

CANBY CITY COUNCIL

REGULAR MEETING

JUNE 17, 1981

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

Also present: Administrator Harold Wyman, City Attorney Wade Bettis, Public Works Supervisor Bud Atwood, City Planner Stephan Lashbrook, Bookkeeper Judy Hogland, Secretary Marilyn Perkett, Steve Frederick, David Bury, Marcella Lawrence, Librarian Lee Stevens, George Smith, Robert Westcott, Chief Richard Seigler and Tom Kotzian.

Mayor Swayze called the regular meeting to order at 7:30 p.m., followed by the flag salute and a moment of silent meditation. Roll call of Council showed a quorum of four present and two absent.

\*\*Councilwoman Brown moved to approve as distributed the minutes of regular meeting, June 3, 1981, and seconded by Councilwoman Funrue. Motion carried 4-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Lee Stevens, Librarian, introduced George Smith, the newly hired Librarian for Canby. Mr. Smith will take over his duties on July 7, 1981. Mayor Swayze officially welcomed Mr. Smith to the staff.

PUBLIC HEARING: Mayor Swayze recessed the regular meeting at 7:35 p.m., to go into a Public Hearing on the 1981-82 proposed budget. Administrator Wyman read the financial summary of the 81-82 budget, noting that on June 30th, we would again be going to the voters with a "B" Ballot. Mayor Swayze called for testimony, either pro or con, from the audience. Robert Westcott questioned the purpose of the hearing on the budget tonight if the ballots were already printed. He pointed out that there had been a cut in city personnel and this should reflect on the budget. Mayor Swayze informed Mr. Westcott that the ballots and all budget information had a deadline of May 26th as due date at the election headquarters, which was prior to anticipated personnel cuts. Mayor Swayze closed the public hearing at 7:40 p.m.

ORDINANCES & RESOLUTIONS: Attorney Bettis read Resolution No. 298 for Council approval. \*\*Councilman Sowles moved to approve as read Resolution No. 298, A RESOLUTION APPROVING ANNEXATION TO CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF MARLIN DE HAAS FOR PARCEL OF LAND DESCRIBED AS TAX LOTS 400, 500, 600, 700 and 1190, SECTION 4C, T4S, R1E.) Motion carried 4-0 by roll call vote.

Resolution No. 299 was read in full by Attorney Bettis. Councilman Sowles inquired if a conflict of interest should be declared due to ownership of a parcel of land referred to in the Resolution. Attorney Bettis noted, that in his opinion, this was a predetermined matter except for the fact of rounding off the figure on the interest rate, and therefore a conflict of interest was not necessary. \*\*Councilwoman Brown moved to approve Resolution No. 299, A RESOLUTION DETERMINING INTEREST TO BE CHARGED ON UNPAID ASSESSMENTS IN LOCAL IMPROVEMENT DISTRICTS NOS. 9 AND 10. Seconded by Councilwoman Funrue and approved by roll call, 4-0.

Resolution No. 300, A Resolution Adopting Budget and Making Appropriations for 1981-82 Fiscal Year was read by Attorney Bettis. Acceptance of the proposed budget was made by motion of Councilwoman Funrue and seconded by Councilman Sowles as follows: \*\*I move that the City's Budget for Fiscal Year 1981-82, as prepared and revised by the City's Budget Committee and published as required by law and discussed earlier this evening at the Public Hearing, be approved as submitted and on file in the City Recorder's Office. Motion carried unanimously. \*\*Councilwoman Funrue moved to approve Resolution No. 300, A RESOLUTION ADOPTING BUDGET AND MAKING APPROPRIATIONS FOR 1981-82 FISCAL YEAR, seconded by Councilman Sowles and approved 4-0.

Attorney Bettis read Resolution No. 301 and \*\*Councilwoman Funrue moved to approve the resolution, A RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN BUDGET FOR LINE ITEMS TO BALANCE YEAR END ACCOUNTS, seconded by Councilwoman Brown and approved 4-0.

Resolution No. 302 was read in full by Attorney Wade Bettis. \*\*Councilwoman Brown moved to approve Resolution No. 302, A RESOLUTION DETERMINING THE ANNEXATION FEE FOR PMALGBC ANNEXATION ORDER NO. 1693 (GARMIRE PROPERTY), seconded by Councilwoman Funrue. During discussion, Robert Westcott noted that not only the 6% interest rate charged by the city, but the annexation fee per square foot should be reviewed and possibly raised. Attorney Bettis explained that he will bring to the Council a list of Ordinances that have interest rates, and they can then be reviewed for possible changes. Council discussed the fact that the Ordinance does call for the annexation fee to be paid immediately, and the Attorney explained that legal actions could be filed, however, development cannot be started on any annexed property until the fees are paid. Motion carried 4-0.

Mayor Swayze called for a short recess at 8:20 p.m., and reconvened the regular meeting at 8:33 p.m.

COMMUNICATIONS: Administrator Wyman read a letter from Tom Kotzian, representative of the Northwest Corvette Association, requesting permission to use N.W. 3rd and N.W. Baker Streets on August 9th from 9:00 a.m. to 4:00 p.m., for an autocross. Mr. Kotzian addressed the Council explaining the two day event, including a scheduled tour of Clackamas County in the auto rally style, also explaining the safety precautions taken for the event. He felt it would bring added business to the City for that time period. Marcella Lawrence, resident of the area, questioned the noise factor especially since her family sleeps days due to their work schedule. Mayor Swayze and Councilman Anderson both expressed their concerns for using public streets and not privately owned areas, however, felt the event was a worthwhile one. Robert Westcott, property owner in the area, noted that his industrial site is still under construction and a lot of material is laying around the area. Councilwoman Funrue felt it would be setting a precedent for private clubs. Chief Seigler saw no problems from the Police point of view. \*\*Councilman Sowles moved that the request from the Northwest Corvette Association for an autocross to be held August 9th, on N.W. 3rd and N.W. Baker be denied for the following reasons: concerns for residents of the area and noise; two property owners spoke against the event; and it is not the right location. Motion seconded by Councilwoman Brown and carried unanimously.

NEW BUSINESS: At this time, Attorney Bettis presented his bill for services rendered in preparing and negotiating the Bancroft Bonds recently sold.

\*\*Councilwoman Funrue moved to pay accounts payable in the amount of \$67,217.70, seconded by Councilman Sowles and approved 4-0 by roll call vote. \*\*Councilwoman Funrue moved to pay bills associated with the water treatment plant in the amount of \$56,896.62, from the Clackamas County Treasury on warrants from the 1979 Water Bond. Motion seconded by Councilman Sowles and approved 4-0 by roll call ballot.

\*\*Councilwoman Funrue moved to approve payment of a bill submitted by Bettis and Reif, Attorneys, for services rendered on preparing the Bancroft Bond Sale in the amount of \$2,019.00, seconded by Councilwoman Brown and approved by roll call 4-0.

Administrator Wyman read the Agreement from the Fire District for the fiscal year 1981-82. \*\*Councilwoman Funrue moved to approve the agreement between the City of Canby and the Fire District for the fiscal year 1981-82 and to authorize the appropriate signatures. Seconded by Councilman Sowles and approved unanimously.

Administrator Wyman read a staff memo from Public Works Supervisor, Bud Atwood, reviewing the recent oxide spill and sewer contamination from Globe Union Battery Plant. Included was an inter-office memo from Johnson Controls, Globe Union Battery Plant, explaining the situation and the action taken. Mr. Atwood noted that it was an accurate account and he recommended that the City bill Globe Union a total of \$728.25 to cover expenses incurred by the City in the clean up operation. Mr. Atwood also recommended to the plant, that the manhole lid elevation and water tight lids be installed in the yard, this would help prevent a reoccurrence of spills into the sewage system. \*\*Councilwoman Brown moved that the City of Canby submit a bill of \$728.25 to Globe Union Battery Plant, Johnson Controls, in Canby for costs incurred by the City due to a recent lead oxide spill and also that the City reserve the right to submit billings if there are further costs incurred associated with this spill. Motion seconded by Councilwoman Funrue and carried 4-0.

UNFINISHED BUSINESS: None was presented.

OTHER REPORTS AS REQUIRED OR NEEDED: Mr. Wyman read a staff memo requesting Council authorization to allow him to grant permission for overnight camping at the Canby Community Park, however, continue to have all requests in writing. Mayor Swayze suggested that Mr. Wyman reserve the right to deny a request if he felt the Council should be made aware or wish to review the request. \*\*Councilwoman Brown moved to authorize Harold Wyman, City Administrator, the authority to grant or deny requests for overnight camping in the Canby Community Park, reserving the right to bring any request to the Council that in his opinion should be denied or reviewed, and this action to be made a part of the "Book of Policy". Seconded by Councilwoman Funrue and approved unanimously.

Mayor Swayze also suggested at some future workshop, the Book of Policy be reviewed by the Council.

Administrator Wyman informed the Council of a need to appoint a Building Official and recommended Robert Godon for the position, noting that he has been studying for the necessary exam and his duties would be to oversee that building inspections are done and be authorized to sign necessary documents. \*\*Councilwoman Funrue moved that the City Council appoint Robert Godon as the City of Canby Building Official and authorize him to take the appropriate state exam for certification. Seconded by Councilman Sowles and carried 4-0.

Mayor Swayze also suggested to the Council the need to appoint a City Forester and recommended Bud Atwood, Public Works Supervisor. \*\*Councilwoman Funrue moved that the City Council appoint Bud Atwood as the City Forester, seconded by Councilman Sowles and approved 4-0.

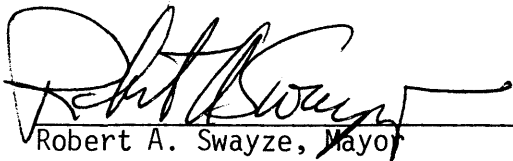
Administrator Wyman requested permission to call for bids on one police car and one compact car as budgeted in the 1981-82 budget. The police car is in compliance with the rotation schedule of two cars one year and one the next year. The compact car is to replace the Public Works Supervisor's van which in turn will go to the Dog Catcher and retire that vehicle. \*\*Councilwoman Funrue moved to authorize the City Administrator to prepare to call for bids for one police car and one compact car as budgeted for in the 1981-82 budget, seconded by Councilwoman Brown and approved unanimously.

Administrator Wyman asked if the Council wished to review the Public Works and Office Employees Association Contract since the city negotiator, Dave Blair, had approved and signed it. Mayor Swayze suggested they wait until the July 1st meeting so the Council would have adequate time to review the contract.

Robert Westcott, Canby Utility Board Member, addressed the Council, noting that Bonneville Power will be issuing a rate increase on July 1, 1981. Mr. Westcott reported that the Utility Board will be utilizing a consultant on a rate study and felt the need for a joint, Canby Council and Utility Board, public hearing on the rate increase to the subscriber. Mayor Swayze concurred with the idea and said he would contact Mr. Garvey, Utility Board Chairman, and set up a July date for this project.

At this time, \*\*Councilwoman Funrue moved to go into Executive Session under ORS 192.660, Subsection 1-b, labor negotiations and duly seconded by Councilman Sowles. Roll call vote was 4-0 for approval.

Mayor Swayze recessed the regular meeting at 9:32 p.m. to go into Executive Session. The regular meeting was reconvened at 10:30 p.m. and immediately adjourned by the Mayor.



Robert A. Swayze, Mayor



Harold A. Wyman, Administrator/Recorder

CITY OF CANBY BALLOT "B"

Name of City, County or District

Notice is hereby given that on Tuesday, June 30, 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 \$104,356 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 \$104,356 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 & 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 7,740 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. Wynne  
City Administrator