

CANBY CITY COUNCIL

REGULAR MEETING

OCTOBER 2, 1985

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

Also present: Administrator Bud Atwood, City Attorney John Kelley, Police Chief Jerry Giger, Public Works Director Rusty Klem, City Recorder Marilyn Perkett, Dorothy Knight, Beth Saul, Betsy Ross, Cheryl Anderson, Officer Brian Howarth, Jamie Howarth, Bob Graham and Gail Oberst.

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

Roll call of the Council showed a quorum present, and Mayor Pulver welcomed Councilman Anderson back following his health problems.

**Councilwoman Kopelk moved to approve as distributed the minutes of regular session September 18, 1985, seconded by Councilman Jordan and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: None was voiced.

COMMUNICATIONS: Administrator Atwood read a letter from Dorothy Eyma, Chairman of the Swim Center Advisory Board, requesting several maintenance problems to the facility be implemented; authorization to have a logo contest with a Swim Center pass as the prize along with merchandise to be sold with the logo; and copies of the pool budget. Mr. Atwood noted that the facility problems will be accomplished and the budget copies made available. The Council gave a general consensus for the concept of the logo contest and the prize, however, the selling of the merchandise was discussed at length. The Council felt that the Pool Corporation Board should be the group responsible for fund raising and the PAB role for setting guidelines and policy and asked that a clarification of the two entities be set.

**Councilwoman Brennan moved to approve the request of the Swim Center PAB to have a logo content in connection with the 50 mile lap swim and to authorize a six month Swim Center Pass as the prize. Seconded by Councilwoman Kopelk and approved 6-0.

Administrator Atwood read a letter from The Library of America announcing that the Canby Public Library was the recipient of a grant from the Andrew W. Mellon Foundation for a sixty-volume set of The Library of America. Beth Saul, Librarian, informed the

Council that this was a grant that The Friends of the Library had pursued and they would pay \$500.00 in matching funds. Also, this set of books was valued at over \$2,000.00 and has the published works of America's major authors. Mayor Pulver expressed his congratulations for the grant.

Administrator Atwood informed the Council that he would be receiving further information from BestCare, a health insurance plan, for the Council. However, the program did not look to promising as a cost value for an employee health plan.

ORDINANCES & RESOLUTIONS: **Councilman Sowles moved to approve on final reading Ordinance No. 778, AN ORDINANCE ADOPTING THE CANBY MUNICIPAL CODE, CODIFYING ALL PREVIOUS ORDINANCES OF THE CITY OF CANBY AND DECLARING AN EMERGENCY, and that it become part of the laws of the City of Canby. Motion seconded by Councilwoman Brennan and approved 6-0 by roll call ballot.

**Councilman Jordan moved to approve Ordinance No. 779 on final reading, AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY RECORDER OF CANBY, COUNTY OF CLACKAMAS, OREGON TO EXECUTE A CONTRACT FOR THE PURCHASE OF COMMUNICATION EQUIPMENT FOR THE CITY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY and that it become part of the laws of the City of Canby. Seconded by Councilman Sowles and approved by roll call, 6-0. The Council next considered the purchase contract for the communication equipment. **Councilman Jordan moved to approve the purchase contract for communication equipment between the City of Canby and Communication Enterprises of Oregon, seconded by Councilwoman Kopelk and approved unanimously.

The Council considered Ordinance No. 780, to purchase wastewater treatment equipment. Administrator Atwood explained to the Council that Parkson Corporation, the equipment supplier, requested that further tests be made before they would sign the purchase contract. The test results showed that the nine aeration chains, as outlined in the original purchase contract, was inadequate to comply with the influents to the sewer plant and an addition three chains would be needed for an additional cost of \$6,001.00. Several Council members, and the Mayor, voiced concern over the fact that Lee Engineering had not discovered the inadequacies and obviously there was no choice but to agree to the additions. **Councilman Taylor moved to approved on final reading Ordinance No. 780, AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY RECORDER OF CANBY, CLACKAMAS COUNTY, OREGON TO EXECUTE A CONTRACT FOR THE PURCHASE OF WASTEWATER TREATMENT EQUIPMENT FOR THE CITY SEWAGE TREATMENT FACILITY; AND DECLARING AN EMERGENCY, with the following correction: purchase price of \$19,943.00 will be increased to \$25,954, and that the ordinance become part of the laws of the City of Canby. Motion seconded by Councilwoman Kopelk and approved 6-0, by roll call vote.

NEW BUSINESS: **Councilwoman Kopelk moved to approve payment of accounts payable in the amount of \$37,675.47, seconded by

Councilman Anderson and approved by roll call vote, 6-0.

Lt. Jim Scharmota addressed the Council inviting them to attend an open house of OCTS, Our Community Television System, on October 17th, noon to 1:30 p.m. and 5 to 6:30 p.m. Mayor Pulver urged the Council to attend and view the equipment and explore the access possibilities.

Administrator Atwood requested Council authorization to sign the Authorization of Participants Resolution and application for eligibility to participate in the Federal Property Utilization Program, to purchase surplus property. The City Council gave unanimous approval for authorization of signatures for the program.

UNFINISHED BUSINESS: Rusty Klem, Public Works Director, reviewed his memo and recommendations for the Canby Community Park improvements and area for the proposed outdoor environmental laboratory. Mr. Klem noted that Bob Graham, CUHS instructor, had reviewed his recommendation and was in compliance. Mr. Klem also pointed out that one of the first priorities was to eliminate the planting of trout and implement warm water fish, hopefully at a minimal cost or donation. Mr. Graham commended Mr. Klem on the proposed agreement and noted that his students used the facility through November and then again in the Spring. The Council suggested changing the wording in the following areas: (5) change "negotiate" to CONSULT; (6) change "prevent" to CONTINUE TO DISCOURAGE; and (13) after the word "agrees" add WITH THE PUBLIC WORKS DIRECTOR. Mr. Graham also suggested that the horticulture class could help implement plans for planting around the pond to help maintain the natural image. **Councilman Anderson moved to accept the agreement between the City and the Canby High School district for the development and preservation of the Canby Community Park as outlined in the staff report of September 25, 1985 (a copy is attached to the minutes of this meeting). Motion seconded by Councilman Taylor. Councilman Sowles felt that we didn't need the agreement, but to allow the students to use the area and have the City quit dumping refuse in the area. Vote on the motion was for approval 5-1, with Councilman Sowles voting nay.

Administrator Atwood informed the Council that CUB has requested to have the City owned water tower on N. Fir and N.W. 4th Avenue put up for auction at the City Auction on October 19th, Council gave unanimous approval.

Mr. Atwood reminded the Council of the League of Oregon Cities convention in November. The Council also decided to go out together for dinner instead of attending the League banquet.

Staff requested Council permission to research the problem of requesting future employee's to live in a designated area due to "response time" for emergencies. Council approved research on the problem and asked that it be brought back to the Council at a later date.

Councilman Jordan informed the Council that Canby came in third place at the "watermelon seed spitting" contest at the benefit in Oregon City last Saturday.

Councilman Anderson reminded Council of the 7:00 a.m. Economic Development meeting at Grand Central Station in the morning.

Mayor Pulver informed the Council that he will have Council President preside over the engineering firm interviews on Tuesday, October 8th, as he will be attending a Chamber of Commerce meeting.

Mayor Pulver also requested that staff keep the Council informed of any potential business inquiries for the City.

Council was reminded of the workshop session on Saturday, October 5th, 9:00 a.m. at Old Town Hall. Councilmen Taylor and Jordan will have an agenda and hand-outs prepared.

Mayor Pulver adjourned the regular session at 9:08 p.m.


Marilyn K. Perkett, City Recorder


William F. Pulver, Mayor

DATE: September 25, 1985
TO: Honorable Mayor and City Council
FROM: Wayne Klem, Director of Public Works
SUBJECT: Staff Report - Community Park

SUMMARY: At the September 4, 1985, Council meeting, I was asked to coordinate with Mr. Robert Graham to develop an agreement that would allow the City to continue improving Canby Community Park as a recreational resource. At the same time, we were to be sensitive to the fact that the high school uses a portion of the park as an outdoor environmental laboratory. The issue has been scheduled at this council meeting for resolution.

BACKGROUND AND FACTS: First of all, the area is not a natural area preserve. It is simply a City Park and as such must serve as many interests as possible. Historically, there was a small dam and a power generating facility on a small canal that used to run from Good's Bridge through what is now the park and into the Molalla River. In 1966-67, the existing headworks were installed and the original pond built. The pond was fed from the old canal channel through an underwater culvert pipe. The pond was later deepened and is stocked regularly with trout. The old channel remained, but due to the pond, flow was minimal and over the years has undergone some natural transitions. Many high school classes over the years have taken advantage of the transition process to observe a somewhat common but seldom seen ecosystem functioning from day-to-day and year-to-year.

Recently, the City began dumping dirt and asphalt in the area. The dumping process alerted Mr. Graham to the possibility that the City may be starting to fill the old channel. In fact, the City only intended to fill the end portion of the channel to remove a possible hazard from proximity to the road.

The Council, upon hearing from various high school representatives, instructed staff to stop dumping in the area until an equitable agreement could be worked out. That agreement has been reached and appears as recommendations in the following section.

RECOMMENDATIONS: The primary concern of the City is to develop a park that benefits as many users as possible. The primary concern of the high school is to furnish as much quality instruction as can be reasonably expected. We found no reasons why concerns of both the City and the high school could not be met and even improved. To facilitate both, the following recommendations have been made:

- (1) The City will agree to cease all dumping except in area "A" and then only to "round off" the existing depression.

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- (2) The City will agree to stop feeding the resident ducks at area "B" since the resulting activity has lead to some localized erosion.
- (3) The City will agree to "round off" the abrupt edges that exist where dumping has already occurred in an effort to make them seem more natural.
- (4) The City will agree to provide limited landscape materials, such as bark dust, shrubbery, seeds, and trees upon consideration of properly channeled requests and available funding.
- (5) The City will consult all improvements in the park that are planned within fifty (50) feet of either the water channel or the pond with the designated school faculty person.
- (6) The City will continue to discourage access (within reason) to the ridge that lies across and generally north of the channel.
- (7) The City will consider an eventual shift of fish plantings in the pond from trout to more suitable warm water fish.
- (8) The school agrees to designate one faculty person as a contact with whom the City can work for smooth and efficient management of the park.
- (9) The school agrees to plan and create a more suitable and aesthetic learning environment along the channel and pond in the park.
- (10) The school agrees to furnish student help free of charge in planning and creating the learning environment.
- (11) The school will keep accurate records of all plantings in the park with the intent of eventually building a display board for instructional value.
- (12) The school agrees to help in the clean-up of the outdoor environmental laboratory during all visits to the park.
- (13) The school agrees to work with the Public Works Director to develop the water channel and pond in a character as close to a natural state as possible.

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- (14) The school agrees to submit in written form, all requests for manpower or financial help to the City.
- (15) Both parties to this agreement will inform the other party in writing in the event that they no longer wish to be a party to this agreement.

This staff report has been reviewed by Robert Graham, John Torgeson and Marv Dack. The agreement only affects the Canby Community Park and in no way is intended to include any privately owned property. These conditions have been tentatively agreed to by Canby Union High School (Robert Graham).

NOTE: A large map for visual aid will be provided the night of the Council meeting.