

Canby City Council
Regular Meeting
March 21, 1979

Mayor Robert E. Rapp presiding. Present: Councilmembers Beryl Brown, Beauford Knight, Robert Swayze, Leonard Taylor and Robert Westcott. Absent: Councilman Richard Nichols.

Others Present: Administrator H. A. Wyman, Attorney Wade P. Bettis, Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Police Chief Richard Seigler, Treasurer Myra Weston. Also, Editor Paul Bosarge of the Canby Herald, Diana Schmid, Oregonian reporter, Nancy Seigler, Police Officers Brian Howarth and Kim Harris, Sue Harris, David Bury, Mike and Judy Dusenberry of Milwaukie, Attorney Jon S. Henricksen of GRO Enterprises, and John P. Tatone.

After call to order at 7:30 p.m., flag salute and roll call, minutes of the Special Meeting of March 1st and Regular Meeting of March 7th were approved, with one correction, on motion of Knight, seconded by Brown, and voted unanimously. Change is in the fourth line fifth paragraph, of March 1st minutes, changing NE 20th and Maple to NE 22nd and Maple.

Recess was called at 7:33 p.m. for Public Hearing on GRO Enterprises' request for zone change from RA-1 (county) to R-1 (city) on 2¼ acres at the southwest corner of N. Maple St. and NW 22nd Ave., formerly known as the Kent property. Lashbrook explained the Planning Commission findings, recommending the zone change. Henricksen, as GRO Enterprises advocate, reviewed findings in detail. No proponents or opponents appeared to speak. Hearing adjourned at 8:00 p.m.

Council meeting resumed at 8:00 p.m. Westcott moved that the Council has found the following facts: (1.) Adequate public need to justify the change; (2.) Change is the best method of meeting public need; (3.) The proposed change conforms to the adopted city plan for land use; (4.) That the proposal complies with state-wide planning goals, and that the city attorney be directed to draw up an ordinance changing from RA-1 (county) to R-1 (city) on receipt of payment of the annexation fee. Swayze seconded. Roll call vote was 5-0, unanimous.

Attorney Bettis read Resolution No. 258 approving annexation of approximately 9.6 acres now zoned R-20 (county) at the southeast corner of N. Locust and N.E. Territorial Road, as requested by Richard and Carolee Morse, and requesting the Portland Area Metropolitan Boundary Commission to approve annexation of Tax Lots 1000, 1001, 1100. Swayze moved to approve the resolution, seconded by Taylor, vote unanimous by roll call.

Special recognition was given Police Officer Kim Harris for his heroic March 12th action at 99E and I-205 junction in Oregon City, saving lives of two passengers of a burning car in which a youth was killed. Canby Police Chief Richard Seigler's letter commended Harris for his courage and heroism beyond the call of duty, Oregon City Police Chief Donald Jones's letter called Harris's action exemplary and in the highest tradition of law enforcement, Fire Chief Duane O'Brien of Oregon City noted Harris's action as the highest level of professional heroism, and Mayor Robert E. Rapp of Canby commended Harris and noted that his heroism was performed despite broken bones in his hands from breaking the glass in the burning car to get the people out. The four letters were read by Administrator Wyman. Harris was then called to the rostrum and presented by Mayor Rapp with a citation for bravery plaque. The young officer was given a standing ovation.

Mr. Wyman read a letter from Attorney Mark O'Donnell asking an ordinance for an LID on N.E. Territorial Road between N. Locust and N. Juniper Streets and amendment to an existing ordinance reducing Territorial Road's width from 80 to 60 feet, citing

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that the county indicates 60-foot width is adequate. Public Works Director Ken Ferguson noted that property to the east on Territorial Road is not included, and that only the Morse, Kraxberger-Driggers properties (both now in the county) and the Crestview subdivision of Martin Clark are included in the proposed LID. Taylor moved to table the petition, seconded by Brown. Motion passed.

A letter from Mr. and Mrs. James T. Chapman, 502 N.W. Knights Bridge Road., noted septic tank overflow problems and requested deferral of the \$600 sewer hookup fee to paid monthly on their utility bill at \$50 per month. Mr. Ferguson stated that the 6-inch lateral can be extended to the Chapmans' property line by the city. Westcott moved to allow hookup to the city's sanitary sewer, the \$600 fee to be paid at \$50 per month plus interest at 10 per cent per annum, evidenced by a negotiable promissory note to the City of Canby. Taylor seconded. Vote was 5-0 in favor of motion. Attorney Bettis asked Director Ferguson to ask the Chapmans to communicate with him so that the note can be prepared before connection is made.

A letter from Ernie Graham of Twilite Investment was read, followed by reading of March 9th recommendations by Planner Lashbrook on the requested zone change on property on N. Pine Street. Westcott moved, seconded by Taylor, that the Council initiate proper public hearing format for consideration of a change in the comprehensive plan map for Tax Lots 1800 and 600, and 1701 and 601, T3S, R1E, section 33.

Councilman Taylor moved to pay accounts payable in amount of \$24,387.09, seconded by Knight. Westcott amended the motion to pay all except six bills covered by Purchase Order 7941, in amount of \$2,844.21 to Canby Utility Board because one invoice was not in the packet. Amendment seconded by Swayze, voted 5-0. Vote on the amended motion, by roll call, was 5-0.

Procedure for handling payments from water bond funds was requested by Mr. Wyman, with Council suggestions forthcoming.

Mr. Ferguson reported that Public Works Foreman Ralph E. (Bud) Atwood had returned home March 21st from the hospital after heart triple by-pass surgery of March 15th, and was doing well.

Attorney Bettis recommended that a copy of Resolution #258 be sent to Mr. & Mrs. Richard K. Morse.

Councilman Swayze moved to deny Duane L. Weeks' appeal of sewer charges at Canby Realty Company, because the appellant did not appear. Seconded by Taylor; passed.

Mr. Wyman reported a call from Don Broadsword of Clackamas County Public Works asking that Canby and other cities uphold the county's request to institute a 2-cent per gallon gasoline tax, saying it would give the Canby area \$54,000 for road improvements. Mayor Rapp asked to have the suggestion presented in writing by the county.

Administrator Wyman reported the Land and Water Conservation funds totaled \$119,640 for Clackamas County. Canby, which had requested \$41,000, withdrew because it had ranked tenth (high) on the list as receiving the most funds previously. Clackamas County, ranking third (lower) on the list, requested \$50,000, which was granted. With a lower rating next year, Canby is in line to receive further funding for parks, he said.

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Noting Planner Lashbrook's comments, Councilman Westcott moved that the City Planner write a letter to the Clackamas County Planning staff expressing concern about the county's approval of a conditional use permit for the United Methodist Church on land at N. Holly Street and N.W. Territorial Road, bordering the city and within its interim immediate growth area. Motion seconded by Swayze, voted unanimously.

Councilman Westcott requested that the Wait Park drinking fountain again be made operative.

Meeting adjourned 9:25 p.m.



Robert E. Rapp, Mayor



Harold A. Wyman, City Administrator

March 21, 1979

HEARING ON PROPOSED USE OF STATE REVENUE SHARING

The City of Canby, Oregon will hold a public hearing at 182 N. Holly on the 26th day of March, 1979 at 7:30 p.m., for the purpose of obtaining written and oral comment from the public on the proposed uses of revenue sharing funds in the upcoming budget for Fiscal Year 1979-80.

All interested citizens' groups, senior citizens and senior citizen organizations are encouraged to attend the hearing. Persons attending the hearing shall have the right to provide written and oral comments and suggestions regarding possible uses of revenue sharing funds. You may contact the City Administrator at 266-4021 to be placed on the agenda.

Following is important planning information for the Proposed Use Hearing:

Amount of unappropriated revenue sharing funds in the local trust fund	\$ 9,000
Amount of revenue sharing funds expected to be received during the upcoming fiscal year	\$32,087
Interest	<u>\$ 500</u>
Total	\$41,587

Publication Dates:

March 14, 1979 &
March 21, 1979

Pasted March 14, 1979
Canby Bulletin Board Inside
Post Office Outside

HEARING ON PROPOSED USE OF GENERAL REVENUE SHARING

The City of Canby, Oregon will hold a public hearing at City Hall, 182 North Holly, in the Council Chamber, on Monday, March 26, 1979, at 7:30 p.m., for the purpose of obtaining written and oral comment from the public on the proposed uses of revenue sharing funds in the upcoming budget for Fiscal Year 1979-80.

All interested citizens' groups, senior citizens and senior citizen organizations are encouraged to attend the hearing. Persons attending the hearing shall have the right to provide written and oral comments and suggestions regarding possible uses of revenue sharing funds. You may contact the City Administrator at 266-4021 to be placed on the agenda.

Following is important planning information for the Proposed Use Hearing:

Amount of unappropriated revenue sharing funds in local trust fund	\$ 5,600
Amount of revenue sharing funds expected to be received during the upcoming fiscal year 1979-80	\$108,000
Interest	<u>\$ 900</u>
Total	\$114,500

Publication Dates:
March 14, 1979 &
March 21, 1979

Pasteel March 14, 1979
Canby Bulletin Boards Inside
Post Office Outside

NOTICE OF ASSESSMENT

Notice is hereby given that the Assessment Roll as attached hereto and published herewith, has been approved and adopted by the Canby City Council by Ordinance No. 651 enacted March 7, 1979. The assessments are for the construction of improvements to North Oak Street as described in the Engineer's Report for this local improvement district (LID No. 8). Each of the owners of the property assessed and whose names appear in the attached Assessment Roll are further notified that if the total amount of their respective assessments exceeds the sum of \$25.00 they may file with the Canby City Recorder a written Application to pay the whole of the assessment or if part of the assessment has been paid, the unpaid balance of the assessment, in 20 semi-annual installments with interest at seven percent (7%) per annum as more particularly provided by the provisions of Oregon Revised Statutes 223.205 to 223.295, inclusive, commonly known as the Bancroft Bonding Act. Forms for making written Application to pay assessments in installments may be obtained from the City Recorder's Office at the Canby City Hall, and the same must be filed within ten (10) days after Notice of Assessment is first published. Notice of Assessment was first published on Wednesday, March 14, 1979 and written Applications must be filed on or before Monday, March 26, 1979. All assessments which are not bonded on written Application as herein provided shall be due and payable in full within thirty (30) days next following the date this Notice is first published, and assessments which are not paid or bonded within the time stated herein shall bear interest at the rate of ten percent (10%) per annum, and the lien as docketed on the property so assessed shall be subject to foreclosure as provided by City Ordinance No. 393 as amended by Ordinance No. 598.

Any person feeling aggrieved by their assessment may within twenty (20) days from the passage of Ordinance No. 651 seek a review thereof under the provisions of Oregon Revised Statutes 34.010 to 34.100.

Dated this 14th day of March, 1979.

Harold A. Wyman

Harold A. Wyman, City Recorder
Canby, Oregon

First Publication: March 14, 1979

Second and Final Publication: March 21, 1979.

*Posted March 14, 1979
Canby Bulletin Inside
Post Office Outside*

Notice of Assessment

ASSESSMENT ROLL

NORTH OAK STREET L.I.D. #8 (10th to 11th)

<u>NAME & ADDRESS</u>	<u>Tax Lot & Map No.</u>	<u>Frontage</u>	<u>Frnt. Ft. Cost \$14.549378</u>	<u>Lin. Ft. Curb Cost \$2.5797</u>	<u>Square Ft. Driveway</u>	<u>Driveway Cost \$1.22382 F.</u>	<u>Total Cost</u>	<u>Assessed Valuation</u>
Welch, Thomas A. & Beverly A. 900 N. E. 10th Ave. Canby, Ore.	1200 3-1E-33AA	110.00	\$1,600.43	\$ 283.77			\$ 1,884.20	28,030.00
Shollenberger, Ragna 1095 N. Oak Canby, Ore.	1100 3-1E-33AA	110.00	1,600.43	283.77	281.24	\$ 344.19	2,228.39	36,310.00
Cole, Larry A. & Karyn A. 1135 N. Oak Canby, Ore.	1000 3-1E-33AA	110.00	1,600.43	283.77	138.75	169.81	2,054.01	36,910.00
Weaver, Jack D. & Priscilla 27785 S. Oglesby Rd. Canby, Ore.	900 3-1E-33AA	73.33	1,066.91	189.17	295.59	361.75	1,617.83	32,860.00
Travis, Louine Kay 1120 N. Oak Canby, Ore.	801 3-1E-33AA	73.33	1,066.91	189.17	281.24	344.18	1,600.26	32,860.00
Fiores, Hector D. & Lucille 1100 N. Oak Canby, Ore.	802 3-1E-33AA	73.34	1,067.05	189.20	309.75	379.07	1,635.32	32,860.00
Hansen, Lawrence H. & Bonnie J. 984 N. E. 10th Canby, Ore.	800 3-1E-33AA	110.00	1,600.43	283.77	173.25	212.03	2,096.23	39,630.00
TOTALS		\$660.00	\$9,602.59	\$1,702.62	1,479.82	\$1,811.03	\$13,116.24	\$239,460.00

AFFIDAVIT OF POSTING

STATE OF OREGON)
County of Clackamas) ss.
City of Canby)

I, Harold A. Wyman, hereby certify that I am duly appointed,
qualified and City Recorder of the City of Canby, County of Clackamas,
and State of Oregon, and further certify that on the date of March
14, 1979, at the hour of 9:30 a.m. I posted the Notice of Assessment
at the three following places:

Canby City Hall Bulletin Board - Inside
Canby City Hall Bulletin Board - Outside
Canby Post Office

Dated at Canby, Oregon, this 14th day of March, 1979.

Harold A. Wyman
HAROLD A. WYMAN, CITY RECORDER
