CANBY CITY COUNCIL

REGULAR MEETING

FEBRUARY 18, 1981

Mayor Robert A. Swayze presiding. Council members present: Beryl Brown, Lee Funrue, Michael Gabrion, Bill Pulver and Gary Sowles.

Also present: Administrator Harold Wyman, City Attorney Wade Bettis, City Planner Stephan Lashbrook, City Engineer Ken Ferguson, PUblic Works Director Bud Atwood, Treasurer Myra Weston, Secretary Marilyn Perkett, Duane Lee, Charles Tooley, Steve Fredrick, David Anderson, Attorney Roger Reif, David Gustafson, Nikki Ray, Eimnard Diaz, John Tatone, David Bury, James Renner, Randy Stringer, Ellen Burbridge, Robert Westcott, Edith Farrar, Craig Shinn, Margaret Brand, Kurt Schrader and Fred Kahut.

Mayor Swayze called the regular meeting to order at 7:33 p.m., followed by the flag salute and roll call of Council.

**Councilwoman Brown moved to approve as distributed the minutes of Regular Meeting, February 4, 1981, and the Special Meeting, February 9, 1981. Seconded by Councilman Gabrion and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: Robert Westcott, noted that some time ago, a sign was erected at the Community Pool as a project of David Tate for scouts and felt this should be acknowledged. **Councilwoman Brown moved that a letter of appreciation be sent to David Tate for the very nice sign erected at the Canby Community Pool. Seconded by Councilman Gabrion and carried 5-0.

ORDINANCES & RESOLUTIONS: Attorney Bettis read by title only for the second reading Ordinance # 693 and Administrator Wyman presented the affidavit of posting. **Councilman Pulver moved to approve Ordinance No. 693, AN ORDINANCE FIXING COMPENSATION FOR THE SERVICES OF CITY COUNCILPERSONS AND MAYOR AND REPEALING ORDINANCE NO. 594 and it become part of the laws of the City of Canby. Seconded by Councilwoman Funrue and approved 5-0 by roll call vote.

Ordinance # 694 was read by title only on second reading by Attorney Bettis and the affidavit of posting was presented by Mr. Wyman. **Councilman Pulver moved that Ordinance No. 694, AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF CANBY (APPLICATION OF CITY OF CANBY RE: MARVIN L. AND MARY LOU DACK PROPERTY; R-2 (MEDIUM DENSITY RESIDENTIAL) TO R-2/PUD (MEDIUM DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) ZONE) be approved and become part of the laws of the City of Canby. Seconded by Councilwoman Brown and approved 5-0 by roll call vote.

Attorney Bettis read Resolution # 291 in full for Council approval. **Councilman Pulver moved that Resolution No. 291, A RESOLUTION CALLING A BUDGET AND TAX LEVY ELECTION FOR FICAL YEAR 1981-82. Seconded by Councilwoman Funrue and carried 5-0 by roll call ballot.

COMMUNICATIONS: Mr. Wyman read a letter from David Gustafson, regarding his personal feelings against any type or form of gambling in Canby. Administrator Wyman also read a letter from Attorney Bettis stating his opinions as to why the

Council should not develop an ordinance that would permit social games in "private business, private clubs or in a place of public accomodation.". The following are the Attorney's reasons: a) you cannot enact a City measure which would validate the act or activity that is made unlawful by state law; b) ORS 167.121 only authorizes counties and cities to enact an ordinance to permit playing or conducting "social games" in a private business, private club or in a place of public accomodation; c) many types of "social games" played in private homes may not be included under the state law as "gambling" and therefore the responsibility of each individual to conduct such games as non-gambling within the confines and definitions of Oregon law; d) you would not provide the proponents of gambling any more alternatives or excuses for gambling than are now provided by state law; and e) the opponents of gambling certainly cannot fault your decision. The Council consensus was to agree with the Attorney's recommendation and not enact a new ordinance.

Administrator Wyman read a letter from Paul and Sharon Bentz, 231 S. Knott Street, requesting permission to locate temporarily a travel trailer at their address for a two or three month period while they rebuild their home which was destroyed by fire. City Planner Lashbrook noted he had viewed the site and felt the Council should specify that all necessary utility hook-ups be made and any other specifications the City Engineer should specify. **Councilman Sowles moved to grant permission to Paul and Sharon Bentz of 231 S. Knott Street, to have temporary living quarters in travel trailer, not to exceed 90 days of occupancy, all necessary utility hook-ups be made and to comply with any and all specifications of the City Engineer. Councilwoman Brown seconded and carried 5-0.

Administrator Wyman read communications of Duane Lee, Lee Engineering, resulting from a meeting on January 27th with Mr. Lee, Ken Ferguson and Mr. Wyman. Mr. Lee submitted a proposal to provide engineering services to review the City's cost of performing services related to the sewer system to include the following: a) inventory the existing conditions of the sewerage system; b) review the future requirement of the system including the need of expansion; and c) an analysis shall be developed which will show the actual cost of providing sewer service. Duane Lee briefly reviewed the past performance of his firm for the benefit of the new Council members. Mr. Lee explained the possibility that with existing sewer reserve funds the plant can be expanded to last through the decade and also pursue the long range plans for the future. However, he felt this subject matter could best be discussed in a workshop session. Ken Ferguson also noted that there are now some problems at the sewage plant which are reaching the critical stage and they will be discussed at the workshop.

Mayor Swayze designated March 9, 1981, 7:30 p.m. as a Special Meeting, with a workshop on the Comprehensive Plan and March 16, 1981, 7:30 p.m. as a Special Meeting with a workshop on the sewage plant.

Mayor Swayze recessed the Regular Meeting at 8:25 p.m. The Regular Meeting was reconvened at 8:39 p.m.

NEW BUSINESS: **Councilwoman Funrue moved to approve accounts payable in the amount of $139,750.65. Seconded by Councilman Gabrion and approved by roll call 5-0. **Councilwoman Funrue moved to approve eleven various bills in the amount of $127,981.87 to be paid from warrants drawn from the Clackamas County Treasury on 1979 Water Bonds. Seconded by Councilwoman Brown and carried 5-0 by roll call.

Mr. Wyman presented a request for Special Event Liquor License from the United Professional HOrseman Association for a benefit dance to be held at the Fairgrounds on March 14, 1981, noting they held this same event last year and the application has been approved by both the Fire Chief and Police Chief. **Councilman Sowles moved to grant a Special Event Liquor Liceense for beer and wine only to the United Professional Horseman Association for a benefit dance at the Canby Fairgrounds on March 14, 1981, between 8:00 p.m. and 2:30 a.m. Seconded by Councilwoman Funrue and approved 5-0.

Administrator Wyman read a memo from Ken Ferguson regarding the results of the bid opening on the vacuum sweeper. The staff recommendation was to accept the bid of Columbia Equipment Co, and Mr Atwood and Dale Yoder travel to Milwaukee, Wisconsin, to pick up the unit. Councilman Pulver questioned why the Tymco Sweeper was so much cheaper and Mr. Atwood noted that it would not clean the dry wells. Mr. Atwood also informed the Council that they would have a two day training period in Milwaukee on the sweeper. **Councilman Pulver moved that the City of Canby accept the bid of Columbia Equipment Co. for E10-A model Vac-All sweeper in the amount of $76,589.00 and Bud Atwood and Dale Yoder travel to Milwaukee, Wisconsin, with travel expense not to exceed $1,800. Seconded by Councilwoman Brown and approved 5-0 by roll call vote. (Copies of the bids will be attached to these minutes) Attorney Bettis noted that an Ordinance will need to be enacted. Mr. Wyman noted that the monies will come from the 1980-81 Budget and from the Motor Pool Fund, Motor Pool Reserve and General Revenue Sharing. Mr. Atwood noted that he had advertised in the Journal of Commerce and also sent out bid request to three firms.

Mr. Chinn,of the South Canby Neighborhood Improvement Plan Group, addressed the Council and encouraged them the document they had presented. Their group focused on the aspect of "improve quality of living" instead of the "I want" theory and also the most efficent way to achieve this quality. Mr. Chinn noted that they meet the second and fourth Tuesday at the Evangelical Church and invited all to attend. Mayor Swayze commented on the groups magnificent job of defining their needs and goal setting. Mr. Diaz informed the Council that a synopsis of approximately 10 to 11 pages will be available soon. Mr. Lashbrook also explained that the engineering proposals for the S. Ivy Street project have been submitted and reviewed and on Friday the top four will be interviewed for a selection.**Councilwoman Funrue moved that the Council accept the South Canby Neighborhood Plan and commend them for their commitment to their neighborhood and the City of Canby. Seconded by Councilman Pulver and approved unanimously. Mayor Swayze directed Mr. Lashbrook to prepare the proper document .

At this point in the meeting, Mayor Swayze announced Administrator Wyman's birthday and the Council and audience joined in singing "Happy Birthday" to him.

UNFINISHED BUSINESS: Ken Ferguson, Public Works Director, informed the Council that the Traffic Safety Committee met on February 5, 1981, and appointed Matt Knoblauch the chairman, the Council packet contained minutes of the meeting and also a map of the existing and proposed two hour parking. The committee also prioritized the City needs, the truck route and two hour parking recieving the top attention. Mr. Ferguson noted that the committee will meet again in March, and will be keeping the Council informed of the committee actions. However, the police department will be enforcing the two hour parking.

Mayor Swayze requested Mr. Wyman to read a letter from the City Fire Marshal regarding a house at 295 S. Knott Street, owner Stan Whipple, which burned down on December 12, 1981. Due to the fact of the hazardous conditons at the site, the Fire Department has requested the remains be torn down and have not had any cooperation from Mr. Whipple. Mr. Wyman noted that Mr. Stark, Fire Marshal, has been in contact with Mr. Whipple and the latter indicates he will remove it. Attorney Bettis suggested that we could enact the Nuisance Ordinance. **Councilwoman Funrue moved that the City Admninistrator notify Mr. Stan Whipple that unless the building at 295 S. Knott Street be removed by March 10, 1981, that the matter will be referred to the City Attorney for appropriate actions and such letter to be delayed until Mr. Stark, Fire Marshal, make a further report. Seconded by Councilwoman Brown and approved unanimously.

OTHER REPORTS AS REQUIRED OR NEEDED: Mayor Swayze noted that several Council appointments were necessary, the first being two Planning Commission vacancies. Councilwoman Funrue nominated Craig Shinn and Kurt Schrader to the Planning Commission. **Councilman Sowles moved that nominations be closed. Seconded by Councilwoman Funrue and carried 5-0. Mayor Swayze directed staff to notify the gentlemen of their appointments, both positions to expire December, 1981.

The next two appointments were new positions to the Traffic Safety Committee. Councilman Pulver nominated John Tatone and Butch Neff to the Traffic Safety Committee. Councilwoman Funrue moved that nominations be closed. Seconded by Councilman Gabrion and carried 5-0. The two new members will be officially notified. John Tatone was in the audience and thanked the Council for the appointment.

The next appointment was to fullfill a three year term, ending December, 1981, on the Canby Utility Board. Councilman Sowles nominated Robert Westcott to the Canby Utility Board. **Councilman Pulver moved that nominations be clsoed. Seconded by Councilman Gabrion and approved 5-0. In accordance with the City Charter, Mayor Swayze appointed Robert Westcott to the Canby Utility Board position with the support indicated by the Council, Mr. Westcott reminded the Council that in the past he had been the liasion with the Utility Board to review the bills for the water bonds and suggested a new appointment be made now that he was a board member. Mayor Swayze appointed Councilman Sowles to be the new liasion with the Canby Utility Board for reviewing the water bond bills.

Mayor Swayze requested volunteers from the Council to be liasions with the Fire Board, which the former Councilman Westcott and late Councilman Knight held. Councilwoman Funrue and Councilman Pulver volunteered to be the Fire Board liasions.

The next item of business was the discussion of prayer before the Council meetings. Mayor Swayze noted that the newspaper has had some publicity on this issue in the way of editorial and letters, he also had received many calls and personal contact on the issue and noted the majority being against having prayers before the Council meetings. Mayor Swayze indicated that many of his contacts however, did not oppose having a moment of silence preceeding the meeting for their own personal prayer, meditation or whatever each individual wishes. Councilman Pulver noted that most people contacting him were not in favor of prayer, his concern was also that the meetings may result in a conflict each meeting of those who wish to have prayer and those who do not want prayer. Councilwoman Brown expressed that she was neutral on the issue. Councilman Gabrion personally felt he would like to open the meetings with a prayer. Councilman Sowles followed along Councilman Pulver's feelings, however, he would not object to opening the meeting with a moment of silence. Councilwoman Funrue was in favor of a moment of silence, and also felt we might run into a conflict when inviting the various church

COLUMBIA EQUIPMENT INCORPORATED

4123 N.E. COLUMBIA BLVD. PORTLAND, OREGON 97211 (503) 288-6981

February 9, 1981

TO THE CITY OF CANBY

We are happy to submit our Bid for:

ONE NEW CENTRAL ENGINEERING MODEL E10-A VAC-ALL VACUUM STREET SWEEPER, AND CATCH BASIN CLEANER, COMPLETE AND MOUNTED ON:

ONE NEW FORD C800, OR INTERNATIONAL CO1810, CAB OVER CHASSIS (CITY'S CHOICE)

FOB: MILWAUKEE, WISCONSIN - - - - - - - - - - - - $76,589.00

FOB: CANBY, OREGON - - - - - - - - - - - - - - - - $78,689.00

(By Lo Boy Trailer or drive away service).

Option Deduct: Less power boom, ball joint, rear hose assembly, tubes, clamps and connectors - - - - - - - - - - - - - - - $ 6,000.00

(All of the above can be easily added at anytime).

We have shown the above Option to assist the City of Canby should a more flexible purchasing method be desired.

Delivery: Approximately 180 days ARO. (Please see attached).

COLUMBIA EQUIPMENT, INC.

John Quilici
Sales Manager

JQ:PL

Attach:

EPC

Environmental Pollution Control, Inc.

16000 S.E. Evelyn Street • P.O. Box 169 • Clackamas, Oregon 97015 • 503 / 655-9683

February 12, 1981

City Administrator
City Hall
Canby, Oregon 97013

REQUEST FOR QUOTATIONS

As per your invitation to bid on truck/vacuum street sweeper/ catch basin cleaner, we are bidding two (2) pieces of equipment and take exception to the specifications written by the City of Canby, Oregon.

The specifications can be met only by Vac-Haul, and being we feel our equipment is equivalent and comparable, we are therefore submitting an alternate bid:

(1) 1981 Tymco Sweeper Model 600 mounted
1981 Ford LN600 Chassis
Auxiliary Hand Hose w/Boom
Hi/Low Pressure Wash Down System
Back up alarm
Air Conditioner

F.O.B. Canby, Oregon. $55,232.00
Delivery: 120 days

(1) 1981 Vactor 300 (7 cu. yard box)
to be used in a dump truck
Delivery 90 to 120 days
F.O.B. Canby, Oregon. 31,950.00

Total bid price for the two pieces of equip. $87.182.00

Warranty of one (1) year on all defects and workmanship on equipment being bid.

Specifications enclosed.

Environmental Pollution Control, Inc.

D. W. Wenlund, Pres.