

CANBY CITY COUNCIL

REGULAR MEETING

JULY 6, 1983

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

Also present: City Administrator Doug Zenor, City Attorney Wade P. Bettis, Public Works Director Bud Atwood, Deputy Recorder Marilyn Perkett, Deputy Treasurer Virginia Graham, Court Clerk Dorothy Patterson, Myra Weston, Steve Frederick, Bob Westcott, Linda McCarthy, David Bury, Ben Sandsness, Betsy Ross, Miriam Bettis, Shelley Cravens, Naomi Clift, Sue Carson, Marie Maxwell, Raymond Christian, Darrell and Grace Doering, Donald and Helen Brennan, Jim McKibbin, Chip Phelps, Hazel Adams, Dorothy Knight and Bob Godon.

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

Roll call showed a quorum present.

**Councilman Pulver moved to approve as distributed the minutes of the special meeting, June 28, 1983. Seconded by Councilman Clift and carried 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS; None was voiced.

COMMUNICATIONS: Administrator Zenor read a letter from Bob Freitag, Flood Plain Management, regarding a public meeting to be held on Monday, July 18, at 7:30 p.m. in the Council Chambers on the Flood Insurance Study. Mr. Atwood informed the Council that he had maps and pamphlets available with more information regarding the issue.

ORDINANCES & RESOLUTIONS: Wade Bettis, City Attorney, ready by title only for second reading Ordinance No. 728, however, Councilman Sowles requested the Attorney to read the entire Ordinance, which Mr. Bettis accommodated. **Councilman Taylor moved that Ordinance No. 728, AN ORDINANCE RELATING TO THE PAYMENT OF COSTS FOR PROPOSED ANNEXATIONS AND BOUNDARY CHANGES; PROVIDING FOR THE FIXING AND REQUIRING THE PAYMENT OF ANNEXATION FEES; ESTABLISHING PRIORITIES; AND REPEALING ORDINANCES NO. 579 and 616 be approved and become part of the laws of the City of Canby, motion seconded by Councilman Pulver. Councilman Sowles voiced concern regarding the elimination of an interest charged on delinquent payment of the annexation fee. Final Council consensus was to act upon the Ordinance at hand and if after further review, they could amend it at a later date. Roll call vote was for approval 5-1 with Councilman Sowles voting nay.

Ordinance No. 734 was read by Attorney Bettis by title only on first reading. **Councilman Anderson moved that Ordinance No. 734,

July 6, 1983

p.1

AN ORDINANCE PERTAINING TO THE CONSTRUCTION, ALTERATION, REPAIR AND MOVING OF BUILDINGS WITHIN THE CITY OF CANBY, OREGON; ADOPTING POLICIES OF FIRE SAFETY STANDARDS AND STANDARDS OF BUILDING CONSTRUCTION; PROVIDING PENALTIES FOR VIOLATIONS; REPEALING ORDINANCE NO. 713; AND DECLARING AN EMERGENCY come up for final action after 7:30 p.m. on July 20, 1983. Seconded by Councilman Taylor and approved 6-0 by roll call ballot.

Resolution No. 345 was read by title only by Attorney Bettis with a couple minor word corrections. **Councilwoman Kopelk moved to approve as corrected Resolution No. 345, A RESOLUTION PRESCRIBING THE SQUARE FOOT FEE TO BE ASSESSED ON PROPERTY ANNEXED TO THE CITY OF CANBY, seconded by Councilman Pulver. Council noted that Ordinance No 728 would not be effective until August, therefore, making it necessary to make the effective date of this Resolution August 5, 1983. Motion to approve carried 6-0 by roll call vote.

Attorney Bettis read by title only Resolution No. 346, and suggested a couple minor word corrections including the addition of adding, first two beds - \$8.00, each additional bed \$4.00" on the rate schedule for nursing homes. **Councilman Taylor moved to approve Resolution No. 346, PRESCRIBING MONTHLY RATES TO BE CHARGED FOR SANITARY SEWER SERVICE, seconded by Councilman Clift. During discussion, Councilwoman Kopelk expressed her concern regarding the income limitation on the "65 and Older or Handicapped Discount" and felt the income limitation should be higher than the proposed \$6,500. **Councilman Taylor moved to amend the original motion by deleting the age limit on reduced rates and propose the following, " reduced rate of \$5.70 for anyone with an income of \$7,500 or lower". Due to a lack of a second for the motion, the motion to amend became null and void. **Councilwoman Kopelk moved to amend the original motion as follows, reduced rate of \$5.70 shall apply to "65 and Older or Handicapped with a maximum income of \$7,500 per household", and those already on the reduced rate must reapply within 90 days. Motion seconded by Councilman Anderson and approved 4-2 by roll call ballot, with Councilmen Pulver and Sowles voting nay. After further Council consideration, **Councilman Taylor moved to amend the original motion as follows: effective date to read, SEPTEMBER 1, 1983; the 99¢ rate changed to \$1.00; and the school rates to be changed to 30¢ for Elementary Schools and 40¢ for Junior and High Schools. Motion seconded by Councilman Pulver and carried 6-0 by roll call. Mayor Gabrion called for a vote on the original motion (as underlined above), motion carried 6-0 by roll call vote. Mr. Westcott of the utility board questioned the 90 day sign-up period in regards to the billing. Mr. Zenor explained that the City would send out letters of explanation to all of those already on the existing reduced rate and coordinate the billing with the utility board.

Resolution No. 347 was read by title by the City Attorney, Wade Bettis. Attorney Bettis expressed concern regarding the school connection fee. Mr. Atwood explained that the school connection fees are based upon the design of the building. **Councilman Taylor moved to approve Resolution 347, A RESOLUTION INCREASING SANITARY SEWER CONNECTION CHARGES, ESTABLISHING A FEE FOR INDUSTRIAL WASTE PERMITS, AND DEFINING THE METHOD FOR COMPUTING EQUIVALENT RESIDENTIAL UNITS (ERU'S) with the following amendment: add the wording " based on design capacity" in regards to connections other than residential. Motion seconded by Councilwoman Kopelk and carried by roll call, 6-0.

NEW BUSINESS: **Councilwoman Kopelk moved to approve payment of accounts payable in the amount of \$30,124.91, seconded by Councilman Sowles and approved 6-0 by roll call vote.

Mayor Gabrion called for a brief recess at 9:10 p.m., reconvening the regular meeting at 9:19 p.m.

UNFINISHED BUSINESS: Council considered a letter from Attorney, Wade Bettis, dated June 22, 1983, and marked "Personal and Confidential". Attorney Bettis suggested that Mr. Zenor write a memorandum to the Council to clear up the matter. Council consensus was to read the letter for the record to make it an open issue. The letter from Attorney Bettis, dated June 22, 1983, suggested that possible fraud or collusion occurred during the bid process and opening of the recent insurance bids. Administrator Zenor explained that bids were not published as a "call for bids", however, letters with mini-specifications were sent to several insurance companies. Mr. Zenor further explained that suggested omitted figures left off of the Read-Bentz bid was only an "option", also an "option" which the Council chose not to accept. The letter also implied that the bid accepted was not "the best bid" due to the omitted figure, however, the tabulated figures from the two companies bidding showed that the bid which the Council approved was still the low bid even with the addition of the option figure. Therefore, Mr. Zenor felt the accusations of the letter were groundless. Mr. Zenor also expressed that in the future if there are allegations regarding such issues and procedures be first addressed to the person involved, this comment was also strongly urged by Councilman Taylor. **Councilman Anderson moved that the City Council find no irregularities in the procedures followed by Administrator Zenor in the insurance bid process, as suggested in the letter from Attorney Bettis, dated June 22, 1983, and no further action be needed. Seconded by Councilman Sowles and approved unanimously, 6-0.

The next order of business was for Council consideration of a contract with Mr. Donald Brennan, as a Plumbing Inspector for the City of Canby. Bob Godon, City Building Official, briefly reviewed the current plumbing permit fees of various cities, noting that the County, which now issues plumbing permits for Canby is approximately 40% less than Mr. Brennan's requested permit fees. The contract suggested that Mr. Brennan receive 75% of the permit fee and the City 25%; and that Mr. Brennan retain 100% of the plan check fee. Mr. Godon would also be trained by Mr. Brennan and in approximately one year be qualified to become certified as a Plumbing Inspector. Mr. Brennan also addressed the Council regarding the fees and expressed his interest was in having the best possible inspection for the City, in view of health, welfare and safety. Several Council members expressed concern regarding the high fee schedule and also the plan check fee. Mr. Zenor explained that the Council had the options of: returning to the County for plumbing inspections; accepting Mr. Brennan's contract for the City; or utilize the County fee schedule with Mr. Brennan's services. However, Mr. Brennan was comfortable only with the fees set forth in the proposed contract. **Councilman Taylor moved to accept the Plumbing Contract Agreement with Mr. Donald Brennan as outlined. Seconded by

Councilman Pulver. As of July 1, 1983, Canby is without a Plumbing Inspector, so Council action tonight was encouraged. Ben Sandsness, a local plumbing contractor, informed the Council that he applied for a plumbing permit for a two-bedroom home in Canby through Clackamas County and the fee was \$83.20, he also went to the City of Wilsonville to apply for a permit for a two-bedroom home, and the fee was \$219.30, including a \$42.50 plan check fee. Motion was defeated 0-6 by roll call vote. Mr. Zenor noted that the County would be notified Thursday morning of the Council decision and to continue issuing plumbing permits for the City of Canby.

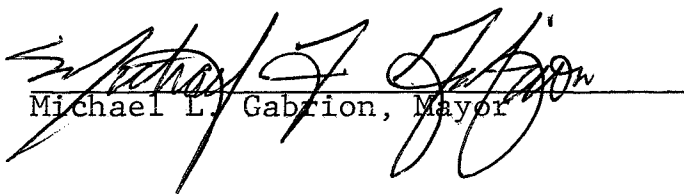
OTHER REPORTS AS REQUIRED OR NEEDED: **Councilman Pulver moved to go into Executive Session under ORS 192.660, subsection 1, subsections d and b. Seconded by Councilman Anderson and approved by roll call 6-0.

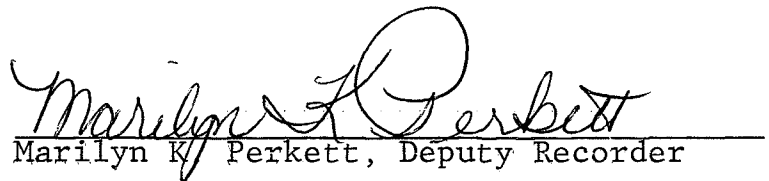
Mayor Gabrion recessed the regular session at 10:25 p.m. to go into Executive Session. The regular meeting was reconvened at 10:51 p.m.

At this time, **Councilman Pulver moved to provide the pay increases to the employees presented to the Council by Administrator Zenor, and the amounts as presented be approved. Seconded by Councilman Anderson and approved 6-0.

Mayor Gabrion noted that September, first part thereof, the Council would consider the salary of the City Administrator.

Mayor Gabrion adjourned the regular meeting at 10:55 p.m.


Michael L. Gabrion, Mayor


Marilyn K. Perkett, Deputy Recorder