

CANBY CITY COUNCIL

REGULAR MEETING

JUNE 6, 1984

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

Also present: Administrator Doug Zenor, City Attorney John Kelley, Public Works Director Bud Atwood, Chief of Police Jerry Giger, Deputy Treasurer Virginia Graham, Deputy Recorder Marilyn Perkett, Steve Frederick, Earl Oliver, Kathy Hostetler, Bob Swayze, Martha Zenor, Helen Brennan, Jack and Helen Hollenbeck, Delene Christensen, Scott Wiesehan, Chip Phelps, John Wiley, Jean Warren, Ed Buschow, Bradley Wilson, Judy Hogland, Cheryl Anderson, Jim Renner, Terry Treixler, Betsy Ross, Jack Murray, Roy Hester, Jim Kriegshauser, Howard Barlow, Jack Howay, Bill Stevens, Nate Gray, Mark Denny, Diane Sowles, Mary Schoen, Larry Housen, Mavourn Stuart, Dick Brown, Fred Kahut, John Walrod, Bob Scott, John Fergur and Linda McCarthy.

Mayor Gabrion opened the regular session at 7:30 p.m. followed by the flag salute and meditation.

A workshop session had been held earlier, 7:00 p.m., to discuss the energy audit at the Swim Center and official closing of the Baker Prairie Cemetery.

Roll Call of Council showed a quorum of five members present.

**Councilman Sowles moved to approve as distributed the minutes of regular session May 16, 1984; and special session May 29, 1984. Motion seconded by Councilman Pulver and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: Dick Brown, Canby High School Superintendent, addressed the Council regarding the misunderstanding with the girls softball play-offs being held at Maple Street Park. Mr. Brown explained that play-offs are under the jurisdiction of the O.S.A.A. including sites, admission fees, expenses, etc. Mr. Brown apologized for not previously informing the Council of the situation. Mr. Brown also requested permission to play another play-off game on Thursday, weather permitting. **Councilman Sowles moved to authorize permission to use Maple Street Park and charge admission under the O.S.A.A. regulations for the play-off games of the 1984 season. Seconded by Councilman Pulver and approved 5-0.

Chip Phelps, 221 S.W. 6th Place, addressed the Council regarding the recent decision of Council to dismiss Administrator Zenor, specifically whether the proper procedure was followed, including the 90 day evaluation. Attorney Kelley, noting that he represented the City Council, said we had no ordinance or City Charter procedure other

than basic referendum powers allowing the recall of Council members. However, they did have an opportunity to make inquiry at this meeting. Mr. Phelps did ask the question of "why" the dismissal. Mayor Gabrion explained that the Council was not going to get into an argumentative match, this was not the time or the place. Mayor Gabrion also pointed out that the decision of "explanation" was also at the pleasure of the Council, however, Mr. Phelps did have the privilege of writing the Council to request an explanation of the issue. The following people addressed the Council either supporting Mr. Zenor; asking he be allowed to respond; requesting reasons; asking if the procedure was accurate or democratic; and some implying a lack of confidence in the Council: John Wiley, 22463 S. Penman Road, Oregon City; Scott Wiesehan, 142 N.E. 11th, Canby; Mrs. Robert Barr, 1175 S. Elm Court, Canby; Terry Treixler, 310 S.E. Township, Canby; Delene Christensen, 985 N. Locust, Canby; and Kathy Hostetler, 1095 S. Elm Court, Canby. Mavourn Stuart, 603 N.W. 13th, Canby, spoke in support of the City Council, urging that these elected officials be trusted for their judgement. Bob Westcott, 835 N. Elm Canby, noted that he served on the Charter committee, along with other citizens, and the Charter, that the citizens voted on, gave the City Council the full authority to hire and fire. Also, the appointed officials served at the "pleasure" of the Council. At this time there appeared to be some concern over the question of the motion, whether Mr. Zenor was fired or was to resign. Deputy Recorder Perkett was requested to clarify the motion according to the tape recording of the meeting. She stated that there was confusion in the motion, when Mayor Gabrion repeated the original motion, "he asked if it was for resignation by June 15, 1984?", however, Councilman Pulver, maker of the motion, replied, "it was that Mr. Zenor's tenure with the City of Canby was to be terminated as of June 15, 1984." Mr. Phelps also questioned the purpose of holding the meeting, and questioned if it had been posted. Deputy Recorder Perkett, noted that in accordance with the ORS, she notified the press and the governing body and also posted, which is not a criteria, and the meeting was posted "for any business that may come before the Council" and an Executive Session. Mayor Gabrion noted that he felt the Council should consider all that had been said during the evening.

Mayor Gabrion called for a short recess at 8:02 p.m., reconvening the regular session at 8:14 p.m.

At this time Mayor Gabrion read a Proclamation regarding a "Sister City Pairing Project" with Khingansk, Soviet Union. Martha Schrader addressed the Council thanking them for their support in the Peace Fellowship effort for the project. She promised to return to the Council when they heard from the City in the Soviet Union.

ORDINANCES & RESOLUTIONS: Resolution No. 358 was presented for Council consideration. **Councilman Pulver moved that Resolution No. 348, A RESOLUTION VERIFYING THAT THE CITY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES be approved and become part of the laws of the City of Canby. Motion seconded by Councilman Sowles. Former Mayor Swayze requested that the resolution be read in its entirety. Following the reading motion carried 5-0.

NEW BUSINESS: **Councilman Taylor moved to approve accounts payable in the amount of \$44,549.60. Seconded by Councilwoman Kopelk and approved by roll call vote 5-0.

The next order of business was a request by staff for a salary increase for Bob Godon, Building Official. Administrator Zenor commented that out of approximately nine cities polled, Mr. Godon was the lowest paid Building Official. Councilman Taylor suggested that the Council discuss the issue in Executive Session and Council concurred.

The official abstract of votes for the May 15, 1984 tax base election was presented from the Clackamas County Elections Department. **Councilwoman Kopelk moved to accept the abstract of votes for the City of Canby Tax Base election held on May 15, 1984, seconded by Councilman Pulver and approved 5-0. The official abstract will become a part of the minutes of this meeting.

UNFINISHED BUSINESS: The next order of business was a selection of an auditor, however, Mayor Gabrion recommended referring the issue back to the Audit Selection Committee before making a final recommendation to the Council.

**Councilman Pulver moved to go into Executive Session under ORS 192.660, (1) (a); (1) (b); (1) (h); and (1) (i). Motion seconded by Councilman Anderson. John Kelley advised that Mr. Zenor and Mr. Godon both had the right to ask for a public session. Mr. Zenor said if the Council did not intend to discuss the pros and cons of his dismissal then he would not ask for an open meeting. Mayor Gabrion said they would not discuss pros and cons regarding the issue. Roll call vote was 5-0 for approval.

Mayor Gabrion recessed the regular session at 8:39 p.m. The regular session was reconvened at 9:57 p.m.

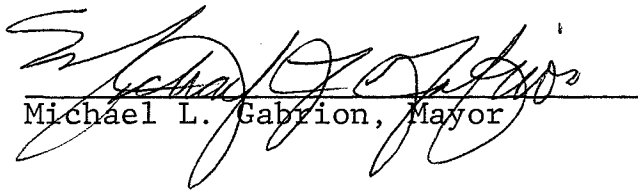
At this time **Councilman Anderson moved that the City Attorney be authorized to procede with the pending litigation of Ray Baldwin vs. City of Canby in regards to LUBA. Motion seconded by Councilman Taylor and approved unanimously.

**Councilman Anderson moved to appoint Bud Atwood as Interim City Administrator effective immediately and to serve until such time as a new permanent City Administrator is appointed by the Council; and to pay Mr. Zenor up to June 15th and beyond that award him two months severance pay, including all insurances, but the contributions to the ICMA Retirement Fund to cease effective June 15, 1984. Motion seconded by Councilman Sowles and carried 5-0.

Councilman Anderson noted that the intent was for Mr. Atwood to be put on signature cards for banking purposes and the Council has authorized Mr. Zenor not to have to report to the office unless he so desires, however, Mr. Atwood is to have full responsibility of decisions.

**Councilman Sowles moved to approve the request for an increase in salary for Bob Godon, Building Official, of \$200 per month, be approved effective June 1, 1984. Motion seconded by Councilman Pulver and approved 5-0.

Mayor Gabrion adjourned the regular session at 10:10 p.m.


Michael L. Gabrion, Mayor


Marilyn K. Perkett, Deputy Recorder