

CANBY CITY COUNCIL

REGULAR MEETING

FEBRUARY 2, 1983

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

Also present: City Administrator R. Douglas Zenor, City Attorney Wade Bettis, Recorder Pro Tem Marilyn Perkett, Public Works Supervisor Bud Atwood, Myra Weston, Jim Renner, Lynn Holbrook, Craig Holbrook, Steve Federick, Earl Oliver, Mr. & Mrs. Wesley Ramsey, Trish Neiworth, Larry Cole and Gary Diczencio.

Mayor Gabrion called the meeting to order at 7:30 p.m., followed by the flag salute and meditation. Roll call showed a quorum present.

**Councilman Taylor moved to approve as distributed the minutes of regular meeting January 19, 1983, seconded by Councilman Clift and approved unanimously.

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

ORDINANCES & RESOLUTIONS: None were presented.

COMMUNICATIONS: Administrator Zenor read a letter from Wesley Ramsey, Mulino, requesting permission to use a face mask and snorkel when using the Community Pool. A staff memo attached explained that in April, 1981, a City Council policy was established that face masks and snorkels would be permitted only with a physician's statement that the individual needed the apparatus for physical therapy purposes for swimming. Mr. Atwood explained that the filter system at the pool is "mickey mouse" and in the past have found parts of face masks, snorkels and bits of plastic in the system which therefore causes problems with the motor. When monies are available, it is the hopes of the City to improve the filter system. Mr. Ramsey, addressed the Council explaining that he used a tempered glass face mask and needed it because of his eyesight condition and the snorkel assisted in his breathing. Mr. Ramsey offered to seek a doctor's statement for his need of the apparatus in question. The consensus of the Council was to stay with the previous policy and allow no face masks or snorkels in the Community Pool unless a doctor's statement was presented and noting that it was needed for physical therapy purposes.

NEW BUSINESS: **Councilman Sowles moved to approve accounts payable in the amount of \$28,627.28, seconded by Councilman Clift and approved 5-0 by roll call vote.

Mayor Gabrion set Wednesday, February 23, 1983, as a workshop session for tree maintenance, street light maintenance and annexation ordinance review. The workshop will begin at 7:00 p.m.

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The next order of business was the appointment of the Canby Electric Board. Mayor Gabrion made the following appointments:

Robert Westcott - three year term

Richard Mosier - three year term

Larry Housen - two year term

Neal Cournoyer - two year term

Jim Renner - one year term

**Councilman Sowles moved to confirm Mayor Gabrion's appointments to the Canby Electric Board, three year terms - Robert Westcott and Richard Mosier, two year terms - Larry Housen and Neal Cournoyer and Jim Renner for a one year term, and letters of notification to be sent. Motion seconded by Councilman Pulver and approved unanimously.

Mayor Gabrion announced that we had received a letter of resignation from Ron Farner as Canby's representative to the County Community Actions Board. The Mayor requested the Council to seek applicants for the position and return to the next meeting with an appointment.

The next agenda items was the approval of twelve liquor license renewals for various business within the City, all having been approved by the Police and Fire Departments and with no City staff objections.

**Councilman Pulver moved to approve from April 1, 1983 to March 31, 1984 the following liquor license renewal applications: El Gazebo, HiWay Market, Country Cupboard, Willamette Valley Country Club, Canby Home Discount Grocery, Grand Central Station, Roth's IGA Foodliner, American Legion Post No. 122, Giuseppes Pizza, Cutsforth's Thriftway, 7-11 Store and Claimsteak Restaurant. Motion seconded by Councilwoman Koeplk and approved 5-0.

Administrator Zenor presented a special event liquor license application from St. Patrick's Church with an attached letter of approval from Chief Giger. **Councilman Clift moved to approve the special event liquor license application for wine only for the St. Patrick's Church Spaghetti Dinner for March 6, 1983, from noon to 5:00 p.m. Seconded by Councilman Taylor and carried 5-0.

UNFINISHED BUSINESS: Mayor Gabrion announced that the Estate Eight Agreement will be deleted from this agenda.

Mr. Gary Dicenzo, Director of Clackamas County Community Development Department, addressed the Council regarding concerns with Canby's share of CDBF monies. Mr. Dicenzo gave a brief summary of the past history of Canby's share of CDBG funds, HUD money, and noted that they have approximately \$79,000 they are holding for either street or park development in the strategy area. He pointed out that HUD is pressuring them to utilize the funds and would appreciate a decision later this month so he could have the information for an early March meeting he would attend. Mr. Dicenzo pointed out that the committee expected a full scale project of development for a park and felt the committee may accept a three year plan for development, however, they would prefer a one year project. Mayor Gabrion requested Mr. Atwood to prepare some figures on street development for the strategy area and asked the Council to be prepared for a decision at the next regular meeting. Councilman Pulver reminded the

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Council of the commitment the City had made for maintenance on a proposed Senior Center. Councilman Sowles, Council liaison to the Senior Center Study Committee, noted that they will be preparing a proposed budget and will bring figures to the Council soon regarding the issue.

Mr. Zenor informed the Council that the City had received only one application for CATV and has set a meeting for February 8, 1983, with the applicant, Canby Telephone Association. The need for a negotiating team was discussed with the following suggested members: City Administrator, Councilman Anderson, Bob Rapp, Bob Smith, Bob Wynia from Clackamas Community College and a member from the City Attorney's staff. Larry Cole, CTA, expressed that he hoped to complete all negotiations in 30 days. **Councilman Sowles moved to appoint a negotiating team for Cable Television to work in concert with the applicant, Canby Telephone Association, consisting of Councilman David Anderson, City Administrator, Les Page, a member of the City Attorney's staff and a citizen at large to be appointed by Mayor Gabrion in concert with the first meeting of February 8th. Seconded by Councilman Pulver. During the discussion period, Administrator Zenor noted that the final decision will be made by the Council. Councilman Taylor questioned the need for a staff member of the Attorney's office to be represented at all the negotiation meetings. Council consensus was that the team member from the Attorney's office would be needed at the discretion of the City Administrator. Motion carried 5-0. Mr Bettis pointed out that Lee Funrue, of his staff, was extremely knowledgeable in this field, however, if her time was needed during office hours she would need to be replaced.

The Council considered the Municipal Judge's contract for the period from January 1, 1983 to July 1, 1984. **Councilman Pulver moved to accept and sign the contract agreement between the City of Canby and Jon Henricksen for Municipal Judge Services and the contract to become a part of the record of these minutes. Seconded by Councilman Sowles and approved unanimously. Mr. Bettis suggested we send a copy of the contract to the state. Mr. Zenor noted that in his latest communications with PERS, they indicated that we may not have to pay withholdings on the Judge as of January, 1983, however, nothing has been finalized.

Attorney Bettis informed the Council that the acquisition of easements on S. Locust, which began in February, 1981, for street widening purposes had finally been completed and much of the thanks went to Ginny Shirley, Secretary of Public Works.

**Councilman Pulver moved to go into Executive Session 192.660, Sub. 1, Sub d, to conduct deliberations with persons designated by the governing body to carry on labor contract negotiations consideration. Seconded by Councilman Taylor and carried unanimously,

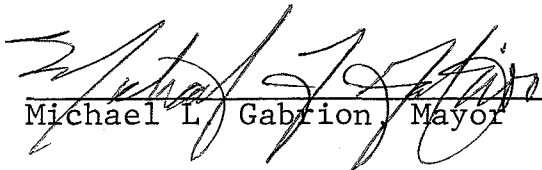
Mayor Gabrion recessed the meeting at 8:40 p.m. to go into Executive Session. The regular session was reconvened at 9:51 p.m.

In other business to come before the Council, **Councilman Pulver moved the Council direct the City Administrator be authorized to promote

Marilyn Perkett to the position of Deputy Recorder with a one time compensation of \$300 and Virginia Graham be promoted to the position of Deputy Treasurer with a one time compensation of \$500, the compensation check to be issued on a seperate check at the next regular pay period. Also, the City Administrator to be appointed the official Recorder and Treasurer and the above mentioned names to be under his supervision. Motion seconded by Councilman Clift and approved 5-0.

Mayor Gabrion reminded the Council of the Council workshop on Wednesday, February 9, 1983.

Mayor Gabrion adjourned the regular meeting at 10:00 p.m.


Michael L. Gabrion, Mayor


Marilyn K. Perkett, Recorder Pro Tem

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CONTRACT FOR PROFESSIONAL SERVICES OF A MUNICIPAL JUDGE

RECITALS:

I

The City of Canby, Clackamas County, Oregon, has a Municipal Court and a Municipal Judge, which is authorized by the current City Charter and all previous charters. All areas within the City are within the territorial jurisdiction of the Municipal Court; and the Municipal Judge exercises original and exclusive jurisdiction of all offenses defined and made punishable by the ordinances of the City and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the City.

II

Section 5 of Chapter V of the City's Charter effective January 1, 1983, authorizes the City Council to contract for the professional services of a Municipal Judge, and in that regard and by that authority the City intends by this agreement to contract for the professional services of JON S. HENRICKSEN, an attorney at law of Gladstone, Oregon.

III

The business of the Municipal Court which is to be performed by the Municipal Judge is not subject to the direction, control or interference of the Canby City Council or any of its officers, agents or employees. The Municipal Judge engaged by this contract is an independent contractor as that term is commonly understood and normally defined and is not subject to withholdings on any account or for any purpose. Furthermore, and except for a Municipal Court Clerk which is to be furnished at the expense of the City, the Municipal Judge is to furnish at his own expense, and without claim for reimbursement, any and all required secretarial

services in his own office, necessary equipment, supplies, transportation, books, and all other necessary equipment and paraphernalia required by him for the orderly administration of his duties as a Municipal Judge.

IV

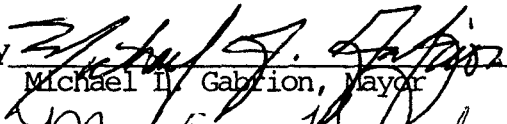

The City of Canby is acquainted and satisfied with the professional ability of JON S. HENRICKSEN, and he is acquainted with the duties and responsibilities of a Municipal Judge for the City of Canby; and the parties therefore hereby agree as follows:

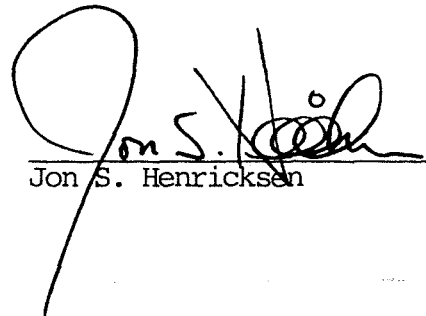
- 1) IN CONSIDERATION of the duties to be performed by JON S. HENRICKSEN as Municipal Judge for the City of Canby and the payment therefor which are to be made to him by the City, the parties hereby covenant and agree that:
 - a) JON S. HENRICKSEN, hereinafter referred to as "JUDGE" assumes the duties of his office effective January 1, 1983, and shall perform them promptly, efficiently and in a judicious manner as required by the Charter of the City of Canby and the laws of the State of Oregon which apply to the judges of any court.
 - b) This contract shall continue until July 1, 1984, except, however that this contract may be terminated at any time by either party and upon 30 days notice to the other, and without cause.
 - c) Until the expiration of this contract or otherwise terminated as herein provided, the City shall pay a monthly contract fee of ONE THOUSAND ONE HUNDRED FIFTY DOLLARS (\$1,150).
 - d) The JUDGE shall make a monthly report of the cases before and the income to the Municipal Court and furnish such other information and reports which are within his power to do so and which are requested from time to time by the Canby City Council.
- 2) The recitals at the outset of this agreement are approved by the parties as

correct and to the extent necessary are hereby incorporated into this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement in two counterparts consisting of a total of three (3) pages, this 2 day of February, 1983, nunc pro tunc January 1, 1983.

THE CITY OF CANBY

By 
Michael H. Gabrion, Mayor
By 
Marilyn K. Perkett, City Recorder Pro Tem


Jon S. Henricksen