

CANBY CITY COUNCIL

REGULAR MEETING

OCTOBER 6, 1982

Mayor Robert A. Swayze presiding. Councilmembers present: David Anderson, Beryl Brown, Michael Gabrion, Gary Sowles and Bill Pulver.

Also present: City Administrator Doug Zenor, City Attorney Wade Bettis, Treasurer Myra Weston, Recorder Pro Tem Marilyn Perkett, Trish Neiworth, Don Thompson, Gene Clift, David Bury, Earl Oliver, Scott Taylor, Lisa Leiwellen, Karen Christopherson, Stan Daniels, Dick Crites, Les Page and Acting Chief of Police Jerry Giger.

Mayor Swayze called the regular meeting to order at 7:35 p.m., followed by the flag salute and silent meditation. Roll call showed five members present, and Mayor Swayze announced Councilwoman Lee Funrue's resignation from the Council with an intent to fill her position very soon.

**Councilwoman Brown moved to approve as distributed the minutes of regular meeting, September 15, 1982. Seconded by Councilman Gabrion and carried 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Myra Weston addressed the Council, reading a humorous editorial from a Polk County newspaper regarding "joke telling" in Council meetings.

Mayor Swayze also announced the resignation of Police Chief Richard Seigler, effective Friday, October 1, 1982, and the appointment of Lt. Jerry Giger as Acting Chief of Police for the City.

ORDINANCES & RESOLUTIONS: Attorney Bettis ready by title only on final reading Ordinance No. 719, and the affidavit of posting presented by the Recorder. **Councilman Sowles moved that Ordinance No. 719, AN ORDINANCE PROSCRIBING GENERAL OFFENSES AGAINST THE PUBLIC PEACE, SAFETY, MORALS AND GENERAL WELFARE; ADOPTING A CRIMINAL PROCEDURE CODE; AND REPEALING ORDINANCES NOS. 552 AND 615 be adopted and become part of the laws of the City, motion seconded by Councilman Pulver and approved 5-0 by roll call.

Ordinance No. 720 was read by title only for second reading by the City Attorney and the affidavit of posting displayed by the Recorder. **Councilman Pulver moved that Ordinance No. 720, AN ORDINANCE ADOPTING POLICIES FOR TRAFFIC REGULATIONS; PROVIDING FOR LOCAL TRAFFIC REGULATIONS, THE REGULATION OF PARKING, AND THE PLACING AND MAINTENANCE OF TRAFFIC SIGNS AND MARKERS; PROVIDING PENALTIES FOR VIOLATIONS; REPEALING ORDINANCE NO. 553 and PROVIDING AN EFFECTIVE DATE become part of the laws of the City, seconded by Councilman Gabrion and approved 5-0 by roll call vote.

Attorney Bettis read by title only on second reading, and the affidavit of posting presented by the Recorder for Ordinance No. 721. Councilwoman Brown moved that Ordinance No. 721, AN ORDINANCE PROVIDING FOR JURY LIST AND JURIES IN THE MUNICIPAL COURT OF THE CITY OF CANBY, OREGON: PROVIDING FOR THE NUMBER AND QUALIFICATIONS OF JURORS AND THE MANNER OF SELECTING

October 6, 1982

SAME; PROVIDING FOR THE RIGHT TO TRIAL BY JURY IN SAID MUNICIPAL COURT; REPEALING ORDINANCE NO. 589; AND PROVIDING AN EFFECTIVE DATE be adopted, seconded by Councilman Sowles and carried by roll call ballot 5-0.

Ordinance No. 726 was read by title only on final reading by Attorney Bettis and the Recorder presented the affidavit of posting. **Councilman Gabrion moved that Ordinance No. 726, AN ORDINANCE AUTHORIZING PAVING OF BIKE/PEDESTRIAN WAY BY CLACKAMAS COUNTY PUBLIC WORKS DEPARTMENT; AND DECLARING AN EMERGENCY become part of the laws of the City of Canby, motion seconded by Councilman Sowles and approved 5-0 by roll call.

Attorney Bettis read Resolution No. 324 for Council approval. **Councilman Pulver moved to adopt Resolution No. 324, A RESOLUTION VERIFYING THAT THE CITY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES. Seconded by Councilman Sowles and approved by roll call vote 5-0.

Resolution No. 325 was read by the City Attorney for Council consideration. **Councilman Sowles moved to adopt Resolution No. 325, A RESOLUTION CALLING AND MAKING PROVISIONS FOR AN ELECTION TO ENACT A NEW CITY CHARTER FOR A COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT. Motion seconded by Councilman Pulver and approved 5-0 by roll call vote. The Council discussed ways to promote the adoption of the proposed charter and recommended that flyers be mailed in the next CUB billing.

COMMUNICATIONS: Mayor Swayze read a Proclamation regarding the intentions of the City regarding charter changes if the proposed charter is approved. (A copy of the Proclamation is attached to these minutes.)

Administrator Zenor read a letter from Jim Myron, 158 S.W. 11th, expressing his thanks to the City for the participation in the resurfacing and the Bike Path on S. Ivy.

Mr. Zenor read a letter from Charles E. Van Cleave, age 15, 7188 S. Seven Oaks Lane, expressing his interest and concern for reasonable, healthy entertainment in Canby for the youth. Mr. Van Cleave specifically requested use of the Railroad Depot to be used as a theater. Mayor Swayze suggested the letter be forwarded to the Depot Committee, however, he shared the concern and suggested a letter be sent offering the City's assistance however, the City can not actively support a private enterprise.

A letter from Ruby Roe, 675 N. Aspen, along with staff recommendation was read and discussed by the Council. The request was for permission to do maintenance service to their trucks on their premises. Council noted that this was in direct violation of City Ordinance, however, in most cases the City did not pursue an issue of this nature unless a complaint had been filed with the City, and to date no complaint has been registered.

The Council reviewed a petition request, signed by five people, for a street light to be installed on Township Road opposite the Township Condominiums. Staff recommendation was for the owners to install a light on their property. Council also suggested that owners could pay for installation of a street light and the City to pay monthly charge. A letter of options will be sent to the concerned parties.

Mayor Swayze called for a short recess at 8:25 p.m., reconvening the regular session at 8:37 p.m.

NEW BUSINESS: **Councilman Pulver moved to pay accounts payable in the amount of \$226,892.94. Motion seconded by Councilman Gabrion and approved 5-0 by roll call vote.

X Council reviewed aliquor license application for package store license for the Canby Home Discount Grocery, under new ownership. **Councilman Anderson moved to approve the liquor license application for package store license for the Canby Home Discount Grocery, James Edwin and Liane Maria Brown, 428 N.W. 1st Avenue, Canby, Oregon. Seconded by Councilman Sowles and approved unanimously.

UNFINISHED BUSINESS: Attorney Bettis read a letter, dated September 17, 1982, regarding his contingent fee (40% of the first \$250 collected; 33 1/3% of the next \$1250 collected; and 25% on amounts over \$1500 collected) in the case he has filed against Estate Eight Development for annexation fees adopted in September, 1981. Mr. Bettis explained that in his opinion the case should not be dismissed taking into consideration the statue of limitations, in this case, seven years. Council expressed concern on the hasty filing of the case and also the fees. Mr. Bettis noted, "I'm committed and will follow through, whether I'm paid or not." Mayor Swayze requested that the Council give consideration to the issue and have it reset for the October 20th Council agenda.


Mayor Swayze set October 25, Monday, 7:30 p.m. as a Special Meeting and a workshop session on Ordinances regarding annexations.

OTHER REPORTS AS REQUIRED OR NEEDED: Administrator Zenor updated the Council on the progress and schedule of the CATV Committee. Mr. Zenor noted that Canby should have CATV by September, 1983 and complete service to all residents by September, 1984. Two committee changes were also noted: in the RFP, to make it clear that underground service is required and the only reason for aerial reference is for the very unique or unusual situation; and to also allow for an alternate proposal in regards to access and origination equipment such as studio, van, etc. The Council gave permission to staff to call for bids as soon as possible.

Mr. Zenor announced Council-Candidate Orientation session for Tuesday, October 19th, 7:00 to 8:00 p.m.

**Councilman Pulver moved to go into Executive Session under ORS 192.660, sub.1, sub.b. Motion seconded by Councilman Gabrion and approved 5-0 by roll call vote.

Mayor Swayze recessed the regular meeting at 9:23 p.m. to go into Executive Session. The regular meeting was reconvened at 10:09 p.m. and immediately adjourned by Mayor Swayze.


Robert A. Swayze, Mayor


Marilyn K. Perrett, Recorder Pro Tem

P R O C L A M A T I O N

WHEREAS, The Charter Review Committee and the Canby City Council have gone on record recommending that the voters of the City of Canby enact a new City Charter at the election of November 2, 1982; and

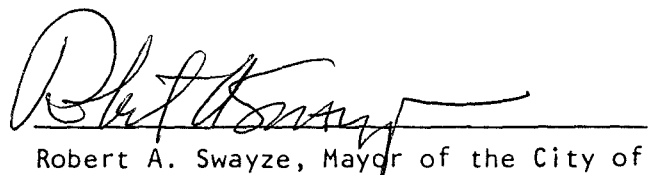
WHEREAS, the proposed Charter contains provisions which would place jurisdiction, control and management of the Water Department and all of its operations and facilities under the City of Canby; and

WHEREAS, there is much uncertainty and concern among the employees of the Canby Utility Board as to the actual effects that the new Charter will have on them; and

WHEREAS, it is important that the Employees of the Water Department of the Canby Utility Board understand the general intentions of the City Council regarding the effect of the new Charter on their employment;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that if the City Council determines to place the Water Utility under direct control, operation, and Administration of the City, employees of the Water Department will be treated in a fair and equitable manner as employees of the City of Canby, and will retain their employment seniority currently in place as Utility Board employees.

Dated this 6th day of October, 1982

A handwritten signature in dark ink, appearing to read "Robert A. Swayze", is written over a horizontal line.

Robert A. Swayze, Mayor of the City of Canby