 p.m. to go into Executive Session. The regular meeting was reconvened at 8:41 p.m. At this time **Councilwoman Brown moved that the City Attorney be authorized to hire additional legal staff to assist him in matters relating to the Canby Utility Board. It is understood that these legal fees are not covered by the yearly retainer of the City Attorney. Councilman

Pulver seconded the motion and it was approved 6-0.

Administrator Wyman informed the Council that he had instructed staff and department heads that all line items for materials and services and capital outlay for the proposed 1982-83 city budget was to be cut by 10% if possible. This is due to the fact of lack of revenues coming into the City. Council concurred with Mr. Wyman's suggestion.

Mayor Swayze adjourned the regular meeting at 8:47 p.m.


Robert A. Swayze, Mayor


Harold A. Wyman, Administrator/Recorder