

Canby City Council
Regular Meeting
August 16, 1978

Present: Mayor Rapp, Councilmen Knight, Nichols, Giger, Taylor, Swayze, and Westcott

Others Present: City Administrator Wyman, City Attorney Bettis, City Treasurer Weston, Ken Ferguson, Public Works Director, Bud Atwood, Public Works Supervisor, Charles Tooley, Sewer Plant Operator, Rod Shoemaker, Planning Consultant, Ralph R. Hulbert, Planning Commissioner, Fred Kahut, Planning Commissioner, Gordon Ross, Planning Commission Chairman, John Henrickson, John Gunter, Frank C. Redford, David R. Gibb, Bob Saprie, William Osmer, Roy E. Bovie, Harold Oathes, Eileen M. Osmer, Pat Warnke, Marv Dack, Mary Lou Dack, David E. Bury, Ace Wehus, David Neeley, and other

The meeting was called to order at 7:34 p.m. followed by the traditional flag salute.

Mayor Rapp called for additions or corrections to the minutes of July 19, 1978 and August 2, 1978. The following corrections were noted:

August 2 - Page 1, paragraph 4, line 2, should read: "Councilman Giger moved that the balance due paid as requested by Mr. Funnell, plus interest, on or before October 1, 1978."

August 2 - Page 3, paragraph 2, should read: "August 21, 1978."

Councilman Knight moved the minutes of the three dates be approved as corrected, seconded by Councilman Giger. The motion was carried.

Ordinance No. 641; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY (ANDERSON-RITTER REALTY); was then read by title only on second reading. Councilman Taylor moved to approve Ordinance No. 641, seconded by Councilman Nichols. The motion passed by roll call vote with 6 ayes and 0 nays.

Due to Ordinance No. 643 not being in the Council packets, Councilman Westcott moved to table the first reading until the next meeting. The motion was carried.

Next on the agenda was a letter of resignation from Planning Commissioner Bob Shaw which Administrator Wyman read to the Council. Councilman Giger moved to accept the letter of resignation and a letter of thanks be sent to him, seconded by Councilman Nichols. The motion was carried.

Next was a letter from Jack Vail requesting the use of Canby's City Park for overnight camping during the Canby Women's Slowpitch Invitational which Administrator Wyman read. Discussion followed. Councilman Taylor moved that the request be granted, seconded by Councilman Swayze. Discussion followed with the motion passing.

Next was a letter from George Hoag commending Officer Rober Ek for doing a good job with the Canby Police Department. Councilman Nichols moved to write Ek a letter of commendation and include a copy of Mr. Hoag's letter, seconded by Councilman Swayze. The motion was carried.

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Administrator Wyman stated he had received two form letters from DEQ showing a good job being done at the sewer plant. No action was needed.

Next was a letter from the Coalition of Social Services, Clackamas County, stating their next meeting will be on August 17, 1978 at 7:30 p.m. at 511 Main Street, Oregon City, Oregon. No action was needed.

Next on the agenda was the request for permission to call for bids on the Senior Citizen Van. Councilman Giger moved that the request for bids be granted, seconded by Councilman Swayze. The motion was carried.

Next was the Accounts Payable. Councilman Swayze moved that the Accounts Payable in the amount of \$97,836.42 be approved, seconded by Councilman Taylor. The motion was passed by roll call vote with 6 ayes and 0 nays.

Administrator Wyman then requested the Council for permission to borrow funds for LID #8, Oak Street off 10th Avenue. Councilman Westcott moved that the City Administrator be authorized to borrow from the Sewer Reserve Fund monies up to \$15,000 to pay the contractor on LID #8 and pay the prevailing interest rate charged and that it be repaid upon the sale of the Bancroft Bonds, seconded by Councilman Taylor. The motion was carried.

Administrator Wyman then told of the new plans for Maple Street Park, Phase II. Councilman Nichols moved that permission be granted to call for bids on Maple Street Park, Phase II, seconded by Councilman Taylor. A brief discussion followed. The motion was carried.

Public Hearing - 8:04 P.M. - William Osmer Variance Appeal

Mayor Rapp called on Ken Ferguson for a summary at which time Mr. Ferguson gave a short summary.

Mayor then called for a staff report which was given by Rod Shoemaker, Planning Consultant from the office of Eldon E. Edwards. Mayor asked for questions from the hearing body at this time and there were none.

Mayor then stated we would hear testimony from the applicant at which time Mr. Osmer spoke in his own behalf. Mr. Osmer then answered questions from the hearing body.

Mayor Rapp called for opponents and hearing none called for proponents. There were none.

Mrs. Osmer was then recognized by the Mayor and she talked on behalf of herself and Mr. Osmer.

Mayor Rapp then asked if there were any further questions at this time.

Gordon Ross stated he was here on behalf of the Planning Commission and asked if the hearing body had any questions of him. There were none.

The Public Hearing was closed at 8:19 p.m.

The hearing body then discussed the appeal and Ken Ferguson read the Ordinance concerning variances.

Councilman Taylor moved to approve the variance requested by Mr. and Mrs. Osmer. The motion died with no second to the motion. Councilman Westcott then moved that the order of the Planning Commission dated August 10, 1978 nunc pro tunc July, 1978 be upheld, seconded by Councilman Giger. Discussion followed. The motion passed by roll call vote with 5 ayes and Councilman Taylor voting nay. More discussion followed with no further action being taken.

Public Hearing - Marv Dack Zone Change - 8:31 P.M.

Mayor Rapp called on Ken Ferguson for a summary followed by a staff report from Rod Shoemaker, Planning Consultant from the office of Eldon E. Edwards. Following the Staff report Mayor called for questions from the hearing body and there were none.

Mayor Rapp then called for testimony at which time the applicant's attorney, John Henrickson spoke. After a lengthy presentation the hearing body asked questions.

Mayor called for proponents and David Neeley spoke in favor of the proposed zone change.

Mayor Rapp then called for opponents at which time David Gibb of the LDS Church spoke in opposition to the zone change due to their church being used everyday and the traffic problem the development would cause.

Mayor Rapp called for rebuttal and Mr. Henrickson stated to Mr. Gibb the traffic problem could be worked out.

Mayor Rapp then asked if anyone present would like to speak either for or against the zone change. Ace Wehus stated he felt a playground should be put in the development. A brief discussion followed with Mr. Dack and Mr. Henrickson stating something could be worked out.

Frank Redford asked what percentage of sewage capacity the area now has. Ken Ferguson stated the sewage capacity is okay and would not present a problem in the future.

Dave Bury asked if the development would be like houses and Mr. Henrickson said yes.

The Public Hearing was closed at 10:09 p.m.

Mayor Rapp then asked if the hearing body had any further questions concerning the zone change. There were none.

Councilman Westcott moved that the final decision on this matter be tabled until September 6, 1978, seconded by Councilman Swayze. The motion was carried.

The regular meeting reconvened at 10:14 p.m.

Councilman Knight asked about the letter sent concerning sewer hook-ups in the city limits. Councilman Knight moved that action be held in abeyance on the motion made and passed on August 2, 1978 by the Council which dealt with the letter to be sent to all who are not presently hooked up to the sewage system inside the city limits. Discussion followed. The motion was then seconded by Councilman Nichols. More discussion followed with the motion being carried. Councilman Knight then moved that a new letter be drafted to be sent to those who have facilities located for sewer services available and they are not currently paying sewer service charges in the provisions of the applicable parts of Ordinance No. 566. Discussion followed. Councilman Knight withdrew his motion. More discussion followed. Councilman Knight moved to draft a letter and notify the people already mailed a letter, that the matter is being held in abeyance, seconded by Councilman Nichols. The motion passed.


Councilman Swayze moved that effective on this date, the 16th of August, 1978, Mrs. Nancy Boggs be appointed as City Recorder as previously discussed with the City Administrator and Mrs. Boggs and that she immediately be entered into a six month probation period in this position as City Recorder/Administrative Assistant, seconded by Councilman Giger. The motion was passed unanimously.

Administrator Wyman was then instructed to write a letter to John Stefani and Councilman Taylor in thanks for the plaques given to each Councilman and the City Administrator.

Mayor then reminded Council of the workshop on August 21, 1978 at 7:30 p.m.

The meeting adjourned at 10:29 p.m.


Robert E. Rapp, Mayor


Nancy S. Boggs, City Recorder