

CANBY CITY COUNCIL

SPECIAL MEETING

August 27, 1980

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

Also Present: Administrator Harold A. Wyman, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, Canby Herald Editor Steve Fredrick, Oregonian Reporter Pat Jeffries, Ellen Burbridge, Community Development Coordinator, Eihnard Diaz, of Diaz & Associates, Keith Thomason, Craig Shinn, Edith Farr, Michael Gabrion, David Bury and Howard Barlow.

Mayor Rapp called the Special Meeting to order, followed by the flag salute and roll call.

Councilman Swayze introduced to the Council, Ellen Burbridge of Clackamas County Community College, working in Canby as Community Development Coordinator, and Michael Gabrion, who is running for the position of councilman.

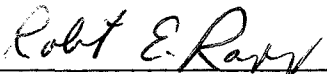
Mayor Rapp adjourned the Special Meeting to go into a workshop to discuss sewer rates and the Neighborhood Advisory Committee.


The Special Meeting was called back to order.

\*\*Councilman Swayze moved that heads of households who are 65 years or older, or qualify for Social Security Total Disability Benefits regardless of age pay a sewer rate of \$4.85 per month and that to qualify for this rate they must furnish the City of Canby proof of age or disability status. Additionally the sewer rate for living units of residents not mentioned above shall be \$6.80 per month starting on the November, 1980 billing. Seconded by Councilman Nichols, and approved unanimously.

\*\*Councilman Westcott moved to authorize the County to proceed with a request for proposals for engineering study on S. Locust improvements. Seconded by Councilman Swayze. Motion carried 6-0.

Mayor Rapp adjourned the Special Meeting at 9:20 p.m.

  
Robert E. Rapp, Mayor

  
Stephan A. Lashbrook, City Recorder Pro Tem

August 27, 1980

CANBY CITY COUNCIL

REGULAR MEETING

AUGUST 20, 1980

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

Also present: Administrator Harold A. Wyman, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, Attorney Wade P. Bettis, Secretary Virginia Graham, Oregonian Reporter Pat Jeffries, Canby Herald Editor Steve Frederick, Kurt Schrader, John H. McCall, John P. Tatone, David E. Bury, Walt Mintkeski of Lee Engineering, Gary Sowles and Howard Barlow.

Mayor Rapp called the Regular Meeting to order at 7:32 p.m., followed by the flag salute and roll call.

\*\*Councilwoman Brown moved that the minutes of the regular meeting of August 6, 1980 be approved with correction to page 2, paragraph 7, should read "for identification of vandals". Seconded by Councilman Nichols and approved unanimously.

Mr. Bettis informed the council that the Canby Utility Board contacted him as they wanted to be a part of the vandal fund and wanted to know how to make the check. The Utility Board donated \$200.00 to the fund.

CITIZEN IN-PUT ON NON-AGENDA ITEMS: Mayor Rapp called for anyone wanting to address the council on anything not on the agenda. No answer from the audience.

ORDINANCES & RESOLUTIONS: Mr. Bettis informed the council that Resolution #284 would be on Tax Base Resolution not for adopting 1980-81 Budget Appropriation. The resolution previously adopted for approving the budget is adequate. Mr. Bettis then read RESOLUTION NO. 284: A RESOLUTION PROVIDING FOR AND CALLING A CITY TAX BASE ELECTION IN AND FOR THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, ON TUESDAY, NOVEMBER 4, 1980, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF CANBY, OREGON, THE QUESTION OF ESTABLISHING A NEW TAX BASE FOR THE PURPOSE OF APPLYING THE LIMITATION ON TAXATION SET FORTH IN SECTION 11, ARTICLE X1, OREGON CONSTITUTION, in total. Mr. Bettis noted he informed Mr. Wyman that he should date and complete this on the 15th of October, also the date of the first notice. \*\*Councilman Swayze moved that Resolution No. 284: A RESOLUTION PROVIDING FOR AND CALLING A CITY TAX BASE ELECTION IN AND FOR THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, ON TUESDAY, NOVEMBER 4, 1980, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF CANBY, OREGON THE QUESTION OF ESTABLISHING A NEW TAX BASE FOR THE PURPOSE OF APPLYING THE LIMITATION ON TAXATION SET FORTH IN SECTION 11, ARTICLE X1, OREGON CONSTITUTION, be approved. Seconded by Councilman Westcott. Mr. Wyman asked whether under the explanation the number of years couldn't be explained better, voters think this is for one year, could it say it is good up to the year 84-85. Mr. Bettis explained there is no limit to the years. Begins 1981-82 and thereafter. Would have to advertise and explain to the voters. Motion carried 6-0.

COMMUNICATIONS: Administrator Wyman read a letter from Ron Tatone addressed to Mr. Ken Ferguson regarding Willamette Green #2, and requesting sanitary sewer line near the intersection of Territorial Road and the Molalla Forest Road be permitted to traverse City owned property .

August 20, 1980

Mr. Ferguson explained they were granted a 10 foot easement along Territorial Road and along the logging road for the sewer line, but not across the corner of the property. Mr. Tatone is asking now that they be allowed to cut through the property rather than go up to the corner and cut through the asphalt twice, and would be willing to put in another manhole. Mr. Ferguson said this new easement would not interfere with Crown Zellerbach's use of the road.

Mr. Bettis said that if he is going to put the sewer line on City property he didn't see the necessity to grant the new easement if Mr. Tatone will agree by letter that once installed at their expense and subject to our engineers approval the sewer line becomes City owned property. We could permit an consturction easement and state to construct and providing the line is constructed according to specs and approval of Council and Mayor and at the end of the one year warranty and acceptance by our engineer the sewer line will become without cost to the City, the City's line. I think that should be the proper way to handle the matter.

Council discussed any plans to build on this portion of the property. Mr. Ferguson thought that if the property was a right angle we probably might, but with the angle it is he wouldn't think so.

Mr. Ferguson noted that with the large rocks there and problem with them going through sewer lines, during construction rocks will have to be removed and maybe have to use some fill dirt. The city will be doing on-site inspections on the line during construction.

\*\*Councilman Nichols moved that the owners and or developers of Willamette Green #2 be granted a temporary construction easement which shall be evidenced by a copy of the minutes of this Council Meeting for the purpose of constructing a sanitary sewer line in, on, or, and across that portion of the city's property as evidenced by the map attached to and referred to in the letter to Mr. Ferguson, Public Works Director, dated July 31, 1980, by Engineer Ronald G. Tatone; and that the grant of such easement is on the expressed understanding and conditions that construction shall commence and shall proceed thereafter under the supervision of the City's superintendant of Public Works and in accordance with the existing ordinances and other lawful rules and regulations for the construction of such facilities; and with upon completion of the project it is to first be certified for acceptance by the City's Superintendent of Public Works and that if upon completion and approval of the project and after one year has elapsed for completion of the warranty period the City shall acquire ownership of the facilities installed within the easement without any costs or expense and shall thereafter be and remain the owner of such facilities without reimbursement to the owners or developers of Willamette Green #2 or anyother person or persons. Seconded by Councilman Knight. Questions asked by Councilman Westcott that if the letter from Mr. Tatone asked that the easement be modified, was there ever an easement issued. Mr. Ferguson answered that his understanding that the council did grant an easement. Mr. Bettis explained that after the one year the sewer line would become the same as any other sewer line in town. Roll call vote was requested. Councilpersons Brown, Knight and Nichols voted aye; Councilmen Pulver, Swayze and Westcott voted nay; and Mayor Rapp voting aye. Motion passed 4-3.

Mr. Bettis recommended an answer to Mr. Tatone's letter stating the Council approved your request, with a copy of the minutes enclosed showing the motion and conditions. It is now necessary that the owners of the Willamette Green #2

August 20, 1980

acknowledge to the City in writing their understanding of the conditions and the terms. And when they are ready to proceed with the construction the city be notified so that we can supervise and certify the project. Mayor Rapp directed Mr. Ferguson to write the letter to Mr. Tatone.

Administrator Wyman read a letter from Mr. Bettis concerning Mrs. Puls and the animal ordinance violation, advising reschedule of the appeal hearing on the matter. \*\*Councilman Westcott moved that the case of the appeal on Mrs. Puls for special permit to keep animals be rescheduled for hearing on September 3, 1980, and that Mrs. Puls be advised and other interested parties. Seconded by Councilman Pulver. Motion carried 6-0.

Administrator Wyman read a letter from Mr. Bettis concerning Cable Television Seminar. A seminar will be held in Denver in September on cable television. Mr. Bettis felt someone should attend to get as much information as possible on the subject. Mr. Bettis further stated the City of Portland anticipates at least ten million dollars in revenue from the franchises that they are going to be issuing. Council asked Mr. Lashbrook his thoughts on the matter. Mr. Lashbrook thought the expense in going to Denver too much, that there should be some seminars in this area that would be more advisable to attend. Council felt there was a need to have more information on cable television. Mayor Rapp thank Mr. Bettis for bringing this to the councils attention.

Administrator Wyman read a letter from Duane Lee of Lee Engineering concerning the Canby Sewage Treatment Plant Flow Meter. Lee Engineering was requested to look into this matter for the City. The letter gives eight different systems of flow meters that could be used. They have recommended a solid state metering system utilizing an ultrasonic transducer. Also stated that equipment parts and installation cost are down about 30% of what they normall expect. This trend should continue through the spring of 1981. Mr. Walt Mintkeski of Lee Engineering was present to explain or answer any questions. Mr. Mintkeski explained there was really only one company in the northwest who could supply this material. Mr. Mintkeski thought telephone bids would result in only one or two quotes. Councilman Westcott wanted a telephone survey of what is available and logged by public works. \*\* Councilman Westcott moved the staff solicit telephone bid survey of what's available and that it be logged by Public Works of what is available as per Lee Engineering's letter, and issue a purchase order not to exceed \$4600 including shipment. Seconded by Councilman Knight. Motion carried 6-0. Mr. Mintkeski mentioned again this is a good time to continue with Phase 1-A with prices down. Mr. Ferguson was advised to write a letter requesting council to give authority to continue study. Councilman Westcott advised that the council requested some reports be given the council on package plants from Lee Engineering and have received nothing as yet. Councilman Westcott would like the council to have this before we move ahead on any engineering. Duane Lee was asked about this twice, Motion passed 6-0.

Administrator Wyman read a letter from Mrs. Nylander of 378 S. Locust concerning her fall on a city street on April 5, 1980. Mrs. Nylander feels the city is responsible and should pay her bills resulting from the fall. Mr. Wyman has verified her injury with Dr. Davies. \*\*Councilman Westcott moved that this be turned over to our Insurance carrier and request them to look into it and get in touch with Mrs. Nylander. Seconded by Councilman Swayze. Mrs. Nylander should also be notified. Motion passed 6-0.

Mayor requested a short recess at 8:29 p.m. and reconvened the Regular Meeting at 8:44 p.m.

NEW BUSINESS:\*\*Councilman Knight moved that Accounts Payable in the amount of \$56,452.66 be paid. Seconded by Councilman Swayze. Roll call vote, motion carried 6-0. Councilman Knight noted that the warrant for Dale Industries was not payment in full.\*\*Councilman Knight moved that a warrant be issued on the County Treasurer for a bill from Dale Industries, in the amount of \$57,361.72, to be paid out of the Water Bonds. As an explanation it is for building pipe lines #1, 2 and 5 segments. Seconded by Councilman Westcott. Roll call vote with motion passing 6-0.

Councilman Pulver asked Mr. Atwood about the repairs on streets that are torn up as a result of pipe lines. Mr. Atwood explained that repairs will be made, pressure has been put on Dale Industries previously and will be done again. Discussion on street conditions followed.

Administrator Wyman read a letter from Fred Egger, Manager, Canby Utility Board regarding Bid opening and award of Water Treatment Plant expansion contract. Low bid was from Willis Mechanical Contractors with a bid of \$272,717.00. Next lowest bid was from James M. Montgomery Engineers with a bid of \$310,200.00.

Councilman Westcott inquired as to a resolution that was to be done on water treatment plant that the board would award the bid and send the city the encumbering sheets and we would encumber the money. The resolution has not come back to the council as yet. Councilman Westcott asked Mr. Wyman if he would get the resolution on the September 3, 1980, regular meeting. Councilman Westcott said he would contact Mr. Egger with approval to go ahead, as it has been discussed at the August 20, 1980 meeting, and award the contract to lowest bid.

UNFINISHED BUSINESS: Approval of Public Works Contract. Administrator Wyman informed Council that a letter from Mr. Bettis was not in the packet, but given to them tonight. The letter contained some questions and suggestion for some language changes. Councilman Knight suggested that the council not take any action on this until they have a chance to compare the recommendations to the existing contract.\*\*Councilman Knight moved to table our approval of the Public Works Association contract until the next regular meeting. Seconded by Councilman Nichols. Motion carried 6-0.

Mayor Rapp reminded Council of the Special Meeting on Wednesday, August 27, 1980.

OTHER REPORTS AS REQUIRED OR NEEDED: City Planner Stephan Lashbrook asked for guidance from the Council on a few points on the Comprehensive Plan. Mr. Lashbrook pointed out the Comp Plan was moving along slower than he had hoped for, as there are a lot of other projects in the works too. Mr. Lashbrook had four different areas to mention, and he would explain to the Council his ideas and then ask their opinion. First the city is looking at creation of three or four new zones; new kind of residential zone, convenience commercial type, or neighbor commercial, and commercial-residential mixture type of zone. Mr. Lashbrook then referred to a map, pointing out what he had in mind. Zone changes would have to be initiated where the new comprehensive plan would create a zoning conflict. Mr. Lashbrook said there are two pieces of property that should

be included in the package. First piece of property is the Amstutz property, located at N. Pine and 4th. The other is the Mod Com property on the south side of town. Part of the property is zoned light industrial and part of it is zoned commercial. Mr. Lashbrook felt this property should be zoned all light industrial. Mr. Lashbrook asked the Council if they knew of any other cases where it would be appropriate for the city to initiate this kind of zone change, as this is the time to do it.

Mr. Lashbrook brought up the city's business license procedure. There is some difficulty as the parking requirements aren't standardized. This has created problems. The city should make a revision on the parking standards. Another problem is the wording on home occupation. People that are using their homes for telephone use only by the wording have to have a conditional use permit. The city has been approving some of these without the permit, with a condition that it is for telephone use only and there are no complaints from the neighbors. Councilman Westcott did feel that this should be a simple process.

David Bury questioned addition of new street going through, spurring 13th and Township. Mayor Rapp answered that the Council was waiting for the traffic study before considering this and other new streets.

~~Dr. Kurt Schrader~~ <sup>John McCall</sup> discussed missing the comprehensive plan meetings, as he has property on Territorial that he wanted a zone change on for higher density, and asked for Council opinion on changing this. Councilman Westcott asked if he had any in-put on the property before he bought the property. ~~Dr. Schrader~~ <sup>John McCall</sup> said he did have and was going to come in and see about a change. He now realizes that the city was in the process of changing the comprehensive plan. Mr. Lashbrook said this was under discussion with the developers now.

At this point Mayor Rapp turned the meeting over to the Council President, Robert Westcott. This was at 9:26 p.m.

President Westcott suggested this should have been discussed at the time the property was being purchased. ~~Dr. Schrader~~ <sup>John McCall</sup> thought he could still possibly get the zone change. President Westcott said he should continue his contact with staff.

President Westcott next opened the floor for nominations for two library board openings. Councilwoman Brown nominated Dennis Nolder and Martha Schrader for the positions. Councilman Nichols closed the nominations. Councilman Nichols moved that the nominations be closed and a unanimous vote be cast. Seconded by Councilman Swayze. Motion passed 6-0.

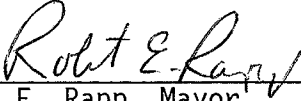
Administrator Wyman asked for Council permission to call for bids for a Backhoe. Council agreed to a call for bids on the backhoe.


Mr. Bettis added that he handed out to the Council some papers on purchase of real property for construction of a street, by LDS Church. This option for \$10.00, includes the City pay title insurance and the church not be responsible for improvements or assessments on the property. Mr. Bettis asked the Council to approve this option. This is the southwest corner of the property. Mr. Lashbrook informed council that we did not excuse the church from some further local improvement district, and did not intend to. There are not any improvements right now, but might be in the future. President Westcott suggested this be set over until September 3, 1980 meeting, so staff can make a recommendation. Council asked Mr. Lashbrook to review

the minutes to refresh his memory on the subject. Mr. Bettis said he will contact the church and let them know the one item of concern; the chance of future development to the said property.

Councilwoman Brown suggested that letters be sent to Mrs. Salt and Edward Patterson on their retirement from the Library Board.

President Westcott adjourned the Regular Meeting at 9:43 p.m.

  
\_\_\_\_\_  
Robert E. Rapp, Mayor

  
\_\_\_\_\_  
Stephan A. Lashbrook, City Recorder Pro Tem