

Canby City Council  
Regular Meeting  
July 19, 1976

**Present:** Mayor Roth, Councilmen Kariker, Giger, Nichols, Taylor, Rapp, and Westcott

**Others Present:** City Administrator Wyman, City Attorney Bettis, Sr., Ken Ferguson, Superintendent of Public Works, Merrie Dinteman, Secretary of Public Works, Neal Butler, C.P.D., Richard Andrus, C.P.D., John Najera, C.P.D., Smith French, Fire Chief, Don Schaefer, Blair Services, Al Schwartz, Canby Herald, John R. Nieland, W. Beauford Knight, John Edgerton, Myra Weston, Helen Richmond, William Stevens, Duane Bedford, Dale Janzen, Don Guimary, Warren Wade, Roy Zimmer, Ralph Hulbert, Harold D. Tracy, Hal Fish, Gary Pope, Sherrie Wade, Gerry Najera, Vince Graziano, Paula Graziano, Norma Smith, David Burg, Dick Wagner, Mike Kraxberger, Mike Gooding, Pat McNamee, Marvin Bolland, Charles McNamee, Doris McNamee, Andy Boersma, Linda Kishpaugh, Shirley Roseland, R.A. Swayze, David Whiting, Branda Grant, Starr Jeffords, Lyn Bair, Haroldene Graham, Ted Hensley, Dr. E.E. Davies, Carol Thomas, and many others

The meeting was called to order at 7:32 p.m. followed by the traditional flag salute.

Mayor Roth then called for additions or corrections to the minutes of July 6 and 12, 1976 at which time Councilman Kariker then moved that Resolution #202 and the letter from Kent & Snow in reference to their recent audit of June 30, 1975 be attached to the minutes of July 6 and 12, 1976, seconded by Councilman Giger. The motion passed unanimously. Councilman Rapp then stated that Pete Kelley was a member of the Budget Committee and not the Planning Commission. Councilman Kariker then moved that the minutes be approved as corrected, seconded by Councilman Giger and passed unanimously.

Mayor Roth then called for guest hearings at which time Al Schwartz, Canby Herald, asked the Council if it were the intention of the Council to exclude the press from the Executive Session with the Police Department last week. Discussion followed.

The next item on the agenda was the Attorney's opinion on the Gagliardi and Clark Minor Land Partitions. Councilman Westcott moved that the Council take from the table the Gagliardi and Clark appeal. City Attorney Bettis then read a letter from him to the Mayor and Council regarding the application of Gagliardi and Clark Minor Land Partitions. Discussion followed. Councilman Giger moved to sustain the decision of the Planning Commission, seconded by Councilman Westcott. The motion passed unanimously.

Next on the agenda was the letter from the Community Action Agency which was held over to date. The letter will be held over until August 2, 1976 so that Mr. Jono Hildner may be contacted by the Mayor.

Next on the agenda was the letter from League of Oregon Cities in reference to State Revenue Sharing. A brief discussion followed. Councilman Giger moved that the matter be held over until a later date, seconded by Councilman Taylor. The motion passed unanimously. The Mayor then appointed Councilmen Westcott, Taylor, and Nichols to look further into the matter, and then bring a report back to the Council at the next regular meeting, August 2, 1976.

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Attorney Bettis then read a letter from Farm Home Administration. Charles McGee, a representative from Farm Home Administration then discussed the Swimming Pool with the Council. Mr. McGee had the Mayor sign a Non-Discrimination form with the City Seal being put on also. A brief discussion followed.

Next on the agenda was the Accounts Payable of June 30, 1976 in the amount of \$2,592.34. Councilman Taylor moved that the Accounts Payable in the amount of \$2,592.34 be approved, seconded by Councilman Giger and passed by roll call vote with Councilmen Kariker, Nichols, Westcott, Rapp, Taylor, Giger voting aye. The Accounts Payable for July 15, 1976 was then discussed. Councilman Giger moved that the Accounts Payable in the amount of \$17,880.98 be approved, seconded by Councilman Westcott and passed by roll call vote with Councilmen Nichols, Westcott, Rapp, Taylor, Giger, and Kariker voting aye.

Next on the agenda was the delinquent bill of Eldon E. Edwards, Planning Consultant in the amount of \$1,438.20. Councilman Giger moved that the bills be approved in the amount of \$1,438.20, seconded by Councilman Westcott. A brief discussion followed. The motion passed unanimously.

Next on the agenda was the discussion of the Red Barn Enterprises application for liquor license. Councilman Westcott moved to remove the motion of July 6, 1976 in reference to the application for liquor license from the table, seconded by Councilman Giger and passed unanimously. Andy Boersma then explained the location and plans of his restaurant. A lengthy discussion followed. Councilman Nichols moved to amend the motion now pending to authorize the City Administrator to write a letter to the applicant stating that the Council has approved the application. More discussion followed. There was no second to the motion. The motion, which was previously tabled and read; Councilman Taylor moved that the City Administrator write a letter to the applicant stating the reasons for denial of the application at this time, was then voted on with 1 aye and 5 nays. Councilman Nichols moved that we approve the application of Red Barn Enterprises, seconded by Councilman Giger. Councilman Rapp moved to amend the motion to read; subject to the Police Departments approval, seconded by Councilman Taylor. The amended motion passed unanimously. The main motion was then passed with Councilman Westcott voting no. Councilman Giger moved that the City Attorney be instructed to order a title search adjacent to the property, seconded by Councilman Taylor and carried unanimously. More discussion followed.

Next on the agenda was the Agreement with the Rural Fire Department. Councilman Westcott then presented the draft agreement to the Council. Discussion followed. Councilman Giger moved that a Special Meeting and Public Hearing be called for Monday, July 26, 1976 at 7:30 p.m. to discuss the Agreement, seconded by Councilman Taylor. More discussion followed. The motion passed unanimously.

Next on the agenda was the Agreement between the City and the Union. Discussion followed. Councilman Kariker moved that the Council and the City of Canby accept the Agreement with AFSC & ME - AFL-CIO, Local 189 and that the Agreement should be attached to the minutes of July 19, 1976, seconded by Councilman Rapp and passed unanimously.

Councilman Kariker then discussed with the Council an article which was written in the Editorial Section of the Oregonian on July 15, 1976 concerning the Executive Sessions. Discussion followed. Councilman Kariker moved that the Mayor write a letter to the Oregonian on behalf of the City of Canby demanding a public apology in a subsequent editorial, seconded by Councilman Giger. Discussion followed. City Attorney Bettis then read a letter of Demand from the Oregonian. More discussion followed. The motion was then voted on with Mayor Roth breaking the tie vote with a vote of nay.

The meeting then recessed at 10:15 p.m.

The meeting was then called back to order by the Mayor at 10:23 p.m., with the Mayor announcing the date of the City Caucus to be held on August 5, 1976.

Mayor Roth then read the pending resignation of Councilman Kariker.

Attorney Bettis then discussed the LID #5 briefly with the Council.

Paul Boring then spoke of the Workmen's Compensation charges against the City of Canby with Ted Hensley joining in. A discussion followed.

Councilman Westcott then moved that the minutes of the Special Council Meeting on July 12, 1976 be supplemented to accurately show that which transpired after the meeting recessed at 7:53 p.m. and that following are the events which occurred and in the following order:

1. A workshop discussion was held with four (4) citizens who are a sub-committee of the, "Concerned Citizens of Canby Committee", their names were, Marjorie Hanson, Bob Swazey, Bob Irwin, and Dave Lien. They explained many ideas on improvement of better Public Relations for the Council and the Public. The Council listened, asked questions, made some comments, but did not deliberate on any matter, make any decisions, or consider it to be an Executive Session.

The workshop closed at 8:52 p.m. with the press and several members of the public present during the informal discussion.

2. Following the workshop, three members of the Police Department, namely Officers Andrus, Giger, and Acting Chief Butler asked for an audience with the Council. With the City Attorney, City Administrator, and member of the press excluded. Because of this request the previously scheduled Executive Session was not held.

The Council then met with the three officers in audience at 9:17 p.m. No minutes were made, no decisions were made, the Council listened and made comments, thereby opening up lines of communications with the Police Department. This audience closed at 10:33 p.m.

The motion was seconded by Councilman Giger. The motion was then passed unanimously.

Councilman Westcott then moved that the Council adjourn and reconvene on Wednesday, July 21, 1976 at 5:30 p.m. in Executive Session, according to ORS 192.960 with representatives of the Police Department, seconded by Councilman Rapp and passed with 4 ayes and 2 nay. The meeting adjourned at 11:04 p.m.

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SUPPLEMENT

Councilman Westcott moved that the minutes of the Special Council Meeting on July 12, 1976 be supplemented to accurately show that which transpired after the meeting recessed at 7:53 p.m. and that following are the events which occurred and in the following order:

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The motion was seconded by Councilman Giger. The motion was then passed unanimously.

*Harold A. Wyman*

*Paul N. Roth*