

CANBY CITY COUNCIL

REGULAR MEETING

NOVEMBER 3, 1982

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

Also present: Administrator Doug Zenor, City Attorney Wade Bettis, Treasurer Myra Weston, Recorder Pro Tem Marilyn Perkett, Public Works Superintendent Bud Atwood, Jim Renner, John Falkenstein, Councilman-elect Scott Taylor, Jerry Stanberry, Roy Hester, Acting Police Chief Jerry Giger, Howard Barlow and David Bury.

Mayor Swayze called the regular meeting to order at 7:34 p.m., followed by the flag salute and meditation.

\*\*Councilwoman Brown moved to approve as distributed the minutes of regular meeting October 20th and special meeting October 25th. Motion seconded by Councilman Gabrion and approved unanimously.

Attorney Bettis read the title of Ordinance No. 727, and the recorded tape was started for the entire first reading of the proposed ordinance. \*\*Councilman Sowles moved that Ordinance No. 727, AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF CANBY, OREGON, TO OPERATE AND MAINTAIN A SEWAGE COLLECTION AND TREATMENT SYSTEM; ESTABLISHING AND IMPOSING JUST AND EQUITABLE CHARGES; PROVIDING FOR THE MANNER OF PAYMENT AND COLLECTION, ENFORCEMENT AND DISBURSEMENT OF SUCH CHARGES; REGULATING THE DISCHARGE OF WASTES TO THE SANITARY AND STORM SEWER SYSTEMS OF THE CITY, LIMITING SUCH DISCHARGES ONLY TO THOSE ACCEPTABLE TYPES, CHARACTERISTICS, OR CONCENTRATIONS; ESTABLISHING A SYSTEM OF WASTE DISCHARGE PERMITS AND PROVIDING FOR ENFORCEMENT; REPEALING ORDINANCE NO. 566, ENACTED FEBRUARY 19, 1974; REPEALING ORDINANCE NO. 618, ENACTED APRIL 1, 1977; REPEALING ORDINANCE NO. 679, ENACTED AUGUST 6, 1980; AND DECLARING AN EFFECTIVE DATE be properly posted and come up for final reading after 7:30 p.m. on December 1, 1982. Seconded by Councilwoman Brown and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Mayor Swayze congratulated the new officers for the City as per the election on Tuesday, November 2, 1982: Mayor-elect Michael Gabrion, Treasurer-elect Myra Weston, Councilmembers-elect David Anderson, Gary Sowles and Scott Taylor. Mayor Swayze also announced that he has instructed the City Administrator to begin working with Mr. Lashbrook to prepare an agreement with CUB to transfer physical facilities to the City for the water system and an agreement for maintaining such system in accordance with the newly passed City Charter. Mayor Swayze also announced that item (A) under Unfinished Business will be postponed until the November 17th meeting as per request of interested parties.

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ORDINANCES & RESOLUTIONS: Wade Bettis, City Attorney, noted that Ordinance No. 727 was in the process of being read by the tape recording which was continuing in the back of the chambers.

Resolution No. 327 was read by Attorney Bettis for Council approval. \*\*Councilman Gabrion moved that Resolution No. 327, A RESOLUTION AUTHORIZING AND APPROVING A JOINT AGREEMENT OF FUNDING FOR CANBY COMMUNITY SCHOOL FOR FISCAL YEAR 1982-83 be approved and become part of the laws of the City of Canby. Seconded by Councilman Pulver and passed 5-0.

COMMUNICATIONS: Mayor Swayze read the official Proclamation of the votes as provided by the Clackamas County Elections Department for the November 2, 1982 City of Canby ballot measures and City office positions.

NEW BUSINESS: \*\*Councilman Sowles moved to pay accounts payable in the amount of \$107,322.58 from the proper budget line items, seconded by Councilman Gabrion and approved 5-0 by roll call vote.

\*\*Councilman Sowles moved to pay various bills pertaining to the water treatment expansion project in the amount of \$217,338.87 from Clackamas County warrants drawn from the 1979 Water Bonds. Seconded by Councilman Pulver and approved by roll call ballot 5-0.

Administrator Zenor read a memo regarding the uniqueness of the Christmas holidays this year and suggested a floating holiday be given in lieu of closing City Hall for two consecutive days. \*\*Councilman Pulver moved to grant permission, on a one time basis, for a floating holiday for City of Canby non-uniformed employees for the unique situation of the 1982 Christmas Holiday, and the floating holiday to be taken before June 31, 1983. Seconded by Councilwoman Brown and approved 5-0.

UNFINISHED BUSINESS: At this time the Council considered various appointments to City committees.

Planning Commission- Two members now serving on the commission have agreed to serve again another three year term (NOTE: The terms are for three years not four as previously reported.) \*\*Councilman Sowles moved to appoint Mr. Charles MacKenzie and Mrs. Elsie Cutsforth to the Planning Commission for an additional three year term, to expire December, 1985. Seconded by Councilman Pulver and approved unanimously.

Mayor Swayze noted that he saw no reason to appoint a second Councilmember as a liaison to the Canby Fire Department, Councilman Pulver will continue to serve in this capacity.

Two budget committee positions are open, with Matt Knoblauch expressing a desire to serve again. This issue will be tabled until the November 17th meeting.

Traffic Safety Committee appointment was discussed, with Steve Frederick agreeing to serve. \*\*Councilman Pulver moved to appoint Steve Frederick to the Canby Traffic Safety Commission, seconded by Councilwoman Brown and approved 5-0.

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Canby Utility Board will need two appointments due to the passing of the new City Charter and to contact Mr. Richard Garvey to be sure if he plans to serve on the board again.

Mayor Swayze asked the Council to "scout around" for the different committee positions open and to be ready to make appointments at the November 17th Council meeting.

Administrator Zenor informed the Council that he has been working with the LPGI and the BPST for criteria for the Police Chief selection and interviews will be held during the week of November 22, 1982.

Attorney Bettis reported that in the Estate Eight litigation he has been in contact with their attorney and they plan to have a proposal of settlement ready by November 15, 1982.

Mr. Bettis also reminded the Council to consider plans for printing the newly approved City Charter.

OTHER REPORTS AS REQUIRED OR NEEDED: Administrator Zenor informed the Council that the City will not be charging the Swim Team for pool use for meets, in accordance with other cities policies, however, the City will be accepting the \$100 per day on the two day Championship Meet in March.

Councilman Anderson questioned progress in the Senior Citizen Center project and was informed that the issue is still being pursued and committees will soon be made for further actions.

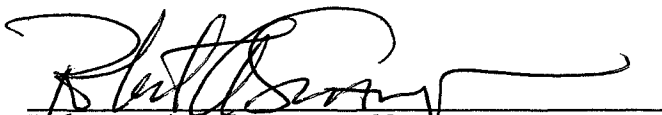
Administrator Zenor also noted that the CATV issue is on schedule and we have nationally advertised for letters of interest on the RFP process, with November 15, 1982, as the deadline for letters of interest.

Mayor Swayze recessed the regular meeting at 8:12 p.m. and reconvened at 8:34 p.m.

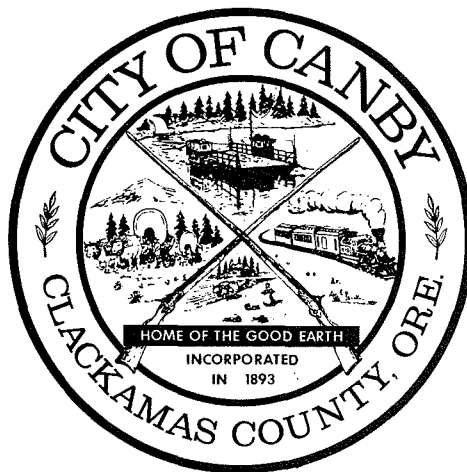
Mayor Swayze announced that Ordinance No. 727, was now completed for the first reading.

\*\*Councilman Pulver moved to go into Executive Session under ORS. 192.660, Subsection 1, sub. (a) and subsection 1, sub. (e), seconded by Councilman Gabrion and approved by roll call vote 5-0.

Mayor Swayze recessed the regular meeting at 8:36 p.m. to go into executive session. The regular meeting was reconvened at 9:06 p.m. and immediately adjourned.

  
Robert A. Swayze, Mayor  
Marilyn K. Perkett, Recorder Pro Tem

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


WHEREAS, the City of Canby, County of Clackamas, Oregon, held an Election on NOVEMBER 2, 1982, to consider Mayor, Treasurer, Three Councilmembers, New Tax Base and a Charter Revision.

WHEREAS, the Clackamas County Elections Department offers the following as an unofficial count of votes as of 8:00 a.m., November 3, 1982:

MAYOR	<u>Michael L. Gabrion</u>	<u>2,148</u>
TREASURER	<u>Myra Weston</u>	<u>2,222</u>
COUNCILPERSON	<u>David Anderson</u>	<u>1,520</u>
	<u>Gary Sowles</u>	<u>1,356</u>
	<u>Scott Taylor</u>	<u>1,231</u>
	Barton Brown	987
	Eugene S. Clift	813
Measure 51	YES	1,083
TAX BASE	<u>NO</u>	<u>1,508</u>
Measure 52	YES	1,744
CHARTER REVISION	<u>NO</u>	<u>788</u>

NOW, THEREFORE, I, ROBERT A. SWAYZE, Mayor of the City of Canby, County of Clackamas, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting.

Dated this 3rd day of November, 1982

  
ROBERT A. SWAYZE, MAYOR

# NOTICE OF ELECTION

NOTICE is hereby given that the City of Canby's general election will be held in and for the City of Canby, Clackamas County, Oregon, on Tuesday, November 2, 1982, between the hours of 8:00 o'clock A.M. and 8:00 o'clock P.M. Pacific Standard Time. The election will be conducted by the Clackamas County Elections Department in conjunction with the state-wide general election to be held on the same day and in each of the regularly established voting precincts of the City which are as follows:

- No. 121 - Knights Grade School, 501 N. Grant Street, Canby
- No. 122 - Canby City Hall, 182 N. Holly Street, Canby
- No. 123 - Canby Fire Hall, 230 S. Grant Street, Canby
- No. 124 - First Conservative Baptist Church, 1905 N. Maple, Canby
- No. 125 - Lee Elementary School, 1110 S. Ivy Street, Canby
- No. 126 - Canby United Methodist Church, 1520 N. Holly Street, Canby.

ALL ARE ACCESSIBLE TO THE HANDICAPPED!

A mayor, treasurer, and three (3) councilpersons are to be elected. Also, the council is submitting to the voters for their approval or rejection the question of a new tax base and a proposed new charter for a council-administrator form of government. The proposed new tax base was approved by council Resolution No. CCCXXII (322) adopted September 1, 1982, and the proposed new charter was approved by council Resolution No. CCCXXV (325) adopted October 6, 1982. A copy of the proposed new charter is attached to said resolution and is on file in the office of the Canby City Recorder at the Canby City Hall. The form of the official ballot, ballot numbers, measure numbers assigned by the County Elections Office, and title for each of the two (2) measures is as follows:

OFFICIAL BALLOT, GENERAL ELECTION, COUNTY OF CLACKAMAS, STATE OF OREGON, NOVEMBER 2, 1982.	
CITY OF CANBY	
MAYOR TWO YEAR TERM VOTE FOR ONE	MICHAEL L. GABRION
TREASURER TWO YEAR TERM VOTE FOR ONE	MYRA WESTON
COUNCILMEMBER FOUR YEAR TERM VOTE FOR THREE	DAVID R. ANDERSON BARTON H. BROWN EUGENE S. CLIFT GARY H. SOWLES SCOTT M. TAYLOR
MEASURE 51	YES
Submitted to the legal voters of said city.	NO
TAX BASE	
QUESTION: Should a new tax base of \$1.5 million be approved for City of Canby to begin in 1983-84 fiscal year?	
EXPLANATION: This will allow a new tax base for City of Canby. The new tax base will apply the limit of taxes as in Section 11, Article XI, Oregon Constitution. Current tax base is \$168,142 and the new tax base would be \$1.5 million. It would pay for essential City services for some years.	

The tax base now being used was voted in 1966. Canby has had much growth since then. Inflation has also dropped the buying power of the City's dollar. The City needs property tax monies to operate the library, police, fire department, swim pool, streets and court.

MEASURE 52

Submitted to the legal voters of said city.

YES

NO

CHARTER REVISION

QUESTION: Shall the City enact a new Charter to establish a Council/Administrator government and regain control of the water system?

The purpose and explanation of the proposed new charter does not appear in the official ballot but they are as follows:

PURPOSE: To provide the City of Canby with a modern charter of simplicity, brevity and understandability which will more adequately empower the governmental authorities to better administer its city government and municipal affairs.

EXPLANATION: The new City Charter details the Council/Administrator form of government. The City has been using this form of government for the last ten years. This change simply updates the charter to specify functions and duties of the administrator as well as other members of the city government.

The second major change in the Charter is in the area pertaining to the utility board. The board would be expanded to a five person board. The water system would become a part of the City and be under the direct jurisdiction of the Canby City Council. The Utility Board would be limited in the amount of money it could spend before having to go to a vote of the people.

Other changes in the Charter consist of bringing the Charter into compliance with new state laws affecting elections, liabilities and other similar areas.

DATED, POSTED AND FIRST PUBLISHED October 6, 1982.

  
Marilyn K. Perkett, City Recorder Pro Tem.