

REGULAR MEETING OF
Canby City Council - May 5, 1969

The meeting was called to order by the Mayor at 8 p.m.

Roll Call: Present - Mayor Housen and Councilmen Braman, Dinteman, Raines, Reinertson, Stevens and Tatone. Absent - None.

Others Present - Treasurer Evans, Attorney Bettis, Supt. Cox, and Fire Chief Christiansen.

Mayor Housen led the officials and audience in the traditional flag salute.

A motion was made by Councilman Dinteman, seconded by Stevens and carried unanimously approving the minutes of April 21 and 23 as mailed to the officials.

Treasurer Evans gave his quarterly financial report ending March 30, 1969 and explained the new procedure he had developed for reporting to coincide with the revised procedures in the Recorder's office. A motion was made by Councilman Dinteman, seconded by Tatone and carried unanimously that the Treasurer's report be accepted subject to audit.

Bill Reed of Willamette Falls Ambulance Service, Inc. appeared before the Council with a proposition to purchase the Canby ambulance and operate the service in this area. The Council discussed the matter and Mayor Housen appointed a committee composed of Councilmen Tatone, Raines and Reinertson to meet with the volunteer firemen and obtain their reactions to the proposal.

Sadie and Helen Stricklin approached the Council with a petition to annex Lots 30 and 31 of Pruneland subdivision to the City of Canby. The Council discussed the matter with the petitioners and City Attorney Bettis cited the 3 ways in which the state laws provide for annexation procedures. The members of the Council appeared to be reluctant to annex this parcel alone and held the matter over for further study.

Resolution No. LXXXII, A RESOLUTION AUTHORIZING THE ISSUANCE OF WATER BONDS, a copy of which is attached to the file copies of these minutes, was read by City Attorney Bettis. After a period of discussion, a motion was made by Councilman Stevens, seconded by Braman and carried unanimously that Resolution No. LXXXII be adopted and become a part of the laws of Canby.

The monthly fire and ambulance report was given by Fire Chief Christiansen. The Recorder-Judge reported on the 17th annual Traffic Court Conference recently attended by him.

A motion was made by Councilman Dinteman, seconded by Stevens and carried unanimously by roll call vote that claims against the City be approved for payment and warrants drawn on the Treasurer in payment thereof.

The Council discussed the feasibility of making delinquent utility bills a lien against the property. Attorney Bettis advised that it was not consistent with state laws pertaining to liens against property and the Council agreed that the measure would not be feasible.

Supt. Cox advised the Council that Jacob Amstutz had requested water service for his building which is located east of the Fairgrounds, and suggested that the City extend a 6 inch line from the Fairgrounds entrance to serve Amstutz and to eventually extend the line on to connect with a line on N. Neff Street. After a period of discussion, the Council determined that it would be in the best interest of the City to complete the grid system in that area.

The Council discussed the announcement that the City of Sandy were scheduled to lay the corner stone for a new City Hall and Library on Saturday, May 10. Councilman Reinertson and Recorder Richardson indicated intentions of attending the ceremony.

Deeds for the alley between S. E. Second Avenue and U. S. 99E through the Morgan property, and an agreement signed by Dale Morgan assuring the City that the extension of the S. E. 2nd Avenue right-of-way through his property would not be obstructed by buildings, was presented to the Council. After a period of discussion and advice from the City Attorney, a motion was made by Councilman Dinteman, seconded by Tatone and carried unanimously that the deeds and agreement be accepted and recorded in the Clackamas County records.

The Council discussed the extent to which Pacific Northwest Bell had installations in the streets and alleys of Canby and the feasibility of requiring that they have a franchise with the City. A motion was made by Councilman Raines, seconded by Dinteman and carried unanimously that the City Attorney inform the Pacific Northwest Bell by letter that the City require a franchise agreement with them.

Commissioner Braman reported that the Beck well had been overhauled, including lowering of the pump 20 feet and was being prepared for use. Supt. Cox reported that the water pump was being transferred from the well on the river bank to the new well on N. Cedar Street. The Supt. also reported the sewer extension on North Amrine nearly completed and plans being made to extend the sewer line to the Bedwell building site on North Neff Street. Councilman

Stevens advised that the LDS Church is going to require utilities on S. Elm Street within a year.

Supt. Cox announced a scheduled conference of solid waste disposal at the Hilton Hotel on May 12. Mayor Housen asked the Supt. to attend if possible. Cox also announced a meeting of the State Water Resources Board at Salem on May 7.

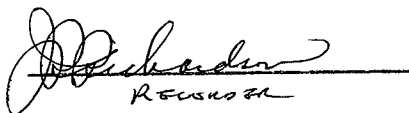
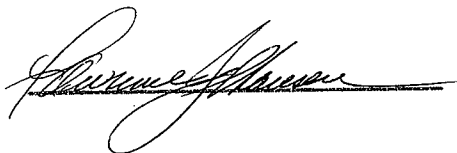
The Council discussed the matter of paving the vacant lot east of the City Hall and repaving the approach to the fire station adjacent to the City Hall, contingent to providing parking facilities for City employees and to restrict parking on the fire station approach.

A motion was made by Councilman Tatone, seconded by Dinteman and carried unanimously to pave N. W. 6th Avenue from Holly to Ivy Streets and to pave the parking lot adjacent to the City Hall, the cost to be financed in compliance with the provisions of Section 5, Chapter XII of the City Charter. Councilman Stevens requested that it be a matter of record that the cost of paving the parking lot and fire station approach not be paid from street improvement funds.

It was reported that the boy scouts had obtained a meeting place at the grade school and were vacating the quonset hut, thereby permitting its removal from Wait Park in preparation for park development. The City's ownership was established by the reading of a portion of the minutes from the meeting of December 4, 1950.

Mayor Housen welcomed two students from Clackamas Community College who were observing the meeting procedure as a part of research in civil government.

The meeting was adjourned at 11:55 p.m.


RECEIVED

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RESOLUTION NO. LXXXII

RESOLUTION AUTHORIZING ISSUANCE OF WATER BONDS

WHEREAS, heretofore in the manner and form prescribed by City Ordinance No. 380, a Resolution of the Common Council for the City of Canby, Clackamas County, Oregon, was duly adopted submitting to the legal voters of said City the question of amending the City Charter to grant to the City Council power to construct, own, reconstruct, improve, enlarge, operate and extend the City's water utility system for the production, storage, distribution and furnishing of water; and also granting power to the City Council to pay the costs thereof by issuing and selling negotiable revenue bonds of the City in the sum of \$440,000.00 which shall be payable solely and only from the net revenue derived from the operation of said water utility system; and

WHEREAS, a special City election was called for the aforesaid purposes, and the said Common Council thereupon directed the Recorder of said City to cause to be published a Notice of Election for such purposes in the manner and form prescribed by said Ordinance No. 380, which said Election Notice was duly and regularly published; and

WHEREAS, the said election was duly and legally held in said City on the 17th day of February, 1969, and the Judge and Clerks of said election duly appointed for the conducting of said election received and counted the votes cast, and thereafter the Common Council for said City canvassed the votes cast at said election and have certified the results thereof; and

WHEREAS, the Common Council has examined and investigated the regularity of the proceedings for the said election and find that only duly qualified legal voters were allowed to vote at said election; that there was no fraud or conspiracy in the conducting of or voting at said election; that said election

was duly called and legally held; that notice thereof required by Ordinance to be given was duly and regularly given in the form, for the time and in the manner required by Ordinance; that said election was held in strict conformity with the requirements of law; that the votes cast at said election have been counted and the results of said election canvassed and returns thereof filed, recorded and reported and proclaimed as provided by Ordinance; that 202 votes cast at said election were in the affirmative and 41 votes were in the negative, and the proposition of amending Chapter XI of the Charter for the City of Canby, Clackamas County, Oregon, by adding two new Sections numbered 7 and 8 to allow for the construction and enlargement of the City's water utility system and for the contracting of a bonded indebtedness of said City in the sum of \$440,000.00 in order to provide funds for the purposes hereinabove stated accordingly has received the assent of a majority of votes cast at said election;

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Canby, Clackamas County, Oregon, that for the aforesaid purposes the Common Council of said City directs that there be issued TWO HUNDRED NINETY THOUSAND DOLLARS (\$290,000.00) in revenue bonds of said City to be dated July 1, 1969, to be numbered consecutively from one (1) to fifty-eight (58), inclusive, to be in denominations of FIVE THOUSAND DOLLARS (\$5,000.00) each and to mature serially in numerical order as follows:

\$5,000.00	on July 1, 1971
5,000.00	on July 1, 1972
5,000.00	on July 1, 1973
5,000.00	on July 1, 1974
5,000.00	on July 1, 1975
5,000.00	on July 1, 1976
5,000.00	on July 1, 1977
5,000.00	on July 1, 1978
10,000.00	on July 1, 1979
10,000.00	on July 1, 1980
10,000.00	on July 1, 1981
10,000.00	on July 1, 1982
10,000.00	on July 1, 1983

\$10,000.00 on July 1, 1984
 10,000.00 on July 1, 1985
 10,000.00 on July 1, 1986
 10,000.00 on July 1, 1987
 10,000.00 on July 1, 1988
 10,000.00 on July 1, 1989
 10,000.00 on July 1, 1990
 10,000.00 on July 1, 1991
 10,000.00 on July 1, 1992
 10,000.00 on July 1, 1993
 10,000.00 on July 1, 1994
 15,000.00 on July 1, 1995
 15,000.00 on July 1, 1996
 15,000.00 on July 1, 1997
 15,000.00 on July 1, 1998
 15,000.00 on July 1, 1999
 15,000.00 on July 1, 2000

BE IT FURTHER RESOLVED that the said bonds be issued to bear interest at a rate or rates not to exceed six percent (6%) per annum as specified by the successful bidder payable semi-annually January 1st and July 1st of each year during which they are outstanding; that the interest accruing upon said bonds be evidenced by coupons attached thereto; and that both the principal of and interest upon said bonds be paid at the office of the City Treasurer of Canby, Oregon.

BE IT FURTHER RESOLVED that each of said bonds be personally signed by his manual signature by the Mayor of the City of Canby, Oregon, in office upon the date of the execution of said bonds, and that each of said bonds further be countersigned in like manner by the duly chosen, qualified and acting Recorder of said City in office upon said date; and that the coupons appertaining to the said bonds be executed with facsimile signatures of said Mayor and Recorder; and

BE IT FURTHER RESOLVED that said bonds shall be known as "CANBY, OREGON WATER REVENUE BONDS". Said bonds shall be scheduled for payment in numerical order. Provided, however, that all bonds maturing after July 1, 1981, shall be subject to redemption on July 1, 1981, and on any interest payment date.

thereafter in inverse numerical order at 102 in accordance with the redemption procedure provided for in the form of the bond hereinafter set forth.

BE IT FURTHER RESOLVED that all revenue derived from the operation of the City of Canby's Water Department which is in excess of the amount actually required for operation, maintenance and a reasonable reserve for expansion and replacement of Water Department facilities be and are hereby pledged to the payment of the principal and the interest upon the aforesaid bonds, and the City of Canby shall prescribe, charge and collect monthly water use and/or service charges from each water user within the City of Canby and in an amount necessary to meet such obligations when due and for so long as any of the bonds issued remain unpaid; and

BE IT FURTHER RESOLVED that the said bonds and coupons attached thereto be in substantially the following form, to-wit:

No. _____ \$5,000.00
UNITED STATES OF AMERICA
STATE OF OREGON, COUNTY OF CLACKAMAS
CANBY, OREGON WATER REVENUE BOND

KNOW ALL MEN BY THESE PRESENTS that the City of Canby, Clackamas County, State of Oregon, for value received hereby promises to pay to the bearer FIVE THOUSAND DOLLARS in lawful money of the United States on the presentation and surrender of this obligation on the first day of July, 19____, with interest thereon from the date hereof until maturity at the rate of _____% per annum payable semi-annually on the first days of January and July of each year on the presentation and surrender of the proper coupons attached hereto, principal and interest payable at the office of the Treasurer of the City of Canby, Oregon.

This bond shall be callable in inverse numerical order at \$102.00 and accrued interest to the date of redemption on any semi-annual interest payment date on or after July 1, 1981, upon notice thereof by publication in two successive issues of the Canby Herald, a newspaper of general circulation printed and published in Canby, Clackamas County, Oregon, that this bond will be then taken up and cancelled.

and the interest thereon will cease at the interest payment period next following such publication. The first such publication shall be not less than thirty (30) days prior to the intended redemption date. (This paragraph to be printed only on bonds maturing after July 1, 1981.)

This bond is one of a series of bonds authorized and issued under and pursuant to provisions of an Amendment to the Charter of the City of Canby, Oregon, submitted to and approved by the legal voters of said City at an election duly called and held for the purpose of procuring funds with which to construct, own, reconstruct, improve, enlarge, operate and extend the City's water utility system for the production, storage, distribution and furnishing of water. This bond has been issued under and in full compliance with the statutes of the State of Oregon and the Charter of said City.

This bond and the series of which it is one with interest thereon is not a general obligation of the City of Canby and is payable as to principal and interest solely and only from and is secured by a pledge of such part of the income and revenues of said City from the operation of its water utility system as remain after payment of all expenses of operation and maintenance of the water utility system. Such portion of the net income and revenues has been ordered set aside as a special fund and pledged for that purpose and identified as "CANBY WATER REVENUE BOND FUND". Said City acting through and by its Common Council covenants that it will prescribe, charge and collect monthly a water use and/or water service charge from each water user within the City of Canby and in an amount additionally necessary and sufficient to promptly pay the principal of and interest on this bond and the issue of which it is one as the same will become due, and also to pay when due all costs and expenses of operating and maintaining said water utility system.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this bond and the issue of the bonds of which it is one have existed, have happened and have been performed in due time, form and manner as required by law; that the amount of this bond, together with all other obligations of said City, does not exceed any limit prescribed by the Constitution or statutes of the State of Oregon or of the Charter of said City of Canby.

IN WITNESS WHEREOF, the City of Canby, Oregon, has caused this bond to be signed by its Mayor and countersigned by its Recorder and under its corporate seal and has caused the annexed interest coupons to bear the facsimile signatures of its said officers this first day of July, 1969.

Mayor

Countersigned:

City Recorder

(FORM OF INTEREST COUPON)

No. _____

\$ _____

On the first day of January, 1970, the City of Canby, Clackamas County, Oregon, will pay to bearer the sum of _____ DOLLARS (\$ _____)

In lawful money of the United States of America at the office of the City Treasurer of Canby, Oregon, for interest then due on Canby, Oregon Water Revenue Bond No. _____ dated July 1, 1969 (unless said bond is sooner redeemed as therein provided, which redemption shall render this coupon void.) The phrase in parentheses shall be inserted in all coupons maturing after July 1, 1981.

Mayor

Countersigned: _____

BE IT FURTHER RESOLVED that all the recitals and statements contained in the aforesaid bond and coupon be and they hereby are approved as true and correct.

BE IT FURTHER RESOLVED that the Recorder of said City shall cause to be published in the Canby Herald, a newspaper of general circulation printed and published in the City of Canby, Clackamas County, Oregon, a notice of proposed sale of said bonds as provided by law specifying that sealed bids will be received by the said Recorder up to and including the hour of 8:00 o'clock p.m., Oregon Daylight Saving Time, on the 2nd day of June, 1969, and that immediately thereafter the bids will be publicly opened by the Common Council for the sale of said bonds at not less than par value thereof and the accrued interest thereon at an interest rate or rates payable semi-annually to be specified by the bidder but not to exceed six percent (6%) per annum; that such bids shall be accompanied by a cashier's check or certified check of or upon a bank doing business in the State of Oregon in the sum of \$5,800.00 to be forfeited to the City in case the bidder fails to complete his purchase in accordance with the terms of his bid; that bids must be unconditional except as to qualifications as to approval of validity of the bond issue by bond attorneys; that bids must show the total cost of the bond issue to the City, including

interest less premium offered, if any, providing the bid be accepted and no callable bonds of the issue are redeemed prior to the final maturity dates thereof; that the bonds will be sold to the highest responsible bidder; and that the City reserves the right to waive the informalities in bids and to reject any or all bids. The successful bidder will be furnished with a written opinion of Shuler, Rankin, Myers & Walsh, attorneys of Portland, Oregon, to the effect ~~that~~ the bonds constitute the valid and legally binding obligations of the City but payable solely and only from the net revenue derived from the operation of the City's water utility system; and if required by the successful bidder, said opinion to be printed on the reverse side of the bonds.

BE IT FURTHER RESOLVED that the proceeds received from the sale of said bonds shall be applied to the extent necessary on orders of the Common Council in paying the costs of constructing, reconstructing, improving, enlarging, operating and extending the City's water utility system for the production, storage, distribution and furnishing of water in accordance with the plans and specifications for said project prepared by the engineering firm of Clark & Groff of Salem, Oregon, and as approved by the Common Council. Pending expenditure such proceeds shall be deposited in a special account to be called the "WATER DEPARTMENT CONSTRUCTION ACCOUNT".

BE IT FURTHER RESOLVED that a sufficient portion of the gross income and revenue derived from the operation of the City's water utility system is hereby pledged and shall be set aside into a special fund for the purpose of paying the principal of and interest on said bonds as and when the same shall become due and payable. Said fund shall be known as "CANBY WATER REVENUE BOND FUND".

BE IT FURTHER RESOLVED and the City of Canby covenants and

agrees that so long as any of the bonds hereby authorized remain outstanding:

- a. It will comply with applicable state laws and regulations and continually operate and maintain the water utility system in good condition.
- b. It will prescribe, charge and collect such rates and charges for water furnished from its water utility system that gross revenue will be sufficient at all times to provide for the payment of the operation and maintenance thereof and to redeem the bonds and coupons upon maturity and maintain the reserves provided for herein; and that all water furnished by the City shall be subject to the full rates prescribed in the rules, regulations and ordinances of the City and that no free water will be furnished to any party.

Adopted by the Canby City Council at a regular meeting thereof on May 5, 1969.

/s/ Lawrence J. Housen
LAWRENCE J. HOUSEN - Mayor

ATTEST:

/s/ J. R. Richardson
J. R. RICHARDSON - City Recorder