

CANBY CITY COUNCIL

REGULAR MEETING

JULY 2, 1980

Mayor Robert E. Rapp presiding. Councilmembers present: Beryl Brown, Beauford Knight, Richard Nichols, William Pulver, Robert Swayze and Robert Westcott.

Also present: Administrator Harold Wyman, Attorney Wade P. Bettis, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, City Treasurer Myra Weston, Secretary Marilyn Perkett, K.W.R.C. Reporters Cindy Hanson and Tom Jelineo, Mr. and Mrs. Walt Stransky, Mr. and Mrs. Len Chaffey, Canby Herald Editor Steve Frederick, David Bury, Mike McGee and Gary Sowles.

Mayor Rapp called the Regular Meeting to order at 7:34 p.m. followed by the flag salute and roll call of Council.

**Councilman Knight moved to approve the minutes of Regular Meeting June 18, and Special Meeting June 25 as distributed with the following correction: JUNE 18, first page, paragraph 5, the ordinance that reads 280 should be ORDINANCE 680. Seconded by Councilman Nichols and approved unanimously.

CITIZEN IN-PUT ON NON-AGENDA ITEMS: Tom Jelineo from K.W.R.C. introduced Cindy Hanson, local resident, as the new reporter for the radio station.

Myra Weston informed the Council that she had telephoned the Census Bureau and the preliminary working figures would be forthcoming about mid-July.

ORDINANCES & RESOLUTIONS: Attorney Bettis read in title only Ordinance 676 and Administrator Wyman presented the June 5 affidavit of posting. **Councilman Westcott moved that Ordinance 676, AN ORDINANCE AUTHORIZING CONTRACT FOR PURCHASE OF POLICE CAR FROM MOAK CHEVROLET; AND DECLARING AN EMERGENCY be passed on final reading. Seconded by Councilman Swayze and approved 6-0 by roll call.

Ordinance 677 was read by title only by the City Attorney and the affidavit of the June 6 posting was presented by the City Administrator. **Councilman Swayze moved that Ordinance 677, AN ORDINANCE AUTHORIZING CONTRACT WITH PARKER NORTHWEST PAVING, INC. FOR ASPHALT OVERLAY ON NORTH HOLLY STREET; AND DECLARING AN EMERGENCY be passed on this final reading. Seconded by Councilman Westcott and carried 6-0 by roll call vote.

Attorney Bettis read by title only Ordinance 678 and Administrator Wyman presented the June 5 affidavit of posting. **Councilman Westcott moved that Ordinance 678, AN ORDINANCE FOR THE CONTROL AND OPERATION OF ZION MEMORIAL PARK; DEFINING THE CEMETERY RESERVE FUND; PROVIDING FOR THE PERPETUAL CARE OF THE CEMETERY; REPEALING ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY be passed on this final reading. Seconded by Councilman Swayze and approved 6-0 by roll call.

Attorney Bettis read in full for first reading Ordinance 679, An Ordinance Amending No. 556 as Amended, Establishing Regulations for the Extension and Repair of Sewer Side Laterals, Allowing Various Fees to be Set by Resolution of the City Council, and Declaring an Emergency. **Councilman Swayze moved that Ordinance

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679, An Ordinance Amending No. 556 as Amended, Establishing Regulations for the Extension and Repair of Sewer Side Laterals, Allowing Various Fees to be Set by Resolution of the City Council, and Declaring An Emergency be posted and second and final reading be at the Regular Meeting of August 2, 1980, after 7:30 p.m. Seconded by Councilman Pulver. Councilman Westcott questioned what the cost of a clean-out would cost the homeowner. He was informed the cost would be minimal and the clean-out would be beneficial. Motion carried 6-0.

Attorney Bettis read by title only for second reading Ordinance 680. Councilman Swayze noted the fact that the Ordinance had not been posted the required two full weeks, therefore the second reading will be scheduled for July 16 at the Regular Meeting.

Attorney Bettis read Resolution 280 in full. **Councilman Swayze moved that Resolution 280, A RESOLUTION ESTABLISHING A SCHEDULE OF PRICES AND CHARGES TO BE MADE FOR LOTS, GRAVES, GRAVE LINERS, GRAVE OPENINGS, AND MONUMENT INSTALLATIONS AT ZION MEMORIAL PARK be approved. Seconded by Councilman Westcott and carried 6-0.

COMMUNICATIONS: Administrator Wyman read a letter from the office of Jason Boe, President of the Oregon Senate, thanking us for our prompt reply regarding the boundary commission funding.

Mr. Wyman read a thank you letter from Kathi Myron to the staff for their help and assistance in helping her to organize and distribute the flyers for our recent "B" Ballot Election.

A letter from the League of Oregon Cities was read by Mr. Wyman regarding a program on July 9, at the State Capitol, "Volcano Alert Program". Mayor Rapp felt it would benefit some of our staff to attend this program to learn emergency procedures.

Administrator Wyman read a letter from Carol Meeuwsen, Library Board Secretary, noting that as of July 1, 1980, the terms of Library Board members, Elizabeth Salt and Edward Patterson will expire. The Board recommended for replacement, Dennis Nolder and Martha Schrader. Council will take this under advisement and make the appointment at a later date.

Mr. Wyman read a petition from residents of the N.E. 16th Avenue area requesting the speed limit be changed from 25 mph to 15 mph and a "Slow Children 15 MPH" be posted. Mr. Wyman noted that he was advised that one particular family on this street was the probable cause of the excessive speed. Mayor Rapp instructed the Public Works Department to post a sign "Slow Children" and to also notify the Police Department to increase surveillance on traffic in that area. The petitioners will be notified by letter of Council action.

Ken Ferguson, Public Works Director, reported on the problem in LID #10 on the corner of Juniper and Territorial with the sight clearance due to the large Fir trees. He asked the Traffic Safety Committee to view this, they recommended as follows: to remove on the entrance to Territorial to the left, 10 feet of arborvitae and to the right where the Douglas Fir trees stand, they saw no problem with a visual clearnace. Mr. Ferguson noted that the arborvitae will be removed.

NEW BUSINESS: **Councilman Knight moved to pay accounts payable in the amount of \$42,069.09. Seconded by Councilman Nichols and approved by roll call vote 6-0.

Administrator Wyman presented a deed for recording for street purposes on S. Locust St. **Councilman Nichols moved that the City accept for recording for street purposes the deed of Fred and Elayne Egger and Albert J. and Verna Berndt. Seconded by Councilwoman Brown and approved 6-0.

At this time Mayor Rapp called for a short recess, 8:30 p.m. The Regular Meeting was reconvened at 8:50 p.m.

Mr. Ferguson, Public Works Director, read a staff memo explaining the need for the increase in sewer rates. With a recommendation for a 22% increase for one year or a 32% increase for a three year period to meet the need for increased operating costs. Mayor Rapp expressed that we would be avoiding the issue if we go for a one year increase, since the next year another raise would be evident. He recommended the 32% 3 year increase. The Mayor also suggested a system for valid fixed income Senior Citizen. He felt staff should do some research to determine what sort of qualifications need be established for Senior Citizen's without being discriminatory. Mr. Ferguson felt a one year raise of 22% was more practical at this time due to the fact some industries in the City are using a great deal of water and not being billed proportionately, this is where the rate study will avail. If the 32% 3 year plan is adopted, the excess monies the first and second year could be put in the Sewer Reserve Fund and be earmarked for operations but could be invested in a common pool. It also may be necessary to develop a method to keep the money as revenue for operations and not to be put in the reserve fund.

**Councilman Westcott moved that we establish a 32% increase, or \$6.40 per single family household, for a three year period which will be modified on receipt of a rate study, that we hope to have done later this year. The excess funds in the first half of the three year period be designated in a reserve fund for operations in the last half of the three year period. Seconded by Councilman Swayze and passed 6-0.

In reference to the 5% in lieu of taxes, Mr. Wyman noted that in a May 14, letter from James Montgomery Engineers they said the 5% in lieu of taxes was not included in the rate study. Mayor Rapp suggested the 5% be waived for the new water bond but not the old water bond. **Councilman Westcott moved that the 5% in lieu of taxes that the Canby Utility Board would normally pay to the Council be waived for the \$3,000,000 water bond ONLY. Seconded by Councilwoman Brown and approved 6-0.

Mr. Wyman presented the abstract of votes from the Clackamas County Clerk's Office for the June 24 election on the "B" Ballot.

Canby City Hall - 122	91 yes	101 no
Canby Fire Hall - 123, 125	114 yes	118 no
Knight School - 121, 124	248 yes	219 no
TOTAL	453 YES	438 NO

**Councilman Swayze moved that the Council accept the abstract of votes from George Poppen, Clackamas County Clerk, for the June 24 election on the "B" ballot with 453 yes votes and 438 no votes, and a copy of the abstract be attached to the minutes of this meeting. Seconded by Councilman Pulver and carried 6-0. Attorney Bettis reminded that a Proclamation be posted of the abstract.

OTHER REPORTS AS REQUIRED OR NEEDED: Mayor Rapp noted that there were two letters from James Montgomery Engineers in the packet dated June 25, one was explaining the progress of water bond work and the other was in reference to questions regarding the engineering agreement which will be on the July 16 agenda.

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Mayor Rapp read a recommended schedule of salaries for the 1980-81 fiscal year for department heads based on the grading system of the Council. This is the total with increase. **Councilman Swayze moved that the Council adopt the salaries as presented on the schedule for the department heads for the 1980-81 fiscal year and a copy of the schedule be attached to these minutes. Seconded by Councilman Nichols and approved 6-0 by roll call vote.

At this time Mayor Rapp turned the discussion of the proposed Comprehensive Plan over to City Planner, Stephan Lashbrook. Mr. Lashbrook suggested the Council take action on the Dual Interest Area Agreement with Clackamas County, which is a document which means we will notify them if we take any land use action and they will honor our UGB. **Councilman Nichols moved to authorize the Mayor to sign the Dual Interest Area Agreement with Clackamas County and a copy of the agreement be attached to the minutes. Seconded by Councilwoman Brown and approved unanimously.

SPECIAL ELDERLY HANDICAPPED HOUSING - Mr. Lashbrook suggested the Council consider this concept and noted it would help justify the housing goal.
COUNCIL CONSENSUS - Incorporate the Special Elderly Handicapped Housing into the Plan setting criteria for a PUD in any R-2 area.

LIGHT INDUSTRY ZONING - COUNCIL CONSENSUS - Incorporate the area along 99 E from Redwood to Territorial on the west of highway.

COMMERICAL ZONING - The Council suggested areas for additional commercial zones with no definite conclusions. Areas discussed were on S. Ivy; S. Ivy west on S.W. 4th or S.W. 3rd to Berg Parkway; and perhaps on N. Holly.

RECREATIONAL OR OPEN SPACE AREA - COUNCIL CONSENSUS - Improve the text of the plan stating the need for more recreational area as the City grows and designate what areas the need is best met.

The Council also suggested that the extension of N.E. 2nd Avenue to the fairgrounds be incorporated in the proposed plan.

Mr. Lashbrook suggested that the Councilmembers contact him personally if they have any concerns on the proposed comprehensive plan and at the July 16 Regular Meeting we should conclude the discussion of the plan.

Councilman Westcott questioned the agreement with Crown Zellerbach concerning the "dust free surface" they were to provide on the Territorial and Molalla Forest Rd. Mr. Ferguson said he would pursue this matter and inform the Council of action.

Mr. Lashbrook informed the Council that the Estate Eight matter would be on the agenda for July 16 and to review the material they had recieved.

Mayor Rapp adjourned the Regular Meeting at 10:26 p.m.


Robert E. Rapp, Mayor


Harold A. Wyman, Administrator/Recorder

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Mrs. STEVENS, Librarian	\$ 16,500
Mr. LASHBROOK, City Planner	\$ 24,249
Mr. ATWOOD, P.W. Supervisor	\$ 27,193
Mr. DE REGO, Swim Pool Mgr.	\$ 17,972
Mr. FERGUSON, P.W. Director	\$ 27,541
Mr. SEIGLER, Chief of Police	\$ 24,864
Mr. GEIGER, Lt.	\$ 22,028
Mrs. HOGLAND, Bookkeeper	\$ 18,482
Mr. WYMAN, Administrator	\$ 32,211

Office
recorded
on this
sheet
CITY OF CANBY
County

CLACKAMAS

Election

JUNE 24, 1980

Page 1 of 1 pages

Name or
No. of Precinct

Ballot Number

YES NO

Canby City Hall

91 101 10

122

Canby Fire Hall

114 118 4

123, 125

Knights Grade School

248 219

121, 124

STATE OF OREGON }
COUNTY OF CLACKAMAS } ss.

I, GEORGE D. POPPEN, County Clerk and ex-officio
Recorder of Conveyances of the State of Oregon for
the County of Clackamas, do hereby certify that the
foregoing copy of Official Abstract for
City of Canby election 6-24-80
has been by me compared with the original, and that
it is a correct transcript therefrom and the whole of such
original, as the name appears on file and of record in
my office and in my care and custody.
IN TESTIMONY WHEREOF I have hereunto set my
hand and affixed my official seal this 15 day
of July, 1980.

GEORGE D. POPPEN, Clerk

By: D. Kenney
Deputy

STATE OF OREGON
ABSTRACT OF VOTES

Separate Sheets for
1. President
Vice-President

2. National Committeeman
3. Delegates at Large
4. Delegates - Districts

5. U.S. Senator and Congressman
6. State Offices
7. Judicial Offices

8. State Senators
9. State Representatives
10. Others

TOTAL

453 438

I certify that the votes recorded on this abstract cor-
rectly summarize the tally of votes cast at the election
indicated.

Signature of County Clerk:

Date of Abstract

6-30-80

ABSTRACT OF VOTES AT GENERAL AND
SPECIAL ELECTIONS:

Votes cast for Governor must be on separate
page or pages.

For additional instructions see ORS 250.810.

ABSTRACT OF VOTES AT PRIMARY ELECTIONS:

Separate sheets for Democratic, Republican, Nonpartisan, and other
candidates.

Separate sheets for candidates for City, County (including precinct)
and State office.

For additional instructions, see ORS 249.410.

DUAL INTEREST AREA AGREEMENT
WITH CITIES

THIS AGREEMENT is made and entered into this _____ day of _____, 19____, by and between the City of _____, a municipal corporation, hereinafter called the CITY, and Clackamas County, a political subdivision of the State of Oregon, hereinafter called the COUNTY.

WITNESSETH:

WHEREAS, ORS 227.090 (8) (9) authorizes cities to plan for growth adjacent to the incorporated areas; and

WHEREAS, ORS 197.015 requires coordination between city and county in comprehensive planning; and

WHEREAS, the rule of the Oregon Land Conservation and Development Commission concerning Compliance Acknowledgment (Section 2.0, Item B.6) requires each jurisdiction requesting acknowledgment of compliance to submit a statement setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented; and

WHEREAS, ORS 190.010 authorizes units of local government to enter into joint agreements for the performance of any or all functions that the units respectively have authority to perform; and

WHEREAS, in order to achieve these objectives and insure a coordinated Comprehensive Plan, it is necessary to identify site-specific areas within which the CITY formally may review and comment on the COUNTY'S land use actions, and a

process by which land use conflicts in these areas may be resolved

NOW, THEREFORE, the CITY and COUNTY agree as follows:

1. BOUNDARY

- A. The CITY and the COUNTY agree to a Dual Interest Area for unincorporated land inside the urban growth boundary and adjacent to the CITY as indicated on Map Exhibit A.
- The COUNTY and the CITY hereby adopt by reference, the CITY'S land use plan and findings used to justify the urban growth boundary as shown in Map Exhibit A. Should the findings of fact change and necessitate a change in the urban growth boundary, both the CITY and the COUNTY shall amend their respective plans and adopt the new findings of fact by reference by resolution or ordinance.

The COUNTY and the CITY agree that land use actions within the Dual Interest Area may have an impact on the CITY, and therefore coordination is essential, and compatibility of Comprehensive Plans shall be sought. Section 2.C sets forth the process for notifying the CITY of such land use actions.

- B. At the time of this agreement, the CITY has found no inconsistencies between the CITY'S Comprehensive Plan and the COUNTY'S Comprehensive Plan.

At the time of this agreement, the COUNTY has found no inconsistencies between the CITY'S Comprehensive Plan and the COUNTY'S Comprehensive Plan.

- C. The CITY and the COUNTY further agree to a coordination area, which includes lands outside the urban growth boundary as shown on Map Exhibit A. Land use actions

within this area may have an impact on the CITY and therefore coordination of land use actions will be sought.

2. COORDINATION AND PLANNING FOR DUAL INTEREST AREA

- A. In the coordination of population projects, the COUNTY and the outlying cities have agreed on revised target population figures for their respective urban growth boundaries as follows:

Canby	20,000
Estacada	8,350
Molalla	7,645
Sandy	12,500

The population projections will be evaluated jointly by the jurisdictions at least every five years for possible revision, as further information on population trends becomes available.

- B. The COUNTY'S Comprehensive Plan shall apply to the Dual Interest Area as long as it remains unincorporated. The COUNTY shall retain final responsibility for all land use actions including any proposed revision of the COUNTY'S Comprehensive Plan or implementing ordinances.

The COUNTY shall not approve urban level development proposals within the Dual Interest Area. The COUNTY considers the area within the Dual Interest Area to be Future Urbanizable, which may be converted to Immediate Urban only by annexation to the CITY.

- C. When land use actions and plan amendments are proposed within the Dual Interest Area or the coordination area, the COUNTY shall notify the CITY and affected special

districts of such proposals at least thirty-five (35) days prior to the first scheduled public hearing. Such proposals include:

- . Comprehensive plans or plan amendments, including any proposed changes in land use designations or policies.
- . New or amended planning implementation ordinances and/or measures, including zoning and subdivision ordinances.
- . Development proposals and land use actions, including the following: rezoning; conditional use permits; subdivisions and major partitions; administrative approval of items requiring public notice.
- . Proposed public improvement projects.

D. The CITY shall provide the COUNTY with the opportunity to review and comment on proposed land use actions within or by the CITY which will clearly affect lands or facilities or services within the Dual Interest Area, prior to CITY action. Such proposals include:

- . Comprehensive plans, or plan amendments, including any proposed changes in land use designations or policies.
- . New or amended planning implementation ordinances and/or measures, including but not limited to zoning and subdivision ordinances.
- . Proposed land use actions within the CITY limits which would have a significant impact on lands, services or facilities outside the CITY limits,

including the following: rezonings; conditional use permits; subdivisions; planned unit developments.

Proposed public improvement projects including: construction of or major changes to water distribution and sewage collection/treatment systems; street construction, improvement, dedication or vacation; park or recreational facilities; city structures and buildings.

- E. The COUNTY shall encourage participation of the CITY and affected special districts in assessing impacts on the area and enter all formal comments into the public record.

If, after consideration of the CITY'S comments, the COUNTY acts contrary to the CITY'S position, the CITY may seek administrative appeal of the action, or other appeals as may be available.

- F. Lack of response to the notification shall be considered "no objection" to the proposal.

3. TERMINATION OF AGREEMENT FOR DUAL INTEREST AREAS

- A. This agreement may be amended only by concurrence of both parties.
- B. This agreement shall remain in effect for five years. At that time, the Agreement may be extended, amended or discontinued.

IN WITNESS WHEREOF, The respective parties have caused to be signed
in their behalf as follows:

CITY OF CANBY

By:

Robert E. Rapp

7/2/1980

CLACKAMAS COUNTY

By:
