

Canby City Council
Regular Meeting
August 17, 1977

Present: Mayor Rapp, Councilmen Swayze, Taylor, Nichols, and Knight

Absent: Councilmen Westcott and Giger

Others Present: City Administrator Wyman, City Attorney Bettis, City Treasurer Weston, Eldon Edwards, Planning Consultant, Dennis Koho, Al Cibula, Bob Woodman, Jay Bronsan, Cody Weston, Al Schwartz, Canby Herald, Dave Bury, and others

The meeting was called to order at 7:30 p.m. followed by the traditional flag salute.

Mayor Rapp called for additions or corrections to the minutes of August 3, 1977. Councilman Swayze moved to accept the minutes of August 3, 1977 as distributed, seconded by Councilman Taylor. The motion carried unanimously.

Mayor then called for citizen input on non-agenda items at which time there were none.

Ordinance No. 632; AN ORDINANCE APPROVING AND AUTHORIZING EMPLOYMENT AGREEMENT WITH CITY OF CANBY "EMPLOYEES ASSOCIATION" AND THE "PUBLIC WORKS COMMITTEE"; was then read by title only by the City Attorney on final reading. Councilman Swayze moved that Ordinance No. 632, An Ordinance Approving and Authorizing Employment Agreement with City of Canby "Employees Association" and the "Public Works Committee," be passed on final reading and become part of the laws of Canby, seconded by Councilman Taylor. The motion was passed by roll call vote with 4 ayes and 0 nays.

Ordinance No. 631; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY. (APPLICATION AND PROPERTY OF DAVID ANDERSON OF ANDERSON-RITTER REALTY KNOWN AS TAX LOT 802, SECTION 33DA, T3S, R1E); was read by the City Attorney in its entirety on first reading. Councilman Swayze moved that Ordinance No. 631, An Ordinance Amending the Zoning Map of the City of Canby, (Application and Property of David Anderson of Anderson-Ritter Realty Known as Tax Lot 802, Section 33DA, T3S, R1E), be passed on first reading with second reading to be on September 7, 1977 at 8:00 p.m., seconded by Councilman Taylor and passed unanimously.

Ordinance No. 628; AN ORDINANCE AUTHORIZING EXECUTION OF A CONTRACT FOR CONSTRUCTION OF IMPROVEMENTS TO MAPLE STREET PARK; was then read by the City Attorney in its entirety on first reading. Councilman Swayze moved to pass Ordinance No. 628, An Ordinance Authorizing Execution of a Contract for Construction of Improvements to Maple Street Park, on first reading with second reading to be on September 7, 1977 at 8:00 p.m., after correction by the City Attorney, seconded by Councilman Taylor and passed unanimously.

Resolution No. 230; A RESOLUTION APPROVING A FINANCING AND CONSTRUCTION AGREEMENT WITH THE STATE OF OREGON ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, FOR TRAFFIC SIGNAL INSTALLATION ON PACIFIC E HIGHWAY AT IVY STREET; was then read by the City Attorney in its entirety. Councilman Taylor moved to pass Resolution No. 230, seconded by Councilman Swayze. The motion was passed unanimously.

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Mayor Rapp then stated, unless there were objections, the letter from Ken Ferguson in reference to the Ivy Street and 99E Signalization, would be dispensed of since the above Resolution was passed. There were no objections.

Next was a letter from the County on the Heliport License for information only. Discussion followed with Eldon Edwards stating the Planning Commission will take the matter up for future heliport's in the City of Canby. No action will be taken at this time by the Council.

At 8:00 o'clock p.m. Mayor Rapp announced that this was the time to open and consider sealed bids which had been received by the City Recorder for sale of \$27,363.66 of City of Canby Improvement Bonds to be dated September 1, 1977. The City Recorder announced that he had received a total of six (6) bids. The bids were opened and read aloud by the City Attorney. The City Attorney announced that in his opinion the bids had been made in accordance with the published Notice, each bid was accompanied by an appropriate check to the City for good faith deposit, and that the difference between the highest and lowest coupon rates bid did not in any case exceed 2%. The following bids for such bonds were received:

<u>Name of Bidder</u>	<u>Interest Rate Offered</u>	<u>On Maturities</u>	<u>Total Cost to City if Bid Is Accepted</u>	<u>Effective Interest Rate Based Upon Price Offered</u>
Samuel S. Johnson	5.50%	9/1/78- 9/1/79, inc.	\$9,700.00	5.50%
Canby Union Bank	5.25%	9/1/78- 9/1/85, inc.	9,069.09	5.142%
	5.00%	9/1/86 & 9/1/87		
Bank of Oregon	6.00%	9/1/78- 9/1/80, inc.		
	5.25%	9/1/81- 9/1/85, inc.	9,146.82	5.186%
	5.00%	9/1/86 & 9/1/87		
Western Bank	5.00%	9/1/78		
	5.40%	9/1/79 & 9/1/80		
	5.20%	9/1/81 & 9/1/82		
	5.00%	9/1/83	8,795.68	4.987%
	4.75%	9/1/84		
	4.90%	9/1/85		
	5.00%	9/1/86		
	4.90%	9/1/87		
United States	6.00%	9/1/78 & 9/1/79		
National Bank of	5.80%	9/1/80		
Oregon	5.00%	9/1/81- 9/1/84, inc.	8,825.82	5.00433%
	4.80%	9/1/85		
	4.90%	9/1/86		
	5.00%	9/1/87		

<u>Name of Bidder</u>	<u>Interest Rate Offered</u>	<u>On Maturities</u>	<u>Total Cost of City if Bid Is Accepted</u>	<u>Effective Interest Rate Based Upon Price Offered</u>
First National Bank of Oregon	6.00%	9/1/78-		
		9/1/80, inc.		
	5.50%	9/1/81 & 9/1/82		
	5.00%	9/1/83-	8,944.82	5.071%
		9/1/85, inc.		
	4.80%	9/1/86		
	4.90%	9/1/87		

The Council determined that the most favorable bid received for the bonds was that of Western Bank of Coos Bay, Oregon. Accordingly, upon motion duly made, seconded and unanimously adopted, such bid was accepted. Thereupon, Robert Swayze offered and moved approval of the following Resolution, which motion was duly seconded by Leonard Taylor and unanimously adopted, to-wit:

RESOLUTION

BE IT RESOLVED that the \$27,363.66 in bonds of the City of Canby, Clackamas County, State of Oregon, sold on the 17th day of August, 1977, be issued to bear the date of September 1, 1977, and interest at the following rates: 5.00% per annum for bond maturing in the year 1978, 5.40% per annum for bonds maturing in the years 1979 and 1980, 5.20% per annum for bonds maturing in the years 1981 and 1982, 5.00% per annum for bonds maturing in the year 1983, 4.75% per annum for bonds maturing in the year 1984, 4.90% per annum for the bonds maturing in the year 1985, 5.00% per annum for the bonds maturing in the year 1986, 4.90% per annum for the bonds maturing in the year 1987.

Next was a letter from George Cattley, Canby Loaves and Fishes, requesting the \$1,000 for social services for the fiscal year 1977-78. No further action was needed on the matter, as the \$1,000 had previously been approved.

Next on the agenda was an LCDC Agreement for planning which Eldon Edwards explained to the Council. Councilman Swayze moved that the Mayor sign the agreement with LCDC and send a cover letter with the agreement, seconded by Councilman Taylor. The motion was carried unanimously.

Next was the Accounts Payable. Councilman Taylor moved the Accounts Payable in the amount of \$72,940.20 be approved, seconded by Councilman Swayze. The motion passed by roll call vote with 4 ayes and 0 nays.

Next was the invoice of Robert Perron, Landscape/Architect. Councilman Swayze moved to approve for pay the Robert Perron invoice in the amount of \$2,172.20, and Ken Ferguson be instructed to have a progress report the next meeting, only on how much we have paid Perron thus far, seconded by Councilman Taylor and passed unanimously.

Next on the agenda was the report on Randall and Funnell Annexation as recommended by the Planning Commission. Discussion followed. Councilman Swayze moved that the applicants be advised by letter that their petitions and submittals do not meet the requirements as enunciated in this recent Supreme Court case of Petersen, Wright, and Ansell vs. Klamath Falls and that we encourage them to consult their attorneys for an interpretation of that and proceed to resubmit in accordance with these requirements in both cases and a copy of the Klamath Falls case be included in the letter, seconded by Councilman Taylor. A brief discussion followed. The motion passed unanimously.

Next was the Statement of Assurances for the Mayor's signature for General Revenue Sharing which Administrator Wyman explained. Councilman Swayze moved that the Mayor sign the Statement of Assurances for General Revenue Sharing, seconded by Councilman Taylor and passed unanimously.

Councilman Swayze moved that the Engineer's Report on LID #8 be postponed until we have a full Council. Discussion followed. Councilman Swayze then removed his motion on the basis of the City Attorney explaining that attorneys were waiting for the cost of LID #8. More discussion followed. Ken Ferguson then read the Engineer's Report on LID #8, North Oak Street. Discussion followed concerning the two residences which are not hooked up to the City Sewer. Councilman Swayze moved that the City Attorney be instructed to force the hook-up to the City Sewer, by suit, to all those who need to hook up to the City Sewer, seconded by Councilman Taylor. Councilman Councilman Taylor then withdrew his second to the motion. Councilman Knight declared himself in conflict. Councilman Swayze then moved his original motion once again, seconded by Councilman Taylor and carried unanimously. A brief discussion followed with no further action being taken.

Mayor Rapp then stated the appointment of the Planning Commission Members and the Library Board Member would be held over until a full Council is present.

Administrator Wyman then read the only bid for a sewer sludge tank. Councilman Taylor moved that Public Works be allowed to purchase the tank as bid in the amount of \$4,730 for the tank, seconded by Councilman Swayze. The motion was carried unanimously. Public Works will start looking for a truck.

Administrator Wyman then requested to sell two (2) police cars which are at the Public Works yard, by sealed bids. Councilman Swayze moved that the City Administrator be authorized to call for sealed bids on the two (2) police cars in the Public Works yard, seconded by Councilman Taylor and was carried unanimously.

Councilman Swayze then talked about Ordinance No. 581 which had been brought to his attention and which he feels is totally useless. Councilman Swayze moved that the City Attorney be instructed to start proceedings to repeal the Bicycle Ordinance No. 581, seconded by Councilman Taylor. The motion passed with Councilman Nichols voting no.

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The meeting adjourned at 9:29 p.m.

Harold A. Wyman

Harold A. Wyman, City Administrator

Robert E. Rapp

Robert E. Rapp, Mayor