

CANBY CITY COUNCIL  
SPECIAL MEETING  
MARCH 26, 1980

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

Also present: Attorney Wade P. Bettis, City Planner Stephan Lashbrook, Treasurer Myra Weston, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, Secretary Marilyn Perkett, Canby Utility Manager Fred Egger, Utility Board Members Dennis Nolder, Howard Giger and Steve Garvey, Dennis Eckhardt of James Montgomery Engineering, Planning Commissioner Gary Sowles, Marlin DeHaas, Attorney Jack Orchard, Charles Landskroner and David Bury.

Mayor Rapp called the Special Meeting to order at 7:31 p.m., followed by the flag salute and roll call of Council.

City Planner Lashbrook read a memo from City Administrator Wyman recommending that the Council accept the bid from Beck Electric on the lighting of the Maple Street Park ball fields. Councilman Swayze moved that the Council accept the low bid of \$19,904 from Beck Electric for the Maple Street Park ball fields lighting. Seconded by Councilwoman Brown and approved 6-0.

Mr. Lashbrook read a letter from Scoutmaster Gerald Harvey of Aurora requesting permission to stay overnight at the Canby Community Park on Saturday night, March 29, with 10 boys. Councilman Swayze moved Mr. Harvey, Scoutmaster, be allowed to camp overnight with approximately 10 boys at Canby Community Park on Saturday, March 29. Seconded by Councilwoman Brown and approved unanimously.

Attorney Bettis inquired as to what line item of the budget the ball field lighting would be appropriated. Mayor Rapp said we would need to hold a supplemental hearing to transfer monies.

Attorney Bettis explained how we would canvass the recent budget election. This will be done at our next regular meeting if the results are back from the County and if not, we may have to hold a special meeting.

Planner Lashbrook asked the Council if they were ready to make a decision on the Estate Eight Annexation. Councilman Swayze moved to remove from the table the Estate Eight Annexation application. Seconded by Councilman Westcott and carried 6-0. Mayor Rapp noted that the Public Hearing was closed on this issue and not more testimony would be taken.

Councilman Westcott felt there was a major concern with the inability to provide water at this time and in the Statewide Land Use Planning Goals, one is public facilities, and he felt these could not be provided at this time. Councilman Westcott asked Attorney Bettis if he felt we could not deny the annexation on testimony from the Public Hearing

Attorney Bettis felt he hadn't heard anything at the hearing that would make a defensible case. Mr. Bettis noted that he had talked to Mr. Orchard by phone and Mr. Orchard had some information and ideas he had gained from Mr. Dan Carlson, Executive Director of the Metro Boundary Commission that the Council would be interested in hearing.

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Mr. Orchard noted that the Boundary Commission had been advised by the Attorney General that it cannot give conditional approvals on annexations. Mr. Carlson pointed out one method of dealing with that situation and that is that the Council can recommend the annexation take place and instead of conditioning things they could also state for the record at the time of annexation that this annexation, and perhaps future ones, will be guided by certain policies relating to urban services. The test that the Boundary Commission uses is if the services are currently or reasonably available. Mr. Orchard informed them of our current water bond study and appropriated monies and Mr. Carlson felt that Canby has the capability for the services.

Attorney Bettis suggested a decision be delayed until the we meet with the applicant to make some guide lines for this project and others.

Mayor Rapp inquired if the policies could be passed on from one owner to another and he also felt a need for an Annexation Ordinance.

Attorney Bettis said this could be made enforceable by recording in the County deed records.

Councilman Westcott noted he was in favor of denying this annexation until an Annexation Ordinance is adopted and also felt in all fairness, including the Grossnickle application, this should be turned down now and then they could come back. Councilman Westcott moved 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. Seconded by Councilman Pulver. Attorney Bettis suggested an alternate option would be to table this issue and also advise Grossnickle that due to now pending matters the Council would consider their application on Council motion.

Since the former is a motion of priveledge, Councilman Swayze moved to table the annexation application of Estate Eight. Seconded by Councilwoman Brown. Roll call vote was 4-2 in favor, with Councilmen Westcott and Pulver voting nay.

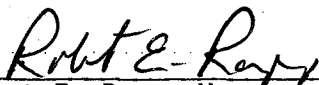
Attorney Bettis suggested that Attorney Reif, someone from the Planning Commission, Mr. Lashbrook and someone from the applicants get together to formulate proceedings with this issue. Councilman Pulver also suggested that someone from the Traffic Safety Committee be asked to help on this issue of preparing an order.

Mayor Rapp recessed the Special Meeting at 8:13 p.m. to go into a workshop with the Canby Utility Board.

Mayor Rapp reconvened the Special Meeting at 9:45 p.m. Mayor Rapp noted that we had to accept all the quotes in the Beck Electric bid, since it was not advertised and the total was over \$10,000. Councilman Swayze moved that we ammend the former motion and moved to accept the Beck Electric bid of \$19,904 for the expenses listed in their letter of March 3, 1980, for quotes one through seven. Seconded by Councilman Pulver and carried 6-0.

Councilman Westcott brought up the fact that due to the DUII's published in the paper, he felt we do not need anymore lounges in town. Mayor Rapp also questioned how much time is also spent on other patrolling, other than DUII's.

Mayor Rapp adjourned the Special Meeting at 10:00 p.m.

  
Robert E. Rapp, Mayor

  
Harold A. Wyman, Administrator/Recorder