

CANBY CITY COUNCIL

REGULAR MEETING

JUNE 3, 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 Wyman, City Attorney Wade Bettis, Public Works Director Ken Ferguson, Public Works Supervisor Bud Atwood, Harry Culp, Gordon Fisher, James Renner, Carol Warren, Robert Westcott, Attorney Roger Reif, David Bury, Steve Frederick and Dave Blair.

Mayor Swayze called the meeting to order at 7:32 p.m., followed by the flag salute, silent meditation and roll call of Council.

**Councilwoman Brown moved to approve as distributed the minutes of regular meeting May 20th and special meeting May 27th. Seconded by Councilman Gabrion. Councilman Sowles noted that on page 4, last paragraph, sentence 6, it should read "absorb all BUILDING costs possible". The minutes were approved 6-0 with the correction noted.

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

ORDINANCES & RESOLUTIONS: Attorney Bettis read in full Resolution No. 297. **Councilman Pulver moved to adopt Resolution No. 297, A RESOLUTION CALLING A BUDGET AND TAX LEVY ELECTION ON TUESDAY, JUNE 30, 1981, FOR FISCAL YEAR 1981-82. Seconded by Councilwoman Brown and approved 6-0 by roll call vote.

Attorney Bettis read Ordinance No. 702 in full for first reading. **Councilman Pulver moved not to accept Ordinance No. 702, AN ORDINANCE RELATING TO USE OR POSSESSION OF ALCOHOLIC BEVERAGES IN CITY PARKS, as written. Seconded by Councilman Sowles. Councilman Pulver pointed out that he did not like the fact that citizens had to "come to the Council to ask permission to get drunk at a City Park", he felt it was unenforcable and we should not allow any alcoholic beverages and no permission granted. Mayor Swayze noted that he did not like to see things "written in stone" so there was no way out. The Mayor also reported that he had talked with Councilman Sowles and knew that his concerns and feelings were much the same as Councilman Pulver's. Councilman Anderson expressed that the Council could sanction "very special events" and not lock ourselves out of the possibility of no alcoholic beverages at all. The Mayor noted that people would be encouraged to use the "river park" for picnics and such events. Upon Attorney Bettis' suggestion for a straw vote, Councilwoman Funrue, Councilwoman Brown and Councilman Gabrion all expressed a highly selective permit system to give the Council some ground to work with. Administrator Wyman noted that he had discussed the ordinance with Bob Rapp, who was of concern for the Baseball Commission, and Mr. Rapp felt the ordinance was fine. Roll call vote was 2 yea votes, Councilman Pulver and Councilman Sowles, and 4 remaining : votes nay, Councilmen Gabrion and Anderson and Councilwomen Brown and Funrue. **Councilwoman Brown moved that Ordinance No. 702, AN ORDINANCE RELATING TO USE OR POSSESSION OF ALCOHOLIC BEVERAGES IN CITY Parks, be properly posted and come up for final reading on July 1, 1981, after 7:30 p.m. Seconded by Councilman Gabrion, roll call vote was 4-2, with Councilmen Pulver and Sowles voting nay.

June 3, 1981

Ordinance No. 703 was read in full for first reading by Attorney Bettis. **Councilwoman Brown moved that Ordinance No. 703, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES FOR 1981-82 FISCAL YEAR, be properly posted and final reading be after 7:30 p.m. on July 1, 1981. Seconded by Councilwoman Funrue and approved 6-0.

COMMUNICATIONS: Administrator Wyman read a letter from Joe Burleson, tenant of the City owned Koehler Building, requesting reduction of his rent to \$450.00 for the summer months through September. At this time, Councilman Sowles declared a conflict of interest since Mr. Burleson was a business associate and stepped down from his chair after the remaining Council agreed to his conflict of interest. Mayor Swayze explained that he understood the problem of the Burleson's regarding fewer students in the summer months, however, in the winter when enrollment was up he felt it would be justifiable to raise their rent. He further expressed a certain obligation to citizens regarding City owned property. After Council consideration, it was decided to raise the rent to \$675.00. **Councilman Anderson therefore offered, I moved that the City approve the request of Joe Burleson to reduce the rent on the City owned Koehler Building for June, July, August, and September to \$450.00 on the condition that the rent be raised to \$675.00 on the concluding months, duly seconded by Councilwoman Funrue and approved unanimously.

The City Administrator read a letter from Paul M. Doty, 164 N.W. Territorial Rd. representing the Gospel Music International, requesting permission to use P.A. equipment for a gathering of Gospel musicians at the Canby Community Park on Saturday, June 13th. The Council took into consideration the City Ordinance regarding "noise levels" and Councilman Gabrion duly moved, **I moved that the City Council approve the request of the Gospel Music International as set forth in the letter of Paul M. Doty dated June 2, 1981, on the condition that the function be held only up to the hour of 8:00 p.m. Seconded by Councilwoman Brown and approved 6-0.

Mayor Swayze called for a short recess at 8:15 p.m., reconvening the regular meeting at 8:24 p.m.

NEW BUSINESS: **Councilwoman Funrue moved to approve payment of accounts payable in the amount of \$26,147.26 and Seconded by Councilman Sowles. Motion approved 6-0 by roll call ballot.

**Councilwoman Funrue moved to pay various bills regarding the water treatment expansion project in the amount of \$23,790.90, and to be paid by warrants drawn from the Clackamas County Treasury on the 1979 Water Bond. Seconded by Councilman Gabrion and approved by roll call vote 6-0.

The next item on the agenda was the Agreement with Clackamas County on lodging of prisoners in the County Jail. Administrator Wyman requested that the Council wait until July 1st, before considering authorizing signing the agreement. He further explained that the cities of Lake Oswego, Milwaukie and Canby are requesting a three year term on the agreement, which is the length of time of the present Sheriff's Levy. Council agreed to continue this item of business.

The contract for auditing services from Harry Culp, C.P.A., was the next item considered for Council authorization. Attorney Bettis had reviewed the contract and suggested that under Item No. 1, the words "and annually thereafter" be deleted,

in his opinion he felt it should be renewable each year. Robert Westcott, Utility Board Member, also addressed the Council and noted that he felt Item No. 6 should be deleted. Mayor Swayze added that each January Mr. Wyman would be requesting Mr. Culp's fees for the projected budget. Mr. Culp agreed to the suggested changes in the contract. **Councilman Sowles moved that the contract between Harry Culp, C.P.A. and the City of Canby be approved as submitted by Mr. Culp and revised by the Council of this meeting and the Mayor and City Recorder be authorized to sign the contract. Seconded by Councilwoman Brown and carried 6-0.

Attorney Bettis presented a deed for recording as a result of a Minor Land Partition filed by James Kriegshauser with the following conditions: Waiver of Remonstrance for future LID's in the subject of area of N. Maple Street and N.W. Territorial Road; dedication of 10 foot strips of land on N, Maple and N.W. Territorial for street widening purposes; and the applicants will provide the Title Insurance. **Councilman Pulver moved to accept for recording the deed by James C. Kriegshauser and Thelma R. Kriegshauser and Ralph W. Lang and Mary M. Lang, and also the Consent to LID's and Waiver of remonstrances and the fulfillment of conditions imposed by the Planning Commission on the applicants request for a Minor Land Partion as reflected in the minutes of the Planning Commission Meeting of February 11, 1981. Seconded by Councilwoman Funrue and approved unanimously.

UNFINISHED BUSINESS: None was presented.

OTHER REPORTS AS REQUIRED OR NEEDED: Administrator Wyman reported that the contractors are working on the handicap sidewalk ramps and on the ramp at Elm Street and N.W. First, the sidewalk will be extended to the curb. Also, the ramp installed at the corner of Parson's Pharmacy will be replaced. Mayor Swayze suggested a letter of thanks be sent to the American Legion Post No. 122 for their participation in the project.

Attorney Bettis informed the Council that for the Council Meeting of June 17th, he would have two Resolutions prepared, one to set the interest rates for LID's 9 and 10 and one to recommend approval of the Estate Eight Annexation.

Mayor Swayze requested that the Council consider having the City Attorney reword the Ordinance (Ordinance No. 465) regarding abatement of a nuisance due to the fact the Ordinance implies a 6% interest which should be raised. Attorney Reif noted that the legal rate is 9% and a provision should also be made for recovering attorney fees. Attorney Bettis suggested that as soon as the lien is imposed on the Whipple property, for which the City had proceeded with abating, the City should publish the foreclosure and notice of sale at a public auction. The Council agreed to the suggested changes for Ordinance 465 and so directed the City Attorney.

Ken Ferguson, Public Works Director, offered the following information: 1) The Traffic Safety Committee will meet on Thursday, 7:00 p.m. in the Council Chambers. 2) Winston Kurth of Clackamas County will be sending a letter regarding the overlay of S. Ivy Street, the letter is expected for the next meeting. 3) Six local industries have been sent questionnaires, prepared by DEQ, regarding dishcharges and these industries will also be personally visited by staff, reports should be back by July 1st. Councilman Anderson inquired about the matter with Globe Union and was informed that negotiations are still in progress, and another toxic upset was noted last Friday.

Mayor Swayze reported that former Councilman Richard Nichols is improving and is able to be out some and would enjoy visitors.

At this time in the meeting with Mayor Swayze expressing his "long time desire" to tell a joke at a Council meeting, the Council, staff and audience sat at attention and thereafter responding with laughter, not at the joke but at the way Mayor Swayze "messed it up".

**Councilman Pulver moved to go into Executive Session under ORS 192.660, Subsection I, B and D, seconded by Councilwoman Funrue and approved 6-0 by roll call.

Mayor Swayze recessed the regular meeting at 8:57 p.m. to go into Executive Session. The regular meeting was reconvened at 10:30 p.m.

Mayor Swayze questioned if there was any business to come before the Council.

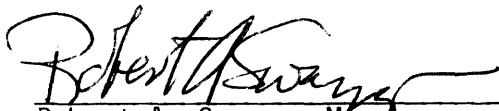
**Councilman Sowles moved that the merit raises of Elizabeth Kauffman, Robin Phares and Robert Godon be denied at this time due to economic reasons. Seconded by Councilman Gabrion and approved 6-0.

**Councilwoman Funrue moved that due to the economic conditions that have affected the City of Canby, and in fact, decreased the work level in the Public Works Department, that the position of full time Director of Public Works be eliminated at this time, effective June 4, 1981, and with a full months severance pay. Seconded by Councilman Pulver and approved 6-0.

**Councilman Sowles moved that the City Administrator assume the duties of Director of Public Works on an interim basis while the City Administrator prepares a master revision plan for the Public Works Department. Seconded by Councilwoman Brown and approved 6-0.

Steve Frederick questioned if a Consulting/Engineering Firm would be hired on a part time basis. He was informed that this was a possibility as the need arises.

Mayor Swayze adjourned the regular meeting at 10:45 p.m.


Robert A. Swayze, Mayor


Harold A. Wyman, Administrator/Recorder

CITY OF CANBY BALLOT "A"

Name of City, County or District

Notice is hereby given that on Tuesday, May 19, 1981,
(Date of Election)
an election will be held in City of Canby,
(Name of City, County or District)
Clackamas County, Oregon. The polls will be open from 8:00 a.m. to 8:00
p.m. The following question shall be submitted to the qualified voters thereof:

(10 word caption)
CAPTION: SPECIAL LEVY, PARTIALLY STATE FINANCED, FOR CITY BUDGET PURPOSES.

(20 word question)
QUESTION: Shall the City of Canby be authorized a \$611,266 special property
tax levy outside of the 6% limitation?

(75 word statement of purpose)
PURPOSE: This measure, which would be partially financed by the state,
authorizes the City of Canby to levy a \$611,266 property tax outside the "tax base
plus 6%" limitation specified in the Oregon Constitution. Proceeds from this levy
will be used to provide funding for City services including all or part of the bud-
gets of the administrative, engineering, police, planning, municipal court, library,
parks and recreation, community pool, streets, and other City departments.

(150 word explanation if authorized by ORS 310.385 and 310.395)
EXPLANATION: The present authorized tax base of \$158,529 is not adequate to
meet the community's operational needs. The City of Canby is a full service unit of
local government serving a population of over 7,760 residents. City operations are
financed by a combination of local, State and Federal sources, but the City cannot
operate without property tax funds.

This legal notice is to be published in Canby Herald.
(designated newspaper)

Authorized signature for District
Election Authority

Harold A. Wynan City Administrator
Title

FIRST PUBLICATION: May 6, 1981
SECOND AND FINAL PUBLICATION: May 13, 1981
NOTICES POSTED: May 6, 1981

CITY OF CANBY BALLOT "B"
Name of City, County or District

Notice is hereby given that on Tuesday, May 19, 1981,
(Date of Election)
an election will be held in City of Canby,
(Name of City, County or District)
Clackamas County, Oregon. The polls will be open from 8:00 a.m. to 8:00
p.m. The Following question shall be submitted to the qualified voters thereof:

(10 word caption)
CAPTION: SPECIAL LEVY, WITHOUT PARTIAL STATE FINANCING, FOR CITY BUDGET PURPOSES.

(20 word question)
QUESTION: Shall the City of Canby be authorized a \$149,840 special property
tax levy outside of the 6% limitation?

(75 word statement of purpose)
PURPOSE: This measure, which would be financed by local taxpayers without
partial state payment, authorizes the City of Canby to levy a \$149,840 property tax
outside the "tax base plus 6%" limitation specified in the Oregon Constitution. Pro-
ceeds from this levy will be used to provide funding for City services including all or
part of the budgets of the administrative, engineering, police, planning, municipal
court, library, parks and recreation, community pool, streets, and other City departments.

(150 word explanation if authorized by ORS 310.385 and 310.395)
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