

CANBY CITY COUNCIL

REGULAR MEETING

JULY 16, 1980

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

Also present: Administrator Harold Wyman, City Attorney Wade P. Bettis, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, City Planner Stephan Lashbrook, Treasurer Myra Weston, Chief of Police Richard Seigler, Secretary Marilyn Perkett, Brenda Lashbrook, David Bury, Attorney Jack Orchard, Canby Herald Reporter Diane Gouthier, Oregonian Reporter Pat Jeffries, Mr. and Mrs. Len Chaffey, Mr. and Mrs. Walt Stransky, Mike McGee, Gary Sowles and Jo Seggie.

Mayor Rapp called the Regular Meeting to order at 7:35 p.m., followed by the flag salute and roll call of Council.

**Councilwoman Brown moved to approve as distributed the minutes of Regular Meeting, July 2, 1980. Seconded by Councilman Knight and approved 5-0.

CITIZENS IN-PUT ON NON-AGENDA ITEMS: Jo Seggie, representing the Clackamas County Fair Boosters Association, requested approval for a one day beer license for July 19, 1980, 8:00 p.m. to midnight for a dinner and dance benefit to be held at the fairgrounds. **Councilman Nichols moved to approve the one day beer license for Saturday, July 19, 1980, between 8:00 p.m. and midnight at the fairgrounds for the Clackamas County Fair Boosters Association, upon approval by the Canby Police Chief and Fire Marshall. Seconded by Councilman Pulver. Councilman Knight questioned the security to be provided. The Canby Police Department will provide some surveillance. Motion carried 4-1, with Councilman Westcott voting nay.

Myra Weston informed the Council of the death of former Police Chief Louis Cole and noted that his services will be held Thursday at 1:30 p.m.

ORDINANCES & RESOLUTIONS: Attorney Bettis read by title only for second reading Ordinance # 680 and Administrator Wyman presented the affidavit of posting. **Councilman Westcott moved that Ordinance # 680, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES be approved on this final reading. Seconded by Councilman Pulver and passed 5-0 by roll call vote.

Ordinance # 681 was read by title only for second reading by Attorney Bettis and the affidavit of posting was presented by Administrator Wyman. **Councilman Westcott moved that Ordinance # 681, AN ORDINANCE AUTHORIZING PURCHASE OF MECHANIC'S TOOLS AND EQUIPMENT; AND DECLARING AN EMERGENCY be approved on this final reading. Seconded by Councilman Pulver and approved 5-0 by roll call.

COMMUNICATIONS: Attorney Bettis read a letter he wrote to the Mayor and Council regarding the sanitary conditions at Maple Street Park. Mr. Bettis sited no running water in the restrooms, no toilet tissue and low water pressure on drinking

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fountain. He recommended that the City take action on these problems. Council and staff agreed as to the problems which are not unique to Canby alone. However, due to the vandalism in the parks these types of problems are hard to solve. Mayor Rapp suggested the Council give serious thought to drafting a letter to the Police Reserve requesting their help in surveillance of the parks. Councilman Pulver questioned if we had a City Ordinance regarding alcoholic beverages in the parks. Mayor Rapp noted that we had an ordinance regarding public drunkenness statute and in his opinion he didn't like to see a total ban on alcoholic beverages as we would do away with the family picnic "institution". Staff will discuss the proper wording for a sign to be placed at Maple Street Park requesting that alcoholic beverages not be used.

NEW BUSINESS: **Councilman Knight moved to pay accounts payable for 1979-80 fiscal year in the amount of \$42,231.42. Seconded by Councilman Nichols and approved 5-0 by roll call. **Councilman Knight moved to pay accounts payable for 1980-81 fiscal year in the amount of \$20,600.45. Seconded by Councilman Nichols and carried 5-0 by roll call. **Councilman Knight moved that bills totalling \$47,882.49 (Canby Utility Board \$518.94 and \$8,000; James Montgomery Engineers \$375.37; and Dale Industries \$138,988.18) be paid on warrants from the Clackamas County Treasury water bond funds. Seconded by Councilman Nichols and approved by roll call 5-0.

Mayor Rapp called for a short recess at 8:10 p.m. The Regular Meeting was reconvened at 8:25 p.m.

UNFINISHED BUSINESS: At this time Councilman Westcott noted that in the March 26, 1980, minutes he had a motion on the floor that was tabled. **Councilman Westcott moved that the following motion "to deny the Estate Eight annexation application due to lack of public facilities, particularly water and electricity, at this time and an order be drawn," be removed from the table. Seconded by Councilman Knight and carried unanimously.

**Councilman Westcott moved to amend the previous motion by striking, "and an order be drawn" and adding, "that we adopt the Planning Commission's finding of facts and include them within an order to be drawn by the City Attorney. Seconded by Councilman Knight and carried 5-0.

The motion now on the floor, seconded by Councilman Pulver, as amended, reads: **COUNCILMAN WESTCOTT MOVED THAT WE THE CITY DENY THE ESTATE EIGHT ANNEXATION APPLICATION DUE TO LACK OF PUBLIC FACILITIES, PARTICULARLY WATER AND ELECTRICITY AT THIS TIME, AND WE ADOPT THE PLANNING COMMISSION'S FINDING OF FACT AND INCLUDE THEM WITHIN AN ORDER TO BE DRAWN BY THE CITY ATTORNEY. Mayor Rapp now opened the floor for discussion.

WESTCOTT - Noted that it has been sometime since this matter was tabled and there has been some work by the applicant and their attorney to present some sort of "middle ground" allowing them to annex even though we don't have the facilities at this time and their understanding that is the problem. Mr. Westcott felt since this particular matter is on appeal from the Planning Commission, if we are going to change the ground rules on how we are going to annex, i.e. we annex with the anticipation of public facilities rather than already having them, he would prefer to do that outside from the current application so the Planning Commission would have the benefit from that input and would be able to make their decision on whatever the city's feelings are in the matter. In this case they (Planning Commission)

have turned it down because of lack of public facilities, which the City has turned other applicants down for in the past. To change the ground rules in the middle of an application is unfair to the Planning Commission and prior applicants who have been turned down for this and other reasons. For those reasons, Councilman Westcott felt the amended motion is the action needed tonight.

RAPP - The Mayor felt that we still need an annexation ordinance and the work done on this matter through our planner and Estate Eight has been very valuable ground work in creating such an ordinance. He also expressed that it was too bad that Mr. Swayze was out of town since it was his motion to table. Not speaking as an advocate or opponent but only to refresh memories, the attorney for Estate Eight made the point if we did annex we would still have certain controls over the development. The Mayor asked for input from each Councilmember.

PULVER - His concern was that services in that area are not available and would be an influence on his voting. He did realize that the Council did have "something to say about it" if and when they developed but was still concerned about being responsible for services if it were annexed.

BROWN - She felt it would be better to wait until we did have the services available.

NICHOLS - He concurred with Councilman Westcott regarding changing methods in process in the middle on one particular property. If we change process it should be done in between and not in the middle of an application.

KNIGHT - The lack of services was his concern. He noted that we have a number of areas in Canby not developed, in fact we have three rather new annexations that could put a heavy drain on our services. He'd much rather see us be able to furnish the services for the people that are now inside the city limits rather than take on a new area with a question about whether we can furnish the facilities, particularly water, not if but maybe when.

BURY - Agreed with Councilman Westcott regarding changing the philosophy now.

Councilman Westcott noted as a point of order that the Public Hearing has been closed on this. Mayor Rapp said he was only receiving input since this is a public meeting. The motion was restated before the roll call vote, motion carried 5-0.

OTHER REPORTS AS REQUIRED OR NEEDED: Ken Ferguson, Public Works Director, read a staff memo regarding the Volcano Alert Workshop that he and Bud Atwood attended. It was stressed to implement a "Disaster Relief Ordinance". It was the Council consensus to have staff prepare an ordinance to cover all emergencies.

Mr. Ferguson read a staff report regarding the overlay costs for Territorial Road. The project of overlaying Territorial Road from North Juniper to North Maple Street has been completed with the following break down in costs: LID #10 participants - \$10,500; Canby Utility Board - \$5,154; Clackamas County - \$1,500; and a balance of \$2,859 with a total project cost of \$20,013. Mr. Ferguson noted that Mr. Kurth of the County said he would address a letter to the Council stating that the County would give serious consideration to the overlay on South Ivy, as to date no letter has been received. **Councilman Westcott moved that \$2,859 be taken from Federal Revenue Sharing line item Street Maintenance and Development to supplement participation with LID #10, Canby Utility Board and Clackamas County for the overlay on

Territorial Road from North Juniper to North Maple Street. Seconded by Councilman Pulver and approved 5-0.

**Councilman Westcott moved that the Mayor be directed to draft a letter to Mr. Kurth requesting the County to consider an overlay on South Ivy Street. Seconded by Councilman Nichols and approved unanimously.

Councilman Pulver questioned Mr. Ferguson about the streets where the new water mains are being placed. Mr. Ferguson has talked with Mr. Egger of the Utility Board and was told they were waiting for connections to arrive then the work would be done and S. Ivy will be done right away. Councilman Pulver also noted that their clean-up work, especially on 9th and Birch, is inadequate. Mr. Ferguson has also spoke to the Company regarding this matter.

Mr. Ferguson also noted that Mr. Fisher, Crown Zellerbach, has informed him that they intend to pave the area on the Molalla Forest Road and Territorial for which they have an easement from the City.

Administrator Wyman informed the Council that staff is working on preparing a Resolution for reduced rates for sewer charges for senior citizens. Attorney Bettis questioned if the Resolution for the rate change on sewer rates was to be for a three year term and if so, what happens at the end of the three years? Councilman Westcott noted that the intent of the motion made to change the rates was that the current rate at the end of the three years remain unless changed, actually no time limit would be stated in the Resolution. Proposed effective date is September 1, however, staff will check with the Utility Board to verify this date.

Councilman Westcott brought up the matter of a Resolution to be prepared regarding the Canby Utility Board and their engineering projects. This was an oversight and will be prepared.

Administrator Wyman pointed out that on the June 30 print out it shows all funds in the "black" with some funds having a fair amount of unappropriated cash balance. We should be starting out the new fiscal year in "fair shape" and he has made the following recommendations: 1) renew janitorial service; 2) rehire swim pool secretary on a ½ time basis; 3) rehire library personnel; 4) rehire Engineering Tech for one month to assist in Traffic Plan; and 5) hire two patrolman. Mr. Wyman noted that one patrolman would be hired now and one later, perhaps in August. After these positions are filled, Chief Seigler will eliminate a Detective position and add one more Sergeant for better road supervision. Councilman Knight also questioned about adding the part time positions of parking attendant and dog control officer. **Councilman Knight moved that the Council accept the recommendation of the City Administrator and fill the five listed positions and in addition to give consideration of replacing the Traffic Control Officer and Dog Catcher on a part time basis and make a recommendation on them very soon. Seconded by Councilman Westcott and approved unanimously.

Mayor Rapp noted the need to set a date for a caucus for candidates for the Council positions and office of Mayor for the November 4, 1980 election. Attorney Bettis said that our City Charter is out dated and we would have to abide by State Election Laws and meet their deadline requirements. **Councilman Westcott moved that we set August 5, 1980, Tuesday, after 7:30 p.m. for the nominating caucus for the City of Canby in the Council Chambers. Seconded by Councilwoman Brown and carried unanimously. **Councilman Westcott moved that in the Notice of the caucus meeting that the Recorder is required to give in pursuant of the City Charter that he also give notice that nominating petitions as permitted by Section 13, Chapter 4, of the

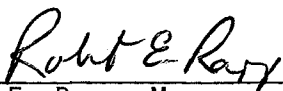
City Charter, be filed with the City Recorder on or before August 20, 1980, by 5:00 p.m. Seconded by Councilman Pulver and approved 5-0.

Mr. Wyman explained that at the next meeting the staff should be prepared to inform the Council of what the City intends to put on the November ballot for the proposed new Tax Base.


Mayor Rapp asked the Council to be considering people for the following appointments which are vacant or soon will be: two library board members, two budget committee members, a one year appointment in December for the Planning Commission and a position on the Canby Utility Board in December.

At this time the Mayor turned the meeting over to City Planner Stephan Lashbrook to finalize discussion on the proposed Comprehensive Plan. Mayor Rapp felt that the Council has given considerable input on the UGB and housing aspects of the plan. Mr. Lashbrook felt the transportation section needed some reworking, however, it will be amended as the traffic study is completed and the information available. The Council consensus regarding sidewalks was to implement them into the proposed plan. Mr. Lashbrook asked the Council for input regarding the "rock pit" area. The Council's feelings on this issue was split between heavy and light industry. Although the Council was split on the heavy vs. light industry zoning, they were all of concern about the noise, traffic, pollution and effect on the water system for this area. Mr. Bury questioned about the C-2 zoning. Mayor Rapp reiterated the C-2 zoning explained at the last meeting, adding that the South Ivy Street could perhaps be zoned C-2 with "campus type" developments (with courtyard affect). Mr. Lashbrook informed the Council that in perhaps 6 to 8 weeks ordinances would be ready for joint meetings with the Planning Commission and Council for public hearings.

Mayor Rapp adjourned the Regular Meeting at 10:15 p.m.



Robert E. Rapp, Mayor



Harold A. Wyman, Administrator/Recorder

P R O C L A M A T I O N

WHEREAS, the City of Canby, County of Clackamas, Oregon held an Election on June 24, 1980, to consider "B" Ballot a tax levy totally financed by local taxpayers in the amount of \$156,839;

WHEREAS, George D. Poppen, County Clerk of Clackamas County offers the following as an OFFICIAL ABSTRACT OF CITY OF CANBY ELECTION OF JUNE 24, 1980;

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

NOW THEREFORE, I ROBERT E. RAPP, Mayor of the City of Canby, County of Clackamas, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting.

Dates this 8th day of July, 1980.

Robert E. Rapp
Mayor Robert E. Rapp