

CANBY CITY COUNCIL

REGULAR MEETING

SEPTEMBER 5, 1979

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

Also present: Administrator H.A. Wyman, Attorney Wade P. Bettis, Public Works Director Ken Ferguson, City Planner Stephan Lashbrook, Myra Weston Treasurer, Secretary Marilyn Perkett, Lyle Read, Canby Herald Editor Jeff Durham, John Tatone, David Bury, Robert Overton, Patrick Curran of H.G.E., Inc., Duane Lee of Lee Engineering, Inc. and Stu Davis.

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

Minutes of Regular Meeting, August 15, 1979 and Special Meeting, August 29, 1979, were approved and distributed by motion of Councilman Swayze and seconded by Councilman Westcott. Motion was approved 5-0.

Citizens In-Put on Non-Agenda Items: Lyle Read, Chairman of the Board for the Canby Christian Church, informed Council of the progress of the Educational Center which is basically done and the 50 space off-street parking area. Also, they have a one-way alley with no traffic onto Ivy Street and have what they feel to be a good traffic pattern in the area. On behalf of the church, Mr. Read expressed their thanks to City Staff and City Crews for their full cooperation in the project which started in 1966.

Ordinances and Resolutions: Attorney Bettis read the title of Ordinance No. 654, which was read first on August 15, 1979. Administrator Wyman presented the affidavit of posting. Councilman Swayze moved to approve on final reading Ordinance No. 654, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY (APPLICATION OF MARTIN CLARK CONSTRUCTION, INC., COUNTY R-20 TO CITY R-1 ZONE) and become laws of the City of Canby. Seconded by Councilman Westcott and approved 5-0 by roll call vote.

Title of Ordinance No. 655 was read by Attorney Bettis, first reading was August 15, 1979, and the affidavit of posting was presented by Administrator Wyman. Councilman Westcott moved to approve and adopt ORDINANCE NO. 655 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY (APPLICATION OF GRO ENTERPRISES, INC. COUNTY R-20 TO CITY R-1 ZONE). Seconded by Councilman Swayze and approved by roll call ballot 5-0.

Communications: Administrator Wyman read a letter from Richard Brown, Canby High School Superintendent, requesting waiver of building permit fee. Mr. Wyman noted that we have done this in the past for the school districts and this is construction done by students and staff not contractors. Councilman Nichols moved to grant the request of the high school's letter of August 22, 1979, of a building permit fee waiver but they are responsible for other costs incurred for inspection, print reading, etc. Also, the letter will be attached to these minutes. Seconded by Councilman Knight and unanimously approved.

September 5, 1979

A letter from Lloyd Younce, Traffic Safety Committee, was read by Administrator Wyman concerning hazardous vision on N.E. 9th Avenue and N.W. Holly due to trees, shrubs, etc. Considerable Council discussion followed with reference to Ordinance No. 512, An Ordinance Regulating the Planting and Maintenance of Street Trees and Establishing the Office of City Forester. Mr. Wyman recommended that staff check all the corners in the community and not single out one and write a letter and in essence say either they take care of the problem or the City will, in a reasonable given time period. Council instructed staff to send a letter to the property owners explaining who is responsible for the trees and the duties of the City Forester and give them 30 days to remedy the situation or the City would.

Mr. Wyman read a letter from Friendly Valley CBer's requesting permission to hold a benefit dance for the Molalla and Canby Ambulance Fund, also a beer and wine license and to allow bingo. Mr. Wyman will have the Fire Department sign the permit. Councilman Swayze moved that due to the fact the police chief had signed the permit, that the dance and O.L.C.C. permit, at a \$10.00 fee, be approved for the Friendly Valley CBer's for a Molalla and Canby Ambulance Benefit. Councilman Nichols seconded the motion and it was approved 4-1, with Councilman Westcott voting nay. Mr. Wyman asked the City Attorney if bingo would be permitted. Attorney Bettis recommended a copy of our Social Gambling Ordinance be sent to the applicant. Mayor Rapp stated that our City Ordinance merely states that we wish to have social gambling as long as it complies with state statutes.

New Business: Councilman Westcott moved we pay accounts payable in the amount of \$29,448.25. Seconded by Councilman Swayze. Councilman Knight inquired about the \$16.75 entry for Canby Cleaners. Mr. Wyman explained that it was police officer uniforms that were cleaned for a new officer. Motion was approved 5-0 by roll call.

Unfinished Business: Councilman Westcott moved to remove from the table the discussion of Sewage Treatment Plant Expansion with Lee Engineering. Councilman Swayze seconded, approved unanimously.

Mayor Rapp recessed the Regular Meeting at 8:12 p.m. and reconvened at 8:20 p.m.

Councilman Westcott expressed his feeling to Council regarding the consultant issue for the Treatment Plant. He felt the committee did their homework and selected a qualified firm and felt all the consultant firms were qualified, but we should stick with Lee Engineering to do the preliminary phase. He felt that in the future when the City Engineering Department has a special request, that the procedure be clearly pointed out to Council. Councilman Westcott moved that the City hire Lee Engineering to do the preliminary study and report phase on the Sewage Treatment Plant Expansion and fee up to \$14,000.00, unless there are change orders by Council to change it. Seconded by Councilman Nichols. Councilman Swayze expressed that he was extremely upset with the circumstances of this matter and felt definite ground rules should be set up before we start in the future. Ken Ferguson, Public Works Director, apologized to Council and said it was his negligence in not informing the Council of his request. Mr. Ferguson will write letters to all consultants involved and thank them for their time. Motion was passed on roll call, 5-0.

Other Reports as Needed: Administrator Wyman informed Council we are working on the Telephone Franchise and he will try to set it up at a later date for either a regular meeting or workshop.

September 5, 1979

Ken Ferguson, Public Works Director, told Council of problems regarding LID #9 and Southern Pacific Company. The City has a lease for N.W. 3rd Avenue for street purposes but not for utility purposes. Mr. Ferguson sent a letter on June 22, 1979, requesting an easement for sanitary and storm sewers and received no response. We also have an agreement with Southern Pacific, written in 1963, for use of a pipe that the entire downtown area drains through, on their property and this could be terminated, according to the agreement, in 30 days by either party. Mr. Ferguson met with Dick Jacobson of Southern Pacific and discussed these problems. Item #1, Mr. Jacobson wrote to San Francisco and recommended that the City be given a Bargain and Sale Deed, without obligation, for the street. Item #2, Property immediately south of N.W. 3rd Avenue is being leased to the Oregon Lumber Export Company. Friday Mr. Ferguson will meet with Bob Smith, representative from Oregon Lumber Export Company to discuss the retaining of the City's drainage rights.

Attorney Bettis commented on the alertness and vast work Mr. Ferguson has done on these problems.

Mayor Rapp informed Council of a workshop and Special Meeting with the CAC and the Planning Commission on Monday, September 17th, to work on the Comprehensive Plan.

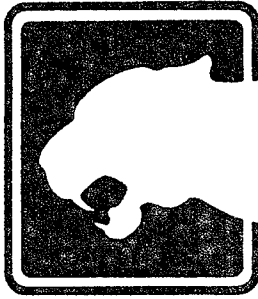
Councilman Nichols expressed his concern about Ordinance No. 443, regarding sub-divisions. (NOTE: Mayor Rapp was excused from the meeting at this time and Council President Robert Westcott took over the gavel at 8:38 p.m.) Councilman Nichols attended a seminar with Continuing Education Committee at the State Bar Association, regarding sub-divisions and he felt we might have reason to have action filed due to a moratorium on condominium conversions. Stephan Lashbrook, City Planner, explained we have no moratorium and actually no procedure now, however, the Planning Commission will hold Public Hearings to recommend a procedure.

No other business was presented and the meeting was adjourned at 8:43 p.m.


Robert E. Rapp, Mayor


Harold A. Wyman, Administrator/Recorder

September 5, 1979



**Canby
Union
High
School**

August 22, 1979

Mr. Harry Wyman, Administrator
City of Canby
182 North Holly
Canby, OR 97013

Dear Mr. Wyman:

The Canby Union High School district wishes to request the waiver of the required building permit fee on the greenhouse currently being erected on the high school property. We understand that we are responsible for other costs incurred for inspection, print reading, etc. This is a school district project, not a contractor.

This request is submitted with the rationale that one tax supported body should not be taxing another tax supported body. This same reasoning is used in reverse when school facilities are made available for city use.

Thank you for your consideration of this request, and your past cooperation in city-school matters.

Sincerely,

Richard R. Brown,
Superintendent
Canby Union High School

RRB:ck