

Canby City Council
Regular Meeting
July 15, 1974

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

Roll Call

Present: Mayor Roth, Councilmen Kariker, Tate, Wagner & Westcott

Absent: Councilmen Gerber & Giger

Others Present: Attorney Bettis Sr., Treasurer St. Anant, Adm. Wyman, Supt. Whiteside, Fire Chief Buttolph, Police Chief Graziano and Foreman Atwood

Minutes of the special meeting on July 8 and of the regular meeting of July 1 were adopted after a short discussion which included the correcting of the vote on the measure pertaining to "no smoking" in the Council Room.

Resolution CLXXIX. A RESOLUTION AUTHORIZING EMERGENCY PURCHASE OF ONE 1974 MODEL FORD DUMP TRUCK CHASSIS was read by Attorney Bettis. After a short period of discussion a motion was made by Councilman Tate, seconded by Kariker and carried unanimously adopting Resolution CLXXIX.

A letter from CRAG which contained information that the annual dues to CRAG had been established at 37c per capita totaling \$1,820.00 for Canby was read by Administrator Wyman. After a short period of discussion a motion was made by Councilman Tate, seconded by Kariker and carried by a vote of 3 yes and 1 no that the CRAG dues for 1974-75 be paid in the amount of \$1,820.00.

A letter from Judelle Rothi was read by Administrator Wyman in which was a request that the Girl Scout's Day Camp have use of the Canby Community Park August 5-9. Discussion followed concerning the restroom facilities in the park and Supt. Whiteside stated that the availability of chemical toilets would be pursued. Then a motion was made by Councilman Kariker, seconded by Westcott and carried that Mrs. Rothi's request be granted. It was agreed that this useage of the park not be considered as exclusive.

Attorney Bettis read a letter he had recently written to the mayor pertaining to the City Charter Amendment Program. Bettis recommended a number of changes to be made in the present charter and discussed with the council that the election date would not need to be on a regular election day, but could be set for a special election anytime after the amendments were completed and satisfactory. After a period of discussion a motion was made by Councilman Kariker, seconded by Wagner and carried favoring a charter revision program and authorizing the mayor to appoint a committee composed of one councilman, one member of the Planning Commission, one member of the Canby Utility Board, the city attorney and three citizens at large. The mayor said he would make those appointments in the near future and welcomed recommendations from the councilmen.

After the council had reviewed the accounts payable in the amount of \$13,266.61 a motion was made by Councilman Westcott, seconded by Kariker and carried unanimously by roll call vote that the claims be approved for payment and warrants drawn on the treasurer in payment thereof. Upon presentation of two invoices from Planning Consultant Edwards and assurance that they had been accepted by the Planning Commission a motion was made by Councilman Westcott, seconded by Kariker and carried unanimously that the Edward's claim totaling \$746.74 be paid.

The council reviewed the building application for an addition to a home at 1348 N. Locust St. owned by John Whiteside. Whiteside presented a written request for building permit approval and supporting maps and drawings of his intended construction. After the council discussed the matter thoroughly and was of the opinion that requirements were being met regarding set-backs from the street a motion was made by Councilman Wagner, seconded by Kariker and carried to approve the building permit of Whiteside on N. Locust Street.

Administrator Wyman advised the council that bids were solicited beginning June 17 and opened on July 11 for improvement of N. Cedar St. The administrator reported that only one bid was received from Parker-Northwest for \$23,851.20 including both sanitary and storm sewer, curbs, paving, etc. At that point Dean Spence, a property owner adjacent to N. Cedar St. approached the council and protested acceptance of the Parker-Northwest bid in that the bid price was too high, particularly as it pertained to sewer construction. At that point Gerald Duerksen of Globe Union approached the council with regard to including the improvement of N.W. 7th Ave. in conjunction with the Cedar St. improvement. After lengthy discussion of the responsibilities of property owners abutting both N. Cedar St. and N.W. 7th Ave. and Spence's offer to construct underground installations, particularly the sanitary sewer required, a motion was made by Councilman Tate, seconded by Kariker and carried to reject the improvement bid from Parker-Northwest for the Cedar St. Improvement. (The detailed discussion of this matter was recorded and preserved on magnetic tape, dated and labeled: Council Meeting, 7-15-74, beginning at approximately 14.00 minute station on said tape.) Then a motion was made by Councilman Tate that the city advertise for bids for the construction of N. Cedar St. in three separate bid proposals and after a period of discussion the motion was withdrawn. Then a motion was made by Councilman Tate, seconded by Wagner and carried to authorize the city staff to call for bids for curb and paving on N. Cedar St. and a separate call for bids for the installation of the storm sewer. After further discussion a motion was made by Councilman Tate, seconded by Kariker and carried authorizing the Public Works Dept. to call for bids to be received until August 15, 1974. Then the council requested and Spence agreed to furnish the city a letter assuring them that the sanitary sewer construction would be completed by August 19 so as not to interfere with progress of the successful bidders. Upon Tate's question regarding inspection fees in connection with the said Cedar St. project, Supt. Whiteside entered into the discussion indicating that the inspection fee would not be required, but no council action was taken.

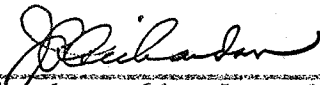
Attorney Bettis advised the council regarding deeds that had been received in his office from James Payton for property along S. Locust St. for street widening purposes. Bettis said the deeds as such were not acceptable due to mortgage liens against at least part of the property offered. He said that he was attempting to have the deeds redrawn to satisfaction of the city. Supt. Whiteside said that an occupancy permit on newly constructed buildings in this area had not been issued until the deeds offered were satisfactory.

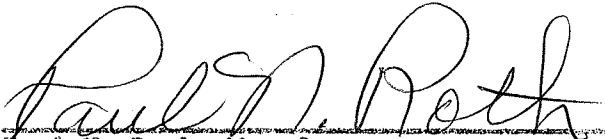
Ron Tatone discussed with the council the portion of the trunk sewer requirement survey prepared by him and having been presented in detail at the workshop on July 8. He advised the council that federal matching funds were available if the applications for such were presented in time. The council advised that applications should be prepared and presented as soon as possible.

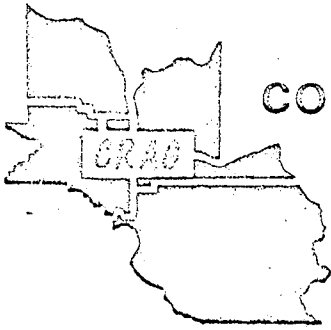
Councilman Westcott requested permission to leave the meeting at 10:52 p.m. and thereupon leaving the council without a quorum of members present. At that point, Mayor Roth declared that a special council meeting would be called on July 22 to discuss tax base procedures, fairgrounds railroad crossing, trunk sewer proposals and other items of importance that might come before the council at that time.

Momentarily before Councilman Westcott left the room a letter was presented by Administrator Wyman from Read-Bentz Insurance advising that the 1974-75 liability insurance documents had been completed and filed with the city. His letter indicated that the city now has \$300,000 bodily injury and property damage insurance in force at a cost of \$8,450.00 per year and that for an additional \$750.00 per year this insurance could be increased to \$1,000,000.00. After a short period of discussion a motion was made by Councilman Tate, seconded by Kariker and carried that the matter be referred to Councilman Giger who had previously been designated as insurance committee chairman, for a study and report to the council on August 5.

The meeting was adjourned at 11:00 p.m.


J. R. Richardson, City Recorder


Paul N. Roth, Mayor



COLUMBIA REGION ASSOCIATION of GOVERNMENTS

6400 S.W. CANYON COURT
PORTLAND, OREGON 97221

(503) 297-3726

S T A T E M E N T

TO: All CRAG Members
SUBJECT: 1974-75 MEMBERSHIP DUES
FROM: Larry Rice, Executive Director

CLACKAMAS COUNTY

Canby
Gladstone
Happy Valley
Lake Oswego
Milwaukie
Oregon City
West Linn

CLARK COUNTY

Camas
Vancouver
Washougal

COLUMBIA COUNTY

Clatskanie
Columbia City
Prescott
Rainier
Scappoose
St. Helens
Veronia

MULTNOMAH COUNTY

Fairview
Gresham
Portland
Troutdale
Wood Village

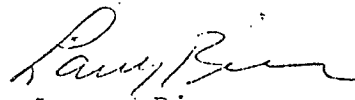
WASHINGTON COUNTY

Beaverton
Cornelius
Durham
Forest Grove
Hillsboro
North Plains
Sherwood
Tigard
Tualatin

The General Assembly of CRAG has adopted a program and budget for fiscal year 1974-75. The membership dues is \$.37 per person. Accordingly, your membership dues is 4,920 (population) times \$.37 equals \$1,820 dues.

If your dues exceeds \$5,000, you may choose to pay in two equal installments: The first is due in July, 1974; the second in January, 1975. If dues is under \$5,000, please pay the entire amount on or before July 31, 1974. If this one payment causes a hardship for a member, please call me.

Since CRAG is a business, it is important that operating revenues are received in a timely manner. Therefore, early receipt of your dues will be greatly appreciated.


Larry Rice,
Executive Director

LR/mhm

The City of Canby

WADE P. BETTIS
RAYMOND R. REIF
WADE P. BETTIS, JR.

BETTIS & REIF
ATTORNEYS AT LAW
160 N.W. THIRD AVENUE
CANBY, OREGON 97013

TELEPHONES
266-1113
655-1674
AREA CODE 503

July 3, 1974

Honorable Paul N. Roth, Mayor
City of Canby
P. O. Box D
Canby, Oregon 97013

Re: Charter Amendment

Dear Mayor Roth:

You asked me for my written opinion in a phone conference on July 2nd and relative to the procedures for a City Charter Amendment Election.

C
O
A Charter Amendment requires an approving vote by a majority of the legal voters of the City of Canby voting on the proposition at a Charter Amendment Election called by the Council. Such election can be called for any time and does not have to be held in conjunction with a Statewide General or Primary Election. The City's Initiative and Referendum Ordinance No. 380 specifies the procedures and the notice requirements. The Charter Amendment Election is initiated by Resolution of the Council calling for the election, specifying the date of election, specifying the Charter changes submitted for voter approval and directing the City Recorder to prepare and publish and post the required Notices, appoint the Election Board and supervise the election.

P
Before any particular Charter change is planned, I strongly recommend that a "Charter Revision Committee" be appointed for the purpose of reviewing the existing Charter word for word and making a recommendation to the Council for all suggested and necessary Amendments.

Y
The following are existing Sections in the current Charter which definitely need change:

CHAPTER III

Section 7 MEETINGS: A change here should be made to conform to the State law on public meetings and notices:

Section 8 MAYOR AND TREASURER: A change here may be advisable and for the purpose of permitting the Council to appoint a Treasurer.

Section 9 OTHER CITY OFFICERS: Add to this Section or create a new Section dealing specifically with the office of City Administrator.

Honorable Paul N. Roth, Mayor
City of Canby
7/3/74
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Section 10 QUALIFICATIONS FOR ELECTIVE OFFICE: Change this Section to eliminate the requirement of ownership or contract purchaser of real property in order to hold elective office.

CHAPTER IV - ELECTIONS

Section 13 NOMINATIONS: Change the provisions here relating to ownership or contract purchaser of real property as a qualification for elective office.

CHAPTER VI - THE OFFICE OF MAYOR

Section 1 DUTIES: I would like to see a Charter change giving more power and authority to the Mayor. This could be accomplished in several ways, and one would be to make the Mayor a member of the Council and give him a right of vote in all cases and not just in cases of ties. A change in this Section would require a change in Charter Chapter III, Section 2 relating to the Council and its composition. Also in view of the City's appointment of an Administrator there has not been and is not any further need for a "Commissioner."

Chapters VII and VIII (the office of Recorder and the office of Treasurer): If the City Treasurer becomes an appointive office by Charter change as I suggest and since the City Recorder's duties have been changed to a certain extent by appointment of a City Administrator, it might be a good idea to permit the appointive offices of City Recorder and City Treasurer to be held by the same person. There is a practical effect in this suggestion also since moneys coming into the City always come in to the City Recorder's office.

CHAPTER X - MUNICIPAL JUDGE

Section 1 DUTIES: Make changes here and with particular regard to jury trials, and eliminate that requirement in all case except where jury trials are required by the State law or the Constitution. Also eliminate the requirement that a Pro Tem Judge appointed by the Mayor has to be approved by the Council.

CHAPTER XI - PUBLIC IMPROVEMENTS

Section 3 SPECIAL ASSESSMENTS and Section 4 BIDS: Modernize and simplify the process for making special assessments, and change the bidding requirements on public contracts.

CHAPTER XII - MISCELLANEOUS PROVISIONS

Section 1 DEBT LIMIT: Increase the City's voluntary floating debt limitation to at least \$50,000.

Honorable Paul N. Roth, Mayor
City of Canby
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Section 2 STREET AND DEVELOPMENT PLAN: Eliminate this Section unless the Council is going to follow through with such a development plan. I think it is a good idea, but it seems foolish to leave such a provision in the Charter if it isn't going to be followed.

Section 4 CONTRACTUAL OBLIGATIONS: Make some changes here to fit the times and the economy, and permit contracts to be authorized by Resolution as well as Ordinance in some cases and by motion of the Council in other cases.

Section 5 EMERGENCY PURCHASES AND CONTRACTS: Change this Section to provide greater flexibility for emergency purchases and contracts, and make provisions for bidding requirements in certain cases and for certain types of purchases.

Section 6 TORTS: Make some changes here to conform to Oregon's Tort Claims Act so that there is uniformity between the State law and City Charter provisions on such matters.

The foregoing is a rather hasty summation of my suggestions on a brief perusal of our existing Charter. A careful and detailed study of it will point up the need for other changes.

Sincerely,

BETTIS & REIF

/s/ Wade P. Bettis
Wade P. Bettis

WPB:EN

cc: Harold A. Wyman, Administrator ✓
J. R. Richardson, Recorder

July 5, 1974

Honorable Mayor
and City Council

Gentlemen:

I have submitted plans to the Building Department to make an addition of a family room and garage to my residence located at 1348 N. Locust Street. Due to the fact that N. Locust Street exists as a 40 ft. right of way, I have submitted a plot plan for your review showing the area of my property addition.

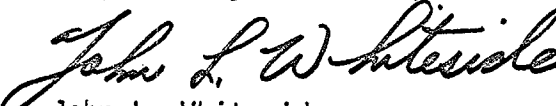
The yard set backs which I have shown on here are in keeping with the Canby Zoning Ordinance, Sec. 14. In accordance with Sec. 14 set backs on all streets less than the standard 60 ft. right of way were to be increased to a point which would allow a 60 ft. street right of way for the future, plus the yard requirements for the zone. I have designed my plans for this addition accordingly.

Also in review of the properties lying south of me to the intersection at 12th Street, the 30 ft. set back would be in conformance generally with the other properties.

Also I wish to point out that N. Locust Street is not a through street and it appears that it will not likely ever be widened beyond the present width of 40 feet as shown on attached Exhibit "B".

I have no objection to dedicating the 10 foot additional for street right of way, if I could see a need for dedication since it would reduce my taxes and would not take away any yard area that I am currently enjoying, but I feel that dedication at this point in time on this one lot would not serve any beneficial use for the City of Canby. You may consider this letter as consent for street dedication for the future, if and when you find that there is a need for the improvement of widening N. Locust Street.

Respectfully submitted,


John L. Whiteside

JLW:cb

N. LOCUST ST

PROPERTY LINE

40'

10'

30'

16'

NORTH

RESIDENCE ADDITION
1348 N. LOCUST ST.

PROPERTY LINE
CURB

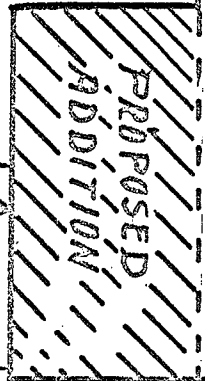


EXHIBIT B

E 1,436,000

28
33

A-16
144.31

X 141.8

X 147.4

X 146.4

X 144.9

X 149.3

X 148.5

X 148.3

X 147.5

145.5

145.1

X 145.2

145.0
X

MH.

X 144.2

MH.

X 144.1

○MH.

A-17
△ 146.71

LOCUST

○MH.

X 144.1

PLACE

N 593,000

X 146.2

145.5

145.8

145.7

A-18
144.54

X 144.6

X 144.1

145.6

145.4

144.0

143.6

143.2



ZAROSINSKI-TATONE ENGINEERS, INC.

STRUCTURAL-CIVIL-WATER AND SEWERAGE SYSTEMS

DONALD J. ZAROSINSKI, P. E.

PHONE (503) 235-8795

RONALD G. TATONE, P. E.

3737 S. E. EIGHTH AVENUE

PORTLAND, OREGON 97202

March 5, 1974

Mr. Harold Wyman
City Administrator
City of Canby
City Hall
Canby, Oregon 97013

RE: Sanitary Trunk Sewer

Dear Mr. Wyman:

This is to acknowledge your request to secure engineering services for construction of a sanitary trunk sewer from the sewage treatment plant to South Ivy Street.

This sewer is designated in the Master Plan as Trunk F, a portion of Trunk E, and Main E-1.

The total length of the proposed sewer installation is over 11,000 feet and varies in pipe diameter from 21 inches to 36 inches.

The cost of construction is estimated to be \$300,000. Fifteen percent (15%) of the construction cost should be allowed for engineering, legal and contingencies.

This would result in a budget allotment of \$345,000.

We propose to furnish engineering services as follows:

1. Provide horizontal and vertical control for design and construction at all changes in alignment.
2. Prepare plans and specifications for construction.
3. Provide construction review during construction progress and furnish "As Constructed" drawings.

The above services include assistance in award of contract and consultation during construction.

These services would be provided for a fee of seven and one-half percent (7½%) of the construction cost.





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3737 S. E. EIGHTH AVENUE

PORTLAND, OREGON 97202

Mr. Harold Wyman

March 5, 1974

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Should you desire a fixed, lump sum payment to limit engineering costs, a maximum fee of twenty-two thousand five hundred dollars (\$22,500.00) may be used (7½% of \$300,000).

Special services not included in the basic fee would include subsurface soil investigations, preparation of easements, special railroad, State and County permits, establishing boundaries, inspection of construction by full-time, resident engineer.

These services, if requested, would be provided based on our standard rate schedule, a copy of which is enclosed.

Should you select our firm to provide engineering services, the above basic cost would be reduced \$1800. This is a result of a proportionate amount of the fee relating to the Master Plan regarding sanitary sewers.

We thank you for the invitation of this proposal.

We welcome the opportunity to be of service to you once again.

Very truly yours,

ZAROSINSKI-TATONE ENGINEERS, INC.

Ronald G. Tatone

RGT:sks

Enclosure 1



Civil - Structural

Project _____

Client City of CanbyBy RCT Date _____

File No. _____

Sheet No. _____

15% of estimated cost of Sanitary Sewer study

deduct 15% (12,000⁰⁰) = 1,800⁰⁰

\$300,000⁰⁰ @ 6% = 18,000⁰⁰

1% General Supervision ~ Construction Review

2% Initial Field Survey Profile

2% Design & Specifications

5.5%

4.25% Design & General Supervision

1.50% Field work

5.75%

CURVE B for 300,000 = 7 1/2 %

1. Bidding Time & Advertising

Information

July 10, 1974

To: Honorable Mayor Paul Roth,
Members of the City Council,
and Chief Vincent Graziano.
City Administrator: H. A. Wyman

Gentlemen;

This letter is to inform you that I have submitted an application for employment with the Police Department, of the City of Canby.

As you may know, I was employed with the police department from April 1970, through September 1972. During this employment I can honestly say that I enjoyed my work, and did my job as conscientiously and diligently as possible.

When I left the city's employ, I stated that I had hoped for a career in police work with the Canby Police Department. I still feel the same, and want to make it known that given another chance, a career can still be obtained.

I would also like to advise, that on July 10, I contacted and advised Vince Robeson, attorney, that I would like my name removed from the suit filed against the City of Canby, for wages felt owed due to overtime, and compensatory time.

With this letter, I am asking that my application be considered when an opening is available with the City of Canby Police Department.

Thank You.

Respectfully Submitted

Gerald D. Giger
Gerald D. Giger



July 8, 1974

Dear Mr. Wyman,

Canby area Girl Scouts would like permission to use a portion of the Community park in conjunction with the Scout Center for a day camp Aug. 5 - 9 1974. We have already received permission from the troop committee of T. 258 for use of the center. This will be a pilot program for day camps in Canby and is to be for registered Girl Scouts only. It could involve at the most, 70 girls. Thank you for your consideration.

Sincerely,

Judith C. Roth

Day Camp Director

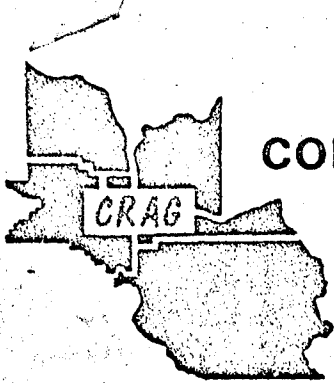
Canby Area Girl Scouts

311 S. Ivy

Canby, Ore.

266-4442

RECEIVED
12 NOON
7-8-74
JW



COLUMBIA REGION ASSOCIATION of GOVERNMENTS

6400 S.W. CANYON COURT
PORTLAND, OREGON 97221

(503) 297-3726

S T A T E M E N T

TO: All CRAG Members
SUBJECT: 1974-75 MEMBERSHIP DUES
FROM: Larry Rice, Executive Director

CLACKAMAS COUNTY

Canby
Gladstone
Happy Valley
Lake Oswego
Milwaukie
Oregon City
West Linn

CLARK COUNTY

Camas
Vancouver
Washougal

COLUMBIA COUNTY

Clatskanie
Columbia City
Prescott
Rainier
Scappoose
St. Helens
Verona

MULTNOMAH COUNTY

Fairview
Gresham
Portland
Troutdale
Wood Village


WASHINGTON COUNTY

Beaverton
Cornelius
Durham
Forest Grove
Hillsboro
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Tigard
Tualatin

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Since CRAG is a business, it is important that operating revenues are received in a timely manner. Therefore, early receipt of your dues will be greatly appreciated.


Larry Rice,
Executive Director

LR/mhm

The City of Canby