

CANBY CITY COUNCIL

REGULAR MEETING

FEBRUARY 6, 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 A. Wyman, City Attorney Wade P. Bettis, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, Treasurer Myra Weston, Secretary Marilyn Perkett, David Bury, Tom Overturf, K.W.R.C. Reporter Tom Jelineo, Canby Herald Reporter Chuck Laird, Planning Commissioner Gary Sowles and Duane Lee of Lee Engineering.

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

Councilwoman Brown moved to approve as distributed the minutes of Special Meetings, January 14, 16 and 30, and the minutes of Regular Meeting January 16. Seconded by Councilman Nichols and approved 6-0.

CITIZEN IN-PUT ON NON-AGENDA ITEMS - Myra Weston addressed the Council regarding communications when the Council either replaces or appoints city officials. Mrs. Weston felt the Council and staff should promote better communications on this matter, as she pointed out some cases in the past which were handled very poorly and felt the people who gave their personal effort and services to our community deserved more courtesy. Council consensus was to strive harder for better communications.

RESOLUTIONS & ORDINANCES - City Attorney Bettis read Resolution No. 275. Councilman Westcott moved to approve RESOLUTION NO. 275, A RESOLUTION AUTHORIZING INCREASE IN RATES UNDER GARBAGE FRANCHISE CONTRACT WITH CANBY DISPOSAL COMPANY. Seconded by Councilman Pulver and approved 6-0 by roll call vote.

Administrator Wyman read a letter from the Clackamas County Board of Commissioners regarding the proposed agreement of the amount of base refund and the Equalization Grant our Library will receive. Attorney Bettis had prepared a Resolution regarding this and read it to the Council. Councilman Westcott moved to approve RESOLUTION NO. 276, A RESOLUTION AUTHORIZING AGREEMENT WITH CLACKAMAS COUNTY FOR BASE REFUND AND EQUALIZATION GRANT FOR COOPERATIVE LIBRARY SERVICES. Seconded by Councilman Swayze and approved by roll call vote 6-0.

COMMUNICATIONS - Administrator Wyman read a memo from Planner Lashbrook regarding the special census and telephone survey that staff had completed. Due to the cost factor involved and the possibility of only about a \$3,600 gain, the staff recommendation was not to proceed with a special census at this time.

A staff memo from Ken Ferguson regarding the Traffic Signal on S.W. Berg Parkway was read by Mr. Wyman. Mr. Ferguson informed Council that an "advance

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warning sign" will be placed on 99 E from the direction of Barlow to familiarize drivers of the pending signal which will be activated at 10:00 a.m. on Tuesday, February 12, 1980.

Mr. Wyman read a memo from Ken Ferguson regarding the status of a Traffic Safety Study. Mr. Ferguson noted that 750 questionnaires have been printed and are ready to be distributed but will wait until he can get pre-publicity through the local newspaper. Council will be informed of the tabulation of the returned questionnaires.

Mr. Wyman read a letter from Attorney Bettis regarding the deeds for alignment of South Locust Street and noting that the file is far from complete. Mr. Wyman also read a memo from Ginny Shirley, Public Works Secretary, noting that she is prepared to devote a great deal of time to complete this project. Mr. Bettis pointed out to the Council that he will work closely with Mrs. Shirley on this matter and he also explained the necessary procedure required for clear titles after the dedications are signed and recorded.

A letter from Phil Ferguson, Pastor of the Church of the Nazarene, was read by Mr. Wyman, requesting use of Wait Park on Saturday, July 19, during the annual "sidewalk sale" for the purpose of selling and/or presenting religious programs. Councilman Westcott moved that the Pastor of the Church of the Nazarene be notified of the approval of their request for the use of Wait Park, on the approximate date of July 19, during the "sidewalk sale". Seconded by Councilman Nichols, motion carried 6-0.

Mr. Wyman read a letter from James Wakefield, Meteorologist from the National Weather Service in Portland, commending Chief Smith French and his staff for their efforts in monitoring the gage on the Molalla river during the high water period early in January. Councilman Swayze moved to add the letter, January 23, 1980, from James D. Wakefield, Weather Service Meteorologist, to the file of Smith French. Seconded by Councilman Nichols, approved 6-0.

A letter from Kent Aldrich, Mayor of Salem, was read by Mr. Wyman informing the Council of the project Salem citizens have sponsored as a demonstration for concern for our fellow citizens held hostage in Iran and asking our community to join the plight. Mayor Rapp instructed staff to send a letter to the Mayor of Salem reinforcing our support and commending them of their project.

Mr. Wyman read a letter from Chief Seigler and one from the Oregon State Speed Control Board pointing out results of a traffic engineering study of the speed on S. Ivy St. Recommendation was to reduce the speed to 30 m.p.h. and 20 m.p.h. when children were present in the school zone. Mr. Ferguson informed Council that staff had researched this and felt that the 30 m.p.h. was reasonable. Several Council members concurred with this recommendation. David Bury urged the Council to try to continue to have the speed reduced to 25 m.p.h. Councilman Westcott suggested that the school institute a Safety Patrol program for the school zone area. Councilman Swayze moved that the City accept the recommendation of the Oregon State Speed Control Board as per their letter of January 23, 1980, to lower the speed on S. Ivy to 30 m.p.h. and 20 m.p.h. when children are present in the school zone. Seconded by Councilman Westcott and approved 6-0 by roll call vote.

Administrator Wyman read a letter from former Canby resident, Ray Christian, regarding his concerns about the railroads crossing in the City as hazardous and the deaths involved. Mayor Rapp instructed staff to write to Mr. Christian informing him of the improvement made in the past years on the crossings and to enclosed a couple of pictures of the crossings as they are activated.

Mayor Rapp recessed the Regular Meeting at 8:27 p.m. and reconvened at 8:39 p.m.

NEW BUSINESS - Councilman Knight moved to pay accounts payable in the amount of \$57,516.21. Seconded by Council Nichols and approved 6-0 by roll call vote.

Eight liquor license renewals were presented to the Council, all which had been approved by both the Chief of Police and Fire Chief. Councilman Swayze moved that the renewal liquor license application for the following be approved: Tradewell, HiWay Market, El Gazebo, 7-11 Store, Canby Home Discount Store, Canby House, Grand Central Station and Willamette Valley County Club. Seconded by Councilman Pulver and approved 5-1 by roll call vote with Councilman Westcott voting nay.

In response to comments earlier in the meeting under Citizen In-Put, Councilman Westcott moved for the following to be placed in the Book of Policy: ALL APPOINTEES OF THE COUNCIL WILL BE NOTIFIED THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF THEIR TERM AND THAT THEIR POSITION WILL BE OPEN FOR APPOINTMENT OR REAPPOINTMENT OF A PERSON TO THAT POSITION. IF THEY DESIRE TO RETIRE OR BE REAPPOINTED, THAT THEY LET THE COUNCIL KNOW THROUGH A RETURN POSTAGE PAID FORM. Seconded by Councilwoman Brown and approved unanimously.

UNFINISHED BUSINESS - Mr. Wyman informed the Council that he had checked the banks in reference to loans for our Traffic Study. The bank would only loan us at 1% more than our time notes, which would be about 14 $\frac{1}{2}$ %, therefore, it has been worked out that after we receive the money from the State, we will turn the checks over to Compass Engineering and they are willing to wait for their money.

X Regarding the Amendment #3 with Montgomery Engineering, Councilman Westcott felt before approving the \$50,000 cost of the Amendment #3 it will be necessary to hold a workshop with the Canby Utility Board and the Engineers. Mayor Rapp set the date of Thursday, February 21st, 7:30 p.m. to be a Special Meeting with other business to be introduced and also a workshop with the CUB and Engineers.

Duane Lee, Lee Engineering, informed the Council of several aspects in their studies at the Sewage Treatment plant of problems that have held them up. He itemized each of the problem areas and the modifying of each process for solutions. Due to these timely problems Mr. Lee was asking Council for an extension before presenting their draft plan. Councilman Swayze moved to grant Lee Engineering until the first Regular Meeting in March, March 5, 1980, to complete the draft form of their final report. Seconded by Councilwoman Brown and carried 6-0. Ken Ferguson pointed out that we should be thinking about rate increases and also an increase in sewer connection fees for future cummulation of monies.

OTHER REPORTS AS NEEDED - Mr. Wyman informed Council that all necessary papers regarding the Koehler Estate have been signed and the deed is now in City Hall. Mr. and Mrs. Burleson are now renting the building for \$600.00 per month also, paying utilities and they should be informed as to our futute intentions. Mayor

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Rapp instructed staff to inform Mr. and Mrs. Burleson of the consensus of the Council to allow them a minimum of six (6) months tenancy and also the fact that they will be notified ninety (90) days prior to any intentions of the City for them to vacate the premises.


Mr. Wyman asked Council for approval for recording the street dedication of Mr. and Mrs. Crites on N. Maple St. Councilman Westcott moved to approve for recording, a small strip of property on N. Maple Street of Richard D. and Mary Ann Crites for widening for right of way, 104 feet long and 20 feet wide. Seconded by Councilman Swayze and approved unanimously.

Mr. Wyman read a letter dated December 17, which Judy Hogland, Bookkeeper, wrote to Greg Meacham inquiring what his wishes were concerning the approximate \$3,000 the City holds for him. She also wrote a memo to the Council explaining the situation and explaining that Mr. Meacham has not contacted the City. Mr. Bettis explained to the Council that he could start Probate Court proceedings and ask the Court to appoint a conservatory and also that he would notify Mr. Meacham and his parents of the hearing. Councilman Swayze suggested we contact Dr. Silver, Mr. Meacham's Doctor, before these proceedings are started. Council approved this action and asked Mr. Bettis to proceed.

Attorney Bettis read a letter from Attorney Bean, representing the L.D.S. Church, in regards to their building permit and dedication of property on S. Elm and S.W. 13th for street right of way and also the option of the city to purchase additional land within the next 5 years at \$10.00. It was also discussed about the fact that the church had not installed a fire hydrant which was a requirement of the Fire Marshall. Staff recommend a temporary occupancy permit be allowed and authorized Attorney Bettis to inform the church of the temporary permit. Councilman Westcott moved that staff be authorized to apply for title insurance for dedication for right of way from the L.D.S. Church for street widening on the west side of S. Elm and the north side of S.W. 13th Avenue at the City's expense. Seconded by Councilman Swayze and approved 6-0 by roll call.

Mayor Rapp reminded Council of the Budget Hearing on Monday, February 11, and also of the workshop on Thursday, February 21.

Mayor Rapp adjourned the meeting at 9:28 p.m.



Robert E. Rapp, Mayor



Harold A. Wyman, Administrator/Recorder

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