

CANBY CITY COUNCIL

REGULAR MEETING

SEPTEMBER 2, 1981

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

Also present: Administrator Harold Wyman, City Attorney Wade Bettis, City Planner Stephan Lashbrook (arrived at 8:10 from another meeting), Public Works Supervisor Bud Atwood, Secretary Virginia Graham, Oregonian Reporter Kathy Grubb, Canby Herald Editor Steve Frederick, Canby Utility Board member Richard Garvey, Earl M. Swigert, Jr. David Bury, and Hank Fairbrother.

Mayor Swayze called the Regular Meeting to order at 7:30 p.m., followed by the flag salute, meditation and roll call, which showed a quorum present.

Councilwoman Brown noted a correction to the minutes of <sup>August</sup> ~~September~~ 19th on page 3, paragraph 2, the word due should be do. \*\*Councilwoman Brown moved to approve the minutes of the Regular Meeting of September 19, 1981 as corrected. Seconded by Councilman Gabrion and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: Earl M. Swigert, Jr. stated that he has noticed a couple of places on N. Ivy where you have to pull out onto the street before you have vision clearance because of bushes. Mayor Swayze asked that Mr. Swigert get together with Mr. Atwood, Public Works Supervisor, and explain exactly where he had a concern, so that Mr. Atwood could go out and look at them.

ORDINANCES & RESOLUTIONS: Attorney Bettis read by title only for second reading, Ordinance No. 706. \*\*Councilwoman Funrue moved to approve Ordinance No. 706, AN ORDINANCE AUTHORIZING CONTRACT FOR PURCHASE OF TWO (2) AUTOMOBILES (1 POLICE CAR AND 1 COMPACT CAR) FROM DEE THOMASON FORD; AND DECLARING AN EMERGENCY, be adopted and become part of the laws of the City of Canby. Seconded by Councilman Sowles. Motion passed 6-0 by roll call vote.

ORDINANCE No. 707 was read by title only on second reading by Attorney Bettis. \*\* Councilman Sowles moved that Ordinance No. 707, AN ORDINANCE AUTHORIZING CONTRACT FOR REROOFING OF KOEHLER BUILDING TO K & L GENERAL CONTRACTORS OF AURORA, OREGON; AND DECLARING AN EMERGENCY, be approved and become part of the laws of the City of Canby. Seconded by Councilman Pulver. Motion passed 6-0 by roll call vote.

COMMUNICATIONS: Administrator Wyman read a letter from Attorney Bettis regarding Table Amendments to U.S. Senate Bill 898, with League of Oregon Cities Information Update attached. Mr. Bettis recommended that the City Council approve sending a letter of opposition to Senator Packwood with a copy to Senator Hatfield and to the Senate Commerce Committee. Mayor Swayze mentioned that he has talked with several other people that are in the process of getting or have just gotten Cable TV Franchises and they agree that this would seriously affect Canby's ability to govern its own cable system. It might get out of hand without the city being able to control it and not be in the best interest of the citizens of Canby, therefore thought the council should approve sending such a letter. \*\*Councilman Anderson moved that the City Council send a letter from the City of Canby to Senator Packwood, a copy to Senator Hatfield, Senate Commerce Committee and our appropriate representatives in Washington D.C., stating our opposition to US Senate Bill 898 and the amendments to the Senate Bill. Seconded by Councilman Gabrion. Motion passed 6-0.

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Mayor Swayze said letter should be ready to go in a couple of days. Mr. Bettis noted a copy of the letter should also be sent to the editor of the League of Oregon Cities Bulletin that alerted us to the problem.

Administrator Wyman stated he received a letter from Mr. Richard Garvey of the Canby Utility Board, saying that they are willing to move the utility poles on S. Locust Street, at their expense and they would like a workshop meeting to discuss further moving of poles. Mayor Swayze thought this expressed a high degree of cooperation by the Utility Board in working with the council on our projects and the Council should be having a workshop with them sometime in the fall.

NEW BUSINESS: Accounts Payable \*\*Councilwoman Funrue moved to approve the accounts payable in the amount of \$26,935.21, to be paid out of the appropriate funds. Seconded by Councilman Pulver and passed unanimously by roll call vote.

Next on the agenda was recommendations of bidder for street overlays and recommendations for future street overlays. Administrator Wyman noted we received three bids for street overlay of Knights Bridge Road. A fourth was received an hour and 45 minutes late and not opened. Recommended bid was Parker Northwest Paving Company at \$20,789.36. Mr. Wyman added that the N.E. 10th LID is not going to go through and the staff made a list of recommended streets, noted in the packets, and with the exception of S. Elm (which the water department will be tearing up to put in water lines), we should be able to overlay all the listed streets this year with the money that we have budgeted. We may have to take some out of revenue sharing though, but with the price bid, we should go ahead and do it. \*\*Councilman Pulver moved that we award the bid of paving Knights Bridge Road of approximately 85,600 square feet @ 0.2306 per sq ft and 7 manhole risers @ \$150.00 each, to Parker Northwest Paving Company in the total bid amount of \$20,789.36, with the record showing that the City did go out with bids and did accept the low bid. Seconded by Councilwoman Brown. Motion passed 6-0.

Mayor Swayze instructed Attorney Bettis to prepare the appropriate ordinance so we can proceed with this and have it ready for reading at the regular meeting on September 16, 1981. Mr. Wyman asked to be allowed to proceed before this, while the weather still permits. The Council agreed to give assurance that this is a good bid and that we are not going to change it and will allow the staff to proceed.

Attorney Bettis advised we could not use this same bid for overlays on the other recommended streets, but would have to call for new bids. The bid that was submitted specified only Knights Bridge Road and the 85,600 square feet. \*\*Councilwoman Funrue moved that the City Staff be instructed to proceed immediately with bids on a per square foot basis per the instructions of the City Attorney for asphalt overlays of various streets in the City of Canby. Seconded by Councilman Pulver. Motion passed 6-0.

Administrator Wyman read a letter from Hugh Kalana, County Road Supervisor, to Bud Atwood confirming that the county would pay for a section of overlay on Knights Bridge Road @ .27¢ a square foot with a total cost of \$5670.00. Upon completion of this project the City of Canby agrees to accept that portion of Knights Bridge Road as a City street. The staff recommends that we enter into this agreement. \*\*Councilman Pulver moved that we accept staff recommendation that we do enter into this agreement with Clackamas County to accept that portion of Knights Bridge Road as a city street upon its completion of overlay on the Public Works Supervisor's specifications, and after payment thereof by the County to Parker Northwest Paving Company, that the City then take jurisdiction and

further maintenance of that section of Knights Bridge Road. Seconded by Councilman Anderson. Motion passed 6-0.

A-95 Review Response for Chistena Acres was discussed next. This is a multi-unit rental housing development, with MDI/Dack as joint sponsors on the venture. Upon discussion the Mayor felt concern on this as we had made agreements with Mr. Dack on this and had a PUD and zone change. Mayor Swayze recommended that this should be reviewed by Attorney Roger Reif and City Planner Stephan Lashbrook before the council gives an answer. Administrator Wyman was instructed to contact Mr. Reif on this and see about sending a letter asking for more time. The council should have more information and time to bring this back to a regular meeting on September 16, 1981.

Administrator Wyman read a letter from L.E. George, Traffic Engineer, concerning a signal investigation at the location of Highway 99E and Grant Street, recommending that a traffic signal should be considered at this intersection and is on the priority list to do this. Mr. Wyman stated that we are now on their list, but they don't know when we will be receiving the signal.

Councilman Pulver asked whatever happened to the lights and cross arms that were supposed to be put in across Highway 99E under the bridge by the railroad department. Mayor Swayze asked Mr. Atwood if he would look into this and maybe write a letter to find out what was happening. Mr. Atwood said that he would.

The meeting was recessed at 8:09 p.m. and reconvened at 8:21 p.m.

UNFINISHED BUSINESS: Administrator Wyman had three informational items:

- 1) A letter from Mrs. Burleson, our renter in the Koehler Building, that due to lack of business they would not be renting any longer. She would turn in last check and the keys this week.
- 2) Last year a gentleman on Maple Street requested a drywell, and that drywell is now in.
- 3) The energy blanket for the swimming pool will be installed Friday at 11:00a.m.

Mayor Swayze informed the Council that Stephan Lashbrook was on loan to the Canby Utility Board for about six weeks. Mr. Wyman noted that Judy Hogland was also working with the utility board. Councilman Anderson asked if this was proper without Council approval. Mayor Swayze said that he and the city administrator made the decision, but if the Council had any objections they could discuss them now. Attorney Bettis advised that the Council should make the approval in the form of a motion. \*\*Councilwoman Brown moved that the Council approve of the Mayor and City Manager's decision to allow Mr. Lashbrook and Mrs. Hogland to assist the Canby Utility Board for a brief period of time until further permanent arrangements can be made by that body. Seconded by Councilwoman Funrue. Motion passed 6-0. The Canby Utility Board will be reimbursing the City for both employees for their time.

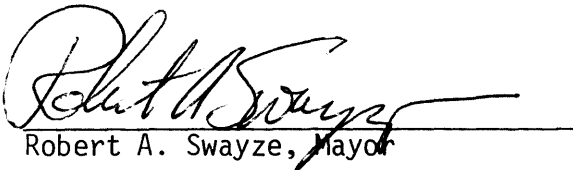
Councilman Anderson asked the feelings of the Council on workshops on Charter change, his feeling being the citizens would like the council to have some control over the utility board so action could be taken if necessary. The Council did agree this should be looked into. Mayor Swayze suggested the Council bring names of four citizens to the next regular meeting on September 16th and if the Council agrees we will reactivate the Charter Revision Committee.

Administrator Wyman noted that the last committee had four citizens, the mayor, city administrator, 1 councilmember and 1 utility board member. They only advised and the Council made all final decisions. Attorney Bettis thought an item in the paper advising anyone interested in serving should contact Mr. Wyman. Mr. Frederick took note of this.

At this point Mayor Swayze noted he had a matter brought to his attention, a memo from Mr. Bettis, which should go into executive session, dealing with Section 1-H on consulting with counsel. \*\*Councilwoman Funrue moved that the council go into a brief executive session under ORS 192.660 (1) (H), to consult with counsel concerning legal rights and duties of public bodies with regard to current litigation or litigation that might be filed. Roll call vote passed motion 6-0. Mayor Swayze requested that Mr. Lashbrook and Mr. Atwood attend this session along with Attorney Bettis. The press is also welcome.

The meeting then adjourned to executive session at 8:32 p.m.

Mayor Swayze reconvened the regular meeting at 9:15 p.m. and immediately adjourned.

  
Robert A. Swayze, Mayor

  
Harold A. Wyman, Administrator/Recorder