

CANBY CITY COUNCIL

REGULAR MEETING

JULY 17, 1985

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

Also present: City Attorney John Kelley, City Recorder Marilyn Perkett, Police Chief Jerry Giger, Bob Graham, Betsy Ross, Roy Hester, Charles Tooley, Steve Frederick and David Harlan.

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

Roll call of Council showed a quorum present.

**Councilman Sowles moved to approve as distributed the minutes of regular session, June 19, 1985; and the minutes of special session, July 10, 1985. Motion seconded by Councilwoman Kopelk and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Betsy Ross addressed the Council requesting that the bars be removed from the Wait Park Gazebo since it is almost complete. The Council discussed the liability problems, specifically with children riding bikes in the gazebo, and Attorney Kelley noted that the odds are better than 50% that we would not be liable, however, insurance was available. Council consensus was for removal of the existing locking bars on the gazebo.

Bob Graham, Canby High School instructor, addressed the Council regarding his idea to promote a "natural habitat sanctuary" in the Canby Community Park. The area is behind the pond, along the bluff and creek. Mr. Graham is willing to work with both Fred Kahut and John Torgeson, owners of property in the area, and in his presentation, Mr. Graham suggested establishing nature walks along the subject area. However, he requested that the City stop using the area as a dump site until the project is further investigated. Mayor Pulver requested that Mr. Graham return to the Council with specific plans after consulting with Mr. Kahut and Mr. Torgeson, and at this time the City will declare a moratorium on dumping in the area.

COMMUNICATIONS: The City Recorder read a letter from Harry Lee Kwai, thanking the City for its support for the community's Local Access television programming and urging the Council to consider a mini-workshop to learn more about the access programs and the equipment.

A letter of thanks from the Canby Chamber of Commerce was read regarding the recent purchase of the new trash receptacles.

A thank you from Neil Cullison, Master of the Clackamas County Pomona Grange, was read in respect to the City's participation in the recent state grange convention held in Canby.

A thank you note from Administrator Atwood for the concern and flower arrangement during his recent surgery was read. Also, a note from the Atwood family was read regarding the City's expression of sympathy in respect to a recent family death.

ORDINANCES & RESOLUTIONS: None were presented. However, Attorney Kelley informed the Council that he is presently consulting with various committees and working on both a Swim Center and Senior Center Advisory Board ordinance which will probably be on the agenda for August 21st.

NEW BUSINESS: **Councilwoman Kopelk moved to pay the following accounts payable: June 28, 1985, \$39,874.33; final close out for the fiscal year, June 30, 1985, \$16,763.61; and July 15, 1985, \$53,403.58, noting she had personally reviewed the bills. Motion seconded by Councilman Taylor and approved 5-0 by roll call vote.

The next order of business was Council consideration to possibly rent the gazebo for private functions. Councilwoman Kopelk noted that in her research some cities had a refundable fee. Steve Frederick, member of the Art Squad, suggested that he and Ginny Shirley prepare a policy sheet that can be handed out to patrons and perhaps a consideration of a refundable fee. After discussing the pros and cons the Council consensus was to review the issue again after the suggested policy was established.

The Council next considered the renewal of the annual Fire Agreement between the City of Canby and the Canby Rural Fire District. It was noted that the only change was the elimination of the City owned 1974 rescue vehicle, for which a \$5,500 check has been received, and the addition of the jointly owned 1985 GMC Marion rescue vehicle. **Councilman Anderson moved to authorize the signature of the Mayor for approval of the Fire Agreement between the City of Canby and the Rural Fire District, effective July 1, 1985 to July 1, 1986. Motion seconded by Councilman Sowles and carried 5-0.

A special event liquor license for a benefit dance and auction for Renee Kuntz was considered, with a consideration of waiving the ten dollar City fee. **Councilwoman Koplek moved to approve the Special Event Liquor License for a "Benefit Dance and Auction" at the fairgrounds on August 2, 1985, 5:00 p.m. to 1:00 a.m., and waive the ten dollar City fee. Seconded by Councilman Sowles and approved unanimously.

Mayor Pulver read a memo from Bob Godon, Building Official, regarding a problem with the existing pavement on S.W. 13th

Avenue east of S. Elm Street, there is no base rock under the original pavement. It is suggested to excavate the south half of 13th Avenue where there is no base rock and install the proper street improvements. The Planning Commission was not aware of the problem and resultant only required the developer to extend the paving to the new curb. Charles M. Schmidt, Excavating Contractor for Emmert Industries, estimated the cost to be no more than \$5,091.60. Councilman Anderson noted this is a unique situation and consisted of approximately 350 feet, however, it should be taken care of. Councilman Anderson declared a conflict of interest on the issue since he has possible pending business with Emmert Industries. **Councilman Sowles moved to contract with Charles Schmidt, Excavating Contractor, for excavating and base rock for S.W. 13th Avenue east of S. Elm Street, as needed, and not to exceed the amount of \$5,091.60, seconded by Councilman Jordan and approved 4-0, with Councilman Anderson abstaining.

In order to expedite occupancy of the mobile home park under construction on S.W. 13th Avenue, the City needs to accept two deeds for street right-of-way on S. Elm Street, south of S.W. 13th Avenue. Acting City Planner, Ginny Shirley, explained the issue to the Council, noting that the owner will bear responsibility for maintenance during the first year. **Councilwoman Koplek moved to accept for recording for street right-of-way the deeds of Terry and Kathleen Emmert and of Helen F. Althaus on S. Elm Street, south of S.W. 13th Avenue, and the City to pay recording fees. Motion seconded by Councilman Taylor and carried 5-0.

Mayor Pulver informed the Council of the destruction recently done at the Canby Community Park, concrete cable pillars along the roadway were upset. Mayor Pulver noted that due to the continual destruction of City property and cost to the City and taxpayers, he is requesting citizen help in apprehending the vandals and will request the City Judge to prosecute "to the hilt". Roy Hester, Public Works, noted that there is a person living in the trailer near the Boy Scout A-frame building, who is a caretaker of the A-frame and lives there rent free and pays no water. Some of the vandalism occurred in front of the caretaker trailer. Staff was directed to check out the agreement with the Boy Scouts on the trailer tenant.

UNFINISHED BUSINESS; Council considered an appointment to the Canby Library Board. **Councilwoman Koplek moved to appoint Gretchen Voll to the Canby Library Board for a four year appointment commencing July, 1985, seconded by Councilman Anderson and approved unanimously.

At this time the Council considered the appointment of a Public Works Director/Economic Development Coordinator for which the City had advertised and interviewed the following final applicants: George Lewis, Junction City, Oregon; William Ylinen, Vancouver, Washington; Wayne Klem, Houston, Texas; and Michael Kronenberg, Beaverton, Oregon. Mayor Pulver noted they were all

highly qualified and the decision process was difficult; however, at this time he polled the Council individually for their applicant choice: Councilman Anderson-Wayne Klem; Councilwoman Kopelk-Wayne Klem; Councilman Taylor-Wayne Klem; Councilman Sowles-Wayne Klem; Councilman Jordan-Wayne Klem; and the sealed envelope vote of Councilwoman Brennan-Wayne Klem; also Mayor Pulver indicated Wayne Klem as his choice. **Councilman Sowles moved that the position of Public Works Director/Economic Development Coordinator be offered to Wayne Klem, Houston, Texas; and Mayor Pulver be authorized to negotiate the salary and Mr. Klem will serve at the pleasure of the Council. Motion seconded by Councilman Anderson and approved 6-0, with Councilwoman Brennan's vote by written sealed ballot.

Councilman Taylor questioned if the garage sign sandwiches boards were ready and being used, and was informed they were. Councilwoman Kopelk noted that she had spoken with Utility Board Manager Lashbrook and suggested that a message be put in their monthly billing to inform patrons of availability of other means of advertising for garage sales other than utility poles.

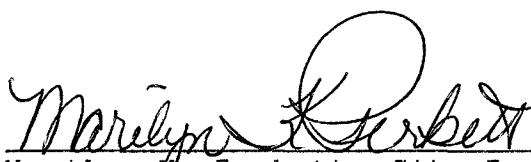
**Councilman Sowles moved to go into Executive Session under ORS 192.660 (1) (d), deliberations with persons designated by the governing body to carry on labor negotiations; and 192.660 (1) (h), consultation with counsel concerning legal rights and duties with regard to current litigation or litigation likely to be filed. Motion seconded by Councilman Taylor and approved 5-0.

Mayor Pulver recessed the regular session at 8:54 p.m. to go into Executive Session, with a short recess to precede.

Mayor Pulver reconvened the regular session at 9:36 p.m.

**Councilwoman Kopelk moved to direct the City Attorney to write a letter to Thomas-Hahn Insurance Agency, Oregon City, requesting an explanation and documentation of the \$10,000 error the firm made in the insurance bid quote to the City; and reserving the right as to further steps the City wishes to take, if any. Motion seconded by Councilman Anderson and approved 5-0.

Mayor Pulver adjourned the regular session at 9:39 p.m.


Marilyn F. Perkett, City Recorder


William F. Pulver, Mayor