

CANBY CITY COUNCIL

REGULAR MEETING

APRIL 20, 1983

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

Others present: Administrator Doug Zenor, Public Works Superintendent Bud Atwood, City Attorney Wade Bettis, Deputy Recorder Marilyn Perkett, Robert Root, Myra Weston, Roger Reif, Steve Frederick, Neal Counoyer, Stephan & Brenda Lashbrock, Judy Hogland, Eugene Cole, Chip Phelps, Dean Way, Bob AAggblon, Hazel Rider, Freda & Herman Bergman, Patti Holmes, Todd Hall, Betsy Ross, Barbara Miller, Bob Westcott, F.M. Garmire, Ed Buschow, Andrew Krzmarzick, Gary Simantel, David Bury, Earl & Debbie Swigert, Gwen & Joe Market, Earl Oliver, Joe Gary, J.W. Beck, Gil Stenger, Bob Rapp, Al Moore, Jim Renner, Ross Rider, C.A. Roth, J. Parker, Michael Schackel, and several others.

Mayor Gabrion called the regular meeting to order at 7:30 p.m., followed by the flag salute and silent meditation. Roll Call of Council showed a quorum present, Mayor Gabrion noted Councilwoman Kopelk's absence was due to her father-in-laws death, Ed Kopelk Sr., a former Canby resident.

**Councilman Clift moved to approve as distributed the minutes of regular session April 6, 1983, seconded by Councilman Taylor and approved unanimously.

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

ORDINANCES & RESOLUTIONS: Attorney Bettis read Ordinance No. 730, by title only for second reading. **Councilman Sowles moved that Ordinance No. 730, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR 1983-84 FISCAL YEAR, be approved and become part of the laws of the City of Canby. Seconded by Councilman Taylor and approved 5-0 by roll call vote.

Attorney Bettis read Resolution No. 336, A Resolution of Intent With Regard to the Operation of the City's Water Utility Department, for Council consideration.

Councilman Pulver expressed several concerns on the wording of areas of the resolution: page 1, section 3, "for the time being and pending Council's establishment and training of a management section or staff"; page 2, second paragraph, "continuing while the Canby City Council prepares for and acquaints itself with management responsibilities for such department"; page 2, section 1, he felt the date of July 1, 1986, sounded final and questioned if a review would be made prior to the date; and page 3, section 4, he questioned the wording in that section regarding establishing a reserve fund for the future which he felt was badly needed. Councilman Pulver felt the resolution was worded in such a way as if to project a take over of the water department by the City in the near future, and he said that was not the intent.

April 20, 1983

In response to the resolution, Councilman Sowles questioned, "Who and When do we authorize a team for training of management"?

Councilman Taylor noted that he had no concerns with the wording of the resolution, he felt it was a preparation process for the City to take over in 3 years or earlier if necessary.

Administrator Zenor felt the intent was for the Council to have CUB maintain operation of the water department and set a time frame for review to see if the City would take it over in 3 years or have it remain with CUB management.

Council also questioned the study, using the \$8,000, and felt the wording should be changed and also set a time frame, if perhaps they did not need the money or study.

Attorney Bettis reviewed the Charter provisions and also pointed out that Council was limited as to time and what voters approved for the bond money expenditures.

Bob Westcott, CUB member, noted that all of the principle of the 1979 Water Bond has been used and the remainder is interest accrued and he recalled that Mr. Bettis advised, some time ago, the interest money could be used for any purpose the Council desired. Mr. Bettis felt he should review that issue.

Attorney Bettis also pointed out that he felt the intent of the resolution, especially in view of the past experience of WPPS, an urgency to get the water department away from the utility board was desired in case things became worse with CUB, therefore not jeopardizing the loss of the water department.

Mr. Lashbrook, CUB Manager, pointed out that the board does have intentions of setting up a reserve fund, however, it will take study and time.

Consensus of the Mayor and Council was to hold over Resolution 336, and have staff and Council review it with the Attorney for the next scheduled meeting.

Ordinance No. 731, was read for first reading by Attorney Bettis, noting these were minor amendments to the initial CATV Ordinance No. 725. **Councilman Sowles moved that Ordinance No. 731, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANBY, OREGON, AMENDING THE CITY'S ORDINANCE NO. 725, TITLED "CABLE COMMUNICATIONS ORDINANCE, be properly posted and come up for final reading on May 4, 1983, after 7:30 p.m. Motion seconded by Councilman Anderson and approved 5-0 by roll call.

Attorney Bettis read Ordinance No. 732 for first reading. Administrator Zenor noted a correction on page 8, CORRECTION; "\$140,000 initially and a total of \$180,000 when the type and placement of equipment is to be determined at City's discretion". **Councilman Anderson moved that Ordinance No. 732, AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO THE CANBY TELEPHONE ASSOCIATION FOR THE INSTALLATION, CONSTRUCTION, MAINTENANCE AND OPERATION OF A CABLE COMMUNICATIONS SYSTEM WITHIN THE CITY OF CANBY, be corrected as afore-stated, properly posted and come up for final reading after 7:30 p.m., on May 4, 1983. Seconded by Councilman Pulver and carried 5-0 by roll call ballot.

April 20, 1983

Councilman Sowles commented that he felt "quite comfortable" with Canby Telephone Association receiving the franchise. Councilman Taylor also noted that he felt some of Mr. Westcott's concerns aired at the public hearing were valid, however, he felt the advantages with Canby Telephone Association outweighed the risks.

Resolution No. 337, was read in full by Attorney Bettis for Council approval. Administrator Zenor noted a correction; page 2, (C), first sentence should read, "After two years of operation", and on page 3, first paragraph, last sentence, OMIT the word annual after the number 3. **Councilman Sowles moved that Resolution No. 337, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY, OREGON, ESTABLISHING RULES AND REGULATIONS AND STANDARDS OF OPERATION FOR A NON-EXCLUSIVE CABLE COMMUNICATIONS FRANCHISE TO BE GRANTED TO THE CANBY TELEPHONE ASSOCIATION be approved with the added correction and become part of the laws of the City of Canby. Seconded by Councilman Pulver and approved by roll call vote 5-0.

Attorney Bettis read Resolution No. 338, for Council approval. A correction was noted on page 2, the Home Theater Network Plus (HTN) should read, for the rate, \$6.45. **Councilman Anderson moved that Resolution No. 338, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY, OREGON, ESTABLISHING THE SCHEDULE FOR RATES AND CHARGES FOR CABLE COMMUNICATIONS SERVICE UNDER A NON-EXCLUSIVE FRANCHISE TO BE GRANTED TO THE CANBY TELEPHONE ASSOCIATION be approved as corrected and become part of the laws of the City of Canby. Seconded by Councilman Clift and approved 5-0 by roll call ballot.

At this time, Mayor Gabrion read a Proclamation for "National Consumer Credit Educational Week" from April 24 to 30, 1983.

Mayor Gabrion recessed the regular session at 8:55 p.m., reconvening the regular meeting at 9:09 p.m.

COMMUNICATIONS: Administrator Zenor read a letter from Chip Phelps, Canby Chamber of Commerce President, endorsing the franchise of cable television to the Canby Telephone Association.

NEW BUSINESS: **Councilman Sowles moved to approve payment of City accounts in the amount of \$21,010.51, seconded by Councilman Anderson and carried 5-0 by roll call vote.

**Councilman Sowles moved to pay various bills pertaining to the water expansion project from warrants drawn on the 1979 Water Bonds, in the amount of \$25,305.79. Motion seconded by Councilman Pulver and carried 5-0 by roll call vote.

Deputy Recorder Perkett read the official abstract of votes as prepared by Juanita N. Orr, County Clerk, Clackamas County Elections. **Councilman Taylor moved to accept, as read, the official abstract of votes for the Special Election held on March 29, 1983. Seconded by Councilman Clift and approved unanimously.

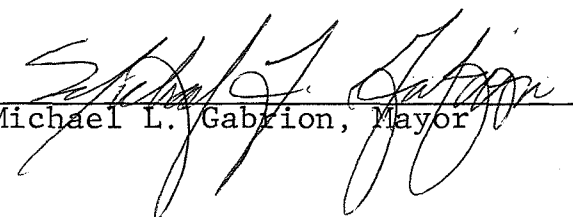
The next order of business was a recommendation from Public Works to accept a half-street on North Oak, resultant from the Garmire Minor Land Partition. Mr. Atwood explained that this was a routine matter, noting a receipt of deed to the property and title insurance would be furnished by the owner. Acceptance is usually made one year after the street project has been completed, this is to make sure the street will maintain a good condition. **Councilman Clift moved to accept the half-street on N. Oak in the Garmire Minor Land Partition on November 1, 1983, subject to Public Works approval at that date. Seconded by Councilman Taylor and approved 5-0.

An Intergovernmental Agreement between Clackamas County and the City was presented for Council action. The agreement pertained to street improvements using Community Development Block Grant Funds. **Councilman Anderson moved to authorize signatures of the Mayor and City Administrator on the Intergovernmental Agreement between Clackamas County and the City of Canby, seconded by Councilman Sowles and approved unanimously. Attorney Bettis reminded Council to inform the City's insurance carrier of the project.

UNFINISHED BUSINESS: Mike Schackel, Save the Depot Committee, gave the Council a brief update on the committee proceedings. Mr. Schackel explained that they hoped to have the depot moved by June 1, 1983, and in full operations by County fair time. Members of the Council questioned the City's liability, after acceptance of the building and also, the operation of the building. The Canby Historical Society has volunteered to operate the facility. Consensus of the Council was to have the Historical Society contact Southern Pacific to accept the building. Herman Bergman addressed the Council, ascertaining that the City needed a museum and felt the Council has not actively supported the project. Mayor Gabrion felt the Council has supported and worked with the committee, however, the Council must support the interest of all citizens of the City. **Councilman Anderson moved that the City of Canby's intention is to deed the property for the S.P. Depot site, located at N.E. 4th Avenue between the railroad tracks and County Fairgrounds, to the Canby Historical Society for the Depot/Museum. Seconded by Councilman Pulver and approved unanimously.

OTHER REPORTS AS NEEDED OR REQUIRED: Mayor Gabrion informed Council of a Special Meeting and workshop session, on sewer rate study, for May 11, 1983, at 7:00 p.m. Also, a workshop on May 26th, 7:00 p.m. for Goals and Objectives.

Mayor Gabrion adjourned the regular session at 10:15 p.m.


Michael L. Gabrion, Mayor


Marilyn K. Perkett, Deputy Recorder

PROCLAMATION

WHEREAS, members of the Credit Bureau and the Consumer Credit Association of Clackamas County including our retail establishments, service organizations and financial institutions, are observing National Consumer Credit Education Week in the true spirit of free American enterprise; and

WHEREAS, these organizations also seek to promote the responsible extension of consumer credit through this observance and its theme, "CREDIT--You're In Charge;" and

WHEREAS, citizens of this community have benefited from, are benefiting from and will continue to benefit from the granting of consumer credit by our local organizations as a service which depends upon the prudent use of credit and the prompt discharge of credit obligations;

NOW, THEREFORE, I Mike Gabrion, Mayor of the City of Canby, do hereby proclaim the period of April 24-30, 1983, as

NATIONAL CONSUMER CREDIT EDUCATION WEEK

and urge that all citizens join with me and with the sponsoring groups in the promotion and activities of this worthy annual observance.

Given under my hand and the great seal of the City of Canby

IN WITNESS THEREOF this 20 day of April 1983.

Michael J. Gabrion
MAYOR

NOTICE OF MEASURE ELECTION

CITY OF CANBY

Notice is hereby given that on Tuesday, May 17, 1983, an election will be held in the City of Canby, Clackamas County, Oregon. The polls will be open from 8:00 a.m. to 8:00 p.m. The following question shall be submitted to the qualified voters thereof:

CAPTION: Charter Amendment

QUESTION: Shall the City enact an amendment to City Charter changing name of Canby Electric Board back to Canby Utility Board?

PURPOSE: To change the City Charter to allow the Canby Utility Board to keep the name Canby Utility Board instead of becoming Canby Electric Board.

EXPLANATION: There seems to be a conflict with private businesses in changing the name of the Canby Utility Board to the Canby Electric Board. To create a new name for the Canby Utility Board at added expense for the name change and confusion for Canby Utility Board patrons is not needed.

Marilyn K. Perkett
Deputy City Recorder

Published in The Canby Herald
April 20, 1983

STATEMENT OF VOTES CAST
3/30/83
17:17

CLACKAMAS COUNTY, OREGON
SPECIAL ELECTION
MARCH 29, 1983

JUANITA N. ORR, COUN.

* I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY * BY :
* SUMMARIZE THE RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

* DATE OF ABST
* APR 5 1983

CITY OF CANBY
MEASURE 51
ONE YEAR SPECIAL LEVY

YES

PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL
014 123 016 181 017 109 063 204
VOTES CAST = 617

NO

PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL
014 101 016 151 017 103 063 172
VOTES CAST = 527

OVERVOTES

PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL
014 0 016 0 017 0 063 2
VOTES CAST = 2

UNDervOTES

PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL
014 2 016 2 017 1 063 10
VOTES CAST = 15

TOTALVOTES

PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL
014 226 016 334 017 213 063 388
VOTES CAST = 1,161