

CANBY CITY COUNCIL  
REGULAR SESSION  
AUGUST 6, 1986

(This meeting was televised "live" on Channel 5.)

Mayor William F. Pulver presiding. Councilmembers present:  
Nancy Kopelk, Gary Sowles, Helen Brennan and Michael Jordan.  
Absent Councilmembers: David Anderson and Scott Taylor.

Also present: Administrator Bud Atwood, City Attorney John Kelley, City Recorder Marilyn Perkett, Public Works Director Rusty Klem, Aquatics Director Scott Nelson, Dave & Carol Wheeler, Verlyn Kraxberger, Henry & Mary Whitt, Matt Schmeiser, Paul Doty, Tom & Sam Gilmer, Sidney Miles, Don Baldwin, Bob Root, Steve Frederick, Myra Weston, Earl Oliver, Dorothy Knight, Dwight Booth, Del Hildreth, Judy Soles, Shari Park, Douglas VanDyk, Hank Scouten, Leslie Ramsour, Raleigh Mangus, Mr. & Mrs. R.D. Birkemeier, Carol Groff, Gordon Andrus, Jim & Eileen Dale, Hazel Adams and Mark Trebwasser.

Mayor Pulver called the regular session to order at 7:30 p.m., followed by the flag salute and meditation.

Roll call showed a quorum present, with two Councilors absent, Anderson and Taylor.

\*\*Councilwoman Kopelk moved to approve as distributed the minutes of regular session July 16, 1986, seconded by Councilman Jordan and approved 4-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Don Baldwin, 740 N.E. 14th Avenue, addressed the Council regarding a resident behind his property that was, in his opinion, running a garage business with numerous vehicles parked at the site. Administrator Atwood noted that staff had briefly reviewed this site before and did not believe it was a business. Staff and the Police Department will investigate the situation.

COMMUNICATIONS: Administrator Atwood read a letter from Jim Renner, tendering his resignation from the Canby Utility Board. Mayor Pulver announced that he would be making an appointment later in the meeting to fill the unexpired term of Mr. Renner.

Administrator Atwood read a letter from Dale Harlan, Chairman of the County Board of Commissioners, thanking Canby for joining the County in their project to fund road maintenance and requesting support of a proposed November ballot measure for a 3 cent per gallon gas tax. Mr. Atwood informed the Council that if the measure passed, Canby would realize approximately \$80,000 from the proposed tax.

Administrator Atwood briefly reviewed a letter that Stephan Lashbrook, CUB Manager, sent to DEQ regarding CUB's strong opposition to landfill site C-7B, due to the direct impact it would have on Canby's water supply. Also at this time, Mayor Pulver informed the large audience that the Council was not having a public hearing on the landfill issue and therefore testimony would not be received. However, the Council would briefly hear from representatives of the group later in the meeting.

Administrator Atwood briefly reviewed a letter from Larry Cole, North Willamette Telecom, informing Council of the "Cable Communication Policy Act of 1984" which allows the industry to afix a 5% rate increase per year. The current City franchise with NWT had a provision for a fixed rate for three years, and April, 1986, the three year period expired. Mr. Cole was informing the Council of a 5% rate increase, effective September 1, 1986, for basic service only in an amount of 45 cents per customer. Mr. Cole also indicated that there may be a rate reduction in the premium channels. In view of the Cable Communications Policy Act of 1984, no Council action was necessary.

ORDINANCES & RESOLUTIONS: Ordinance No. 795, will be reviewed under as a new business item.

Administrator Atwood informed the Council that Oregon Department of Revenue was not satisfied with the City's previous two resolutions regarding the budget. Resolution No. 391 was drafted to combine the previous ones, and conform with state criteria. \*\*Councilman Jordan moved to adopt Resolution No. 391, A RESOLUTION ADOPTING BUDGET AND MAKING APPROPRIATIONS FOR THE 1986-87 FISCAL YEAR, motion seconded by Councilwoman Brennan and approved 4-0.

Attorney Kelley read Resolution No. 392 in its entirety. Doug VanDyk, Attorney representing the Parrot Creek Neighborhood Association that is in opposition of landfill site C-7B, briefly addressed the Council emphasizing the impact that site C-7B will have on the contamination of the City's water supply. Mayor Puvler informed the audience that the City has been represented by staff at all the DEQ meetings regarding the landfill sites and that the City was in strong opposition of the specific four sites mentioned in the Resolution. Walt Schmeiser addressed the Council informing the Council of an underground river and lake near Canby that would be affected by landfill site C-7B. After a length discussion, the Council suggested adding site C-5 to paragraph 10 of the Resolution. \*\*Councilwoman Kopelk moved to adopt Resolution No. 392, A RESOLUTION OBJECTING TO THE ESTABLISHMENT OF A LANDFILL AT SITES C-5, C-7B, C-26 AND C-30 SURROUNDING THE CITY OF CANBY, OREGON, with the correction as noted to paragraph 10, and a copy to be sent to the D.E.Q. office. Motion seconded by Councilman Sowles and passed 4-0.

NEW BUSINESS: \*\*Councilwoman Kopelk moved to approve payment of accounts payable in the amount of \$44,219.07, seconded by Councilman Jordan and approved by roll call vote, 4-0.

Administrator Atwood informed the Council that ads for bid call on a used tandem axle diesel truck for the Sewer Plant had been placed in two publications and notices mailed to three dealers, with only one bid received from Northside Ford Truck Sales of Portland, for a bid price of \$19,950.00. At this time the Council considered Ordinance No 795, drafted for purchase of the sludge truck. \*\*Councilman Sowles moved that Ordinance No. 795, AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY RECORDER OF CANBY, COUNTY OF CLACKAMAS, OREGON TO EXECUTE A PURCHASE AGREEMENT FOR A USED THREE AXLE TRUCK FOR THE WASTEWATER TREATMENT PLANT; AND DECLARING AN EMERGENCY, be properly posted and come up for final action on August 20, 1986, after 7:30 p.m. Motion seconded by Councilwoman Kopelk and carried 4-0. Administrator Atwood requested permission to proceed with the purchase prior to final reading, the Council gave a unanimous consensus.

UNFINISHED BUSINESS: The Council considered the License Agreement between the City and Canby Union High School for parking on S.W. 4th Avenue. Attorney Kelley informed the Council that Roger Reif, Attorney for the District, had called this afternoon requesting a pro-rated reimbursement of money spent for improvement of the site if the City terminated the contract within a two year period. Attorney Kelley read the new section to the Council for their approval. \*\*Councilman Sowles moved to approve the Lease Agreement between the City and the Canby Union High School District #1 for use of the premises at S.W. 4th Avenue between S. Birch and S. Douglas Street for the purpose of off-street parking of automobiles with the additional wording as presented by Attorney Kelley. Motion seconded by Councilman Jordan and carried 4-0.

Administrator Atwood informed the Council that the work has started on the S. Elm Street Project and due to the restriction set for the federal funding, the project could only be fully completed from S.W. 4th to S.W. 10th, with the inclusion of curbs and storm drain to S.W. 13th. However, if the City choose to complete the paving process to S.W. 13th and approximately 1,200 feet, the current contractor would do the work, to City standards, for the current state bid price of \$46.92 per lineal foot, for an total approximate cost of \$58,659. \*\*Councilwoman Kopelk moved to instruct the City Attorney to draw up an Agreement, and/or Ordinance if necessary, for \$58,695.00 for paving on the S. Elm Street Project from S.W. 10th to S.W. 13th , based on the fact the contractor, Parker Northwest Paving, will provide the same unit price of \$46.92 per lineal foot as in the current state contract. Motion seconded by Councilman Jordan and approved 4-0.

Scott Nelson, Swim Center Director, reviewed the progress of the improvement at the Swim Center. A request for bids to seal and paint the interior will be opened on August 20th. Also, Mr. Nelson informed the Council of procedures that have been investigated for the exterior insulation. Council expressed concern over the foam exterior insulation and requested that a

Masonry expert be consulted. The Director will bring more information regarding the exterior to the next meeting, and also consult the State Department of Energy Small Scale Energy Loan Program for their assessment of our energy analysis.

Attorney Kelley had prepared an earnest money agreement between the City and Glenn and Elsie Cutsforth for purchase of the City Shop site, contingent upon acceptance of a bid and contract to build a new Public Works Facility. \*\*Councilwoman Kopelk moved to request the City Attorney to present Glenn and Elsie Cutsforth with the Earnest Money Agreement for review.

At this time, Mayor Pulver announced he would appoint Robert Swayze to fill the unexpired Canby Utility Board term of Jim Renner's, until February, 1987. \*\*Councilman Jordan moved to approve Mayor Pulver's appointment of Robert Swayze to the Canby Utility Board, seconded by Councilwoman Brennan and approved 4-0.

OTHER REPORTS OR ANNOUNCEMENTS: Administrator Atwood informed the Council that staff had approved overnight parking in the Canby Community Park for overflow from the fair. A permit will be issued from the Fair Board for overnight patrons. Council gave a general approval of the issue.


Administrator Atwood inquired if the Council wished to pursue the two sample resolutions, one from Sandy on juvenile problems and the other from Albany on Modular Homes. Council request that staff draft a resolution similar to Sandy's for review and also present the Planning Commission with the Albany resolution for review.

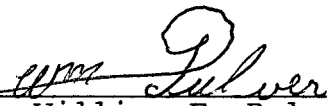
\*\*Councilman Sowles moved to go into Executive Session ORS 192.660 (1)(d), to discuss staff and personnel salaries. Motion seconded by Councilwoman Kopelk and approved 4-0.

Mayor Pulver recessed the regular session at 8:55 p.m. to go into Executive Session. The regular session was reconvened at 9:32 p.m.

At this time, \*\*Councilwoman Kopelk moved that salary adjustments for the Police Lieutenant annually be \$31,614.00 and for the Police Chief annually, \$33,021.00, to be effective July 1, 1986. Motion seconded by Councilman Sowles and carried 4-0.

Mayor Pulver adjourned the regular session at 9:33 p.m.

  
Marilyn K. Perkett, City Recorder

  
William F. Pulver, Mayor