

CANBY CITY COUNCIL
REGULAR MEETING
OCTOBER 3, 1984

Mayor Michael Gabrion presiding. Councilmembers present: David Anderson, Gary Sowles, Gene Clift, Bill Pulver, Scott Taylor and Nancy Kopelk.

Also present: City Administrator Bud Atwood, City Attorney John Kelley, City Recorder Marilyn Perkett, Chief of Police Jerry Giger, Sgt. Jim Scharmota, Dorothy McCormick, Shawn Carrol, Betsy Ross, Linda McCarthy, Cheryl Anderson, Dorothy Knight, Steve Frederick, Earl and Sabina Oiver, Jim and Thelma Kreigshauser, Ella Mae Kylo, Ed Buschow, Wade Bettis, Helen Brennan, Hazel Hulsey, Scott Wiesehan, and Bob Westcott.

Mayor Gabrion called the regular meeting to order at 7:31 p.m., followed by the flag salute and meditation.

Roll call of the Council showed a quorum present.

**Councilman Clift moved to approve as distributed the minutes of Special Meeting, September 13, 1984 and Regular Meeting, September 19, 1984. Motion seconded by Councilwoman Kopelk and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Betsy Ross addressed the Council inviting all Council and Mayor candidates to attend Loaves and Fishes for lunch on October 15, 1984.

COMMUNICATIONS: None presented.

RESOLUTIONS & ORDINANCES: Administrator Atwood briefly explained that the two resolutions to be considered were drafted to comply with Federal Revenue Sharing Fund regulations, specifically handicapped access and discrimination. **Councilman Pulver moved to adopt RESOLUTION NO. 361, A RESOLUTION EXPRESSING THE INTENT AND COMMITMENT OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, TO INSURE EQUAL OPPORTUNITY IN EMPLOYMENT and also, RESOLUTION NO. 362, A RESOLUTION OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, ADOPTING A POLICY OF NON-DISCRIMINATION ON THE BASIS OF HANDICAPPED STATUS. Motion seconded by Councilman Clift and approved unanimously.

Administrator Atwood briefly reviewed the intent of Ordinance No. 754, which was considered for final action. **Councilman Taylor moved that Ordinance No. 754, AN ORDINANCE ESTABLISHING A PUBLIC CITY LIBRARY; APPOINTING A LIBRARY BOARD; DETERMINING THE RESPONSIBILITIES OF THE LIBRARY BOARD AND ITS AUTHORITY; PRESCRIBING A PENALTY FOR UNAUTHORIZED RETENTION OF LIBRARY MATERIAL; AND REPEALER, be approved and become part of the laws of the City of Canby. Motion seconded by Councilwoman Kopelk and approved by roll call vote, 6-0.

Ordinance No. 755 was considered by the Council for final action. Administrator Atwood explained the necessity of the ordinance to enter into an agreement with the State Department of Transportation for improving S. Elm Street. **Councilman Pulver moved that Ordinance No. 755, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER OF THE CITY OF CANBY, OREGON, TO EXECUTE AN AGREEMENT WITH THE STATE OF OREGON, DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION FOR IMPROVING A PORTION OF SOUTH ELM STREET IN THE CITY OF CANBY, OREGON; AND DECLARING AN EMERGENCY be adopted and become part of the laws of the City of Canby. Motion seconded by Councilman Clift and approved by roll call ballot, 6-0.

Administrator Atwood explained that Ordinance No. 756 was presented to authorize participation with the State Highway Department in participating in a program to restripe no-passing zones for horizontal and vertical curves in Oregon. **Councilman Anderson moved that Ordinance No. 756, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, TO EXECUTE A CONSTRUCTION FINANCE AGREEMENT WITH THE STATE OF OREGON, DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, FOR STRIPING NO-PASSING ZONES ON THE STREETS OF THE CITY OF CANBY, OREGON; AND DECLARING AN EMERGENCY, be properly posted and come up for final action on October 17, 1984. Motion seconded by Councilman Pulver and carried 6-0.

Ordinance No. 757 was next considered by the Council. Administrator Atwood explained that this ordinance has been considered since 1980, and in view of proposed measures on the November ballot he suggested it be brought to the Council as soon as possible. Chief Giger explained that several communities have such an ordinance regarding alarms and fees, and since January, 1984 until September 30, 1984, the Police Department had responded to 193 false alarms, and hopefully this might prevent such occurrences. **Councilman Taylor moved that Ordinance No. 757, AN ORDINANCE RELATING TO ALARM SYSTEMS, REQUIRING ALARM USERS TO OBTAIN PERMITS, PROVIDING FOR ISSUANCE OF PERMITS AND REVOCATION THEREOF, PROHIBITING CERTAIN INTERCONNECTING AND AUTOMATIC DIALING PRACTICES, ALLOCATING REVENUES AND EXPENSES, PROVIDING FOR ADMINISTRATION OF THE ORDINANCE AND ALL OTHER MATTERS PERTAINING THERETO, be properly posted and come up for final action on October 17, 1984, seconded by Councilwoman Kopelk. Councilman Taylor suggested that Council delay this ordinance until the City businesses could review the ordinance. Administrator Atwood pointed out that if Council desired they could make a final decision on second reading, however, he urged an approval of first reading due to time limitations with the November election. Attorney Kelley noted that the ordinance was modeled after a County and Milwaukie ordinance and fees and time frames could be changed if the Council wished. Vote on the above stated motion was for approval 6-0.

NEW BUSINESS: **Councilman Sowles moved to approve accounts payable in the amount of \$32,919.18, seconded by Councilman Pulver and approved 6-0 by roll call vote.

The next order of business was to consider an agreement with Clackamas County regarding incarceration in the Clackamas County Jail for violation of municipal ordinances. Council was informed it was the same agreement as in the past. **Councilman Sowles moved to authorize the appropriate signature for approval of the Jail Agreement between the City of Canby and Clackamas County. Motion seconded by Councilman Anderson and approved 6-0.

Administrator Atwood briefly explained the purpose of the Intergovernmental Agreement with Clackamas County regarding the "Clackamas Law Enforcement Automated Support System" (CLASS), which applies to the computer equipment the Police Department uses in connection with the County. **Councilman Clift moved to authorize the appropriate signatures on the proposed Intergovernmental Agreement, seconded by Councilman Taylor and approved unanimously.

Council next considered a special event liquor license for the Canby Bowl for a tournament to be held in November, the application had been approved by both the Police and Fire Departments. **Councilman Anderson moved to approve the special event liquor license application of the Canby Bowl for beer only on November 3, 4, 10, 11, 17, 18, 24, 25, 1984, from 7:00 a.m. to 2:30 p.m. Motion seconded by Councilman Pulver and approved 6-0.

Administrator Atwood requested authorization to purchase an emergency pump for the sewer plant, explaining that presently they are borrowing the Utility Board's pump. Council gave a general consensus to purchase the pump for \$6,000, which already had been budgeted.

UNFINISHED BUSINESS: Council was requested to authorized to call for bids on the proposed sewer lab and purchase of a fume hood. **Councilman Anderson moved to authorize staff to call for bids on the sewer lab project and purchase of a fume hood and equipment from VWR Scientific for a cost of \$4,487. Seconded by Councilman Pulver and approved 6-0 by roll call vote.

Administrator Atwood reviewed a memo regarding two necessary appointments, one for Building Board of Appeals and a CDBG Citizen Advisory Council. Mayor Gabrion appointed Al Moore to the Building Board of Appeals and Jean Warren to the CAC of the CDBG. Council noted that Mrs. Warren should be sure and keep Council informed of committee actions.

Council next reviewed staff reports on consideration of the Oliver Property, 117 N.E. Third Avenue, and the City owned Koehler Building for a proposed Police Department. Councilman Clift suggested to postpone the issue until after the November election. Earl Oliver addressed the Council informing them that he is asking \$2.50 per sq. ft. of his property and that the property directly across the street from his premises recently sold for \$4.25 per sq. ft. and the recent purchase of the Atwood property by the City was \$5.00 per. sq. ft. Mr. Oliver requested that if Council was interested in his property, they submit \$1,000 for a 90 day option, which would be applied towards the purchase price. Council decided to go into a workshop

session on Thursday, October 4th, on the issue.

OTHER REPORTS OR ANNOUNCEMENTS: Council was reminded to sign up for the League of Oregon Cities Convention to be held November 10 through the 13th, in Eugene.

Administrator Atwood gave the Council a brief review of some proposals for the CDBG funding cycle, the applications will be due at the County on October 19, 1984. Staff proposals included the following: sidewalk project in the Neighborhood Strategy Area; streetwork on S. Fir and 4th; additional money for the Adult Center; and street work on Township Road, with the County participating. Mr. Atwood also noted that the Historical Society will be submitting a proposal for funding. The four above mentioned projects come to an "estimated" total of \$538,242 with the City's share being \$107,648. Council requested that Mr. Atwood continue with his applications and return to Council at the next regular meeting on the 17th of October for Council approval before submitting to the County.

Mr. Atwood reminded the Council of a noon meeting on October 19, 1984, at the Cottage Kitchen, with Barton Eberwein, Marketing Manager for Western Wood Structures, Inc. giving a presentation on a proposal for a multi-use dome facility that could be located in Clackamas County.

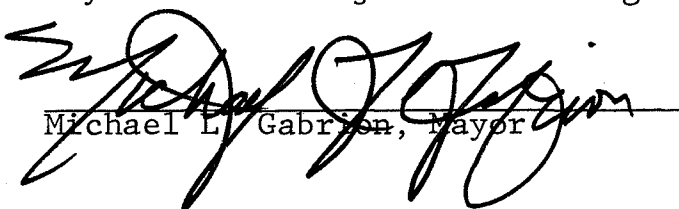
Administrator Atwood review a delinquent LID of Glynn Rickhoff, LID No. 9, Tax Lot 1500, approximately 4.7 acres. The payments are one and one-half years delinquent with another coming due on November 1, 1984, for a total amount of \$13,488. Attorney Kelley explained that if he contacted the attorney's of Ms. Rickhoff with a foreclosure notice, he felt they would attempt to make payment. Councilman Pulver felt we should proceed with foreclosure in the interest of the City and so as not to set a precedent. **Councilman Pulver moved to authorize the City Attorney to proceed with foreclosure of the delinquent LID payments of Glynn Rickhoff on Tax Lot 1500. Motion seconded by Councilman Taylor. Councilman Taylor requested contacting the subjects for a possible payment plan and amended the motion to read as such, with approval from Councilman Pulver. Mr. Atwood explained that we had three other situations that may well result in the same procedure. John Kelley noted that his initial letter to the party in question gave them until October 18th to make a payment, however, he felt we should give them a deadline in a letter and wait for an answer and if it looked like no money was forth coming, then proceed with foreclosure. Council suggested a payment plan and the Attorney asked for a consensus of an acceptable payment plan. Councilman Pulver withdrew his motion, with the second consenting. Mr. Atwood reminded Council that the City must still make the Bancroft Bond payments on the LID's even on delinquent accounts. **Councilman Taylor moved that the City Attorney proceed with foreclosure, however, before filing the foreclosure, try to arrange a payment plan and if a payment plan cannot be arranged, then to proceed with foreclosure. Motion seconded by Councilman Clift.

Roll call vote was for approval 5-1, with Councilman Sowles voting nay.

Mayor Gabrion called for a short recess at 8:45 p.m., reconvening the regular session at 8:55 p.m.

At this time, Mayor Gabrion asked that the Council review the seventeen applications for City Administrator. Mayor Gabrion listed them by number only on the chalkboard and the Council and Mayor voted for their candidates one through five in order of preference. The top five were as follows: Bud Atwood, 34 points; Karen Scott, 16 points; Donald Dodge, 14 points, William McDonald, 7 points; and after a re-vote on a tie, Kirk Redford. Councilman Sowles suggested the Council's overwhelming first choice, Bud Atwood, be offered the job. Councilman Clift concurred. Councilman Taylor preferred to arrange for an interview with all five candidates. Mayor Gabrion suggested that the League of Oregon Cities be contacted for background reports. Council concurred on eliminating the fifth candidate, Mr. Redford from Colorado. Mayor Gabrion felt the position should be filled before a new Council takes over, also a background check by the League would take possibly up to the first week of November. **Councilman Sowles moved that the Council arrange a meeting to enter into an agreement with Bud Atwood to fulfill the City Administrator position, and when an offer is made, come back for Council approval. Seconded by Councilman Pulver. Councilman Sowles suggested that the terms could be arranged in the morning and passed at the Special Meeting the next night, Thursday. Councilman Taylor reiterated his view of interviewing the other top rated candidates. Councilman Pulver noted that Mr. Atwood appeared to be the "strongest candidate" and for the sake of calling in other's for interviews was a waste of their time and the City's and asked for a consensus of the Council. Councilman Sowles withdrew his motion, along with the second of the motion. Poll of the Council was as follows: Anderson - Bud, had done an admirable job and in the event of Measure 2 passing, the Public Works Director position might be a measure of savings, also Mr. Atwood's retirement was not too far away, and Mr. Anderson said he felt very comfortable with Mr. Atwood; Sowles- agreed with Mr. Anderson; Clift- agreed with Mr. Anderson; Pulver- agreed with Mr. Anderson; Taylor- his prior views still prevailed; and Kopelk- agreed with Mr. Taylor to interview the other candidates. Mr. Taylor noted that saving dollars when it came to City Management should be a "last concern". Mr. Anderson noted that perhaps the Public Works position would be filled from within staff. Mayor Gabrion gave his approval of Mr. Atwood for the Administrative position. **Councilman Sowles moved to offer the City Administrator position to Bud Atwood on terms and conditions to be set forth in an agreement, effective upon Mr. Atwood's acceptance. Motion seconded by Councilman Clift and approved on roll call vote, 5-1, with Councilman Taylor voting nay. Mr. Sowles, Mr. Clift and Mr. Taylor offer to serve on a committee with the Attorney to draw up a contract.

Mayor Gabrion adjourned the regular session at 9:40 p.m.


Michael L. Gabrion, Mayor


Marilyn K. Perkett, City Recorder