

CANBY CITY COUNCIL
SPECIAL MEETING
AUGUST 29, 1979

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

Also present: Administrator H.A. Wyman, Attorney Wade P. Bettis, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, City Planner Stephan Lashbrook, Secretary Marilyn Perkett, David Bury, John Tatone, Herman Bergman, C.C. Sheppard, Carol Lumb, Dean Mielke and Walter Dorhman.

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

Resolutions and Ordinances: Attorney Bettis read Resolution No. 272. Councilman Westcott moved to approve RESOLUTION NO. 272, A RESOLUTION DETERMINING THE ANNEXATION FEE FOR PMALGBC ANNEXATION ORDER NO. 1433 - (KRAXBERGER PROPERTY). Seconded by Councilman Nicholas and approved 4-0.

Councilman Knight noted a correction on Resolution 271, second line, it should read 721.2 feet, with this correction Attorney Bettis read the Resolution. Councilman Knight moved to approve and adopt RESOLUTION NO. 271, A RESOLUTION TO ACCEPT JURISDICTION OF NORTH LOCUST STREET AND REQUESTING FINANCIAL PARTICIPATION FROM CLACKAMAS COUNTY FOR STREET IMPROVEMENTS. Seconded by Councilman Nichols. Public Works Director, Ken Ferguson informed Council that he will try to get the County to pay the contractor directly. Motion was approved 4-0.

Ordinance No. 662 was read by Attorney Bettis. Councilwoman Brown moved to approve on first reading of Ordinance No. 662, AN ORDINANCE AUTHORIZING CONTRACT FOR CONSTRUCTION OF RESIDENTIAL STREETS, STORM SEWER SYSTEM AND SANITARY SEWER IN LID # 10, and the appropriate postings be made for the second and final reading on September 19, after 7:30 p.m. Seconded by Councilman Nichols and approved 4-0. Councilman Westcott asked Mr. Ferguson why water improvements were not included in the LID # 10. Mr. Ferguson said they were not requested. Westcott also inquired as to whether all of the property on LID # 10 can be sewerred. Mr. Ferguson said he and Mr. Tye were discussing this problem today and they may have to call for bids for a lift station.

Communication: Mr. Wyman read the letter of resignation from Tony Gerber from the Building Appeals Board. Councilman Westcott moved to accept the letter of resignation and that staff write a thank you letter to Mr. Gerber. Seconded by Councilman Nichols and approved unanimously.

Mr. Wyman summarized a letter of August 3, 1979, from Southern Pacific with their intentions of increasing our lease fee from \$1.00 to \$1296. per annum, for the garbage dump site and to increase the pole storage yard from \$50 to \$1104 per annum. Staff recommends, since we no longer need the two parcels, to cancel the leases. Another letter dated August 10, 1979, informing us that the Oregon Lumber Export Company would be leasing these parcels of land and we could share the pole storage yard. Councilman Nichols moved that the request of Southern Pacific Land Company in their letter of August 10, 1979, to the City of Canby, for termination of lease 113958, garbage dump and lease 95876, pole storage yard, be approved and mayor and city recorder sign the necessary papers, without further liability to the City of Canby. Motion was seconded

August 29, 1979

by Councilwoman Brown and approved 4-0. Attorney Bettis noted that staff should cleanup and repair any damages of the property and invite a representative from Southern Pacific to inspect the property. Mr. Atwood inquired as to whether we had the necessary easements for the storm sewer line for the proposed LID #9. Mr. Ferguson said he would check on this matter. Attorney Bettis suggested we start to work immediately on cleaning up the property and send a letter to Southern Pacific requesting the date of December 1, 1979, as our vacation date and ask for a response of approval.

Public Works Director Ferguson received Council approval to start construction right away on the LID # 10.

New Business: Mr. Wyman informed Council that he had 50% of the necessary deeds for the alignment of South Locust Street, Councilman Knight moved that we accept for recording the deeds for widening S Locust Street by the following: Dale and Louise Morgan, Charles and Lucille Stirber, Janie Byrnes, LeRoy and Joy Miller, Rodney Byers, Clyde and Carol Nichols, Paul Campbell, Michael and Marcia Zagya and Craig and Kathleen Shinn. Seconded by Councilwoman Brown and approved 4-0.

Next was a deed from Shiela Davis for street dedications on N.E. 10th Ave and N. Pine St. Staff recommendation was to accept the property dedication to the City of Canby. Councilman Knight moved to accept staff recommendation of the street dedication of N.E. 10th Avenue and N. Pine Street and to issue the Title Insurance with the City paying the fee. Seconded by Councilman Nichols and approved unanimously.

Ken Ferguson informed Council that he would be attending a conference Friday, August 31, with the State Highway Department regarding the overlay work to be done on 99 E. He will request that they start at the Molalla River and work north.

Councilman Nichols brought up the subject of all the signs hanging on telephone poles and various places, most of which advertise garage sales. Councilman Knight also mentioned the advertising papers that are thrown on peoples yards. Mayor Rapp noted that we do have provisions to take care of these things according to Ordinance. Staff will look into this problem.

Councilman Westcott brought up the subject of the poor repair on street cuts and noted that Northwest Natural Gas does an excellent job of repairing their street cuts. It was suggested that staff work on an Ordinance for this problem.


Councilman Westcott moved to go into Executive Session in accordance with ORS 192.660 Section 2, Sub. D, regarding current litigation, requesting the City Attorney and Public Works Director, also City Administrator to attend the session. Seconded by Councilman Nichols and approved 4-0.

Mayor Rapp recessed at 8:30 p.m. for Executive Session. Special Meeting was reconvened at 8:52 p.m. and immediately recessed for the workshop on the Urban Growth Boundary preliminary plans.

Workshop session was concluded and Special Meeting adjourned at 9:33 p.m.



Mayor Robert E. Rapp



Harold A. Wyman, Administrator/ Recorder