

CANBY CITY COUNCIL

REGULAR MEETING

JANUARY 7, 1981

Council present: Mayor Robert E. Rapp, Mayor-elect Robert Swayze, Councilmembers, Beryl Brown, Beauford Knight, William Pulver, Robert Westcott, Councilman-elect Michael Gabrion, Councilwoman-elect Lee Funrue and newly appointed Councilman Gary Sowles. Absent: Councilman Richard Nichols

Also present: Administrator Harold Wyman, City Attorney Wade Bettis, Deputy City Attorney Roger Reif, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, Treasurer Myra Weston, Secretary Marilyn Perkett, Dorothy Knight, Earl Oliver, Cinda Gabrion, Robert Funrue, Albert Fiesel, David Bury, Chief Richard Seigler, Gerald Carl, John Tatone, F. Marion Garmire, Lois Larson, Helen Richmond Ernest and Alma Fessenden, Larry Housen, Tina Larson, Mr. and Mrs. Lee Shirley, Mrs. Robert Swayze and Heidi and Shawn Swayze, Oregonian Reporter Pat Jeffries, Canby Herald Editor Steve Fredrick, John Falkenstein, Ellen Burbridge and others.

Mayor Rapp called the Regular Meeting to order at 7:31 p.m., followed by the flag salute and roll call of Council.

**Councilwoman Brown moved to approved as distributed the minutes of Regular Meeting December 17, 1981. Seconded by Councilman Knight and approved 5-0.

At this point in the meeting Mayor Rapp turned the meeting over to City Attorney Wade P. Bettis to swear in the newly elected Mayor and Council. Councilman Swayze first gave a brief statement, resigning his elected position of Councilman to be effective immediately. **Councilman Westcott moved that the Council accept the resignation of Councilman Swayze. Seconded by Councilman Pulver and approved unanimously. City Attorney Bettis requested the following people to stand for the swearing-in of their elected office: Robert A. Swayze - Mayor; Myra Weston - Treasurer; Lois Lee Funrue - Councilwoman; Michael Gabrion - Councilman; and William Pulver - Councilman. Attorney Bettis administered the oath of offices to the officials followed by Mayor Rapp turning over the Council gavel to Mayor Swayze and the new Council taking the seats of the retiring Council. **Councilman Knight moved to send letters of appreciation for past service to former Mayor Rapp and Councilmen Westcott and Nichols. Seconded by Councilman Pulver and carried 5-0.

Mayor Swayze opened the Public Hearing at 7:40 p.m. on the Garmire Annexation. City Planner Lashbrook gave a brief staff report on the subject property, 1.01 acres south of N.E. Territorial Road approximately 650 feet east of N. Maple Street into the City of Canby. Mr. Lashbrook noted that two major required findings were: the proposal conforms with the City's adopted Plan and the proposal complies with applicable Statewide Planning Goals. These findings were made and approved by the Planning Commission. Staff recommended to instruct the City Attorney to prepare an order for the Portland Area Metropolitan Boundary Commission recommending approval of the annexation based upon the findings of fact contained in the original staff report.

APPLICANT - F. Marion Garmire, applicant, read his letter of November 18, 1980, pointing out that 38 feet was already within the city limits and the annexation would allow added lots which he wished to give to his two daughters. He noted

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that utilities are easily accessible.

PROPOSERS - None was voiced.

OPPOSERS - David Bury voiced his concern about the annexation fee and annexation ordinance and said he wasn't against the subject annexation.

REBUTTAL - None was voiced.

Mayor Swayze closed the public hearing at 7:48 p.m. **Councilman Knight moved that based on the findings of fact by the staff and Planning Commission we recommend approval of the 1.01+ acres of the Garmire property south of N.E. Territorial Road and instruct the City Attorney to prepare an order for the Metropolitan Boundary Commission recommending the Council approval. Seconded by Councilwoman Brown and carried 5-0. Mr. Garmire thanked the Council for their action.

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

Mayor Swayze moved on in the agenda to the appointments under New Business. Mayor Swayze opened the floor to nominations for the Budget Committee for which two positions for three year terms were open. Councilwoman Funrue nominated Mr. John Tatone. Councilman Pulver nominated Chip Phelps. **Councilman Pulver moved that nominations for the Budget Committee members be closed. Seconded by Councilwoman Brown and approved 5-0. **Councilman Knight moved that we elect John Tatone and Chip Phelps to the City Budget Committee by acclamation. Seconded by Councilwoman Brown and approved unanimously. Mayor Swayze instructed staff to send letters to the new members. John Tatone was in the audience and thanked the Council for the position and expressed his desire to do a good job.

Mayor Swayze opened the floor for nominations for the unexpired term of Councilperson, a two year term. Councilman Pulver nominated Gary Sowles. **Councilman Knight moved that Gary Sowles be elected to the two year unexpired term of Councilman by acclamation. Seconded by Councilwoman Brown and carried 5-0. Since Mr. Sowles was in the audience, Attorney Bettis performed the Oath of Office and swore in Mr. Sowles, at which time he immediately took his seat on the Council.

ORDINANCES & RESOLUTIONS: Attorney Bettis read by title only, for second reading, Ordinance No. 688 and Mr. Wyman presented the affidavit of posting. **Councilman Pulver moved that Ordinance No. 688, AN ORDINANCE ADOPTING A UNIFORM FIRE CODE TO PRESCRIBE REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; ESTABLISHING A BUREAU OF PREVENTION AND DEFINING THE POWERS AND DUTIES OF ITS OFFICERS; REPEALING ORDINANCE NO. 557; AND DECLARING AN EMERGENCY be approved and become part of the laws of the City of Canby. Seconded by Councilwoman Brown and carried 6-0 by roll call vote.

Ordinance No. 689 was read by title only on second reading by Attorney Bettis and the affidavit of posting presented by Administrator Wyman. **Councilwoman Funrue moved that Ordinance No. 689, AN ORDINANCE AMENDING ORDINANCE NO. 645 TO PROVIDE AN EXTENSION OF TIME TO DEVELOP 15.34 ACRES IN SECTIONS 4B and 4C IN T4S R1E of THE WM TO PREVENT THE ZONE CLASSIFICATION FROM REVERTING TO R-1 (LOW DENSITY) Zone be approved and become part of the laws of the City of Canby. Seconded by Councilman Gabrion and approved 5-0 by roll call vote, Councilman Pulver abstained to be consistent in this matter, however, in the future if this issue is brought before the Council, he felt he now had enough knowledge to be able to cast a vote.

Ordinance No. 691 was read by title only on second reading by Attorney Bettis and the affidavit of posting presented by Administrator Wyman. **Councilman Pulver

moved that Ordinance No. 691, AN ORDINANCE ADOPTING STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTIONS, REPEALING ORDINANCE NOS. 544, and OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY become part of the laws of the City of Canby. Seconded by Councilwoman Brown and approved 6-0 by roll call vote.

COMMUNICATIONS: Administrator Wyman read a letter from Earl Oliver confirming his resignation as Civil Defense Director and also his desire to step down from the Budget Committee. **Councilman Pulver moved to accept the resignation from Earl Oliver as Civil Defense Director and Budget Committee. Seconded by Councilwoman Brown and approved unanimously. Mayor Swayze publicly thanked former Mayor Oliver for his many years of service to the community and directed a formal letter to be sent to Mr. Oliver.

Administrator Wyman read a letter from Fred Egger, Utility Board Manager, regarding the model High Pressure Sodium (HPS) light in front of the Council Chambers. He noted that Bonneville Power Administration has proposed a subsidized 5 year program for the Northwest Region replacing the Mercury Vapor lights. The Council will be kept advised as additional information is available. No Council action was necessary.

NEW BUSINESS: **Councilman Knight moved to approve payment of accounts payable in the amount of \$27,896.54. Seconded by Councilwoman Brown and approved 6-0 by roll call ballot.

Under appointments, Mayor Swayze noted that all appointments have been made except for the Planning Commission and the Utility Board. Mayor Swayze noted that Dennis Nolder has offered to stay on the Utility Board until a new appointment is made. **Councilwoman Funrue moved that the Council allow Dennis Nolder to continue on the Canby Utility Board with full privileges until such time as the Council appoints a new member and a letter be sent to Mr. Nolder thanking him for his offer to remain on the Board. Seconded by Councilman Pulver and approved unanimously.

John Falkenstein, from the Community School, addressed the Council regarding a survey they intend to do to assess the needs of the community. Mr. Falkenstein pointed out their three goals - to identify the needs, interests, and issues of residents of the Canby High School district; to communicate this information to the community and major service providers; and to develop problem-solving approaches. Mayor Swayze also introduced Ellen Burbridge, the Community Development Coordinator. Councilwoman Funrue suggested the Council think about this issue and respond to the Community School at the next Regular Meeting.

Mr. Wyman requested permission to call for bids on a vacuum street sweeper which was budgeted in the 1980-81 budget. **Councilman Knight moved that the staff be allowed to call for bids on the vacuum street sweeper. Seconded by Councilman Pulver. Councilman Knight questioned if this vacuum sweeper was similar to the first one they viewed which cleaned dry wells. Mr. Atwood said, "Yes." Motion carried 6-0.

Mayor Swayze called for a short recess at 8:25 p.m. The Regular Meeting was reconvened at 8:38 p.m.

UNFINISHED BUSINESS: None was voiced.

OTHER REPORTS AS REQUIRED OR NEEDED: Administrator Wyman informed the Council that the budget would go to the printers on Friday, January 9, and we should have them back by January 16th. It was decided to hold the first Budget Meeting on Monday, January 26th.

Mr. Wyman informed the Council that Lucile Pepper, former City Librarian, had passed away in mid-December and felt the City should do something in her memory. **Councilman Pulver moved that the Council donate \$50.00 to The Friends of the Library in Memory of Lucile Pepper. Seconded by Councilman Knight. Attorney Bettis also suggested that we also donate a "memory plaque" in Mrs. Pepper's honor as she was a very dedicated Librarian. Mr. Bettis' idea was amended to the motion and the motion passed unanimously.

At this point in the meeting, Mayor Swayze congratulated Deputy City Attorney Roger Reif on the birth of his first child, a daughter.


Discussion of Ordinance No. 591 came before the Council. Mayor Swayze noted that this Ordinance was initially introduced to protect the "local men's club, church bingo, etc., however, due to problems some communities in the area have had with gambling they suggested we reconsider this Ordinance. Attorney Bettis commented briefly on the ORS on Social Gambling, noting that the City does permit it, however, in a recent communication from the State Attorney General he noted that the ORS law is difficult to understand and enforce. Mr. Bettis suggested repealing our present Ordinance and preparing a new one which would permit limited type of social gambling such as church bingo, bunco groups, men's clubs, etc and this would prevent social gambling in public establishments. **Councilman Knight moved that the City Attorney prepare an Ordinance to repeal Ordinance No. 591, An Ordinance to Permit Social Gambling Games, and also the Attorney prepare a new Ordinance to reflect the Council consensus of limited social gambling for private organizations such as church bingo's. Seconded by Councilman Pulver and approved 6-0.

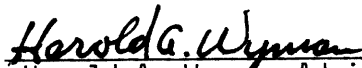
Council discussed Ordinance No. 594, which defines the salaries of the Mayor and Council. Salaries for the Mayor and Council was raised on July 1, 1980. The salary of the Mayor was raised from \$100.00 per month to \$200.00 per month and each Councilperson salary was raised from \$7.50 per meeting to \$15.00 per meeting. Attorney Bettis will prepare the proper Ordinance for this matter.

**Councilman Pulver moved to go into Executive Session under ORS 192.660, Subsection 1, b, to consider dismissal or disciplining of a city employee. Seconded by Councilwoman Brown and carried 6-0 by roll call vote.

Mayor Swayze recessed the Regular Meeting at 9:10 p.m. to go into Executive Session. The Regular Meeting was reconvened at 9:29 p.m. Councilman Knight commented on the success of the procedure of Mayor Swayze's first meeting as Mayor. Mayor Swayze also was pleased with the willingness of the Council, especially new members, and felt a good working relationship would be forthcoming.

Mayor Swayze adjourned the meeting at 9:30 p.m.


Robert A. Swayze, Mayor


Harold A. Wyman, Administrator/Recorder