

CANBY CITY COUNCIL

REGULAR MEETING

DECEMBER 1, 1982

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

Also present: City Administrator R. Douglas Zenor, City Attorney Wade Bettis, Treasurer Myra Weston, Public Works Superintendent Bud Atwood, Recorder Pro Tem Marilyn Perkett, Dorothy Patterson, Acting Police Chief Jerry Giger, Fred Kahut, Earl Oliver, Fred Stefani, Eugene Cole, Councilman-elect Scott Taylor, Howard Barlow, Jack Howay, David Bury, Ellen Burbridge, Dorothy McCormick, Miriam Bettis, Trish Neiworth, Kent Nichols, Thomas & Beverly Welch, Steve Frederick and Dr. E.E. Davies.

Mayor Swayze called the regular meeting to order at 7:35 p.m., followed by the flag salute and meditation. Roll call of Council showed a quorum present.

**Councilwoman Brown moved to approve as distributed the minutes of regular meeting, November 17, 1982, seconded by Councilman Sowles and approved unanimously.

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

At this time, Mayor Swayze announced that a committee of Mr. Zenor, Bill Pulver and Michael Gabrion had interviewed candidates for the vacant position of Police Chief and were therefore ready to make a recommendation. Councilman Pulver announced that the committee recommendation was to appoint Lt. Jerry Giger to the position of Canby Police Chief.

**Councilman Pulver moved to appoint Jerry Giger to the position of Police Chief to serve at the pleasure of the Canby City Council. Seconded by Councilwoman Brown and approved 5-0 by roll call vote.

ORDINANCES & RESOLUTIONS: Attorney Bettis read by title only for second reading, Ordinance No. 727, and the affidavit of posting was presented by the Recorder Pro Tem. **Councilman Pulver 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 approved and become part of the laws of the City of Canby. Motion seconded by Councilwoman Brown and carried 5-0 by roll call vote.

Resolution No. 330 was read by Attorney Bettis for Council consideration. **Councilman Pulver moved that Resolution No. 330, A RESOLUTION ACCEPTING THE ORDER AND OFFER OF THE BOARD OF COUNTY COMMISSIONERS OF CLACKAMAS

December 1, 1982

COUNTY, OREGON, TO SURRENDER JURISDICTION OVER A PORTION OF KNIGHTS BRIDGE ROAD be adopted and become part of the laws of the City of Canby. Seconded by Councilman Clift and approved by roll call 5-0.

COMMUNICATIONS: Administrator Zenor read a letter from Richard Brown, Canby High School Superintendent, requesting that the Council consider serving the entire Canby High School district with CATV and also to consider the educational aspects for cable television. The request will be considered during the negotiating process for the franchise.

NEW BUSINESS: **Councilman Sowles moved to pay accounts payable in the amount of \$30,803.31, seconded by Councilwoman Brown and approved 5-0 by roll call vote.

**Councilman Sowles moved to pay various bills pertaining to the water treatment expansion facility in the amount of \$423.67, from Clackamas County warrants drawn on the 1979 Water Bonds. Motion seconded by Councilman Pulver and approved by roll call, 5-0.

The next agenda item, a request for a temporary permit for occupancy of a travel trailer for hardship, applicant, Frank Nicholas, 917 N.E. 10th Avenue, had been withdrawn by letter late Wednesday, December 1st, afternoon.

The Council packets had copies of the abstract of votes for the City Election held on November 2, 1982. **Councilman Anderson moved to accept and approve as the canvass of the City of Canby's election results of the November 2, 1982 Election as reported to the City by the Clackamas County Elections Department and copies of the results be made a part of the records of this meeting. Motion seconded by Councilman Sowles and approved unanimously.

Administrator Zenor read a memo requesting Council to authorize establishing a committee for the purpose of reviewing Canby needs in the way of production facilities for CATV. Also, a committee to work on the main facets of the proposed Senior Citizen Center project. Council consensus was for authorization of the requested committees and the Mayor also appointed David Anderson as the Council liaison to the CATV Committee and Gary Sowles as the Council liaison to the Senior Center project committee.

Mayor Swayze called for a short recess at 8:00 p.m., reconvening the regular session at 8:14 p.m.

UNFINISHED BUSINESS: In regards to the Estate Eight litigation, Attorney Bettis reported that the firm representing Estate Eight recently appointed a new attorney to the case and was preparing a settlement.

In accordance with the CATV Enabling Ordinance, the City Council was to set an application fee for bidders on the cable system. Administrator Zenor suggested that the Council consider the fact that the City needed to make provisions for recovery of costs incurred by the City in the CATV process. **Councilman Sowles moved that inasmuch as the City of Canby is not able to underwrite the costs of private enterprise, a \$2500 fee must be submitted with each applicant's Request

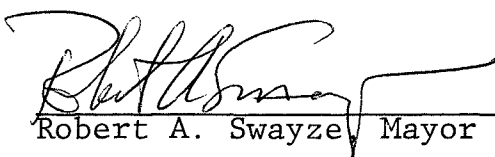
for Proposal. This non-refundable fee is to defray the costs of handling, reviewing and reporting on the applicant's RFP. Any costs not covered by the \$2500 application fees must be assumed by the successful applicant. These costs not to exceed \$10,000. Such application fee is required by the provisions of Section 5.1 (b), (6) of the City's CATV Ordinance No. 725, enacted September 15, 1982, and the amount of this fee was fixed by the City at a regular meeting of the Canby City Council on December 1, 1982. Motion seconded by Councilman Pulver and approved 5-0.


Administrator Zenor read a memo requesting the Council to authorize the County Community Development Division to transfer the remaining CDBG funds from street projects to park acquisition and development for the purchase of the Fairbrother property located directly south of the intersection of S.E. Township and S. Knott Street. However, Mr. Zenor informed the Council that the City would have to sign a contract with the County to allocate funds for development for approximately \$40,000. The Council requested Mr. Atwood to draw up plans and present figures for the Council to consider before making a commitment. Steve Frederick addressed the Council, reminding them that local service organizations would like to be involved with the park development. Fred Stefani also reminded the Council that if the 5% gas tax goes into affect, that the City may need matching funds to acquire any of that money and we might consider leaving the \$75,000 in street project development. The issue will be reset for the next agenda.

OTHER REPORTS AS REQUIRED OR NEEDED: Mayor Swayze requested that Mr. Zenor and Mayor-elect Gabrion get together and set some workshop sessions on the various subjects that Council needs to consider.

Mr. Zenor informed the Council that the goal on the implementation of the 911 system in Canby is about February 1, 1983.

Mayor Swayze adjourned the regular session at 8:39 p.m.


Robert A. Swayze, Mayor


Marilyn K. Perkett, Recorder Pro Tem

PLEASE NOTE: In concert with the desires of the CATV Committee, the date for receipt of the \$2500 application fee has been set for JANUARY 6, 1983, fifteen (15) days prior to receipt of the RFP.

STATEMENT OF RESULTS OF VOTES CAST
GENERAL ELECTION -- CLACKAMAS COUNTY
TUESDAY, NOV 2, 1982

XXX
X
X I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY X
X SUMMARIZE THE TALLY OF VOTES CAST AT THE ELECTION INDICATED. X
X
XXX
X
X GEORGE D. POPPEN, COUNTY CLERK X DATE OF ABSTRACT: X
X BY: *John F. Raffman, Deputy* X 18 NOV 1982 X
X
XXX

CITY OF CANY MAYOR TWO YEAR TERM

PRECINCT	MICHAEL L GABRIEL	OVER VOTES	UNDER VOTES	TOTAL VOTE	WRITE-INS
121	302	0	136	438	Arthur E. Ellickson 1
122	325	0	147	472	Howard Giger 1
123	282	0	119	401	Larry Kraxberger 1
124	454	0	207	661	Gary Sowels 1
125	396	0	176	572	
126	389	0	137	526	
	2,148	0	922	3,070	

GENERAL OF RESULTS OF VOTES CAST
SPECIAL ELECTION -- CLACKAMAS COUNTY
TUESDAY, NOV 2, 1982

XXX
X
X I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY X
X SUMMARIZE THE TALLY OF VOTES CAST AT THE ELECTION INDICATED. X
X
XXX
X
X SIGNATURE OF COUNTY CLERK: X
X GEORGE D. POPPEN, County Clerk X
X *By: John F. Kauffman, Deputy* X
X DATE OF ABSTRACT: X
X 18 NOV 1982 X
XXX

CITY OF CANBY MEASURE 51 TAX BASE						CITY OF CANBY MEASURE 52 CHARTER REVISION					
PRECINCT	YES	NO	OVER VOTES	UNDER VOTES	TOTAL VOTES	YES	NO	OVER VOTES	UNDER VOTES	TOTAL VOTES	
121	142	222	1	73	438	248	117	1	73	438	
122	168	223	1	80	472	263	114	1	94	472	
123	144	206	1	50	401	231	112	3	55	401	
124	241	303	0	117	661	374	162	2	124	661	
125	207	274	5	86	572	309	156	0	107	572	
126	181	280	1	64	526	319	127	1	79	526	
	1,083	1,508	9	470	3,070	1,744	788	6	532	3,070	

STATEMENT OF RESULTS OF VOTES CAST
GENERAL ELECTION -- CLACKAMAS COUNTY
TUESDAY, NOV 2, 1982

XXX
X
X I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY X
X SUMMARIZE THE TALLY OF VOTES CAST AT THE ELECTION INDICATED. X
X
XXX
X
X GEORGE D. POPPEN, COUNTY CLERK X
X BY: *John F. Caffran, Deputy* X
X DATE OF ABSTRACT: X
X 18 NOV 1982 X
XXX

CITY OF CANBY	TREASURER	TWO YEAR TERM			
PRECINCT	HYRA WESTON	OVER VOTES	UNDER VOTES	TOTAL VOTES	
121	324	0	114	438	
122	356	0	116	472	
123	282	0	119	401	
124	455	0	206	661	
125	401	0	171	572	
126	404	0	122	526	
	2,222	0	848	3,070	

STATEMENT OF RESULTS OF VOTES CAST
GENERAL ELECTION -- CLACKAMAS COUNTY
TUESDAY, NOV 2, 1982

XX
X
X I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY X
X SUMMARIZE THE TALLY OF VOTES CAST AT THE ELECTION INDICATED. X
X
XX
X
X GEORGE D. POPPEN, COUNTY CLERK X
X BY: *John F. Cauffman, Deputy* X
X X 18 NOV 1982 X
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CITY OF CANBY COUNCILMEMBER FOUR YEAR TERM VES

PRECINCT	DAVID ANDERSON	BARTON H BROWN	EUGENE S CLIFT	GARY H SOMLES	SCOTT H TAYLOR	OVER VOTES	UNDER VOTES	TOTAL VOTES	WRITE-INS	
121	220	118	128	209	177	30	432	1,314	Arthur E. Ellickson	1
122	242	171	90	230	207	42	434	1,416	Phil D. Colbaugh	1
123	204	110	128	164	181	42	374	1,203		
124	341	250	155	295	221	39	682	1,983		
125	238	189	174	214	231	54	615	1,716		
126	275	149	138	244	214	45	513	1,578		
	1,520	987	813	1,356	1,231	252	3,051	9,210		