

CANBY CITY COUNCIL

REGULAR MEETING

JUNE 18, 1980

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

Also present: Harold A. Wyman Administrator, City Attorney Wade P. Bettis, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, Secretary Marilyn Perkett, K.W.R.C. Reporter Tom Jelineo, Oregonian Reporter Dana Speilmann, Canby Herald Editor Steve Frederick, David Bury, Howard Barlow, Mitch Herrins, Dave Carr and others.

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

**Councilman Swayze moved to approve as distributed the minutes of Regular Meeting June 4 and Special Meetings June 2 and June 9, 1980. Seconded by Councilman Pulver and carried 5-0.

The Public Hearing and Citizens In-Put was set for later in the meeting.

ORDINANCES & RESOLUTIONS - Attorney Bettis read Ordinance No. 280 for the first reading. **Councilman Nichols moved to approve Ordinance No. 280, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES and the proper posting be made for second and final reading on July 2, 1980, after 7:30 p.m. Seconded by Councilman Westcott and approved 5-0.

Resolution No. 282 was read by Attorney Bettis. **Councilman Westcott moved that Resolution No. 282, A RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN BUDGET LINE ITEMS TO BALANCE YEAR END ACCOUNTS be approved and passed. Seconded by Councilman Nichols and approved 5-0.

COMMUNICATIONS - Mr. Wyman read a letter from JoAnne Burleson, Willamette Acadame of Arts, requesting reduction of rent on the City owned Koehler Building which they rent. Due to tight money and loss of jobs student enrollment has dropped and their request is for a three month period. The Council sympathized with the Burleson's request and noted they were very good tenants. **Councilman Swayze moved that the City Council grant a \$150.00 reduction per month for the City owned Koehler Building occupied by the Willamette Acadame of Arts for the months of July, August and September, for a total rent of \$450.00 per month. Seconded by Councilman Westcott and approved unanimously.

NEW BUSINESS - **Councilman Knight moved that accounts payable be approved and paid in the amount of \$42,064.48. Seconded by Councilman Nichols and approved 5-0 by roll call vote. **Councilman Knight moved that warrants from the Clackamas County Treasury be drawn on the water bonds to pay the following bills: to Canby Utility Board for \$4,132.89 and two to James Montgomery Engineers for \$4,609.96 and \$9,272.10. Seconded by Councilman Nichols and approved 5-0 by roll call.

June 18, 1980

CORRECTION: FIRST ORDINANCE SHOULD BE 680 NOT 280.

Mr. Wyman presented a deed from Donald Rosenthal for street purposes on South Elm Street. Ken Ferguson noted that he assumed Mr. Rosenthal knew that it was his responsibility to pay for title insurance. **Councilman Nichols moved that the Canby City Council accept the deed of Donald Rosenthal for recording for street right-of-way on South Elm Street, with the City to stand the cost for the owners policy (Title Insurance) UNLESS it was previously volunteered by the owner or required by the Planning Commission. Seconded by Councilman Knight and approved 5-0.

Mr. Wyman presented the following figures from the abstract of votes from the office of George D. Poppen for the May 20, 1980 Election:

	YES	NO	UNDERVOTES
Knight Grade School - 121	205	251	52
City Hall - 122	176	179	34
Fire Hall - 123	119	119	30
Baptist Church - 124	280	256	74
Lee Elementary - 125	126	162	50
Absentee precinct	26	24	
TOTAL	932	991	240

**Councilman Swayze moved that the City Council accept the election abstract of May 20, 1980, presented by the office of George D. Poppen, County Clerk, for the City Tax Base Proposal of 932 YES votes and 991 NO votes, and a copy of the abstract be attached to the minutes of this meeting. Seconded by Councilman Westcott and approved 5-0 by roll call vote. Attorney Bettis noted that a Proclamation of the abstract must be posted.

Mayor Rapp recessed the Regular Meeting at 7:48 p.m. to go into a Public Hearing on the Willamette Green Phase II Overlay Zone Change. Administrator Wyman read a staff memo from City Planner Stephan Lashbrook recommending that the Council adopt the Planning Commission's findings of fact and approve the zone change. Since this was initiated by the City Council there was no testimony from the APPLICANT. PROPONENTS - none. OPPONENTS - none. Mayor Rapp closed the Public Hearing at 8:02 p.m.

Mayor Rapp reconvened the Regular Meeting at 8:02 p.m. **Councilman Swayze moved that the zone change from R-2 to R-2 PUD on the property located immediately north of the presently developed Willamette Green and adjacent to the Willamette Valley Golf Course be approved and the Planning Commission's findings of fact be accepted and adopted by the City Council as thier findings of fact and a copy of the Planning Commission Order, dated June 9, 1980, be attached to the minutes of this meeting. Seconded by Councilman Pulver. Councilman Westcott briefly explained the matter. Since the original PUD had been applied for there have been some negotiations since the first approval and certain deed restrictions were set by the Council. The developers felt the restrictions could create a hardship in the future and requested to be relieved from them. After a period of time and more negotiations, the PUD Overlay Zone was initiated by the Council. Motion passed 5-0 by roll call vote.

June 18, 1980

Mayor Rapp recessed the Regular Meeting at 8:07 p.m. and reconvened the meeting at 8:22 p.m.

CITIZENS IN-PUT ON NON-AGENDA ITEMS: Mitch Herrins, Sun West Promotions, approached the Council to request permission for a one day liquor permit to sell beer only at a "Frisbee and Blue Grass Festival" on June 22, 10:00 a.m. to 11:p.m. at the Clackamas County Fairgrounds. He explained that the County Fair Board had approved and they had certain restrictions including providing for security. **Councilman Swayze moved that Sun West Promotions be allowed a special event liquor license to sell beer only at the Canby Fairgrounds on June 22, 1980, between the hours of 10:00 a.m. and 11:00 p.m. inclusive. Seconded by Councilman Nichols and approved 4-1 by roll call vote with Councilman Westcott voting nay.

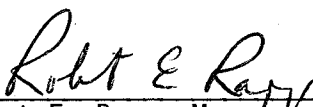
UNFINISHED BUSINESS - Ken Ferguson gave a staff report on the proposed rate increase for the monthly sewer charge. A percentage increase to cover three years and also a percentage increase to cover one year were proposed. Council consensus was to increase the monthly sewage rate for one year only, due to recent increases in the water charges. Councilman Westcott suggested we publicize the July 2 meeting and invite citizens to attend for a discussion on the matter. Mr. Ferguson will have some comparison figures to hand out to the public.

Councilman Westcott informed the Council that he had met with Dennis Eckart, James Montgomery Engineers, and Mr. Eckart proposed that they draw up a whole new agreement to encompass the entire project to the finish and each step be authorized by a motion and a letter. **Councilman Westcott moved that the City Attorney be directed to draw up a document signing by the Council to the Canby Utility Board the rights and obligations of the contract the Council initially signed with James Montgomery Engineers. A Resolution to be drawn reciting the facts that the Utility Board is responsible under the City Charter change and is supervising the project subject to cost accounting reports and approvals to the Council and therefore, the Council hereby assigns to the Canby Utility Board all further rights and responsibilities to administer the contract and future amendments to it. Seconded by Councilman Swayze and approved 5-0 by roll call vote.

Mayor Rapp inquired whether Mr. Yoder had replaced his tools that were stolen from the City Shop. Mr. Wyman suggested that we give Mr. Yoder the money outright and let him purchase the tools. Attorney Bettis will draw up an Ordinance to be read at the July 2 meeting authorizing Mr. Yoder to purchase the replacement tools in an amount not to exceed \$7,000.

Mr. Wyman noted that a group of citizens headed by Kathi Mohr have taken upon themselves to originate and distribute a flyer urging the public to approve the "B Ballot" on next Tuesday's Election.

Mayor Rapp adjourned the Regular Meeting at 9:05 p.m.


Robert E. Rapp, Mayor


Harold A. Wyman, Administrator/Recorder

Office
recorded
on this
sheet
County
CLACKAMAS
Election
MAY 20, 1980

Page 1 of 1 pages

Name or
No. of Precinct

Ballot Number

TAX
BASE
YES NO

Knights Grade School

205

251

46 votes

121

Canby City Hall

176

179

3 votes

122

Canby Fire Hall

119

119

0

123

1st Conserv. Bapt. Ch.

280

256

+24

124

Lee Elementary School

126

162

36

125

Absentee Precinct

26

24

+2

709

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

City of Canby - 5-20-80

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 9th day
of June, 1980.

GEORGE D. POPPEN, Clerk

By: D. Kenney
Deputy

TOTAL

932

991

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:

George D Poppen

Date of Abstract

6-6-80

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.

SED Form
No. 155
Aug. 1960

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