

CANBY CITY COUNCIL

REGULAR MEETING

JUNE 6, 1979

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

Also present: Administrator H.A. Wyman, Attorney Wade P. Bettis, Treasurer Myra Weston, Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, Secretary Marilyn Perkett, Canby Herald Editor Paul Bosarge, Oregonian Reporter Diana Schmid, Planning Commission members Gordon Ross, Norris Hart, John Edgerton and Fred Kahut, Chief of Police Richard Seigler, David Anderson, David Bury, Howard Barlow, Jack Howay, V.I. Gale, Mr. and Mrs. John Stout, Marge Irwin, Harold Jeans, Ben Farrell, Clarence VanDoren, Mr. and Mrs. Richard Molé, Mr. and Mrs. Robert Graham, Norma Vandenburg and several other homeowners from the Willamette Green.

Mayor Rapp called the meeting to order at 7:30 p.m. followed by the flag salute and roll call.

Councilman Nichols moved to approve minutes of Regular Meeting May 16 and Special Meetings May 14, May 21, May 30 and May 31, as distributed. Seconded by Councilman Taylor and approved unanimously.

Mayor Rapp asked for any input on non-agenda items, none were presented. At this time Mayor Rapp asked City Attorney Wade Bettis to explain to the audience why the two appeals scheduled were to be postponed. In his synopsis, Attorney Bettis noted a recent Court of Appeals Decision on a subdivision denial, in a land-use decision there must be a published and posted notice of an Evidentiary Hearing de novo. At this time Mr. Wyman suggested we forgo preceeding items and go directly into New Business on the two Public Hearings.

Mayor Rapp recessed Regular Meeting at 7:42 p.m. to go into Public Hearing on the Willamette Green #2 Planned Unit Development Subdivision. Mayor Rapp reminded audience that in all Public Hearings anyone wishing to speak must stand, state name, address and interest. Planner Lashbrook stated that based upon the recent letter Attorney Bettis received that we set this matter for a Public Hearing as soon as possible. Mayor Rapp asked if the applicant or any representative would like to make a statement. Harold Jeans commented that he saw no point in a discussion at this time, due to recent input by Attorney Bettis. Mr. Bettis stated he had talked to Attorney Bullock today and he requested additional time for his presentation also.

Regular Meeting was reconvened at 7:45 p.m. Councilman Westcott moved to continue the Appeal of Planning Commission Denial on the Willamette Green #2 Planned Unit Development Subdivision and set a Public Hearing after 7:30 p.m. on July 18, 1979, for a full Evidentiary Hearing do novo. Seconded by Councilman Nichols, approved by roll call vote 5-1, with Councilman Swayze voting nay, stating opposition to state control of local planning.

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Mayor Rapp recessed Regular Meeting at 7:48 p.m. for the Appeal of Planning Commission on Martin Clark Minor Land Partition. At this time Councilman Westcott stepped down from Council due to conflict of interest as previously stated. Also, at this time several members of the audience departed. Mayor Rapp asked if anyone wished to speak as a representative for the applicant. Robert Westcott spoke as an interested party and representing Marty Clark, stating that Mr. Clark wished to continue this matter.

Mayor Rapp adjourned the Public Hearing at 7:50 p.m. and immediately reconvened Regular Meeting. Councilman Taylor moved that the Appeal of Martin Clark Minor Land Partition to be continued and a full Evidentiary de novo Public Hearing be held on July 18, 1979, after 7:30 p.m. Councilwoman Brown seconded, approved by roll call vote 4-1, with Councilman Swayze voting nay.

Under Ordinances and Resolutions, Attorney Bettis read the second reading of Ordinance 656, first reading was May 14, 1979. Councilman Swayze moved to adopt Ordinance 656 Authorizing Contracts for Cushion Turf and Paving for Maple Street Park Phase II, and Declaring an Emergency. Councilman Westcott seconded, roll call vote approved 6-0.

Attorney Bettis read Ordinance 657 for second reading, first reading was May 16, 1979. Councilman Swayze moved to adopt Ordinance 657 Authorizing Construction and Purchase of New Fire Truck. Seconded by Councilman Westcott, approved 6-0 by roll call vote.

Affidavits of posting for both Ordinances 656 and 657 were presented.

Councilman Westcott moved to remove from the table Ordinance 658, Amending the Interim Development Plan and Map and Amending Zoning Map of the City of Canby. Seconded by Councilwoman Brown. Councilman Knight reminded Council of his previous conflict of interest on this matter and was excused. Approved 5-0. Mr. Wyman read the attached letter from sellers and purchasers of Lots 1 through 4, Block 5, Canby Addition, stating their voluntary restrictions for a period of no less than five (5) years, which Council accepted. Attorney Bettis read for first reading Ordinance 658, with restrictions inserted. Councilman Swayze moved to approve first reading of Ordinance 658, Amending the Interim Development Plan and Map and Amending Zoning Map of City of Canby, Applicant Donald J. McIntosh, and to set July 5, 1979, for second reading after appropriate posting of notices. Councilman Westcott seconded, approved 5-0.

Under Communications, Planner Lashbrook gave a staff report on Loop Road Connection between S.W. 13th and S.W. Berg Parkway. Staff recommendations were to support the Planning Commission interpretation and instruct staff to impose setback requirements based upon an assumed road alignment, also after completion of proposed traffic study, instruct staff to return with a specific recommendation in this area. Letters from Canby Union High School and the Oregon Bag Company were noted as opposing this road that is being considered. Also, Marv Dack, developer, appears to be changing his plans for development in this area. Councilman Knight asked if minutes of August 1978, stated that Mr. Dack had promised to improve S. Elm and put an approved road along his north property line. Staff was directed to check on this matter. Councilman Westcott moved to support the Planning Commission recommendations and instruct staff to return with specific recommendations

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for a road alignment after a traffic study. Seconded by Councilman Swayze, approved unanimously.

Under New Business, Councilman Knight moved to approve and pay accounts payable in the amount of \$66,836.84. Seconded by Councilman Taylor, approved 6-0 in roll call vote.

Administrator Wyman explained the need for the encumbrance of monies for rock and oil was so it could be taken from this fiscal years revenue sharing. Councilman Westcott moved to allow administrator to encumber \$8,155.00 for rock and oil for street improvement, from revenue sharing. Councilman Swayze seconded, approved 6-0.

Council reviewed new proposed cemetery rates. Administrator recommended that Council approve the proposed rates and put into effect to balance 79-80 budget. Councilman Taylor moved to approve and have City Attorney prepare a Resolution adopting new cemetery rates as proposed by staff for next fiscal year. Seconded by Councilwoman Brown, approved unanimously.

Swim Pool rates were reviewed with Mr Wyman stating that the proposed rate increase would equalize 79-80 budget. Councilman Swayze moved to approve and have City Attorney prepare a Resolution adopting Swim Pool rates as proposed by staff for next fiscal year. Seconded by Councilman Taylor. Considerable Council discussion followed concerning possibility of proposed rates being too high and "pricing ourselves out of business". Administrator Wyman commented on higher salaries, maintenance and other increases showed the need for higher rates. A "promotion" was suggested to bring in revenue. Roll call vote; Yea - Westcott, Taylor, Swayze; Nay - Knight, Nichols and Brown, Mayor Rapp cast tie breaking vote of Nay to defeat motion 3-4. Councilman Westcott moved to have City Attorney draw up a Resolution with all proposed rate increases with the exception of membership rates, which will be increased \$5.00 per membership, effective July 1, 1979. Seconded by Councilman Swayze, approved 6-0. Administration noted that this projected usage and rate would be below the Swim Pool budgeted income.

Public Works Director Ken Feguson reviewed bids for reroofing the Council Chambers. Staff recommended Capitol Roofing since it installs rosin sheet between old and new roof and supplied new metal. Councilman Nichols moved to accept bid from Capitol Roofing in the amount of \$1,680.00 for reroofing of the Council Chambers. Seconded by Councilwoman Brown, unanimously approved.

Council reviewed the Security Stakeout Kits requested for sewer plant, due to so much recent vandalism. Chief Seigler answered questions as to operation and use of the kits. Councilman Knight moved to purchase the Varda Stakeout Kit Set I in the amount of approximately \$2,000.00 and financed by sewer contingency fund. Seconded by Councilwoman Brown. Prior to vote council discussed financing also alternative security devices. Approved 5-1, Councilman Westcott voting Nay.

Administrator Wyman reported to Council that the City financing has improved since the last meeting, however the next two or three weeks will give a better picture of budget finances.

Planner Lashbrook told Council that LCDC staff has notified us (and the cities of Sandy, Estacada and Molalla) that the urban growth boundaries adopted for our

cities by CRAG/MSD will be rejected by LCDC. This is based on the fact that MSD does not have the authority to enforce these boundaries which are beyond MSD jurisdiction. The Council was warned that the City may receive an unusual number of annexation requests.

At this time Attorney Wade Bettis commented on what a "fine job" Stephan is doing in his position, many Council members concentering as to the quality and exceptional job Mr. Lashbroook does as City Planner.

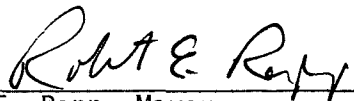
Mr. Wyman announced the selection of Larry Grandfield as the new Canby Police Officer that has been hired. He will start to work very soon.

Under Unfinished Business, Mayor Rapp noted that the core samples on S.W. 13th have not been taken yet and Parker Northwest Paving is ready to do the overlay next week at no cost to the City. After Council discussion and note of the fact that the core samples could still be taken at any time, Councilman Taylor moved for Public Works to withdraw hesitancies and proceed with the job next week on S.W. 13th for overlay paving by Parker Northwest. Seconded by Councilwoman Brown, approved 6-0.

Mayor Rapp reminded Council of the Appreciation Dinner for Ralph Hulbert on Saturday, June 9, at Oregon City Elks, and took a head-count of those attending.

Meeting was adjourned at 9:35 p.m.

CORRECTION: Page two, last paragraph - Mr. Knight did not ask for the minutes of August 1978, regarding the Dack property - it should read, Mr. Dack had promised to improve S.W. 13th from S. Elm Street to edge of his property and then carry that road along to the north edge of his property.

  
Robert E. Rapp, Mayor

  
Harold A. Wyman, Administrator/Recorder

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