

CANBY CITY COUNCIL

REGULAR MEETING

MAY 16, 1979

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

Also present: Administrator H.A. Wyman, Attorney Wade Bettis, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, Treasurer Myra Weston, Secretary Marilyn Perkett, Canby Herald Editor Paul Borsarge, David Bury, Ada Stout, John Stout, Marge Irwin, Maynard Nofziger, Linda Brown, Chet Romig, Erv Lesser, Tony Seco, Sharon Imholt, Mark O'Donnell, and Bob Kacalek.

Mayor Rapp called the meeting to order at 7:30 p.m., flag salute and roll call following. Minutes of Special Meetings April 30, 1979 and May 7, 1979 and Regular Meeting May 2, 1979, were approved as distributed. Motion by Councilman Taylor, seconded by Councilman Nichols and unanimously approved.

At this time Mayor Rapp delayed the Public Hearing on the McIntosh Zone change until later in the meeting, with expectation of additional interested parties to appear.

Attorney Bettis read Ordinance No. 657 for first reading. Councilman Westcott moved to approve Ordinance No. 657 Authorizing Construction and Purchase of New Fire Truck and post for final reading on June 6, 1979. Councilman Knight seconded, approved 5-0.

Mr. Ervin Lessor, representing the Musician's Mutual Association, spoke to the Council on his desire to present concerts for the City. The 39 piece band consists of Portland area, many symphony, members. Tuesday evenings in Wait Park was considered for the best time. Mr. Chet Romig spoke on the finances. If the city furnished the 39 chairs, microphone and loud speaking system and electricity, our cost would be half, \$810.00 per performance, with the Music Performance Trust Fund picking up the difference. Romig suggested soliciting donations from local businesses for support. Councilman Westcott moved to recognize the letter of May 9th and table the matter until another date. Knight seconded, approved 5-0. Mayor Rapp commented on pursuing this working with the high school music department and the Public Library for a committee to solicit subscriptions.

Prior to the Public Hearing, Councilman Knight expressed his conflict of interest since he owns property on Second and Elm and was given notice as an interested party. Councilwoman Brown was in attendance at a CAC meeting when the Public Hearing subject on the zone change was discussed and voted upon. Attorney Bettis inquired as to whether Mrs. Brown felt this affected her judgment or influenced her in any way. Councilman Brown's reply was no. Mr. Seco, from audience, expressed no concern as to having Mrs. Brown stay on the Council for this issue. Councilman Westcott moved to excuse Councilman Knight from Council due to conflict of interest. Councilman Nichols seconded, approved 4-0.

Regular Meeting was recessed at 7:47 p.m. and Mayor Rapp opened the Public Hearing at 7:55 p.m. for two issues, Interim Comprehensive Plan Amendment and McIntosh Zone Change. City Planner Lashbrook gave staff report on the Zone Change and Plan Amendment of N.W. Corner of N.W. 1st and N. Elm, with the following

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recommendations: Accept the recommendation of the Planning Commission and approve both the plan amendment and the zone change; and adopt the Planning Commission's finding of fact. Marje Irwin, representing McIntosh, spoke as proponent and declaring their facts of finding. Speaking as opponent, Sharon Imholt, owner of lots 5 and 6 next to subject property, felt the amendment should not be made nor the zone change. Tony Seco, agent for Sharon Imholt, also spoke in remonstrate on subject property, commenting a C-2 zone could easily have variances to light industrial, whereas, a C-1 cannot. Proponents gave no rebuttal. Public Hearing was closed at 8:50 p.m. and Regular Meeting was immediately reconvened.

After Council discussion, Councilman Westcott moved that the City's Interim General Plan Land Use Map be amended to include lots 1, 2 and 3 of block 5, Canby Addition on N.W. corner of 1st and N. Elm., we find a public need as substantiated by minutes of Planning Commission of March 4, 1979 and April 11, 1979, staff reports, staff recommendations, testimony presented before this body tonight and to include above described property as General Commercial and adopt those findings of fact as adopted by Planning Commission as our findings. Councilman Taylor seconded, roll call vote: voting yea, Westcott, Taylor and Brown; voting nay, Nichols, approved 3-1. Planner Lashbrook expressed to Council that they were not obligated to make proposed zone change just because they had approved the Amended Interim General Plan, stating it's a matter of timing. Councilman Westcott asked if the applicant for the zone change had any volunteer restrictions to put forth. Westcott requested an 8 minute recess. Mayor Rapp recessed at 9:12 p.m. and reconvened at 9:21 p.m. Councilman Westcott restated his query of any volunteer restrictions, applicant had none. Councilman Westcott then moved to table the zone change request and reschedule for June 6, 1979, not as a Public Hearing, giving the representatives time to meet with applicants and present further information and voluntary restrictions. Seconded by Councilman Nichols, roll call vote approved 4-0.

Under New Business, Councilman Taylor moved to approve accounts payable in the amount of \$19,139.14. Seconded by Councilman Knight, approved by roll call vote 5-0.

Public Works Director, Ken Ferguson, gave staff report on proposed Local Improvement District on N.E. Territorial Road between N. Maple Street and N. Juniper Street and N. Juniper Street and N. Locust Street. Recommended method of assessment is the front foot method, total project cost (\$174,524) divided by the total assessable front footage (3,506.62) which equals \$49.76983 per front foot. After Council discussion, Councilman Westcott moved in accordance with Ordinance No. 393 to accept and approve, subject to changes as discussed and approved by Council as to the method of assessment, the report of the City Engineer on the proposed L.I.D. on N.E. Territorial Road between N. Maple St. and N. Juniper St. and N. Juniper St. and N. Locust St. for construction of streets, curbs, sanitary and storm sewers and a Public Hearing for remonstrate for this proposed district to be scheduled before this Council to commence after 7:30 p.m. on Wednesday, June 20, 1979, in Council Chambers. Seconded by Councilman Taylor, approved 5-0.

Prior to the proposed LID on N.W. Third Ave. and N. Baker Drive, Councilman Westcott requested to step down from the Council due to conflict of interest.

Ken Ferguson, Public Works Director, gave staff report on Local Improvement District on N.W. Third Ave. and N. Baker Dr. Mr. Ferguson expressed three problems at present. (1) Right-of-way from Globe Union Inc. on N. Baker Drive. (2) What

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to do with the north end of N. Baker Drive. (3) Method of assessment. Mark O'Donnell, representing Marty Clark, expressed to Council that the proposed district had 51% participation either in signed waivers of remonstrance or signing of the petitions, and not to let Globe Union Inc. hold up the progress. Councilman Taylor moved to accept for filing the City Engineer's report on the proposed Local Improvement District on N.W. Third Avenue and N. Baker Drive and that further discussion on the matter be tabled pending input from interested property owners. Seconded by Councilwoman Brown. During discussion, Mr. O'Donnell spoke to the fact as to not table this and argued to the fact his client and others will have to give the 15 feet that Globe Union will not give and thus being very unequal. Mr. Westcott and Mr. Kacalek both interested parties spoke against tabling this proposed district. Mayor Rapp recommended voting down this motion and approach this issue at a Public Hearing level. Roll call vote: voting yea, Brown and Knight; voting nay, Taylor and Nichols, Mayor Rapp cast a nay vote to break the tie. Defeated 2-3. Councilman Nichols then moved to accept and approve the City Engineer's report on proposed Local Improvement District on N.W. Third Avenue and N. Baker Drive for construction of streets, curbs, sanitary and storm sewers and a Public Hearing for remonstrance for proposed district be scheduled before the Council after 7:30 p.m. on Wednesday, June 20, 1979, with two assessment reports to be presented. Councilwoman Brown seconded. Roll call vote: voting yea, Brown, Knight and Nichols; voting nay, Taylor. Approved 3-1.

Councilman Taylor asked to be excused from the Council at this time and Councilman Westcott returned to the Council.

Councilman Westcott moved to set appeal on the Planning Commission decision in regards to the Minor Land Partion on N.W. Baker Drive for Marty Clark to be after 7:30 p.m. on June 6, 1979. Councilman Nichols seconded, approved 4-0.

Mayor Rapp confirmed the Monday, May 21, 1979, workshop. Canby Utility Board members will be notified to attend this workshop. A date for workshop on the New Zoning Ordinance to be set at this time.

An appeal on Willamette Green Planned Unit Development has been scheduled for June 6, 1979.

After Council discussion, Councilman Nichols moved that the City Budget Election to be set for June 21, 1979, with May 30, 1979 to be advertising date. City Hall to be the one poll. Westcott seconded, approved 4-0.

Mayor Rapp noted that the appreciation dinner for Ralph Hulbert has been changed to June 9th at Oregon City Elks Lodge in a prive room, no-host cocktail hour is 6:30 p.m. and dinner at 7:30 p.m.

Mayor Rapp expressed Officer Robert Ek's request that the Police Department, Council and Blair be present at a public meeting to discuss negotiations. A Special Meeting was set for Wednesday, May 30, 1979, 7:30 p.m.

The County is forming a Citizen Committee to look into a landfill site. Fred Kahut will serve on this committee. Chamber of Commerce recommended Roger Reif and Duane Weeks to also serve with Council approval.

Mayor Rapp requested Council to bring last print out to next meeting, Monday, May 21, 1979.

Meeting was adjourned at 10:45 p.m.


Robert E. Rapp, Mayor


Harold A. Wyman, Administrator/Recorder