

CLEAR MEETING-CANBY CITY COUNCIL

October 15, 1973

The meeting was called to order at 7:30 p.m. by the Mayor.

Roll Call:

Present: Mayor Roth, Councilmen Gerber, Giger, Kariker, Tate, Wagner and Westcott

Absent : None

Others Present: Attorney Bettis, Sr., Administrator Wyman, Fire Chief Buttolph, Treasurer St. Amant, and Foreman Atwood

The Mayor then lead those present in the traditional flag salute.

Upon call by the Mayor for corrections or deletions to the minutes of October 1, 1973, the motion was made by Councilman Westcott, seconded by Tate and carried with one dissenting vote that the statement in Paragraph 3 reading "The Recorder recommended that the bill either be ignored or that a counter claim be filed by the General Fund for billing and collection" be stricken from the minutes of October 1. There being no further corrections noted, Mayor Roth declared the minutes approved as corrected.

Paul Kraft, President of the Volunteer Firemen's Association, presented an agreement draft pertaining to Volunteer Firemen's Association rights and privileges to the meeting room and kitchen of the Grant Street fire station and a listing of tools and equipment belonging to the Firemen's Association. After a period of discussion, a motion was made by Councilman Giger, seconded by Wagner, and carried unanimously adopting the agreement form. Upon the attorney's review of the agreement as presented, he advised the Council that they were premature in adopting said agreement in that it was not properly constructed in the request for rights and privileges to said meeting room. After further discussion, a motion was made by Councilman Tate, seconded by Gerber and carried unanimously to reconsider the Council's previous action. Then a motion was made by Councilman Giger, seconded by Wagner and carried unanimously to recind the action of the Council regarding the adoption of the Firemen's Association agreement. Attorney Bettis assured the Council that he would redesign the agreement for future presentation.

A letter from the Canby Utility Board was read by Administrator Wyman which contained the Utility Board's desire to pay off the \$22,000.00 loan from the Sewer Department in six (6) equal payments. After a period of discussion, the motion was made by Councilman Giger, seconded by Westcott and carried unanimously that the City prepare and present to the Utility Board a promissory note designating six (6) equal monthly payments plus interest beginning December 1, 1973, and to be paid in full no later than June 30, 1974.

The Council discussed the reference in the Utility Board's letter to the 5% in Lieu of Taxes program and the Council members agreed that a letter should be written to the Board conveying the intent to negotiate the rate at budget time next spring and that copies of the letter be furnished each Council member.

The Council discussed information from the Canby Utility Board that one or more utility customers had been overcharged for sewer service and the manner in which they would be reimbursed. Attorney Bettis and Administrator Wyman advised that this was routine procedure and that no Council action was required.

A motion was made by Councilman Kariker, seconded by Tate and carried unanimously to require the Utility Board to turn over the monthly sewer service rental fees to the City by the 10th of the following month.

The Council discussed the tentative plans for a Comprehensive Planning Land Use Study and a motion was made by Councilman Giger, seconded by Gerber and carried unanimously to approve the action of the Planning Commission in its intent of the Comprehensive Program. Councilman Kariker requested that the Mayor assign further study of this Program to the Mayor's Citizens Advisory Committee.

After a period of discussion, a motion was made by Councilman Kariker, seconded by Wagner and carried with one dissenting vote to gravel the upper road through the Canby Community Park to the Boy Scout house.

A motion was made by Councilman Giger, seconded by Westcott and carried unanimously authorizing the City Administrator to expend \$4,553.00 from Revenue Sharing Funds for radio communications equipment to be installed in City vehicles.

ORDINANCE 576. AN ORDINANCE PERTAINING TO THE CONSTRUCTION, ALTERATION, REPAIR AND MOVING OF BUILDINGS WITHIN THE CITY OF CANBY, OREGON; PROVIDING FOR PERMITS AND FEES THEREFORE; PROVIDING FOR PENALTIES FOR VIOLATIONS; REPEALING ORDINANCE 550; AND DECLARING AN EMERGENCY was read on first reading by Attorney Bettis. A motion was made by Councilman Giger, seconded by Tate and carried unanimously to pass Ordinance 576 on first reading, to post in compliance with the provisions of the City Charter, and to come up for final action on November 5, 1973.

ORDINANCE 575. AN ORDINANCE RELATING TO THE PURCHASE OF EIGHT MOTOR VEHICLES AND STREET SWEEPER FOR THE CITY OF CANBY; ACCEPTING BIDS FOR SALE; DIRECTING EXECUTION OF PURCHASE AGREEMENTS; PROVIDING FOR PAYMENTS; AND PROVIDING AN EFFECTIVE DATE was read on first reading by the City Attorney. A motion was made by Councilman Giger, seconded by Gerber and carried unanimously to pass Ordinance 575 on first reading, to post in compliance with provisions of the City Charter, and to come up for final action on November 5, 1973.

ORDINANCE 572. AN ORDINANCE PRESCRIBING THE DISSEMINATION OF OBSCENE MATERIALS; DECLARING SUCH ACTS TO BE A PUBLIC NUISANCE; PROVIDING PENALTIES FOR VIOLATIONS; AND DECLARING AN EMERGENCY was read on final reading by title only by the City Attorney. Discussion of the Ordinance followed, including a lengthy dissertation by Attorney Tony Pizzuti who based his opposition to the Ordinance on loose construction which authorized the City Attorney to determine what constitutes a nuisance. Thereupon a motion was made by Councilman Giger and seconded by Gerber to adopt Ordinance 572. An amending motion was then made by Councilman Tate and seconded by Kariker to amend Section 5 of Ordinance 572 to read "the City Council" instead of "the City Attorney". Said amending motion failed to carry and the original motion to adopt said Ordinance was passed by a roll call vote of 4 "yes" and 2 "no". Thereupon Councilman Westcott moved to refer Ordinance 572 back to the Ordinance Committee for further study. The motion failed for lack of a second.

Administrator Wyman read a letter from John P. Tatone indicating his intention of demolishing the burned out residence on his property adjacent to Knights Bridge Road and Mr. Wyman also voiced an oral communication from Mrs. Victor Gumaer that she intended to dispose of a residence at 441 South Knott Street and thereby eliminating the necessity for an abatement hearing before the Council.

Administrator Wyman read a letter from Mayor <sup>KLEMSSEN</sup> ~~Glemensen~~ of Oregon City soliciting Canby's cooperation and added support to the areas request upon the State Highway Department that the Cascade Highway be rerouted around the business area of Oregon City. After a period of discussion, a motion was made by Councilman Giger, seconded by Gerber to have a resolution of support to the request drawn up for further consideration. After further discussion, a motion was made by Councilman Kariker, seconded by Wagner and carried to table the former motion for further study and consideration.

Administrator Wyman distributed purchase order batch edit sheets and print outs to members of the Council and described the progress being made in computerizing the City's accounting system and that the Computer Service was processing their first City payroll that day.

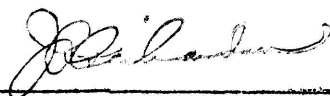
The Council discussed the League of Oregon Cities annual convention coming up in mid November and the Mayor requested that any City official who could attend one or more meetings to register their intent with the City Administrator or City Recorder. A motion was made by Councilman Wagner, seconded by Kariker and carried unanimously authorizing the City Administrator to reserve one hotel room at the convention hotel where City officials might relax between meetings.

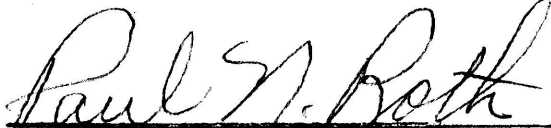
Councilman Westcott advised the Council that a barrier along the easterly side of the City Hall parking lot should be constructed to protect adjoining property from runaway cars. It was reported after some discussion, that the City would construct an asphalt curb along the property line and that the Utility Board had agreed to pay half the cost.

Administrator Wyman read a letter from the City Treasurer, John St. Amant, recommending that the City borrow \$50,000.00 from Cemetery Perpetual Care savings account for a 60 day period at 5% interest to be repaid from tax monies as available from the County Treasurer. The City Treasurer also recommended in his letter that the City reinvest \$260,000.00 now in 90 day Canby Union Bank passbook account to a certificate of deposit for one or two years to draw up to 7½% interest. After a period of discussion, the motion was made by Councilman Wagner, seconded by Westcott and carried unanimously that the City borrow \$50,000.00 at 5% interest for 60 days from the Cemetery Perpetual Care Fund and that that sum be deposited in the City's checking account to cover payrolls and other expenditures until tax monies become available and thereupon a motion was made by Councilman Giger, seconded by Gerber and carried unanimously that \$260,000.00 of Sewer Sinking Fund monies be invested in a time certificate at the Canby Union Bank at 7½% interest for one year.

Mayor Roth announced that the next Council Workshop would be conducted on October 29, 1973, and urged that as many Councilmen as possible be in attendance.

The meeting was adjourned at 10:30 p.m.

  
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J.R. Richardson, City Recorder

  
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Paul N. Roth, Mayor

Council Roll Calls for 1973

SEAN 3500 DMW  
GUTTERS HARVEST DON  
HOWARD CMC