

CANBY CITY COUNCIL

REGULAR MEETING

JULY 5, 1979

Mayor Robert E. Rapp presiding. Councilmembers present: Beryl Brown, Beauford Knight, Richard Nichols, Robert Westcott and Leonard Taylor arriving at 8:20 p.m. Absent: Robert Swayze.

Also present: Administrator Harold Wyman, City Attorney Wade P. Bettis, Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, Treasurer Myra Weston, Secretary Marilyn Perkett, Canby Herald Editor Jeff Durham, Oregonian Reporter Dianna Schmidt, David Bury, Erv Lessor, David Anderson, John Stout and Al Cibula.

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 June 20, 1979 and Special Meeting June 27, 1979, as distributed. Seconded by Councilwoman Brown, approved 4-0.

Mayor Rapp called for any Citizen In-Put on Non-Agenda Items. Erv Lessor addressed the Council asking for a decision regarding a summer band concert program with the Musicians Union participating. Councilman Westcott moved to remove from the table the matter of the summer band concerts. Councilwoman Brown seconded, approved 4-0. After Council discussion it was the consensus of the Council that they were in favor of the program but felt it should be a community project with perhaps organizations taking sponsorship. Councilman Westcott's comment was that he could not justify, the amount of \$810 per concert, of taxpayers money. Concern was also expressed as to whether there would be enough public interest to draw enough spectators. Councilman Westcott moved not to have the Music Mutual Union under contract for this year, 1979-80 summer, band concerts. Seconded by Councilman Knight, approved 4-0. Mr. Lessor invited the Council to Oregon City Monday evening, July 9, at the Library to observe the program for future interest. Mayor Rapp asked Mr. Lessor to contact him at a later date for future plans.

Jeff Durham, for the past four years with Ashland Daily Times, new Canby Herald Editor, introduced himself to the Council and expressed looking forward to working with them.

Mayor Rapp called for the Public Hearing on the Ordinance 659 Zoning Ordinance. The Mayor asked if anyone present wished to ask any questions or address the Council regarding this Ordinance. Planner Lashbrook noted in Section 9, in R-1 zoning, maximum lot coverage is 30%. After Council discussion it was decided to delete this and word it as no limit instead of the percentage. In Section 13, the right-of-way on N.W. Baker Drive is stated as 60 foot. Council will change that to 50 foot right-of-way from N.W. 3rd Avenue to N.W. 6th Avenue on N.W. Baker Drive. At this point, Mr. Lashbrook retired to the back of the Chambers to read aloud the Ordinance in its entirety, which our City Charter calls for, AN ORDINANCE TO PROVIDE ZONING REGULATIONS; REPEALING ORDINANCE NO. 583; RATIFYING AND CONFIRMING PRIOR AMENDMENTS TO THE CITY'S ZONING MAP AND ORDINANCE NO. 512 RELATING TO PLANNED UNIT DEVELOPMENT PROCEDURES; ESTABLISHING PROCEDURES FOR AMENDING THE CITY'S INTERIM GENERAL PLAN OR COMPREHENSIVE CONSERVATION AND DEVELOPMENT PLAN; AND PROVIDING AN EFFECTIVE DATE. Mayor Rapp closed the Public Hearing to carry on Council business.

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Attorney Bettis read Resolution No. 266. Councilman Nichols moved to approve and accept Resolution No. 266, A RESOLUTION DETERMINING THE ANNEXATION FEE FOR PMALGBC ANNEXATION ORDER NO. 1413 (Richard and Carol Lee Morse Property). Seconded by Councilwoman Brown and approved 4-0.

Mr. Wyman informed Council that the Kraxberger-Driggers Annexation on N.E. Territorial Rd. and N. Locust St. had been approved on June 28, by the Portland Metropolitan Boundary Commission.

Resolution No. 268 on LID # 10 was read by Attorney Bettis. Myra Weston noted that the Resolution should read N.E. Territorial Road and not Territorial Road. Councilman Knight moved to approve and adopt Resolution No. 268, with the correction, A RESOLUTION PROVIDING FOR THE TIME AND MANNER OF DOING THE WORK FOR THE CONSTRUCTION OF IMPROVEMENTS TO N.E. TERRITORIAL ROAD, N. LOCUST STREET AND N. JUNIPER STREET (LID # 10). Councilman Westcott seconded, approved 4-0.

Attorney Bettis read the second and final reading of Ordinance No. 658. Councilman Knight noted his conflict of interest and will abstain from voting. At this point it was noted that a majority vote of Council was required. Councilman Taylor was called and would be directly in, therefore, motion and vote was postponed to later in the meeting.

A letter was read by Mr. Wyman from John and Beulah Stewart requesting the city to waive the \$600 fee for sewer hook-up for the proposed RV dump station. After Council discussion, Councilman Westcott moved to grant John Stewart the fee waiver of \$600 for sewer hook-up, as it would not affect our sewage plant capacity. Seconded by Councilwoman Brown. Al Cibula, representing Mr. Stewart, noted the fact that Mr. Stewart is providing the pad and care of it and with the city providing the hardware, it was Mr. Stewart's desire to have the City waive the entire \$600. Also, the car wash facility would be a re-circulating system. Council vote was 4-0 for approval.

Administrator Wyman read a letter from Oregon State Speed Control Board stating their intention to investigate the request for speed zone change on S. Ivy Street.

Administrator Wyman informed Council of Mrs. Eversole's retirement from the Library Board and Lee Stevens has recommended for her replacement, Mrs. Audrey Vedaa. However, since Mrs. Stevens is on vacation, Council would delay a decision until next regular meeting.

Councilman Taylor arrived at 8:20 p.m., at which time Ordinance No. 658 was reintroduced. Administrator Wyman presented the affidavit of posting, with first reading on June 6, 1976 and posting on June 8, 1979. Councilman Westcott moved to adopt and approve on final reading Ordinance No. 658, AN ORDINANCE AMENDING THE INTERIM DEVELOPMENT PLAN AND MAP AND AMENDING ZONING MAP OF THE CITY OF CANBY (Application of Donald J. McIntosh). Councilman Nichols seconded, approved 4-0 by roll call vote with Councilman Knight abstaining.

Under New Business, Councilman Knight moved to approve and pay accounts payable in the amount of \$5,817.42. Councilman Taylor seconded, approved by roll call vote 5-0.

Councilman Westcott expressed his concern as to how Council wanted him to respond to the water bond issue (with CUB), since we spend the money should we be engaging the firms that spend our money? Also, where does he stand on requisitions of encumbrance when they come through for his signature. Council body felt he has been doing a fine job and if he is in any doubt, confer with Council body.

Under Unfinished Business, Mr. Wyman spoke in reference to the Maple Street Park contracts which are paid 50% by Federal monies and 50% by Revenue Sharing. We pay the contract 100% out of Revenue Sharing and it often takes a couple months before the B.O.R. monies come through, which shows us in the red, he would like to be able to borrow the money and then replace it when we receive the Federal monies. Councilman Westcott moved to allow the City Administrator to be allowed to borrow money as needed for reimbursement from B.O.R. Park Fund and the interest to be paid out of Revenue Sharing at the prevailing T.C.D.'s rate. Seconded by Taylor, approved 5-0.

Administrator Wyman informed Council that the General Fund had brought in \$867,449 and had been budgeted for \$870,688. We spent \$862,000 which puts the General Fund in the black \$5,300. He was pleased and gave credit to all department heads for doing such a fine job.

Mr. Ferguson inquired whether Council would be setting up a workshop for the selection of a firm for the proposed enlarging of the Sanitary Sewage Facility. Councilman Knight noted that all six were qualified and thought the selection should be made by someone more knowledgeable. Mr. Ferguson requested that Council narrow it down to two or three firms for interviews. After Council discussion, Councilman Westcott and Nichols were appointed to meet with staff at the treatment plant on Monday, July 9, at 8:00 a.m., also anyone else wishing to attend was invited.

Councilman Taylor commented on the algae in the pond at Canby Community Park. Mr. Atwood said they were aware of the problem and had been pursuing it but with not much success.

Regarding LID # 9, Public Works Director, Ken Ferguson, informed Council he had sent letters on June 22, 1979, to both MR. and Mrs. Charles Lawrence and the parties of another parcel (James O. Goodwin, John C. Anicker, Jr., Stanley Urbigkeit, Sidney Brockley) requesting their dedication for the right-of-way. He had received no word from the Lawrences' and the other owners in question stated their decision depended on the future zoning of the area. Three alternative were suggested: 1) condemnation; 2) end proposed LID at the Lawrence property and not extend it; 3) make partial streets. After a great deal of Council discussion, Mr. Wyman suggested taking the LID only to the Lawrence property and ending it there. Mr. Ferguson also recommended Compass as the consultant engineer, they are doing LID # 10 and have 20% of the field work done on LID # 9. Councilman Nichols moved that the City Engineer's report to Council on May 16, 1979, for improvements to N.W. 3rd Ave. and N.W. Baker Drive, LID # 10, be amended by excluding from the boundaries of improvement district the property of Charles and Marcella Lawrence, tax lot 900; James O. Goodwin, John C. Anicker, Jr., Stanley Urbigkeit, Sidney Brocklery property, tax lot 1002; Robert Barr and Linda Hankins property tax lot 2200, all in Section 31E 32D and also the North portion of Globe Union property immediately across from the Lawrence property. Councilwoman Brown seconded. Councilman Westcott abstaining due to conflict of interest. After considerable Council discussion, City Attorney Bettis suggested that we delay this until the next meeting and withdraw motion and a brief letter from the City Engineer stating his engineer report of May 16, 1979, be amended to exclude the above listed properties for the specific reasons. Councilmembers Nichols and Brown agreed to withdraw the motion.

Reading of Ordinance 659 had been completed by Planner Lashbrook and Councilman Westcott moved to approve on first reading and the appropriate postings be made with second and final reading to be August 1, 1979, after 7:30 p.m. in Council Chambers for

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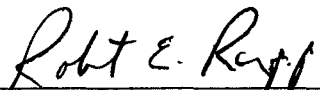
Ordinance No. 659, AN ORDINANCE TO PROVIDE ZONING REGULATIONS: REPEALING ORDINANCE NO. 583; RATIFYING AND CONFIRMING PRIOR AMENDMENTS TO THE CITY'S ZONING MAP AND ORDINANCE NO. 512 RELATING TO PLANNED UNIT DEVELOPMENT PROCEDURES: ESTABLISHING PROCEDURES FOR AMENDING THE CITY'S INTERIM GENERAL PLAN OR COMPREHENSIVE CONSERVATION AND DEVELOPMENT PLAN: AND PROVIDING AN EFFECTIVE DATE. Councilman Nichols seconded, approved 5-0.

Mr. Ferguson inquired if the City Attorney could have a Resolution drawn up for LID # 9 by July 18, if his recommendations are approved by Council. City Attorney agreed.

Mr. Lashbrook informed Council that he had been notified by telephone that the Community Development Block Grant Funding had been approved.

Mr. Lashbrook also noted that LCDC had approved our extension on the Comprehensive Plan and we'd be able to keep all the grant monies plus they approved our Resolution No. 267. Mr. Lashbrook also informed Council he'd be asking for a lot of their help on this plan as he proceeds.

Meeting was adjourned at 9:10 p.m.

  
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Mayor Robert E. Rapp

  
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Harold A. Wyman, Administrator/Recorder

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