

Canby City Council

Regular Meeting

July 18, 1984

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

Also present: Acting City Administrator Bud Atwood, City Attorney John Kelley, Deputy Recorder Marilyn Perkett, Sergeant Jim Soharmota, Steve Frederick, Sallie Lee, Dick and Elva Wagner, Arlene Wagner, Gary Davies, Don and Cindy Delzer, Gary Falkenberg, Marvin Lingel, Jonathan and Debbie Doty, Ed Buschow, Jim and Thelma Kriegshauser, Don Ohmart, John Wiley, Jerry Mickelsen, Diane Sowles, Delene Christensen, Jeanne Eyman, Sandra Watten, Nancy Pickett, Scott Wiesehan, Norman and Eileen Meyer, Sonya Blacksdon, Wendy Nelsa and Linda McCarthy.

Mayor Gabrion 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.

\*\*Councilwoman Kopelk moved to approve as distributed the minutes of regular meeting, June 20, 1984, special meetings, June 28 and July 11, 1984, with the following correction: July 11th meeting, page 2, first paragraph, regarding the motion to raise the business license fee to \$100.00, Councilman Sowles voted nay on the motion.

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

PUBLIC HEARING - Mayor Gabrion instructed the audience of the rules for a the public hearing regarding the purchase of the dehumidifiers for the Swim Center.

STAFF REPORT - Administrator Atwood explained that in his investigation he could find only one supplier to fit the City's needs for the three dehumidifier units that were suggested during the recent Energy Audit at the Swim Center. Pursuant to Resolution No. 357, with only one source of purchase, this would be exempt from the bid process.

PROPOSALS - None voiced.

OPPOSITION - None voiced.

Mayor Gabrion closed the public hearing.

\*\*Councilman Clift moved to purchase three dehumidifiers from Desert Aire of Milwaukee, Wisconsin, for a total price of \$11,313.15 from the Annexation Development Fund. Motion seconded by Councilman Sowles and approved 6-0 by roll call ballot.

COMMUNICATIONS: Administrator Atwood read a letter from the Canby Art Squad requesting permission to sell refreshments, coffee and lemonade or soft drinks, during summer concerts at Wait Park. Mr. Frederick noted that he thought the Art Squad intended to use the information booth that was used during the General Canby Day event. \*\*Councilman Taylor moved to authorize the City Attorney to draft a one page agreement between the Canby Art Squad and City of Canby for rights to sell refreshments during concerts at Wait Park. Motion

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seconded by Councilwoman Kopelk and approved unanimously.

ORDINANCES & RESOLUTIONS: Attorney Kelley briefly reviewed the purpose of bringing Ordinance No. 750 before the Council, noting that 35 states have adopted laws similar to the proposed ordinance regarding drug paraphernalia. Councilman Sowles questioned exempting legal drug trade. Mr. Kelley added the wording, licensed pharmacists under Section 1 (E). \*\*Councilman Pulver moved to approve on first reading Ordinance No. 750, AN ORDINANCE BANNING THE SALE OF DRUG PARAPHERNALIA DESIGNED FOR USE WITH ILLEGAL DRUGS, AND PROVIDING PENALTIES; AND DECLARING AN EMERGENCY and setting August 1, 1984 for final reading after being properly posted. Motion seconded by Councilman Taylor. Jerry Mickelson, Clackamas County Fair Manager, addressed the Council to express that the Fair Board felt they had no problem with the sale of such items during fair time. Mayor Gabrion pointed out that the ordinance was proposed as a preventative measure. Gary Falkenberg reported that in his opinion of several "head shops" and record stores where this type of law or ordinance was in effect there was a lack of paraphernalia. Attorney Kelley noted that he would be interested in talking to a prosecutor who had tried to prove "intent of use" under the provisions of the ordinance. Motion carried 6-0.

NEW BUSINESS: \*\*Councilman Sowles moved to approve accounts payable in the amount of \$36,383.58, seconded by Councilwoman Kopelk and approved by roll call vote, 6-0.

Administrator Atwood requested Council permission to call for bids and to have plans drawn for a lab at the sewage treatment plant. Mr. Atwood explained the poor condition of the existing 10' x 12' trailer and proposed building an 18' x 40' structure adjacent to the primary clarifier. \*\*Councilman Anderson moved to authorize Public Works to have plans drawn for the proposed lab at the sewage treatment plant and to call for bids on the project. Motion seconded by Councilman Pulver, approved 6-0.

Administrator Atwood requested permission to call for quotes on S. Elm Street overlay from S.W. 4th Avenue to 99E, noting that the Department of Transportation is proceeding with plans for reconstruction of S. Elm Street from S.W. 4th Avenue to S.W. 13th Avenue. \*\*Councilman Anderson moved to approve authorization to call for quotes for an overlay project on S. Elm Street from S.W. 4th Avenue to 99E. Motion seconded by Councilwoman Kopelk and approved 6-0.

Council next considered a request to purchase a new copy machine for the business office. Staff has had three machines in the office for review. Administrator Atwood suggested outright purchase rather than a lease program due to the savings in interest over a four year period of approximately \$2,300. Councilman Sowles suggested that a maintenance agreement not be purchased until after the original guarantee of the machine. \*\*Councilman Clift moved to approve the purchase of a Cannon 270F from American Business Machines at a price of \$5,590.80 plus \$50 set up fee and to implement the maintenance agreement after the original guarantee has expired. Motion seconded by Councilwoman Kopelk and approved 6-0.

Two appointments are due in July for reappointment to the Library Board. Staff recommended reappointment of Martha Schrader and Dennis Nolder until a new ordinance can be drafted. \*\*Councilman Taylor moved to approve the reappointment of Martha Schrader and Dennis Nolder to the Library Board until such time as a new ordinance is drafted. Motion seconded by Councilwoman Kopelk and approved unanimously.

UNFINISHED BUSINESS: Council next reviewed a letter from George Douglass, CPA, regarding the purchase of IBM software, noting that it may take up to one year to purchase software and continue to run parallel with the Burroughs System. Councilman Taylor questioned whether staff had considered the bid process for accounting. Mr. Atwood pointed out that some years back the issue had been pursued, however, due to locale and expense it was dropped. Council consented to the signing of the contract with Mr. Douglass for accounting purposes.

OTHER REPORTS OR ANNOUNCEMENTS: Mayor Gabrion continued, to the August 1st meeting, the report of Municipal Judge Henricksen.

Mr. Atwood reported that he had been in contact with Book Publishing regarding the ordinance codification process and would arrange a meeting in August with them. Mr. Atwood estimated that the entire codification process, if pursued, would cost approximately \$10,000 and this had not been budgeted for at this time.

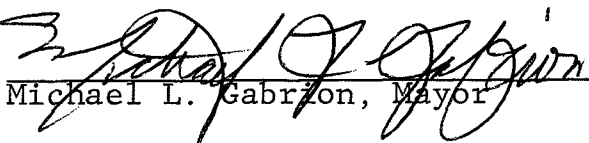
Attorney Kelley updated the Council on the appeal on the Comp Plan by Ray Baldwin, noting that Mr. Baldwin failed to file a petition of review with LUBA, therefore, Mr. Kelley has filed a motion to dismiss and also a cost bill of \$32.

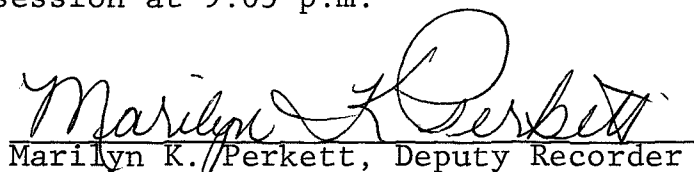
\*\*Councilman Pulver moved to go into Exeuctive Session under ORS 192.660 Subsection (1) (d) and (1) (e), seconded by Councilman Taylor and approved 6-0 by roll call vote.

Mayor Gabrion recessed the regular session at 8:45 p.m. to go into Executive Session, reconvening the regular session at 8:59 p.m.

At this time, Councilman Pulver suggested a consideration for the new business license ordinance, a \$50 fee for first time applicants and \$25 for renewals. Councilman Anderson showed concern on this, using an example of a repairman coming into town for a one time service call, he then would simply add on the \$50 to the bill of repair. Council decided to consider the issue at a later date.

Mayor Gabrion adjourned the regular session at 9:05 p.m.

  
Michael L. Gabrion, Mayor

  
Marilyn K. Perkett, Deputy Recorder