

CANBY CITY COUNCIL

REGULAR MEETING

MAY 4, 1983

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

Also present: Administrator Doug Zenor, Attorney Wade Bettis, Deputy Recorder Marilyn Perkett, Public Works Supervisor Bud Atwood, CUB Manager Stephan Lashbrook, Myra Weston, Dorothy Knight, Mike & Pat Schackel, Chris Hopfer, Laura Frank, Jim VanLieu, Scott Meyer, Earl Oliver, Larry Cole, Howard Barlow, Jim Renner, Bob Rapp, Ed Buschow, Judy Hogland, Brenda Lashbrook, Neal Cournoyer, Steve Frederick, Bob Westcott and Dick Mosier.

Mayor Gabrion called the regular session to order at 7:30 p.m., followed by the flag salute and meditation.

Roll call of Council showed a quorum present.

**Councilman Taylor moved to approve as distributed the minutes of regular session, April 20, 1983, with the following correction, page 4, Unfinished Business, 4th sentence, eliminate the words "in full operation" and add, "OPEN FOR VISITORS". Motion seconded by seconded Councilman Clift and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: Mike Schackel, Save the Depot Committee, addressed the Council, noting that Southern Pacific agreed to release the depot building to the Canby Historical Society and plans are moving rapidly to have it moved by June 1, 1983. Mr. Schackel requested a waiver of the sewer hook-up fee for the depot building after it is relocated. **Councilman Pulver moved to waive the \$600.00 sewer hook-up fee for the Railroad Depot after relocating near the fairgrounds. Seconded by Councilman Clift and carried 6-0.

Councilwoman Kopelk invited all present, particularly the Mayor, to attend the Knight Elementary "Celebrate your Imagination", a hands-on festival of crafts and arts, May 16 through the 20th. Mrs. Kopelk presented the Mayor with a button, advertising the event.

Mayor Gabrion read a Proclamation, proclaiming May, 1983, Poppy Month, and May 19, 20 and 21st as Poppy Days and urged the support of the citizens of Canby.

COMMUNICATIONS: Administrator Zenor read a letter from former Mayor, Bob Swayze, reviewing past intent of the City Council and his feelings regarding the operations of the water department. Mr. Swayze pointed out that the intent was, "full management of the municipal water system by CUB".

May 4, 1983

ORDINANCES & RESOLUTIONS: Attorney Bettis read Resolution No. 336 for Council consideration. **Councilman Pulver moved that Resolution No. 336, A RESOLUTION OF INTENT WITH REGARD TO THE OPERATION OF THE CITY'S WATER UTILITY DEPARTMENT, be approved and become part of the laws of the City of Canby, seconded by Councilman Sowles. Councilman Sowles questioned the use of the interest of bond money, noting the intent was stated in the resolution, however, Council wanted to be assured as to the expenditure of accrued interest. Bob Westcott, CUB Board Chairman, assured that the Utility Board will keep accurate books and spend the interest as it continues to compound, in accordance with the resolution, however, he noted that sometime ago, when he was on the Council, he was advised that the accrued interest could be used as the Council wished. Mr. Bettis strongly denied offering the aforementioned advise, he said he did not know for sure the answer to that question until he had been advised by other legal counsel. Mr. Westcott also pointed out that the City of West Linn is using accrued interest on bond money for other purposes than the bond issue. Council requested two minor changes on Resolution No. 336, page 1, section 4, second sentence, after the word assets, ADD- "BY JULY 1, 1983; and on page 2, section 3, A), first sentence, eliminate the word periodic and ADD- "QUARTERLY". Council approved by roll call vote the motion, 6-0.

Ordinance No. 731, was read by title only by Attorney Bettis, and the affidavit of posting presented by the Deputy Recorder. **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 approved and become part of the laws of the City of Canby. Seconded by Councilman Anderson and approved 6-0 by roll call vote.

Attorney Bettis read Ordinance No. 732 by title only for second reading and the affidavit of posting presented by the Deputy Recorder. **Councilman Sowles 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 approved and become part of the laws of the City of Canby, seconded by Councilman Clift and approved by roll call ballot, 6-0.

Ordinance No. 733, was considered by the Council for action. **Councilman Pulver moved that Ordinance No. 733, AN ORDINANCE RELATING TO DOG CONTROL: AND DECLARING AN EMERGENCY, be properly posted and come up for final action on May 18, 1983, after 7:30 p.m., seconded by Councilman Taylor. Mr. Taylor questioned page 2, section 6, as to why the 30 days of impoundment, and expressed perhaps a need for a longer period. Mr. Zenor explained that this gave enough time to schedule the issue for a court date, and also the City must pay the impoundment fees which are often hard to collect. Consensus was not to change the original 30 day impoundment clause. Motion carried 6-0 by roll call.

NEW BUSINESS: **Councilman Pulver moved to direct the City Treasurer to pay accounts payable in the amount of \$24,799.19. Seconded by

Councilman Sowles and approved by roll call ballot, 6-0.

Administrator Zenor read a staff memo requesting Council consideration for a security system at the Canby/CUB shop site, with the Utility Board sharing in the costs. **Councilman Anderson moved to approve the request of the April 28, 1983 memo (attached to these minutes) to install a security system at the City shop site, sharing the cost with the Canby Utility Board, for an estimated cost not to exceed \$2,000. Motion seconded by Councilwoman Kopelk and approved unanimously. Mr. Zenor also noted that additional yard lights will be erected at the shop site, in concert with CUB.

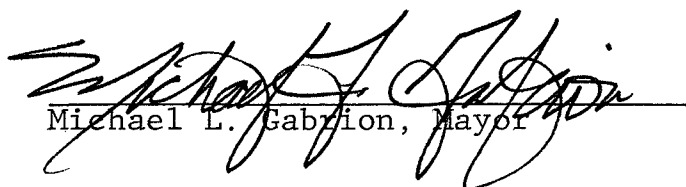
UNFINISHED BUSINESS: Council next considered the 911 Agreement between the City of Canby and Clackamas County. Mr. Zenor pointed out that the City will be receiving a percent of the tax assessments on the unincorporated area since our department will be dispatching. **Councilman Taylor moved to approve the 911 Agreement and authorize the appropriate signatures to the document. Seconded by Councilwoman Kopelk and approved 6-0.

Council reviewed the Estate Eight Agreement for partial payment of the accrued interest and accepting of the agreement. Mr. Bettis noted that he felt within a 90 day period the balance of the interest will be paid. **Councilman Anderson moved that the Agreement between the City of Canby and the Estate Eight Development Co. be approved as submitted and that the installment payment of accrued interest during the next 90 days be approved as proposed by the Estate Eight Development Co. Attorneys, and the document to be recorded at the Clackamas County Deed Records department. Seconded by Councilman Pulver. Councilman Sowles questioned how we could be assured that they would pay the interest. Attorney Bettis pointed out, according to the agreement, that if they didn't pay the City could proceed with a judgement action against each of the defendants at a higher interest rate, and they would also have to pay City attorney costs and no development would be permitted. Council approved the motion 5-1, with Councilman Sowles voting nay.

Councilman Clift reported that he had picked up the review of the City's insurance coverage that was prepared by a private firm, noting it is an outline of what the City has in coverage and what are the needs. Mr. Clift, Mr. Pulver and Administrator Zenor will meet Tuesday, May 10th to review and discuss the report and action to be taken regarding accepting insurance bids.

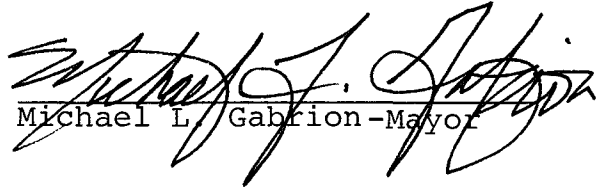
OTHER REPORTS AS REQUIRED OR NEEDED: Mayor Gabrion announced that the workshop session for May 26th was cancelled, and he reset it for June 6th at 7:00 p.m. at CUB board room. He also reminded Council of the Special Meeting and workshop session on the sewer rate study for May 11th, 7:00 p.m.

Mayor Gabrion adjourned the meeting at 8:37 p.m.

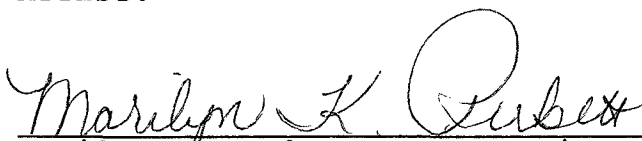

Michael L. Gabrion, Mayor


Marilyn K. Perkett, Deputy Recorder

PASSED on final reading of the Canby City Council at a meeting thereof on the 18th day of May, 1983, by the following vote: YEAS 5 NAYS 0


Michael L. Gabrion-Mayor

ATTEST:


Marilyn K. Perkett, Deputy City Attorney