

CANBY CITY COUNCIL

REGULAR MEETING

JUNE 4, 1980

Mayor Robert 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, Public Works Supervisor Bud Atwood, Treasurer Myra Weston, Secretary Marilyn Perkett, City Attorney Wade P. Bettis, Brenda Lashbrook, John Tatone, David Bury, Oregonian Reporter Dana Speilmann, Gary Sowles and Canby Herald Editor Steve Frederick.

Mayor Rapp called the Regular Meeting to order at 7:35 p.m., followed by the flag salute and roll call of Council.

**Councilwoman Brown moved to approved as distributed minutes of the Regular Meeting May 21 and Special Meetings May 19 and 28. Seconded by Councilman Nichols and approved unanimously.

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

ORDINANCES & RESOLUTIONS: Attorney Bettis read in full Ordinance No. 676 for first reading. **Councilman Westcott moved that ORDINANCE NO. 676, AN ORDINANCE AUTHORIZING CONTRACT FOR PURCHASE OF POLICE CAR FROM MOAK CHEVROLET; AND DECLARING AN EMERGENCY be posted and final reading be July 2, 1980, after 7:30 p.m. Approved 6-0 by roll call vote.

Prior to the reading of Ordinance No. 677, Mayor Rapp moved to item two of New Business to discuss the proposed Overlay project on N. Holly. Administrator Wyman read the staff report from Ken Ferguson, with the listing of the three quotes and recommendation to accept the Parker Northwest Paving quote of \$0.269 per square foot. Mr. Ferguson testified to the fact that Parker Northwest Paving was not aware of the prices quoted by the two other firms when he submitted his second quote. Attorney Bettis read in full Ordinance No. 677 for the first reading. **Councilman Swayze moved that ORDINANCE NO. 677, AN ORDINANCE AUTHORIZING CONTRACT WITH PARKER NORTHWEST PAVING, INC. FOR ASPHALT OVERLAY ON NORTH HOLLY STREET; AND DECLARING AN EMERGENCY be posted and final reading be July 2, 1980, after 7:30 p.m. Seconded by Councilwoman Brown. Councilman Knight questioned if the Ordinance should state the area of the project. Attorney Bettis noted that the Ordinance stated the project shall be constructed under the prepared plans and specs and that would be sufficient. Roll call vote was in favor 6-0.

Attorney Bettis read in full Ordinance No. 678 for first reading. It was noted that on page 3, bottom, the word should be cremains not remains and the effective date of the Ordinance will change from July 1, 1980 to July 3, 1980, Thursday. **Councilman Swayze moved that ORDINANCE NO. 678, AN ORDINANCE FOR THE CONTROL AND OPERATION OF ZION MEMORIAL PARK; DEFINING THE CEMETERY RESERVE FUND: PROVIDING FOR THE PERPETUAL CARE OF THE CEMETERY: REPEALING ORDINANCES IN CONFLICT HERewith: AND DECLARING AN EMERGENCY be posted and final reading be July 2, 1980, after

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7:30 p.m. Seconded by Councilman Westcott and approved 6-0 by roll call vote. It was noted that Resolution 280 will be read on July 2, 1980, after the final reading of Ordinance No. 678.

Attorney Bettis read Resolution No. 281 in its entirety. **Councilman Swayze moved that RESOLUTION NO. 281, A RESOLUTION CALLING A "B" BALLOT ELECTION FOR FISCAL YEAR 1980-81 be passed. Seconded by Councilman Westcott and approved by roll call vote 6-0.

Mayor Rapp recessed the Regular Meeting at 8:14 p.m. to go into a Public Hearing on the Supplemental Budget.

Mr. Wyman explained that this Supplemental Budget was for the purpose of transferring \$22,523.97 from Federal Revenue Sharing resources to the expenditures and it was for work done in May and June of 1979. Neither PROPONENTS or OPPONENTS responded during the Public Hearing. Mayor Rapp closed the hearing at 8:18 p.m.

**Councilman Swayze moved that the Supplemental Budget on Federal Revenue Sharing of resources, \$22,523.97 and requirements, \$22,523.97 for Maple Street Park improvements and development be approved. Seconded by Councilman Pulver. Councilman Westcott noted that because this cost the City hundreds of dollars in staff time and publications for the government "red tape", for that reason and that reason alone he was voting against the supplemental budget, and not because he was directly against the supplemental budget. Council roll call was in favor 5-1, with Councilman Westcott voting nay.

COMMUNICATIONS: Mr. Wyman read a letter from the County Planning Department regarding their proposed Comprehensive Plan and inviting Canby to participate in their public hearings. Mr. Lashbrook will attend the hearing on Monday, June 9, in the afternoon.

Mr. Wyman read a letter from the State Legislative Assembly requesting Canby to participate in funding the Boundary Commission. They requested a "voluntary" contribution from Canby in the amount of \$212.25. David Bury requested the City not to participate with the Boundary Commission and bring it back to a City basis.

**Councilman Westcott moved to send a letter to Senator Jason Boe thanking him for his letter of May 23, 1980, and noting that by unanimous vote of the Canby City Council his request for \$212.25 was denied. Seconded by Councilman Pulver and carried 6-0 by roll call vote. Councilman Knight noted that he felt the Council could probably handle their own problems and the only need for the Boundary Commission would be in an area of great conflict. Councilman Westcott pointed out an incident in Rainier as being the only worthwhile accomplishment of the Commission in the years he has been involved in the Council. Mayor Rapp voiced being against the State and Federal Government mandating cost to local jurisdictions. Administrator Wyman pointed out that he agreed, however, for \$212.25 they have all the procedures and paperwork and if we have to start developing this in July our staff is not prepared for this situation.

Mayor Rapp recessed the Regular Meeting at 8:36 p.m. and reconvened at 8:53 p.m.

NEW BUSINESS: **Councilman Knight moved that accounts payable be paid in the amount of \$19,552.65, noting that purchase order 9747 to Parker Northwest is a final payment on LID #9. Seconded by Councilman Nichols and approved 6-0 by roll call vote.

**Councilman Knight moved to pay two bills, one to the Canby Utility Board in the amount of \$15,086.72 and one to James Montgomery Engineers in the amount of \$3,030.99 from warrants from the Clackamas County Treasury on water bond funds. Seconded by Councilman Westcott. Councilman Knight noted that the bills were signed by Mr. Westcott, motion carried 6-0 by roll call.

Mr. Wyman read a staff report from Ken Ferguson regarding the status on construction on Territorial Road. Mr. Ferguson noted that the road was not yet paved. On the day it was to be paved, Dick Morse, one of the developers of the LID, notified Mr. Ferguson that he would contact the County to lessen the requirements of rock. Mr. Kurth of the County implied to Mr. Morse that they could overlay the length for the \$10,500 with some additional money from the County. After meeting with Mr. Straight of the County he noted that they would not participate in cost. The Utility Board has worked on the water lines they will lay and Mr. Ferguson got a commitment from the County for \$1,500, from the Canby Utility Board between \$6,000 and \$7,000, and from Mr. Clark, Mr. Morse and Mr. Kraxberger, the developers, \$10,500. The total cost of the project will be about \$20,000. Progress on the water lines has begun and hopefully by next week the overlay of all of Territorial Road will be done. Mayor Rapp noted that by waiting for the different aspects of work to be done it will be a better road when finished in the proposed manner. Councilman Westcott noted that regarding the Utility Board's work, this will be a change order with the Dale Industries.

Councilman Westcott referred to the 7 point plan for spending monies on the water bond fund through the Canby Utility Board. He noted that an unanticipated problem arose regarding a freight bill, which is a small amount of cost. Councilman Westcott received consensus of the Council to run these small bills through on a memo from Mr. Egger rather than go through the entire 7 point process.

UNFINISHED BUSINESS: Mayor Rapp postponed action on appointing someone to the Community Actions Board until the meeting on Monday, June 9.

Mayor Rapp brought up the subject of replacing the tools that were personal property of the City mechanic that were stolen. Mr. Yoder assumed they were insured through the City, which they weren't. Mayor Rapp suggested the City replace the stolen tools and then establish a policy that hereafter, a mechanic, including the present one, will furnish their own tools and furnish their own insurance. Mr. Wyman noted that this would come out of the Motor Pool Reserve Fund and the value of the stolen tools was approximately \$6,700. **Councilman Westcott moved that the City take from the Motor Pool Reserve Fund the money to replace the tools for the City mechanic that were stolen from the City Shop, in an amount not to exceed \$6,700. Seconded by Councilwoman Brown and approved 6-0. **Councilman Westcott made the following motion: TO BE ENTERED IN THE THE BOOK OF POLICY THAT IT WILL BE THE CITY'S POLICY FROM THIS DATE HENCEFORTH, JUNE 4, 1980, THAT THE CITY'S MECHANICS, AND ANY NEW HIRED MECHANICS, WILL FURNISH THEIR OWN TOOLS AND ALSO FURNISH THEIR OWN INSURANCE TO COVER SUCH TOOLS; AND THEY ARE TO BE GIVEN WRITTEN NOTICE THAT THIS IS THE CITY'S POLICY. Seconded by Councilman Pulver and approved unanimously.

Ken Ferguson reminded the Council of reports they had received about a month ago regarding the sewer department and monthly sewer service charges. He felt the

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the Council should consider raising the monthly sewer charge by September. Mayor X Rapp asked Mr. Ferguson to prepare something and have this be an item on the agenda for the next regular meeting.

OTHER REPORTS AS REQUIRED OR NEEDED: Mr. Wyman informed the Council that he had upheld the Chief of Police's decision for dismissing Brian Howarth and now the Council needed to name a representative for the appeal case. Mayor Rapp noted that this would be discussed in the Executive Session.

Mr. Wyman referred to the memo he had distributed to the Council regarding the expenditures. He noted that by watching the expenses very closely we will be in the black by June 30, in the General Fund. However, he noted that two funds would have to be adjusted. The Cemetery Fund due to more deaths than expected and the Motor Pool Fund due to the increase in gasoline.

At this time the Mayor entertained a motion for Executive Session. **Councilwoman Brown moved to go into Executive Session under ORS 192.610 Subsection I for personnel matters which may or may not result in disciplinary action and under ORS 192.610 to review labor negotiations. Seconded by Councilman Swayze and approved 6-0 by roll call vote.

Mayor Rapp recessed the Regular Meeting at 9:30 p.m. to go into Executive Session. The regular meeting was reconvened at 10:26 p.m.

**Councilman Swayze moved that the City Council instruct the negotiator, Dave Blair, to inform the Public Works Association that the last offer made by the City Council through Mr. Blair is their final offer and no further offers will be forthcoming; and the final offer from the Public Works Association of June 4, 1980 is rejected. Seconded by Councilman Nichols and approved 6-0.

Mayor Rapp adjourned the Regular Meeting at 10:45 p.m.


Robert E. Rapp, Mayor


Harold A. Wyman, Administrator/Recorder