

CANBY CITY COUNCIL

REGULAR MEETING

MAY 21, 1980

Mayor Robert E. Rapp presiding. Councilmembers present: Beryl Brown, Beauford Knight, Richard Nichols, Bill Pulver, Robert Swayze and Robert Westcott.

Also present: Administrator Harold Wyman, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Treasurer Myra Weston, City Attorney Wade P. Bettis, Secretary Marilyn Perkett, David Bury, Duane Lee of Lee Engineering, Sewage Treatment Plant Manager Charles Tooley, Chief of Police Dick Seigler, Canby Herald Editor Steve Frederick, Oregonian Reporter Dana Speilmann, Mrs. McMaugh and Barrett McMaugh.

Mayor Rapp 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 Special Meetings May 5 and May 12, and Regular Meeting May 7. Seconded by Councilman Westcott and approved unanimously.

CITIZENS IN-PUT ON NON-AGENDA ITEMS: None were presented.

ORDINANCES & RESOLUTIONS: None were presented.

COMMUNICATIONS: Duane Lee reviewed the items in the proposed Phase I which is a system which will last until the year 2000 and meet the expansion needs for a total capital outlay of \$905,000. Mr. Lee also presented a second letter to the Council up-dating the Council on the status of the engineering services and possible future projects. Mr. Lee explained that they had spent over the \$14,000 which Ordinance #666, Authorizing Employment of Lee Engineering, limited them to and they also spent over the \$2,000 which was authorized for the capacity study. They will not require more payment on the original \$14,000, however they would like payment of the additional \$787.76 for the capacity study. He noted that they had spent many hours on the capacity study and now felt it was a well balanced operation. Mr. Lee proposed the following for future services: 1) consulting service for day-to day operational problems; 2) consulting services for design and construction of improvements to the sewage treatment plant; 3) assist in developing a sewer rate study and financial plan; 4) assist in modifying and improving pumping stations and sewers; and 5) assist the City in applying for financial assistance from Federal and State sources. Mr. Lee presented two contracts to be signed which were the same as the original contracts that somehow were never signed and returned to them. Councilman Westcott inquired if the original contract was now final and if we would be obligated to their firm for further services. Mr. Lee said the contract is open if we wanted further services but we were not obligated. Councilman Westcott also asked if we had a line item in the budget for a day-to-day consulting service? Mr. Wyman explained it would have to come from the sewer reserve fund. Councilman Westcott noted that it might be something to consider for the future. Ken Ferguson, Public Works Director, commended Duane Lee on his concern and good working relationship with the City. Ken also noted that the sewage and water treatments are becoming very technical and we now have a better relationship with DEQ now that we have a consultant. **Councilman Westcott moved to pay the \$787.76, the overage, in addition

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to the \$2,000 for the capacity study, to Lee Engineering, Inc., from the Sewer Reserve Fund. Seconded by Councilman Swayze and approved 6-0.

Attorney Bettis reviewed the contract, which was the same as the original misplaced contract except for a couple minor previously approved changes, and assuring the Council he was satisfied with the contract and therefore the Mayor and Administrator signed the document. Mayor Rapp expressed his thanks to Mr. Lee for his services and felt the Council needed some workshops scheduled before proceeding with any further contracts or services.

Mr. Ferguson expressed a critical problem with the sewage plant flow meter and said it should be an immediate concern. He felt we could get a flow meter that could be phased into future designs. Councilman Westcott asked Mr. Lee for an estimate of his firms service for a bid call and an estimate on the instrument. Mr. Lee said his engineering service cost would be between \$500 to \$1,000 and the flow meter would be between \$3,000 to \$5,000. **Councilman Westcott moved that we engage the firm of Lee Engineering, Inc., to prepare bid specs, bid call and bid review for the flow meter for the sewage treatment plant for an engineering cost not to exceed \$1,000. Seconded by Councilwoman Brown and approved 6-0.

Administrator Wyman read a letter from the Clackamas County Department of Human Resources requesting Council participation in the County Community Action Board. Mayor Rapp requested the Council to contact residents for a volunteer to serve for Canby on this Board and be prepared to make an appointment next Wednesday at our Special Meeting.

NEW BUSINESS: **Councilman Knight moved to pay accounts payable in the amount of \$29,160.28. Seconded by Councilman Nichols and approved by roll call 6-0.

**Councilman Knight moved to pay James Montgomery Engineers \$6,482.69 and Canby Herald \$36.75 from warrants drawn from the Clackamas County water bond fund and he noted the bills had been signed by Councilman Westcott. Seconded by Councilman Nichols and approved 6-0 by roll call vote.

Administrator Wyman presented the recommendation on the bid call for a patrol car. He noted that staff had prepared the specs after viewing this type of vehicle in other cities. Mr. Wyman explained that the low bid from Moak Chevrolet of \$6,298.81 did not include the sport suspension, for an additional \$206.80, however, it would still be approximately \$383.91 lower than the bid from Friendly Chevrolet. He explained that the sport suspension makes the vehicle more stable. **Councilman Westcott moved that the City Attorney be directed to prepare the proper Ordinance to purchase the patrol car from Moak Chevrolet for the low bid of \$6,298.91 with the addition of sports suspension for \$206.80, for a total of \$6,505.61. Seconded by Councilwoman Brown and approved 6-0 by roll call vote.

Administrator Wyman presented a deed for dedication of right-of-way on S. Locust Street. **Councilman Nichols moved to accept for recording the deed of James P. Blanton and Anne M. Blanton for right-of-way for street purposes on S. Locust St. Seconded by Councilman Westcott and approved 6-0.

Mr. Wyman presented a package container liquor license request for Roth's IGA Store which recently purchased the former Tradewell at the Canby Square. **Councilman Swayze moved that the Roth's IGA be granted a package container liquor license. Seconded by Councilman Nichols and approved by roll call vote 5-1, with Councilman Westcott voting nay.

Mr. Wyman read a staff memo from Ken Ferguson, Public Works Director, requesting Council permission to resurface North Holly Street from Knights Bridge Road north to the end due to deterioration. A quote from Parker Northwest Paving of \$0.3182 a square foot for approximately \$27,922 was obtained. Of the total cost, \$17,296 will come from budget Federal Revenue Sharing funds with the balance from budgeted State Revenue Sharing funds. Mr. Ferguson explained that this was the most critical as far as street repair. The Council requested that other quotes be called for and also requested staff to research to see if the Federal Government requires bid calls on spending funds.

Mayor Rapp called for a recess at 8:30 p.m. The Regular Meeting was reconvened at 8:53 p.m.

UNFINISHED BUSINESS: None was presented.

OTHER REPORTS AS REQUIRED OR NEEDED: Mr. Wyman read a staff report from Stephan Lashbrook requesting a temporary mobile home permit for Mrs. McMaugh, due to her health and the need of personal assistance. Mr. Lashbrook also proposed an Ordinance for hardship situations for mobile home permits. Attorney Bettis noted that some years ago the Council had a similar situation and granted a 6 month permit that was renewable every six months and went on for a two year period and was not transferable. Mrs. McMaugh informed the Council that they would have a compost toilet for the premises and she also explained the present house was in no condition for anyone else to live. Mr. Lashbrook explained that he has checked with the County on this situation regarding the sanitation. **Councilman Nichols moved that staff prepare an Ordinance with the City Attorney covering the hardship situations on mobile home permits incorporating the five requirements listed in his letter of May 15, 1980, and also to incorporate this ordinance into the Comprehensive Plan. Seconded by Councilman Pulver and approved unanimously. **Councilman Knight moved to grant a six month mobile home permit to Mrs. McMaugh with the inclusion of a compost toilet. Seconded by Councilman Nichols. Councilman Westcott requested that the Canby Utility as owners of the property be kept informed of all actions. Mr. Lashbrook assured him that he was working with the Utility Board on this matter. He also informed the Council that due to the flood history of the area, Mrs. McMaugh would purchase flood insurance. Motion was approved 6-0.

Administrator Wyman read a letter from Chief of Police, Richard Seigler, dated May 21, 1980. Chief Seigler referred to the May 19, 1980 memo describing the incidents leading to the termination of Brian Howard, Detective. The Chief requested a full and proper investigation and listed the following problems: Brian Howarth's career has been ruined; The Police Department has been thrust into turmoil; The City has been placed in a position which could cause unfavorable publicity if Howarth fights the dismissal; and his family and himself have been subject to considerable upset. The Chief noted by hearsay that Mr. Howarth felt he was working on an official investigation for Attorney Bettis with the end result being the firing of the Chief. The Chief also noted that one officer revealed that the Mayor had been given all the information and it was the same type of investigation they did on the former Judge. Another officer told the Chief that Attorney Bettis wanted to talk to as many officers as possible to gain evidence and that the Mayor and Mr. Wyman were given the information. Another officer stated that Mr. Howarth reported that Mr. Bettis stated that he, the Mayor and Mr. Wyman were all doing separate investigations on the Chief. The Chief felt that if an investigation was

desired it should not be done by a disgruntled employee who had recently been disciplined on several occasions. In his letter the Chief said he'd been assured by the Mayor, Councilman Pulver and Mr. Wyman that they knew nothing of the investigation by Mr. Bettis.

Attorney Bettis responded by telling the Council that all the facts in the letter were not correct. He said that Detective Howarth came to his office several days ago to discuss his advice on the Canby Utility Board regarding limitations and restrictions that Mr. Bettis had advised the Board on as their Attorney, concerning disclosures to the Police Department on Police investigations. Mr. Bettis noted that Detective Howarth was upset with him because of the advice he had given. Detective Howarth complained that his job as a police officer was seriously hampered. After they settled that matter, he voluntarily discussed with Mr. Bettis his concern of the low moral in the Police Department and the complaints he hears about the Department. Mr. Howarth said other officers felt as he did and there is a lot of unrest and dissatisfaction. Mr. Bettis told Detective Howarth if others wanted to come and discuss this with him he'd keep their names confidential and ultimately he'd report his findings to the Mayor and City Manager. Mr. Bettis discussed this matter with several officers in his office and their names will remain confidential unless they release them themselves. Attorney Bettis said, "I had not completed or even undertaken any investigation other than the process of hearing these matters and would have ultimately made some kind of report to the Mayor and City Manager with a recommendation based upon whatever my conclusion was." "I hadn't even got close to any conclusion or determination." Attorney Bettis noted that he makes regular investigations on all matters of City government and City business as a part of his job. He expressed that there was no intent to get anyone's job, only an intent to find out about the complaints forwarded to him.

Mayor Rapp noted that Brian Howarth, through the Canby Police Association, had filed an appeal. Mr. Wyman informed the Council that he would be meeting with the officers the next day, May 22, 1980, to make a decision and according to Mr. Howarth's letter of May 20, 1980, article #2 was not true: (2) the actions referred to, that were alleged to have amounted to the charge of Gross Insubordination, were not actions that were instigated by me as I was acting on the confidential request of the Canby City Attorney, with the belief that such action was with the endorsement of other public officials. Mr. Bettis felt that this was poor wording. Mr. Bettis said, "If there are other officers that feel as you do and want to talk to me about it, I will keep their names confidential." "I didn't authorize him or anyone else to go out and make an investigation, he came to me and made the complaints and he said that there are others who feel the same." "And I said if that were true and if they wanted to talk to me about it, I'll keep their names confidential and ultimately I'll make a report to the Mayor and City Administrator." "I didn't tell him what kind of report, I didn't know what kind of report, I didn't know whether I'd hear from anybody else, but I subsequently did." Mayor Rapp also said that in reference to terminating the former Judge, there was no investigation made on him.

The Police Association contract for 1980 was the next item of business. Mr. Wyman noted the addition of a plan for prescriptions as a part of the Plan IV of the Blue Cross Plan. The contract has been signed by the Police Department. The

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additional annual expense would be \$27,560.70, an increase of 11.9435%. **Councilman Swayze moved that the Mayor and the City Administrator on behalf of the Canby City Council sign the negotiated settlement for the Canby Police Association, the contract for 1980 for an increase of 11.9435%. Seconded by Councilman Westcott and approved 6-0 by roll call vote.

Administrator Wyman thanked the staff, Council, Canby Herald, Baseball Commission and everyone who worked on our recent tax base election. He noted that we failed by only 63 votes. Mayor Rapp informed the Council that we also had 200 under-votes. **Councilman Swayze moved that we send a letter of thanks to the baseball group that worked to advertise our tax base election. Seconded by Councilwoman Brown and approved unanimously.

Mayor Rapp informed the Council that we would again be going for the "Ballot B" measure on the June 24 election. The Council will consider resubmitting the tax base for the November election.

Mayor Rapp adjourned the Regular Meeting at 9:30 p.m.


Robert E. Rapp, Mayor


Harold A. Wyman, Administrator/Recorder