

Canby City Council  
Regular Meeting  
August 19, 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 Gerber, Giger, Kariker, Tate, Wagner & Westcott

Absent: None

Others Present: Administrator Wyman, Attorney Bettis Jr.,  
Treasurer St. Amant, Supt. Whiteside, Police Chief Graziano,  
Fire Chief Buttolph and Foreman Atwood

Review of the minutes of August 5, 1974 as distributed to the officials revealed the following corrections to be made.

Paragraph 1, Page 3: corrected to read "upon a roll call vote there were two (2) yes votes with Giger and Tate voting in the affirmative".

Last sentence, Paragraph 1, Page 3: This sentence was stricken from the record by council agreement in that it was not the concensus of all councilmen.

Thereupon a motion was made by Councilman Giger, seconded by Gerber and carried to approve the minutes of the meeting of August 5 with the above named corrections.

Del Phelps appeared before the council in the interest of the ownership of the street right-of-way on S.W. 5th Avenue. It was reported by the staff that research failed to find any record of dedication of street right-of-way in that area.

Bob Alstadt appeared before the council seeking permission for a city-wide sidewalk sale August 22 through August 24 sponsored by the Canby Merchants Association. After a period of discussion which included liability insurance and having been assured by the city attorney and Lyle Read that the city's liability insurance would protect the city in any accidental event; a motion was made by Councilman Westcott, seconded by Gerber and carried approving the sidewalk sale to be conducted Thursday, Friday and Saturday, August 22-24.

Alstadt, with Rod Whitesmith, also approached the council seeking permission to hold Canby's first Annual Lawn Mower Grand Prix in the area of Wait Park at approximately 3:30 p.m. on August 24 as a part of the Merchant's promotional program. After a discussion which included conducting the race on three sides of Wait Park and thereby leaving N.W. Grant Street open to traffic a motion was made by Councilman Westcott, seconded by Wagner and carried to approve the Lawn Mower Grand Prix. Alstadt stated that plans were being made sufficiently in advance in an endeavor to avoid any unforeseen incidents and he also invited those present to plan to attend the sidewalk sale and lawn mower races.

A motion was made by Councilman Tate, seconded by Wagner and carried to remove the insurance discussion from the table and thereby bring the matter to the council for further discussion. Thereupon Lyle Read representing the city's liability insurance carrier appeared before the council to clarify a recommendation discussed by the council at previous meetings that the city's liability insurance be increased from \$300,000 to \$1,300,000 at an additional cost to the city of approximately \$750 normally referred to as a commercial umbrella policy. After discussion a motion was made by Councilman Giger, seconded by Gerber and carried approving the increase of the city's liability insurance to \$1,300,000 at an additional cost of \$750.

Mrs. Sherrie Sutton representing the Clackamas County Coalition of Services approached the council in continuation of discussion at the last council meeting requesting that the City of Canby contribute to the County Coalition with the understanding that the county would match any funds contributed. Included in the support for the contribution was the reading of an unsolicited letter from the mayor of Gladstone urging that the cities participate. After a period of discussion and assurance from the administrator that funds for this purpose were available in the current budget a motion was made by Councilman Giger, seconded by Tate and carried to contribute \$1,000 from Revenue Sharing Funds to the Clackamas County Coalition of Services. Mrs. Sutton announced that a Coalition Board meeting was scheduled for September 3, 1974 at 7:30 a.m. and urged the city to appoint a representative to attend the meeting. Upon an informal suggestion from members of the council, Mayor Roth appointed himself as representative.

Ordinance #577 establishing a new planning commission, copies of which had been distributed to the members of the council earlier, was discussed and questions arose which Attorney Bettis Jr. said he was not prepared to answer. Thereupon Ordinance Draft #577 was ordered held over by the mayor and rescheduled for the agenda of September 3.

Mr. & Mrs. Orville McClelland, Myra Weston, Pat McMuldren and others appeared before the council relative to reconsideration of the purchase of parcels of land for park purposes in Northeast Canby. A letter from the Chamber of Commerce was read by Administrator Wyman also urging reconsideration. After listening to testimony and some discussion within the council a motion was made by Councilman Giger, seconded by Kariker and carried by a roll call vote of 5 yes and 1 no with Wagner casting the opposing vote to rescind the action of the council on August 5 when the council defeated a motion to purchase said property. After further discussion of the details pertaining to said property purchase a motion was made by Councilman Giger and seconded by Kariker that the city take an option on the Marshall and Erland property for one year with a down payment not to exceed 10% of the purchase price of the property. Attorney Bettis and members of the council agreed that owning of property adjacent to the property under discussion would not constitute any conflict of interest for Councilman Tate. Thereupon a roll call vote was made which resulted in a tie of 3 yes and 3 no. Mayor Roth broke the tie with a yes vote and declared the motion carried. Council discussion continued regarding an option on the property and procedures necessary to warrant application for BOR matching funds to finance the park property purchase and future improvements. Administrator Wyman offered a number of approaches that might be taken for future financing of a park in this area.

*Prior To Vote on THE ABOVE MOTION,*  
Councilman Westcott requested a five minute recess and Mayor Roth declared a recess to be reconvened at 9:20 p.m.

Letters were read by Supt. Whiteside and discussed by the council pertaining to the cancellation of a truck order as bid by Hamstreet Motors. The Superintendent informed the council that a truck with similar specifications was available and would be adequate for the city's use. After a period of discussion a motion was made by Councilman Wagner, seconded by Gerber and carried to authorize the purchase of the available truck at a cost of \$5,634.31.

The Public Works Department reported that bids for paving and curbing of a portion of Cedar Street and for storm drain construction on Cedar Street had been advertised to be opened and compared on August 16 and that only one bid for each of the two propositions had been received. The bids were for paving and curb construction by Parker Northwest Paving Co. for \$17,811.20 and storm drain bid by American Underground for \$1,520. After a period of discussion a motion was made by Councilman Gerber, seconded by Kariker and carried to accept the Parker Northwest bid for \$17,811.20. A second motion was made by Councilman Westcott, seconded by Gerber and carried to accept the bid of American Underground for storm drain construction for \$1,520. Attorney Bettis was authorized to prepare a resolution approving these two bids for council consideration at a special meeting thereof on August 26, 1974.

The council discussed a letter from Dean Spence which requested variance from the sewer construction procedures as authorized by Ordinance #492. The staff advised the council that due to elevation and direction of flow on North Cedar Street that portions of the sewer would flow north and portion would flow south. A motion was made by Councilman Westcott, seconded by Gerber and carried authorizing the variance in construction.

The Public Works Department requested authorization to improve Phase 3 of the Street Improvement Program, a copy of which is attached to and becomes a part of the file copy of these minutes. After a period of discussion a motion was made by Councilman Wagner, seconded by Gerber and carried approving Phase 3 of the street improvement program at an estimated cost of \$4,881.

Councilman Giger was excused at 9:32 and Tate at 9:45 p.m.

Upon presentation of claims against the city totaling \$13,951.86 and after a period of discussion a motion was made by Councilman Wagner, seconded by Kariker and carried by unanimous vote approving the bills for payment with warrants being drawn on the treasurer in payment thereof.

The council discussed the method of payment of the city's 1974-75 share in retirement premiums to Pacific Mutual for \$15,746. Thereupon a motion was made by Councilman Wagner, seconded by Gerber and carried to pay the total annual city share in one payment. It was understood that this would enhance the city's share of accrued funds for retirement benefits.

The council discussed information received from the Public Utilities Commission regarding safety features on a spur railroad crossing on N.W. 3rd Avenue. After a period of discussion a motion was made by Councilman Gerber, seconded by Wagner and carried that a letter be submitted by the city administrator to the Public Utilities Commission requesting crossing safety provisions including but not limited to stop signs, area lights and provision for a railroad flagman when trains are switching on said spur track.

Administrator Wyman read a letter from the Canby District SDC school board regarding mutual cooperation and keeping each other informed on major activities.

The council acknowledged Order #747 of the Portland Metropolitan Boundary Commission dated July 24, 1974 confirming the final annexation order on the Bedwell property adjacent to the present city limits immediately north of the railroad right-of-way.

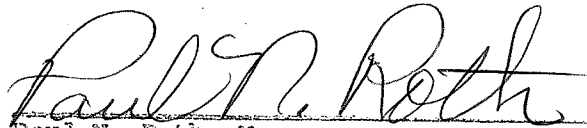
The council discussed paving cuts for the installation of pipe line which are not immediately repaired. They also discussed making a study of and enforcing existing regulations regarding the planting and maintenance of trees. Mayor Roth requested that these items appear on the next workshop agenda.

Mayor Roth reminded the members present of the Nominating Caucus meeting to be held Thursday evening at 7:30 p.m. and a Special Council Meeting scheduled for Monday evening, August 26.

The meeting was adjourned at 10:50 p.m.



J. R. Richardson, City Recorder



Paul N. Roth, Mayor

FINAL ORDER

RE: BOUNDARY CHANGE PROPOSAL NO. 747 - Annexation of the following territory to the City of Canby

Legal Description

*1 of 2 sheets*

Part of the Southwest one-quarter of the Northwest one-quarter of Section 34,  
T. 3 S., R. 1 E., of W. M., more particularly described as follows:

Beginning at a point on the north line of Lot 69 of CANBY GARDENS which is North 89° 57' East 530.0 feet from the northwest corner of said Lot 69; thence along said north line South 89° 57' West 134.5 feet; thence parallel with the west line of said Lot 69, South 0° 03' East 174.0 feet; thence parallel with the north line of said Lot 69, South 89° 57' West 375.5 feet to a point on the east boundary of County Road No 2163 right of way; thence along said boundary South 0° 03' East 156.0 feet, more or less, to a point on the south line of said lot 69; thence along said south line North 89° 57' East 30.52 feet, more or less, to the northwest corner of that property conveyed to Crown Zellerbach Corporation and Weyerhaeuser Timber Company, in undivided one-half interests, and described as Parcel NO. 2, in deed recorded in Book 451, page 350, Clackamas County deed records; thence along the southwesterly line of said Parcel No 2, South 39° 57' East 428.84 feet to the southeast corner of that property conveyed to E. Smalley by deed recorded in Book 380, page 717, Clackamas County deed records; thence North 16° 52.4' East 694.46 feet, more or less, to the point of beginning.

Proceedings on Proposal No. 747 commenced upon receipt by the Boundary Commission of a petition from property owners on May 23, 1974 requesting that the property described above be annexed to the City. The petition meets the requirements for initiating a proposal set forth in ORS 222.170 and paragraph (a) Section (3) of ORS 199.490.

Upon receipt of the petition the Boundary Commission published and posted notice of the public hearing in accordance with ORS 199.463 and conducted a public hearing on the proposal on July 24, 1974. The Commission also caused a study to be made on this proposal which considered economic, demographic and sociological trends and projections and physical development of the land.

On the basis of the public hearing and the study the Boundary Commission made a number of findings:

- a) the territory to be annexed is contiguous to the City and contains 3.41 acres and is vacant;

- b) the annexation is desired to obtain city services for development;
- c) development will consist of 42 units of duplexes, tri-plexes and 4-plexes and is an extension of an existing 32 unit complex;
- d) sewer, water, electric and telephone lines were extended onto the property to be annexed at the time of development of the first 32 units; and
- e) the city committed itself to this development at the time of construction of Phase I (32 units) by allowing installation of service lines for Phase II.

On the basis of the findings listed above the Boundary Commission approved BOUNDARY CHANGE PROPOSAL NO. 747 on July 24, 1974.

NOW THEREFORE IT IS ORDERED, THAT the territory described above be annexed to the City of Ganby as of this date.

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT  
BOUNDARY COMMISSION

DATE: July 24, 1974

By: Anthony N. Federici  
Anthony N. Federici  
Chairman

Attest: [Signature]

August 9, 1974

RECEIVED  
AUG 12 1974

Mr. John Whiteside  
City Administrator  
City of Canby  
Canby, Oregon

Subject: Order G50754 - 1974 Model CE66403

Dear Mr. Whiteside:

Due to severe shortages of material for building new trucks within the industry during our 1974 model run, it resulted in an underbuild of our predetermined production schedule.

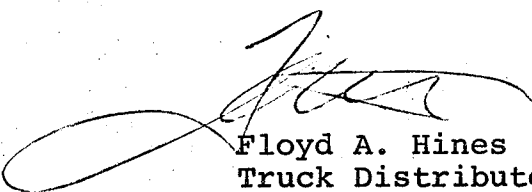
Unavailability of major components from our principal suppliers has been a major problem for GMC Truck as well as for all automotive suppliers this year. This is one of the reasons the total industry production figures are less for the year 1974 than for 1973, even with the unprecedented truck demand.

Because of this, we suggest you contact your dealer and place another order for a 1975 model and the Portland Zone Office will show top priority in getting it produced in our 1975 model run.

Please note that a copy of this letter is going to all concerned so that we are all aware of the urgency surrounding the new order when placed.

Sincerely,

GMC TRUCK & COACH DIVISION  
General Motors Corporation

  
Floyd A. Hines  
Truck Distributor

FAH/mp  
cc: Messrs. Lee Goodwin- Salem  
R. A. Pennell - Zone  
Don Buechler - Zone

MEMO

TO: Mayor and City Council  
SUBJECT: Cancellation of 1974 GMC Truck  
from Hamstreet Motors

FROM: Public Works Dept.,  
John Whiteside  
DATE: August 12, 1974

John Hamstreet phoned me Friday and said he had received invoice and paid for another truck previously ordered generally meeting our specifications.

The quotation on the original bid was \$7,107.00 for a 1974 GMC 27,500 GVW truck, with V-8 motor, 5 spd trans., and 2 spd. rear end.

Mr. Hamstreet said the truck which he was receiving was a 1974 GMC, 24,500 GVW, V-8 motor, 5 spd. trans., and single speed rear end. We discussed specifications in detail and concluded that there were three items which basically did not conform to the original specifications as follows:

1. Truck ordered 27,500 GVW - truck available 24,500 GVW (Solution - accept 24,500 lb.)
2. Truck quoted - Cab axle dimension of 84" - truck available cab axle dimension of 152". Solution - shorten truck by city crew as we did on 1974 Ford truck.
3. Truck quoted - 5 spd. trans. and 2 spd. rear end - truck available 5 spd trans. and single spd. rear end. Solution, install a 3 spd. progressive "Brownie" trans. or 2 spd rear end; estimate cost for "Brownie" by Anderson Bros. Truck Parts is \$450.00. We would install at city shop.

The truck available to us would be \$6,634.31, therefore allowing us \$472.69 for parts to match original bid quotation of \$7,107.00.

Mr. Hamstreet also informed me that the unit as bid received a 5% cost increase in mid-year after the bid and the 1975 model would be an additional 6% over that increase, making the anticipated price cost of re-ordering a 1975 at \$8,063.42

In light of the above costs and still uncertain delivery on a 1975 model, I would recommend the Council allow the purchase of the 1974 GMC Truck soon to be received by Hamstreet Motors with the above modifications to be performed by the city crews.



THE CITY OF

INCORPORATED  
1893

*Canby*

GARDEN SPOT OF THE WILLAMETTE VALLEY

POSTOFFICE BOX D

CANBY, OREGON 97013

Paul N. Roth, Mayor  
Harold A. Wyman, City Administrator  
Jarrel R. Richardson, Recorder  
John F. St. Amant, Treasurer  
John L. Whiteside, Supt. Public Works Actg.  
Wade P. Beltis, City Attorney  
Vincent Graziano, Chief of Police  
Everett L. Buttolph, Fire Chief  
Gordon L. Ross, Chairman Planning Com.  
Dale D. Liberty Sr., Municipal Judge  
Norman Christiansen, Fire Marshal

COUNCILMEN  
Anthony E. Gerber  
Howard J. Giger  
C. Ron Kariker  
Albert D. Tate  
Joe M. Wagner  
Robert D. Westcott

August 12, 1974

Honorable Mayor  
and City Council

Gentlemen:

We have reviewed the summary of streets needing improvement as submitted to you, dated July 15, 1974 and feel the following streets would be proper for consideration at this time from the "OTHERS" section.

*Phase 3*  
*(A)*

N. Locust, 4th to 10th (Resurface and widen)	1340'	\$1474.00
N. Juniper, 10th to 12th (Resurface and widen)	520'	572.00
N. E. 4th Ave., Ivy to Knott (Resurface and widen)	700'	770.00
S. Douglas St., (all) (Resurface and widen)	800'	880.00
N. Juniper Place, 10th to 12th (Resurface and widen)	396'	435.00
S. Birch, 99E to High School (Widen and improve shoulders)	682'	750.00

This area wasn't shown all as one on original proposal, but after further study, we feel school traffic in this area shows a need.

TOTAL THIS PHASE

\$4881.00

The inclusion of the aforementioned streets coupled with the streets previously approved would accomplish approximately 10,400 lineal feet of improvements at a cost of approximately \$11,000.00.

As you also understand, weather probably will not permit further oil mat improvements beyond this until next summer.

Respectfully submitted,

*John L. Whiteside*

John L. Whiteside  
Supt. of Public Works

JLW:cb

THE CITY OF

INCORPORATED  
1893*Canby*

GARDEN SPOT OF THE WILLAMETTE VALLEY

POSTOFFICE BOX D

CANBY, OREGON 97013

Paul N. Roth, Mayor  
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August 12, 1974

Honorable Mayor  
 and City Council

Gentlemen:

The following is a tabulation of actual costs on streets improved by a placement of a 24' 2 shot oil mat as previously approved.

	<u>Estimate</u>	<u>Actual</u>
N. Ivy St., 10th to 12th (520 ft.)	\$1.10/ft. = \$ 572.00	\$ .94/ft. = \$ 486.67
N. Cedar, 2nd to 5th (1,000')	1.10/ft. = 1100.00	1.17/ft. = 1168.07
N. W. 3rd, Cedar to Globe Union (350') (3 shot mat)	1.50/ft. = 525.00	2.30/ft. = 807.34
S. Fir, 6th to 7th (350')	1.10/ft. = <u>385.00</u>	1.05/ft. = <u>369.44</u>
TOTALS	\$2582.00	\$2831.52

The above figures indicate a total overrun for 2,220 lineal feet of street improvement of \$249.52, most of which came from the N. W. 3rd Ave. job. As you are aware, N. W. 3rd was a 3 shot mat and more material was required to establish an acceptable base than was anticipated, therefore the overrun.

As you can see, on the other hand, the three more typical areas on Ivy, Cedar, and S. Fir showed an average cost of \$1.05/lineal foot, which allows us some pad for additional at intersections and unforeseen items.

Therefore, and based on this small sample, I feel out original estimate of \$1.10/lineal foot for materials will give us a good base for anticipated improvements by this method.

Sincerely,



John L. Whiteside  
 Supt. of Public Works

JLW:cb

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 26, 1974

Mr. Harold A. Wyman, Administrator  
City of Canby  
P. O. Box D  
Canby, Oregon 97013

Re: Appraisal of Mrs. Ada Erland property

Dear Mr. Wyman:

I am enclosing the three appraisals of the Erland property. Please note that there is a slight discrepancy in acreage among all of these appraisals, which are indicated as follows:

Duane L. Weeks (4.81 acres)	. . . . .	\$30,000.00
William Stohr (4.28 acres)	. . . . .	32,000.00
John M. Rasmussen (4.85 acres)	. . . . .	29,100.00

Also enclosed are the statements of William Stohr and Duane L. Weeks for their appraisal fees which are to be paid by the City.

Mrs. Erland is anxious for a determination by the City of its further interest in this property now that the appraisals have been made.

Sincerely,

BETTIS & REIF

*Wade P. Bettis*  
Wade P. Bettis

WPB:EN

Encl.

cc: Honorable Paul N. Roth, Mayor  
J. R. Richardson, Recorder  
*OK* John L. Whiteside, Supt. of Public Works  
Duane L. Weeks  
William Stohr  
John M. Rasmussen  
Mrs. Ada Erland

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 26, 1974

Mr. Harold A. Wyman, Administrator  
City of Canby  
P. O. Box D  
Canby, Oregon 97013

Re: Appraisal of Mrs. Omar Marshall Property

Dear Mr. Wyman:

I am enclosing the three appraisals of the Marshall property. Please note that there is a slight discrepancy between the appraisal of Mr. Rasmussen and Mr. Weeks as to the acreage. The three appraisals are indicated as follows:

Duane L. Weeks (4.24 acres) . . . .	\$28,500.00
John M. Rasmussen (4.27 acres). . .	27,755.00
Curtis E. Johnson . . . . .	28,500.00

28,252

Also enclosed are the statements of Mr. Weeks and Mr. Rasmussen for their appraisal fee, and both of these items are to be paid by the City.

Mrs. Marshall has other prospects interested in this property and is anxious for a determination by the City of its interest in pursuing this matter now that the appraisals have been made.

Sincerely,

BETTIS & REIF

  
Wade P. Bettis

WPB:EN

Encl.

cc: Honorable Paul N. Roth, Mayor  
J. R. Richardson, Recorder  
John L. Whiteside, Supt. of Public Works  
Duane L. Weeks  
John M. Rasmussen  
Curtis E. Johnson  
Mrs. Omar Marshall



## Chamber of Commerce

P.O. Box 35

Canby, Oregon 97013

PHONE 266-4600

August 16, 1974

The Hon. Paul N. Roth, Mayor  
and Members of the City Council

Canby, Oregon

Gentlemen:

This is to advise you that the Canby Chamber of Commerce Board of Directors, meeting August 15, voted to support action by the Council to option the proposed park property in northeast Canby.

This is the parcel recommended for city acquisition by the Mayor's Citizens' Advisory Committee, a proposal for inclusion in the city's comprehensive plan and given approval as well by the City Planning Commission.

The Chamber Board is asking the Council to reconsider the Marshall-Erland property proposal and the option of the North Maple Street parcel for future recreational area development.

Very truly yours,

For the Chamber Board:

*Walter R. Daniels*

WALTER R. DANIELS, President