

Canby City Council  
Regular Meeting  
October 18, 1978

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

Others Present: Administrator Wyman, City Attorney Bettis, City Treasurer Weston, Ken Ferguson, Director of Public Works, Bud Atwood, Supervisor of Public Works, Paul Bosarge, Canby Herald, Dianna Schmid, Oregonian, Larry Whitman, David E. Bury, Bradford Garvey, Richard Garvey, George Stratton, Mary Godsy, and Johnnie Winningham

The meeting was called to order at 7:31 p.m. followed by the traditional flag salute.

Mayor then called for additions or corrections to the minutes of October 4, 1978 at which time the following addition was made by Councilman Knight on Page 1, paragraph 7, last line:

Discussion followed with Councilman Knight asking about S.W. 13th Avenue. Jon Henrickson, attorney for Mr. Dack, stated that it is in the Ordinance on page 5-G, under Findings that there is available public road access to the property and a road next to the property and the proposed development will be improved by the property owner. More discussion followed concerning the improvement of S.W. 13th Avenue to Elm. The City Attorney then asked Mr. Henrickson if he would include in his letter to the Mayor stating they will also be specific in their clarification of the improvement on S.W. 13th Avenue to S. Elm Street to be put in the Ordinance - Page 5, Section G, with Mr. Henrickson approving. The motion was then carried.

Councilman Swayze moved the minutes of October 4, 1978 be approved as corrected, seconded by Councilman Giger. The motion was carried.

Next was citizens input on non-agenda items at which time Administrator Wyman read a letter from Mr. George Stratton requesting to keep a trailer on the premises of the Champion Service Station located inside the city limits of Canby. Ken Ferguson stated that the trailer was there against the State Building Code and also it is not in the correct fire zone. A lengthy discussion followed concerning Mr. Stratton's request. Councilman Swayze moved that Mr. Stratton be allowed to occupy his trailer at the Champion of Oregon Service Station in the self-contained mode no more that two (2) nights per calendar week until April 18, 1979, seconded by Councilman Westcott. Councilman Giger stated he would like to see stated in the motion that the occupancy be contingent on the approval of the State Fire Marshal, with the maker and the second to the motion agreeing. The motion was then carried.

Larry Whitman of Whitman's Towing then stated he has a car that was towed on June 17, 1978 involving a fatal accident. The City had the car towed and the car is still in storage with a hold from Clackamas County D.A.'s Office and that he would like to have the charge for storage paid. Attorney Bettis then read a letter from Deputy Chief Ross Cravens' of the D.A.'s Office in reference to the impounded automobile. Discussion followed with the City Attorney advising the Council to pay the bill to Whitman's Towing and move the car immediately. More discussion followed with Larry Whitman stating he would like to move the car to the Sewer Treatment Plant with the condition that the City give him the car as soon as the case is closed with the County. More discussion followed. Councilman Swayze moved that the 1974 Buick involved in an accident in the City on June 17, 1978 and impounded by order of the Clackamas County D.A.'s Office at Whitman's Towing, be moved to storage at the City's Sewage

Treatment Plant and that the claim of Larry Whitman for towing and storage charges on the vehicle be settled per his request by release of any claim by the City to the vehicle. Furthermore, that the City denies any and all liability for any accident, loss or damages of the stored vehicle during the period of storage of the vehicle and that the Chief Deputy, Ross Cravens of the District Attorney's Office be notified of that fact by letter from the City Attorney, seconded by Councilman Giger. Councilman Westcott declared a conflict of interest in the matter due to his employment with Larry Whitman. The motion was carried with Councilman Westcott not voting due to the conflict of interest.

Larry Whitman then stated he has towed several abandoned cars in the past five years which he still has on his premises and would like something done about the cars. Discussion followed. Councilman Nichols moved that the head of the Police Department be notified and submit to the City Administrator a monthly record of all abandoned stored vehicles to be established as policy and be put in the Book of Policy for review every thirty (30) days, seconded by Councilman Giger. The motion was carried with Councilman Westcott abstaining due to a conflict of interest which was stated earlier.

Ordinance No. 646; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY (Application of Rufus Kraxberger); was then read in its entirety on first reading by the City Attorney. Councilman Swayze moved that Ordinance No. 646; An Ordinance Amending the Zoning Map of the City of Canby (Application of Rufus Kraxberger), be passed on first reading to come up for second reading on November 15, 1978 at 7:30 p.m., seconded by Councilman Giger. The motion was passed unanimously.

Resolution No. 251; A RESOLUTION ESTABLISHING A NEW SCHEDULE OF PRICES AND CHARGES TO BE MADE FOR LOTS, GRAVES, GRAVE LINERS, GRAVE OPENINGS AND MONUMENT INSTALLATIONS; AND RESTATING RULES AND REGULATIONS WITH REGARD TO MONUMENTS AND MARKERS; was then read in its entirety by the City Attorney. Councilman Giger moved that Resolution No. 251 be adopted, seconded by Councilman Knight. The motion was carried with Councilman Swayze voting no.

Next was a letter from Zarosinski-Tatone requesting an easement for sewer line along City Property for Willamette Green II Sewer Main. Councilman Westcott moved that the request from Zarosinski-Tatone for Willamette Green II Sewer Main for a ten foot easement along Territorial Road on the City Property known as the Collins Property be approved, and a copy of the letter and map dated October 6, 1978 be attached to the minutes, seconded by Councilman Swayze. The motion carried unanimously.

Next was a letter from the Chamber of Commerce in reference to the Canby Railroad Depot asking that a City Ordinance be drawn and enacted at the earliest possible date, providing historic designation for this structure. Councilman Swayze moved that the City Attorney be requested to draw up an Ordinance declaring the 107 year old building as a historic building, seconded by Councilman Westcott. Discussion followed with the motion being carried unanimously.

Next was a letter from Donald Broadsword in reference to Supplemental County Allocation in the amount of \$20,160. Discussion followed with Councilman Westcott moving the City Administrator write Mr. Broadsword a letter and thank him for the letter and tell him the City of Canby has no matching funds at this time. The motion was seconded by Councilman Swayze and passed unanimously.

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Next was the Accounts Payable. Councilman Swayze moved the Accounts Payable in the amount of \$34,060.26 be approved, seconded by Councilman Giger. The motion was passed by roll call vote with 5 ayes and 0 nays.

Next was the motion by the Council to approve Ballot No. 6 and 11 or reject both. Councilman Giger moved that both Ballot No. 6 and 11 be rejected, seconded by Councilman Nichols. Discussion followed. Councilman Westcott amended the motion to show rejection of Measure No. 6 and approve Measure No. 11 on the recognition that it is the lesser of the two evils, seconded by Councilman Swayze. With the approval of the maker of the motion, the amended motion was carried with Councilman Nichols voting no. The main motion was then carried with Councilman Nichols voting No.

Next was the matter of CRAG dues in the amount of \$1,569. Councilman Giger moved that we pay the bill in the amount of \$1,569 under protest to be put on the next Accounts Payable, seconded by Councilman Westcott. The motion was passed with Councilman Swayze voting no.

Next was the setting of workshop for monthly sewer rate charges and new zoning ordinance and procedures. Discussion followed. The workshop for the zoning ordinance will be held at a later date. The workshop for the monthly sewer rate charge will be held on October 25, 1978 at 7:30 p.m.

City Treasurer Weston then stated the tax rate for this year is \$4.36 per thousand and is down \$2.24 from last year and the Mayor added that it should be noted that Mr. Wyman was one cent off on his estimation.

The meeting adjourned at 9:07 p.m.

  
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Robert E. Rapp, Mayor

  
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Nancy S. Boggs, City Recorder

DATE: October 10, 1978

TO: Honorable Mayor and City Council

FROM: Ken Ferguson, P.E.  
Public Works Director

SUBJECT: Request from Zarosinski-Tatone for Willamette Green II Sewer Main

Attached is an alternate proposal to extend a sewer line from Willamette Green II across the Crown-Zellerbach Logging Road and along the west and south boundaries of the City owned Collin's property.

It is recommended that this request be approved as per Mr. Tatone's letter and map and that the ten (10) foot easement be prepared by Zarosinski-Tatone. The easement would go with the property and the 8-inch main would then be accepted by the city and become the property and responsibility of the City of Canby after construction and acceptance by the Public Works Department.

A handwritten signature in cursive script, appearing to read "Ken Ferguson".

Ken Ferguson

cc: Ron Tatone



ZAROSINSKI-TATONE ENGINEERS, INC.

STRUCTURAL-CIVIL-WATER AND SEWERAGE SYSTEMS

DONALD J. ZAROSINSKI, P. E.

PHONE (503) 235-8795

3737 S. E. EIGHTH AVENUE  
PORTLAND, OREGON 97202

RONALD G. TATONE, P. E.

*Oct. 18*

October 6, 1978

RECEIVED  
OCT 9 1978

Mr. Ken Ferguson  
Director of Public Works  
City Hall  
Canby, Oregon 97013

Re: Willamette Green No. 2

Dear Ken:

This is to acknowledge your letter of October 5, 1978, regarding the sanitary sewer to serve the above referenced project.

An alternate route for your review and approval is enclosed herewith. This route would be best served by having a ten foot easement adjacent to the Molalla Forest Road and adjacent to Territorial Road. The easement would be limited to the distances shown on the enclosed map.

Your prompt attention to this matter would be appreciated.

Very truly yours,

ZAROSINSKI-TATONE ENGINEERS, INC.

Ronald G. Tatone, P.E.

RGT/cjs  
enclosure

cc. Harold Jeans



