

CANBY CITY COUNCIL

REGULAR MEETING

MAY 6, 1981

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

Also present: Administrator Harold A. Wyman, City Attorney Wade P. Bettis, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, City Planner Stephan Lashbrook, Secretary Marilyn Perkett, Bookkeeper Judy Hogland, Dr. and Mrs. Ron Bigelow, Richard Bigelow, Court Clerk Dorothy Patterson, Lynn Weygandt, Tami Pierson, Mr. and Mrs. Wayne Austin, Jeff Parks, Jr., Steve Nevil, D.W. Page, Mr. and Mrs. Larry Whitman, David Bury, Police Chief Richard Seigler, Brad Baker, John Tatone, Canby Herald Editor Steve Frederick, Mr. and Mrs. Lloyd Walch, Deputy Attorney Roger Reif, Fred Kahut, Swim Pool Manager Dan DeRego and Walt Mintkeski of Lee Engineering.

Mayor Swayze called the regular Council meeting to order at 7:32 p.m., followed by the flag salute and a moment of silent meditation. Roll call of Council showed a full quorum.

**Councilwoman Brown moved to approved as distributed the minutes of Regular Meeting, April 15, 1981, with a correction on page 3, paragraph 3, last sentence, the word OF should be inserted between couple and workshops. Seconded by Councilman Gabrion and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: Tami Pierson, representing the American Legion Auxiliary, Canby Post No. 122, presented a Proclamation for Mayor Swayze to read and sign declaring the month of May, and specifically the 14th, 15th and 16th as Poppy Days in the City of Canby.

ORDINANCES & RESOLUTIONS: Attorney Bettis read by title only Ordinance No. 690, and Administrator Wyman presented the affidavit of posting. **Councilwoman Funrue moved to approve Ordinance 690, AN ORDINANCE TO PROVIDE REGULATIONS GOVERNING LAND USE PLANNING AND DEVELOPMENT ACTIVITIES WITHIN THE CITY OF CANBY AND INCLUDING: DEFINITIONS; RULES AFFECTING THE PLANNING COMMISSION; ZONING REGULATIONS; LAND DIVISION AND LOT LINE ADJUSTMENT REGULATIONS; CONDOMINIUM AND PLANNED UNIT DEVELOPMENT REGULATIONS; ANNEXATION REGULATIONS; REGULATIONS AFFECTING PROPOSED STREET ALIGNMENTS; ESTABLISHING GENERAL STANDARDS AND PROCEDURES; ADOPTING THE GOALS, POLICIES, AND IMPLEMENTATION MEASURES OF THE COMPREHENSIVE PLAN; AND REPEALING THE FOLLOWING ORDINANCES: NO'S 443, 516, 517, 555, 556, 558, 577, 578, 583, 592, 599, 605, 606, 608, 659, 663, and 669 on final reading and the Ordinance to become part of the laws of the City of Canby. Seconded by Councilman Sowles and approved 6-0 by roll call vote.

Ordinance No. 697 was read by title only by the City Attorney on second reading and the affidavit of posting presented by the City Administrator. **Councilman Pulver moved that Ordinance No. 697, AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF CANBY (APPLICATION OF JUHR & SONS RE: JACK & KENNETH FISHER PROPERTY: R-1 (LOW DENSITY RESIDENTIAL) TO R-2/PUD (MEDIUM DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT)) be approved and become part of the laws of the City of Canby. Seconded by Councilwoman Funrue and approved 6-0 by roll call vote.

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Attorney Bettis read by title only for second reading, Ordinance No. 698 and the affidavit of posting was presented by Administrator Wyman. **Councilman Sowles moved that Ordinance No. 698, AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF CANBY (APPLICATION OF SHARON D. IMHOLT PROPERTY; R-2 (MEDIUM DENSITY RESIDENTIAL) TO C-2 (HIGHWAY COMMERCIAL) ZONE be approved and become part of the laws of the City of Canby. Seconded by Councilman Pulver. Deputy Attorney Reif informed the Council that he had not received the waiver of remonstrance for any future LID's from Mrs. Imholt. **Councilman Pulver moved to table Ordinance No. 698. This is a motion of privilege and the motion carried 6-0, by roll call vote, in favor of tabling.

Ordinance No. 699 was read by title only for second reading by Attorney Bettis and the affidavit of posting displayed by Mr. Wyman. **Councilwoman Brown moved that Ordinance No. 699, AN ORDINANCE AUTHORIZING EMPLOYMENT CONTRACTS WITH LEE ENGINEERING, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO UPGRADE THE CITY'S SEWER SYSTEM AND TO REVIEW THE CITY'S RATE CHARGES; AND DECLARING AN EMERGENCY be approved and become part of the laws of the City of Canby. Seconded by Councilman Gabrion and approved by roll call vote 6-0.

Ordinance No. 700 was read by title only for second reading by Attorney Bettis and the affidavit of posting presented by Administrator Wyman. **Councilman Pulver moved that Ordinance No. 700, AN ORDINANCE AMENDING THE ZONING DESIGNATIONS OF CERTAIN PROPERTY IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT AND PLANNING ORDINANCE OF THE CITY OF CANBY be approved and become part of the laws of the City of Canby. Seconded by Councilwoman Funrue and approved 6-0 by roll call ballot.

Attorney Bettis read by title only for second reading Ordinance NO. 701, and the City Administrator presented the affidavit of posting. **Councilman Sowles moved that Ordinance No. 701, AN ORDINANCE AUTHORIZING CONTRACT FOR PURCHASE OF TWO (2) POLICE CARS FROM DEE THOMASON FORD; AND DECLARING AN EMERGENCY be approved and become part of the laws of the City of Canby. Seconded by Councilman Pulver and carried 6-0 by roll call vote.

Resolution No. 295 was read in full by Attorney Wade Bettis. Councilman Anderson questioned the origination of the proposed SB and HB bills and what if anything were they to gain. Mr. Lashbrook noted that he had the bills and would get them on break for Mr. Anderson's information and the Councilman was also informed that Canby was in jeopardy of losing their Municipal Court if these two bills were passed. **Councilman Anderson moved that Resolution No. 295, A RESOLUTION OPPOSING THE PASSAGE OF HOUSE BILL 2955 AND SENATE BILL 541 be approved. Seconded by Councilman Pulver and carried 6-0 by roll call vote. Mayor Swayze directed staff to send a copy of the Resolution, along with a cover letter, to Governor Atiyeh, Hardy Myers as Speaker of the House, Fred Heard as President of the Senate, Representative Darlene Hooley, Representative Fred Parkinson and Senator Dick Groener.

Attorney Bettis read Resolution No. 296 in full. **Councilman Sowles moved that Resolution 296, A RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN BUDGET FOR PURCHASE OF RADIO EQUIPMENT FOR POLICE DEPARTMENT AND REPLACEMENT OF FUNDS USED FOR PURCHASE OF NEW FIRE TRUCK be approved. Seconded by Councilwoman Brown and approved unanimously.

COMMUNICATIONS: Administrator Wyman read a thank you letter from City Treasurer, Myra Weston, for the flowers and visits during her illness.

Administrator Wyman read a letter from Dr. Ronald Bigelow, Principal-Superintendent of Rural Dell School, citing problems at the Canby Community Pool with scheduling and staff relationships. Dr. Bigelow was present and addressed the Council reiterating the problems. Dan DeRego, Swim Pool Manager, noted his problem of retaining staff and also pointed out that the Canby Schools came first in scheduling. Mayor Swayze noted that this had been a problem in the past with Rural Dell School and he was especially concerned about the staff relationship. The Mayor suggested a meeting be held involving Dr. Bigelow, Mr. DeRego, Stephan Lashbrook, Mr. Wyman and any Board or staff member Dr. Bigelow would care to designate. Attorney Bettis, having had many years associated with the Canby Pool, volunteered to sit in on the proposed meeting.

Mayor Swayze called for a short recess at 8:25 p.m. The regular meeting was reconvened at 8:36 p.m.

Administrator Wyman read a letter from Dorothy McCormick, Center Manager for Loaves and Fishes, requesting the 80-81 budgeted \$3,000 for the organization. She explained that the County Coalition no longer matches funds and therefore was requesting the \$1,500 that would normally be sent to them, along with the \$1,500 for Loaves and Fishes, be combined and sent directly to Loaves and Fishes.

**Councilman Pulver moved that the City pay the full amount of \$3,000, as requested in the April 27, 1981, letter from Mrs. McCormick, directly to the Loaves and Fishes, rather than paying \$1,500 to the Clackamas County Coalition Fund since they are unable financially to match funds at this time. Seconded by Councilwoman Brown and approved unanimously.

Walt Mintkeski, from Lee Engineering, addressed the Council in regards to the monitoring the firm has been doing on industrial waste discharges, specifically with Globe Union Inc. Globe Union has been monitored from April 2 to April 24 and in several instances has showed violation on the PH discharge. Mr. Mintkeski showed the Council the monitoring information, however, he pointed out that no conclusions have been reached at this time. Mr. Mintkeski indicated that his firm was willing to work in depth on this issue with Globe Union, however, due to the increased work load and scope it would cost an additional \$3,000 beyond the original \$1,000 the Council approved for this matter. Several Councilmembers felt that Globe Union should be held responsible for the costs, if they were the source of the discharge problem. Mr. Ferguson also pointed out that he intended to monitor about ten more industries in the City. Mayor Swayze requested an alternative plan from Lee Engineering for a smaller scope project in working with Globe Union. Mr. Mintkeski reported that between 10 to 15 hours of engineering time for a meeting, follow up tour, correspondence, etc., at \$40 per hour would be between \$450 and \$600. **Councilman Anderson moved that the City's Engineer and Lee Engineering, jointly contact management of Globe Union and discuss with them the serious problems at the City's sewage treatment plant; tour their facilities, report the results of testing and monitoring of their discharges, request their cooperation in solving this problem and discuss with them reimbursement ultimately for the City's costs as a result of any violations. And that City staff make a record of all costs incurred to date by the City from the beginning of the sewage treatment plant problems and continue on an ongoing matter the recordation of such costs. Furthermore, the City's payments to Lee Engineering for their services required pursuant to this motion shall not exceed \$600 and that they report back to the Council at the June 3, 1981, regular meeting. Seconded by Councilman Pulver and approved by unanimous vote.

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Administrator Wyman read a letter from Robert Godon, President of the City of Canby's Office and Public Works Association, requesting that the Council officially recognize them as an association for collective bargaining. Mr. Wyman noted that in the past they have been a committee. **Councilwoman Brown moved that the Canby City Council officially recognize the City of Canby's Office and Public Works Association as an association. Seconded by Councilman Gabrion and carried 6-0.

Mayor Swayze, at this time, thanked Fred Kahut for his services during the Annual Clean Up Day, May 2, and requested an official letter of thanks be sent to him.

NEW BUSINESS: **Councilwoman Funrue moved to pay accounts payable in the amount of \$35,361.24. Seconded by Councilman Gabrion and approved 6-0 by roll call vote.

**Councilwoman Funrue moved that bills pertaining to the water treatment expansion project in the amount of \$9,281.38 be paid from warrants drawn from the Clackamas County Treasury on the 1979 Water Bonds. Seconded by Councilman Sowles and approved 6-0 by roll call ballot.

Administrator Wyman presented a request for a one day Special Event Liquor License for a benefit dance at the fairgrounds on June 6th, sponsored by the S.A.V.E. group. Chief Seigler noted that the organization will hire security. **Councilman Pulver moved to grant permission to the S.A.V.E. (Safeguard-All-Vital-Environment) organization for a Special Event Liquor License for beer only at the fairgrounds on June 6, 1981. Seconded by Councilman Gabrion and approved 6-0.

Mayor Swayze called for a short recess at 9:25 p.m. The regular meeting was reconvened at 9:34 p.m.

UNFINISHED BUSINESS: Mayor Swayze briefly reviewed the issue of allowing an out of town Tow Company tow for the City without a storage area in the city limits. **Councilman Anderson moved that the City staff investigate and formulate an Ordinance pertaining to this matter and until such time a proposed Ordinance is presented that the City discontinue rotating police call tows. Seconded by Councilwoman Brown. Mayor Swayze felt the situation could be handled without an ordinance, however, make it a policy that if the tow had a Canby address, call Whitman's and if they have an Oregon City address call Bud's Towing and all other addresses call Whitman's. Attorney Bettis suggested to put it out for bids on a franchise basis. Larry Whitman also noted that he would be in favor of looking into a franchise. Councilman Anderson, with consent of the second, Mrs. Brown, withdrew his motion. Mayor Swayze directed staff to contact some of the cities in the area and ask for a copy of their franchise ordinance and also their experiences regarding the issue. **Councilman Anderson moved that until such time as a franchise is awarded the following policy be adopted: any police tow with a Canby address be called into Whitman's, any police tow with an Oregon City address call Bud's Towing, and all other addresses are to be called into Whitman Towing. Seconded by Councilwoman Brown and approved unanimously.

Attorney Bettis presented two Quit Claim Deeds for recording in regards to the S. Locust Street project. Due to the fact one of the deeds was Councilman Anderson's, he abstained from participating in this action. **Councilman Pulver moved to accept for recording the Quit Claim Deeds of James and Jeanette Payton and the deed from David and Cheryl Anderson for street purposes on S. Locust Street. Seconded by Councilwoman Funrue and approved 5-0, with Councilman Anderson abstaining.

OTHER REPORTS AS REQUIRED OR NEEDED: Mr. Wyman announced a "City's Day" on May 20, 1981, at the Playhouse at Willamette University. This is a chance to meet your Legislators.

Administrator Wyman also reported that Fred Egger, Utility Board Manager, had been in contact with the Department of Environmental Quality and had gained permission to burn the trash at the City shops.

Mr. Wyman commented on the budget graph, noting that the City has received 91% of expected revenues and spent 77%, which means "we should be in good shape at the end of June."

Mr. Wyman also informed the Council that we do not have a policy regarding lending equipment to other agencies, such as schools, and felt a loan policy should be made. Mayor Swayze requested Mr. Atwood and Mr. Wyman to get together and come back to the Council with a recommendation.

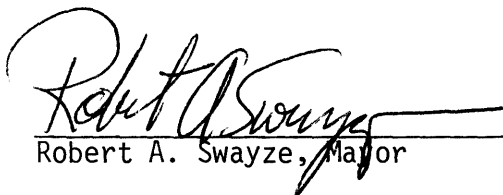
Mayor Swayze noted that the "complaint problem" is doing well at this time with the staff doing follow up response to all complaints. This will be reevaluated later if necessary.

Mayor Swayze set May 13th, Wednesday, 7:30 p.m., for a Special Meeting and workshop to discuss with the Utility Board a joint auditor, discuss the small park proposed on S.W. 13th and any other matter the Utility Board may want to discuss with the Council. Also, the S. Locust Street Project group will be invited to attend and discuss their project. May 27th, Wednesday, was set as a Special Meeting and workshop session to start discussions on Cable TV.

Administrator Wyman noted that he would be sending out a letter setting a Budget Meeting for a tentative date of May 21, Thursday, in the event our "A" or "B" Ballots fail on May 19th.

Mr. Ferguson noted that the Traffic Safety Committee would meet at 6:00 p.m. on Thursday, May 7th in the Council Chambers for those who wish to attend.

Mayor Swayze adjourned the regular meeting at 10:00 p.m.


Robert A. Swayze, Mayor


Harold A. Wyman, Administrator/Recorder