

REGULAR MEETING OF
Canby City Council - September 2, 1969

The meeting was called to order at 8 p.m. by the Mayor, followed by the traditional flag salute.

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

Others Present - Attorney Bettis, Supt. Cox, Asst. Whiteside, Police Chief Walter, Fire Chief Christiansen and ex-official Archie Mazkee.

A motion was made by Councilman Stevens, seconded by Dinteman and carried unanimously that the minutes of meetings held August 18, 20 and 26 be approved as mailed to the City officials.

Larry Cole appeared before the Council in regard to the pending telephone franchise. Attorney Bettis read portions of a PUC order pertaining thereto. After a period of discussion, the Council agreed to limit the 3% franchise tax to local exchange revenue and to leave the date of effect of the franchise as of July 1, 1969. Manager Cole and Council Committeemen Dinteman and Raines agreed on a meeting to clarify some existing agreements.

The Recorder reported that the agreement with Pacific Northwest Bell had been signed and returned for filing, along with a 1 year fee of \$25.00.

The Council discussed briefly the tabled charter amendment to create a utility board and Supt Cox reported difficulty in getting a speaker from EPA or McMinnville to meet with the Council.

Chief Ronal Walter suggested to the Council that the lagoon in the Canby Community Park be developed into a fish pond, by replacing the present culvert with a larger pipe with control gate to raise the water level to approximately 3 acres. He said Supt. Cox's estimate of cost was \$600 and that the state would furnish trout for planting at no cost to the City. The Council took the matter under study and Mayor Housen asked that a map be prepared of the project.

The water source development program in the Molalla River bed was discussed and Supt. Cox said a mechanical breakdown had prevented the laying of the first section of conduit that day. Upon Councilman Tatone's inquiry why more water wasn't pumped from the Beck Well, it was explained that the Beck Well was producing its maximum under water table conditions.

After a period of discussion, a motion was made by Councilman Braman, seconded by Raines and carried unanimously that an application be made to the State of Oregon for a 10 cu. feet per second water right in the Molalla River bed adjacent to the City of Canby. Then a motion was made by Councilman Braman, seconded by Stevens and carried unanimously to cancel the water right application No. 43294.

The Recorder reported that the public notice to bid on a \$440,000 bond issue was published in the Canby Herald and Daily Journal of Commerce, opening date September 15 and that two inquiries had been received and returned.

Attorney Bettis reported, regarding the Seida alley dedication controversy, that Attorney Paul Biggs had said that Seida had agreed to the City's offer if the alley width was not over 15 feet and if the City would pay Seida's attorney fees. After a period of discussion, a motion was made by Councilman Dinteman, seconded by Reinertson and carried by a 5 to 1 vote that the City pay the attorney fee in the amount of \$103.50 if Mr. & Mrs. Albert Seida would sign the deed to the alley as engineered by Ron Tatone and on conditions previously promised. Councilman Stevens cast the negative vote. Attorney Bettis then called Seida and talked to him and reported to the Council that Seida agreed to sign the documents if the staked alley provided him with 22 feet of private property at a given point.

Supt. Cox said he would try to arrange an appointment with State Highway Engineer Forest Cooper, regarding a traffic control device at the 99E and Elm Street intersection. A number of Councilmen indicated intention of being in attendance at the appointed time. It was reported that the recent petition for the above control device was circulated by Mrs. Gordon Olson.

A motion was made by Councilman Dinteman, seconded by Tatone 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. It was agreed that the Recorder should hold up mailing of some checks until the bank deposit was sufficient to cover them.

Fire Chief Christiansen gave his monthly fire and ambulance report. He also asked permission to replace certain doors on the fire department building. The Mayor suggested that he obtain cost figures of replacing the doors and bring the matter back to the next Council meeting.

The Recorder read the annual library report and Councilman Reinertson commented on a survey of library facilities in the State and stated that he and the Recorder should attend a

meeting in Oregon City on September 10 regarding future planning for libraries.

Supt. Cox reported that the concrete work on the restroom building in Wait Park was completed, the plumbing contractor was supposed to rough in the plumbing within the week and that he had ordered materials for the sprinkler system for the park. The Recorder reported that the State Park inspector had visited the site recently and was delighted with the progress shown. He told the Recorder that the final phase of government match funds had been approved and that he would mail the City proof of such.

Attorney Bettis told the Council that the City was the apparent successful bidder on the Effie and/or George Nelson property and that the probate court would complete the transaction about October 1st. The Attorney reported that the Daisy VanDeMoortele estate had awarded the City approximately \$14,500 and he would make the presentation at the next regular Council meeting.

Lyle Read approached the Council relative to a suit in which Sam Saraceno named Lee Cox, Lyle Read and Fred Stefani as defendants. Read inquired whether the City and/or the City Insurance would protect the interest of an ex-official. After a period of discussion, a motion was made by Councilman Dinteman, seconded by Braman and carried that an ordinance be adopted to protect against personal loss, the City would accept liability for tort claims and litigation costs and judgments against individual officials for acts or omissions in connection with their official duties.

Then a motion was made by Councilman Braman, seconded by Dinteman and carried unanimously that the City stand the expense of legal defense counsel of Lyle Read, Fred Stefani and Lee Cox, provided they used the services of a common counsel, in the case of Sam Saraceno vs Read, Stefani and Cox.

The Council agreed to construct a water main down Territorial Road to serve the Willamette Green development. The Council was aware that the line would be partly outside the City Limits and therefore the City would have to assume the cost of that portion normally paid by the property owners.

Councilman Stevens reported the paving program completed for this season at a total cost to the street department of \$25,462.50. Paving of the City Hall parking lot, sewage disposal plant road and the entrance to the Canby Community Park was done and paid by the respective departments deriving the benefit therefrom.

The Council discussed the numerous complaints arising from the dusty and rough condition of North Ivy Street. Councilman Stevens told Supt. Cox that the poor judgment on the part of the Street Department was the cause of the problem.

Police Commissioner Reinertson reported that Officer Nastasia had recently completed his probationary period. A motion was made by Councilman Stevens, seconded by Reinertson and carried unanimously that Nastasia be made a regular patrolman.

The meeting was adjourned at 12:02 A.M. Wednesday.


Mayor
Recorder

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