

CANBY CITY COUNCIL

REGULAR MEETING

DECEMBER 5, 1979

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

Also present: Administrator H.A. Wyman, Public Works Director Ken Ferguson, Public Work Supervisor Bud Atwood, Treasurer Myra Weston, City Planner Stephen Lashbrook, Secretary Virginia Graham, Jim Myron, Duane Lee of Lee Engineering, Herman Bergman, David Bury, Tom and Colette Jelineo of KWRC Radio, Charles Tooley and Chuck Laird of the Canby Herald.

Mayor Rapp opened the Regular Meeting at 7:30 p.m. followed by the flag salute and roll call of Council.

Councilman Knight noted that on the November 21, minutes, page 2 halfway down the first paragraph it reads N. Berg Parkway and it should be corrected to read S.W. Berg Parkway. Councilman Nichols moved to approve the minutes as corrected of the Regular Meeting November 21, 1979, and the Special Meeting, December 3, 1979. Seconded by Councilwoman Brown and approved 5-0.

CITIZENS IN-PUT ON NON-AGENDA ITEMS: Mayor Rapp asked if anyone wanted to address the Council on items not already on the agenda. None were presented.

ORDINANCES & RESOLUTIONS: Attorney Bettis asked for the affidavit of posting of Ordinance No. 663, which was presented by the Administrator, and read in title only the Ordinance for second reading. Councilman Westcott moved that ORDINANCE NO. 663, AN ORDINANCE AMENDING ORDINANCE NO. 659 (THE 1979 ZONING ORDINANCE FOR THE CITY OF CANBY) CREATING A PLANNED UNIT DEVELOPMENT OVERLAY ZONE TO BE USED IN CONJUNCTION WITH THE CITY'S UNDERLYING BASE ZONES AND DECLARING AN EMERGENCY be passed upon second reading. Seconded by Councilman Knight and carried 5-0 by roll call vote.

Administrator Wyman presented the affidavit of posting of Ordinance No. 673, and the title was read by Attorney Bettis. Councilman Westcott moved that ORDINANCE NO. 673, AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF CANBY (APPLICATION OF WILLIAM P. HINCKLEY AND MARGARET JUNE HINCKLEY AND EARL OLIVER; R-2 (MULTIPLE-FAMILY RESIDENTIAL) TO C-2 (HIGHWAY COMMERCIAL) ZONE.) be passed on the second and final reading. Seconded by Councilwoman Brown and approved by roll call vote 5-0.

COMMUNICATIONS: Administrator Wyman read a letter from Roger Reif outlining six points of major concern from the CAC, City Planner Lashbrook and the Planning Commission regarding the development, zoning and growth boundary of the proposed new Comprehensive Plan. Councilman Westcott asked if this letter from the CAC was just a recommendation leading to the Public Hearing on the Comprehensive Plan. Mayor Rapp agreed and noted that Council could not act upon this letter at this time. The Mayor also request Mr. Wyman to contact Mr. Lashbrook requesting more information, clearly stating the justification of reducing the growth boundary and yet adding Barlow to the plan.

December 5, 1979

Mr. Wyman, Administrator read a letter from Chief Seigler regarding the final report on the N. Ivy Street traffic. The letter noted a total of 715 vehicles clocked, 18 citations issued, an overall average speed of 26.31 MPH and radar surveillance will continue on an available time basis. Mayor Rapp requested staff to send a copy of the letter to Mr. Ramey and to also notify the Police Department of the gratitude of the Council for the good job they did on this matter.

A letter was read by Mr. Wyman from Public Works Director, Ken Ferguson, regarding full signalization of the Southern Pacific Crossing at 99 E and the Crown Zellerbach Logging Road and asking for Council approval. Councilman Knight inquired if there would be gates and if they'd be computerized? Mr. Ferguson noted there would be drop bars such as on the downtown crossings on each side and he thought they'd be signal activated but would check on this fact. Mr. Atwood inquired as to accidents in this area. According to her recollection, Mrs. Weston thought there have been 4 or 5 fatalities in that area. Councilman Knight moved to notify the Public Utility Commission of the Council approval of the signalization of the Southern Pacific Grade Crossing at 99 E and the Crown Zellerbach Loggin Road, Seconded by Councilwoman Brown. Mr. Ferguson noted that the signal would be activated by an island track circuit and not computerized. Motion was carried 5-0. David Bury asked if they would put any flashing red lights up on the bridge. Mr. Ferguson said no, that the signals would be the same as in town.

Administrator Wyman read a staff report from Mr. Ferguson and a report from Chief Seigler regarding the traffic survey on S. Ivy Street and the speed limit. This is a county road and the speed is controlled by the State. We will be informed of the Boards preliminary decision before the final hearing so we may appeal if it is retained at 35 MPH. Staff recommended that a Police Department representative be sent to the hearing to present the facts as outlined by our Chief of Police. Councilwoman Brown moved that upon receipt of the State findings and if they find that the speed remain at 35 MPH that either the Chief of Police or Lt. be sent with their facts and figures to the hearing and appeal that decision. Seconded by Councilman Pulver. Mr. Ferguson pointed out that we are requesting the lower speed limit from 99 E to the City Limits. It should also be noted on our report of the two churches in the area. Councilman Westcott inquired as to how flexible the State would be. Mr. Ferguson said if we went to the hearing with facts our chances are better. Jim Myron, from the audience, extended his appreciation for our efforts in this matter and requested that the police strictly enforce the 20 MPH when children are present. Motion was carried 5-0.

A letter from Dennis Nolder, Chairman of the Canby Utility Board, was read by Mr. Wyman recommending that Howard Barlow be reappointed to the Canby Utility Board in December when his term expires. Mayor Rapp said no action would be required at this time.

NEW BUSINESS - Councilman Knight moved that accounts payable in the amount of \$63,456.31 be paid. Seconded by Councilman Westcott and approved by roll call vote 5-0. Councilman Knight moved that the bill in the amount of \$4,235.09 to James Montgomery Engineering be paid out of the water bond funds with a warrant to be issued out of the County Treasury. Councilman Westcott seconded and approved by roll call vote 5-0.

Mr. Wyman read an application from Glen Cutsforth for a liquor license by GEF Inc. It is merely a name change from Cutsforth's Thriftway. Councilman Nichols moved that Council approve the liquor license in the name of GEF Inc. Seconded by Councilwoman Brown. Mayor Rapp indicated that the Police and Fire Department hadn't signed the application, this was added to the motion with approval of maker and second. Motion was carried 4-1. with Councilman Westcott voting nay.

UNFINISHED BUSINESS - Mr. Wyman read a letter from the Public Works Department on the Sewer Plant Status Report. The letter stated many samples from several locations in town are being analyzed for lead and zinc regarding the digestive function of the plant. Any source producing effluent heavy metals in excess will be ordered to take immediate corrective action and further reports will be submitted to the Council. Mr. Lee, Lee engineering, said our concentration of metal build up is 3 to 5 times greater than most plants and they can't really say for sure this lead and zinc is our problem but it's something that will be investigated and if it is, when is it coming to us and what concentration is it coming to us? Mr. Bury inquired as to whether Globe Union and other spots are being checked. Mr. Ferguson would not commit himself to any specific location. Mr. Westcott inquired as to cost for industrial areas for automatic samplers. Mr. Lee said there are several ways to test this and most industries are aware of these problems. However, cost of test sample units vary from \$900 to \$2400. Ken Ferguson noted that our Sanitary Ordinance specifies that upon order of the City any industry will provide at their cost any type of sampling device required by the City to monitor their waste. Also, that when we find out where this problem is coming from we will have to take quick action.

At this time Mayor Rapp recessed the Regular Meeting at 8:30 p.m. and reconvened the Regular Meeting at 8:44 p.m.

Mr. Wyman read a letter from Fred Egger, Canby Utility Manager, regarding the Hillside Property bordering Martin Clark which the Canby Utility will be purchasing. They are seeking approval to negotiate services with Mr. Nofzinger, a total estimated cost for providing electrical and water service in the amount of \$5820. in exchange for clear title to the hillside property, a strip of land approximately 60 feet wide by 760 feet long. Mayor Rapp felt it was not unreasonable for the Council to ask CUB for an explanation of the policy of relocating utility poles on street right of ways and also to request this policy procedure with McMinville, Eugene and Forest Grove, which the Public Works Department will do. Councilman Nichols moved to approve the request of the Canby Utility Board to purchase land referred to in the November 30, 1979, letter to the Mayor and Council, as the Hillside Property bordering on Martin Clark property and that a copy of that letter be attached to the minutes of this meeting. Seconded by Councilman Pulver and approved unanimously, 5-0.

Administrator Wyman read a letter from the business and public works office employees expressing their desire to join with the Public Works Committee in labor negotiations. Mayor Rapp felt this would be no problem and would much rather see the office staff with the Public Works Committee than the Police Association. However, job descriptions and steps should be worked up before we could enter into negotiations and it would take about a year to finalize all aspects. Councilman Westcott moved to honor the request of the office employees to join the Public Works Committee and a copy of their letter and also a copy of the Public Works Committee memo be attached to the minutes of this meeting. Seconded by Councilman Nichols and unanimously approved.

Ken Ferguson relayed to the Council that Marge Phelps, secretary-clerk in Public Works, has resigned effective December 20, 1979, for personal reasons and a new secretary-clerk will be needed.

OTHER REPORTS AS NEEDED - Mr. Wyman read a memo from Public Works Supervisor, Bud Atwood, concerning several complaints about a drainage problem on the dead end of S. Holly Street and the need for a dry well at an approximate cost of \$3200. Councilman Nichols moved to approve the recommendation of the Public Works Supervisor to install a dry well on S. Holly at a cost of \$4200. Seconded by Councilman Westcott and approved 5-0.

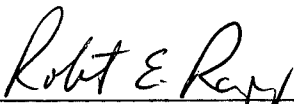
Administrator Wyman informed the Council that the initial quote from Mr Blake of \$2,200. for storm windows in the Public Works and Business Office will be \$580. more due to the fact of the size and type of windows, bringing the total to \$2,700. Mr. Wyman suggested his office and the two windows in the Planners office could be eliminated if necessary. Councilman Knight moved to approve the revised amount of approximately \$2,700. and not to exceed \$3,000. for repair of weatherizing the Public Works and City Hall windows. Seconded by Councilwoman Brown and approved 5-0.

Mr. Wyman informed the Council that concerning the Koehler property next door that the money has to be transferred from Revenue Sharing, with Attorney Bettis drawing up the appropriate papers and that we should come up with the money by February 1, 1980 and the monthly payments to be \$1,147.77.

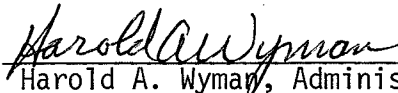
Mayor Rapp set up a Special Meeting and workshop on December 11, 1979, Tuesday, with the Planning Commission to be notified for the Condominium Conversion issue. Mayor Rapp also noted that it is the intention of the Council to interview each department head individually during this budgetting period. This will be done on a schedule set up by Mr. Wyman and the Mayor doing a couple at 7:00 p.m. before the scheduled meetings, starting December 10, 1979.

Mayor Rapp noted it was called to his attention that at the Swim Pool when they have an Adult Swim starting at one time and another Public Swim immediately following, they are requested to clear the pool and are charged a fee for the second swim time. Mayor Rapp felt this should be set up by Council policy to possibly only charge one fee for any public swim no matter how long a period they wished to stay and swim. This to be taken up at a later time.

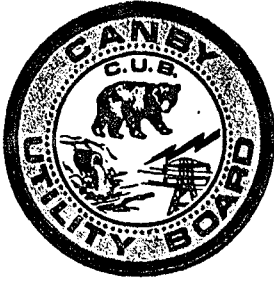
Mayor Rapp adjourned the Regular Meeting at 9:22 p.m.



Robert E. Rapp, Mayor



Harold A. Wyman, Administrator/Recorder



CANBY UTILITY BOARD

154 N. W. FIRST AVENUE — P. O. BOX 470
CANBY, OREGON 97013
PHONE 266-1156

BOARD MEMBERS

DENNIS NOLDER
HOWARD BARLOW
HOWARD GIGER

CHAIRMAN
MEMBER
MEMBER

FRED W. EGGER
JUDITH P. WILLEMS

MANAGER
SECRETARY

November 30, 1979

FILE: CH-500

The Honorable Robert E. Rapp, Mayor
and Members of the Canby City Council
City of Canby
City Hall
Canby, Oregon 97013

SUBJECT: Hillside Property Bordering on Martin Clark Property

Dear Mayor & Council Members:

By Canby Utility Board's letter File CH-443 of October 26, 1979, a request was made to you by the CUB to purchase approximately 12 acres of river bottom property from Martin Clark.

Approval for purchase was granted by Council action at the regular Council Meeting on November 7, 1979.

The Clark property is located primarily at the foot of the bluff. There is approximately 1 acre of hillside property adjacent to the Clark property (a strip approximately averaging 60 feet wide by 760 feet long, see attached sketch) which was part of the original Clark property but is now owned by Mr. Maynard Nofziger and an associate.

A tentative agreement has been reached with Mr. Nofziger whereby the CUB could waive the cost of certain services to other property owned by Mr. Nofziger (Racquetball Court property) in exchange for title to the hillside property. Cost to the CUB under this arrangement could be approximately \$1,500 for material. Labor and equipment has been estimated to cost approximately \$4,300.

The Canby Utility Board requests Council approval to proceed with negotiations as described above in order to get clear title to the approximate 1 acre of hillside property bordering on the Martin Clark river bottom land.

Copies of previous correspondence relating to this subject is attached for your convenience of review.

Sincerely,

CANBY UTILITY BOARD

Fred W. Egger
Fred W. Egger
Manager

Enclosures

cc: Maynard Nofziger

SERVING THE CITY OF CANBY

SAFECO



"This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon."

ORDER No. **C-30226**

SAFECO TITLE INSURANCE COMPANY
16201 SE MCLOUGHLIN BLVD
MILWAUKIE, OREGON 97222

300
23.43Ac.

1002
3.10Ac.

1006
11.43Ac.

900
0.78Ac.

800
5.09Ac.

Hillside

804
5.00Ac.

Approx 12
acres "Martin
Clark" property

Nofziger Property

VACATED
CJ 46-414
CO. RD. NO. 395

S 1/4 LINE DLC 57
NW COR
DLC 43

N.W. 3rd Ave.



CANBY UTILITY BOARD

154 N. W. FIRST AVENUE - P. O. BOX 470
CANBY, OREGON 97013
PHONE 266-1156

BOARD MEMBERS

DENNIS NOLDER
HOWARD BARLOW
HOWARD GIGER

CHAIRMAN
MEMBER
MEMBER

FRED W. EGGER
JUDITH P. WILLEMS

MANAGER
SECRETARY

November 26, 1979

FILE: CLARK-470

Mr. Maynard D. Nofziger
c/o Brown Real Estate
579 S.E. First Avenue
Canby, Oregon 97013

SUBJECT: Hillside Property; Part of Tax Lot 801
Near N.W. 3rd Avenue, Canby, Oregon

Dear Mr. Nofziger:

Reference is made to our conversation of November 21, 1979 regarding the Canby Utility Board's desire to obtain the hillside property north of N.W. 3rd Avenue and bordering on property the CUB plans on purchasing from Martin Clark.

The cost for providing electrical and water service to your "Racquetball" property and the other strip of land east of it is estimated to be approximately as follows:

ELECTRIC

- (1) Relocating 2 existing power poles to south side of N.W. 3rd Avenue @ \$200 each = \$400. (No charge for restringing overhead primary wire and extending 3 Ø from Baker Drive intersection to end of N.W. 3rd Avenue).
- (2) Material - (No. 2 primary URD Wire, No. 4/0 primary URD Wire, Primary load break elbows, potheads, vault and other material) to provide primary service underground to property \$1300
- (3) Equipment - (Backhoe, trencher, line truck) 360
- (4) Labor - (Equipment operator, helper, 3 man line crew) 2760

Total Estimated Electric Cost \$4820

WATER

The Canby Utility Board would waive the connect fee for the two (2) two inch water services. Estimated cost is \$500 per service - \$1000

Mr. Maynard D. Nofziger
November 26, 1979
Page 2

The total estimated cost for providing electrical & water service as listed is \$5820. The CUB would be willing to waive these costs in exchange for clear title to the hillside property which we have been discussing.

My quote to you on November 20, 1979 as to the estimated cost, was approximately \$6400. That quote included part of the cost to rebuild the primary line and extend the 3 Ø service past N. Baker Drive on N.W. 3rd. After further evaluation, we feel that this cost should be absorbed by the CUB as part of the overall upgrading and extension of the system.

Cost of the electric meter installation for any facilities constructed on your property would still be chargeable to you. This cost is approximately \$150 for each meter.

It should also be noted that the poles across your property which still have Pacific Northwest Bell lines on them (as of November 26, 1979) and whose lines still need to be relocated, are not CUB responsibility. All CUB facilities have been removed from these poles and relocated to the south side of the N.W. 3rd Avenue.

Enclosed for your review are copies of two letters sent to the Planning Commission in May.

Sincerely,

CANBY UTILITY BOARD



Fred W. Egger,
Manager

FWE/jpw

Enclosures

cc: With Encl.
Don Smith
10253 S. Kraxberger Rd.
Canby, Oregon 97013

TO: Mayor Rapp, City Council and Mr. Wyman

A meeting was held Friday, November 16, 1979 at 5:00 p.m. by the ten employees that are not presently represented by an association.

At this meeting there was discussion as to whether we would form our own association or join the public works employees in the Public Works Committee.

As none of us present have had any experience with employees associations we felt we would do better to join the Public Works Committee and also to keep from splitting the city's employees into still another group.

Present were: Ginny Shirley, Marge Phelps, Robin Phares, Elizabeth Kauffman, Marilyn Perkett, Virginia Graham, Jo Emery and Lela Wanner.

Absent were: Bob Godon and Jim Barclift.

Voting on joining the Public Works Committee was as follows:

6 Yeas
2 Neutrals
1 Yea by proxy vote
1 Absent

Yeas having 6 votes passing approval on joining the Public Works Committee.

Voting next was on two spokesmen for our group. Bob Godon volunteered by proxy to be one. Marilyn Perkett opened nominations on the other one and nominated Virginia Graham, Marge Phelps seconded and closed nominations. Everyone voted by indicating yea.

Bob Godon
Bob Godon 11/19/79

Virginia Graham
Virginia Graham 11/19/79

TO: Blair Services, Inc.

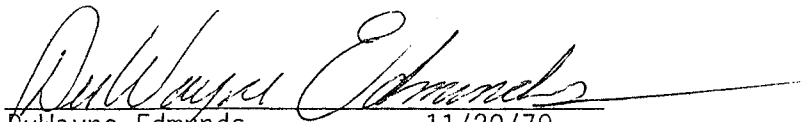
FROM: DuWayne Edmunds

DATE: November 20, 1979

Pat Blair:

The following employee's will be included in the City of Canby's Public Works Committee. Also two representatives from the group will aid in the negotiations for the 1980-81 fiscal year.

Marilyn Perkett
Virginia Graham
Ginny Shirley
Marge Phelps
Bob Godon
Jim Barclift
Robin Phares
Elizabeth Kauffman
Lela Wanner
Jo Emery


DuWayne Edmunds 11/20/79

DATE: December 5, 1979
TO: Honorable Mayor and City Council
FROM: Bud Atwood
Public Works Supervisor
SUBJECT: Drainage problem on S. Holly Street

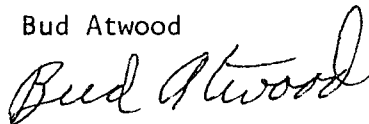
The Public Works Department has received several reports and complaints of flooding on the dead-end of S. Holly Street.

South Holly was curbed and paved in 1965. The project was paid for by the benefitted property owners. This is a short section of street 480 feet long running north from S. W. Sixth Avenue to a dead-end with no cul-de-sac.

The street was designed with two catch basins on the dead-end. They are connected to a shallow French drain which will not handle a normal rain fall. Water stands in adjoining yards with any heavy rain.

We recommend installation of a dry well at a cost of approximately \$3,200.

Bud Atwood

A handwritten signature in cursive script that reads "Bud Atwood". The signature is written in dark ink and is positioned below the printed name "Bud Atwood".