

Regular Canby City Council Meeting - Sept. 5, 1972

The meeting was called to order by Mayor Braman at 8:00 p.m.

Roll Call - Present: Mayor Braman, Councilmen Giger, Keil, Lindsay, Raines, Tate and Wagner. None absent.

Others present: Attorney Battis, Superintendent Herbison, Fire Chief Rodewald, Police Chief Harris, Secretary Lewelling, Foreman Atwood and Council Candidates Paul Roth and Ronald Holcombe.

Roll call was followed by the traditional flag salute.

A motion was made by Councilman Giger, seconded by Lindsay, and carried unanimously approving the minutes of the August 21st meeting as distributed to the officials.

Ordinance No. 559: AN ORDINANCE AUTHORIZING A CONTRACT WITH PARKER-NORTHWEST CONSTRUCTION CO. FOR THE CONSTRUCTION OF SUBGRADE PREPARATION, BASE ROCK AND ASPHALTIC CONCRETE PAVEMENT ON WAIT AVENUE, NORTH IVY STREET AND NORTH DOUGLAS STREET,

was read on first reading by Attorney Battis. After a period of discussion a motion was made by Councilman Giger, seconded by Wagner, and carried unanimously approving Ordinance No. 559 on first reading setting a date of October 2, 1972 for final reading and that the Ordinance be posted in compliance with the City Charter.

Resolution CXLIX (149) A RESOLUTION AUTHORIZING FILING OF AN APPLICATION FOR GRANT TO DEVELOP OPEN-SPACE LAND (WAIT PARK IMPROVEMENT PROJECT). was read by the City Attorney. A motion was made by Councilman Giger, seconded by Keil, and carried unanimously adopting said Resolution CXLIX.

Letters from DEQ and CRAG pertaining to County Sewerage Districts were read by the City Recorder and copies of said letters are attached to and become a part of the file copies of these minutes. After a period of discussion a motion was made by Councilman Giger, seconded by Raines, and carried unanimously adopting said Resolution to accept the contents of said letters and to negotiate with Clackamas County in the formation of a Sewage District.

Postmaster John Nieland appeared before the Council requesting that street name and number systems within the City be revised to standard specifications before the postal department initiates an extended street mail delivery system.

Mayor Braman appointed a committee consisting of John Whiteside, chairman, John Nieland, Andy DiTommaso, Dewayne Hansen, Myra Weston and Dean Way to make studies and surveys and report to the Council with suggestions for street naming improvements.

Mayor Braman reappointed Curtis Johnson and Elsie Cutsforth to succeed themselves for three year terms on the City Planning Commission.

Rudy Reinertson appeared before the Council requesting that the City participate in the cost of a new issue of a Chamber of Commerce brochure indicating that the City gave \$500.00 in 1968 for a similar cause. The Council discussed the matter and the Mayor asked Councilman Keil to discuss with the Utility Board the possibility of combining their efforts with that of the City in making a donation to the Chamber of Commerce.

Recorder Richardson read highlights from the annual City Library report which revealed that the Library owns 6,053 volumes (468 added in 1971); had a circulation of 17,404 and had a total expense for the fiscal year of \$5,340.69 with a surplus of \$2,177.00 plus a \$614.00 building fund. A motion was made by Councilman Giger, seconded by Keil, and carried unanimously to accept the library report.

C. C. Sheppard appeared before the Council and presented a petition containing the signatures of 107 persons protesting the Cemetery Resolution pertaining to the removal of fresh and plastic flowers by City employees. Sheppard recommended that Resolution No. CXLVI be repealed; thereby reverting to former practices. A motion was made by Councilman Keil, seconded by Tate, to repeal paragraphs 1 and 5 of Ordinance #146 thereby leaving in effect that portion which pertains to the mowing season. After a period of discussion the motion was defeated unanimously by vote of Council. Mayor Braman then appointed a committee consisting of Councilman Keil, Lindsay, Giger, Raines and Supt. Herbison along with Sheppard to make a study of the situation and submit suggestions to the Council.

Fire and Ambulance reports for the month of August were distributed to the officials.

Police Chief Harris reported that Police officer Charles Nastasia had submitted his resignation effective September 3, 1972. A motion was made by Councilman Giger, seconded by Keil, and carried unanimously accepting the resignation. Councilman Giger announced a personnel meeting with the Rural Fire Board and volunteer personnel for 7:30 p.m. on Wednesday, September 6, 1972.

Superintendent Herbison read a letter from DEQ reporting that the City sewage plant was consistently maintaining treatment service which meets all objectives of the State Sanitary Authority. Supt. Herbison noted that Canby was at the top of the list of 15 Oregon cities meeting required sewage treatment. Supt. Herbison stated further that employee Willard Rapp was continuing his sewage treatment course at Clackamas Community College and was maintaining a C+ average.

Councilman Lindsay reminded Council members of the Budget Board recommendation that the City consider Charter Amendments which would provide for a City Manager type government and recommended that the study be pursued.

Superintendent Herbison received informal permission from the Council to solicit for a ½ ton, 5 passenger station wagon bus for the Public Works Department.

The Council discussed the position of Police officer Gerald Giger in the alleged suit of Holzwarth versus Giger and the City of Canby. Councilman Tate, who had discussed the matter briefly with Giger, told the Council that he had no insurance effective against similar suits and that he apparently was taking little action in defense. The Council discussed the matter and agreed to require Officer Giger to appear at the personnel meeting Wednesday evening to discuss the matter with him. Attorney Bettis advised the Council that they had no legal responsibility in the matter but might assume a moral responsibility position.

Superintendent Herbison reported that all property owners on Boe Avenue had paid their allotted share for improvement of Boe Avenue, that the base had been prepared and that the County Road Dept. was being contacted to complete the improvement with a dust-oil coating.

After a period of discussion a motion was made by Councilman Lindsay, seconded by Keil Giger, 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.

Superintendent Herbison requested permission to attend a personnel administrative course, Sept. 24-28, at Menuca with expenses of \$50.00 to be charged to the City. After a period of discussion a motion was made by Councilman Keil, seconded by Lindsay, and carried unanimously approving the \$50.00 expenditure and Supt. Herbison's attendance. Tuition and college expenses other than board and room is being financed by federal grant.

The Councilmen were advised of a dedicating program of the Local Government Center at Salem, 9/7/72; of a personnel training workshop in Portland, 9/13-14 and of Cities' Capitol Caucus at Milwaukie on 9/28. The Council discussed attendance possibilities but there were no commitments.

Meeting adjourned at 10:30 p.m.

Mayor



City Recorder



September 5, 1972

ORDINANCE NO. 559

AN ORDINANCE AUTHORIZING A CONTRACT WITH PARKER-NORTHWEST CONSTRUCTION CO. FOR THE CONSTRUCTION OF SUBGRADE PREPARATION, BASE ROCK AND ASPHALTIC CONCRETE PAVEMENT ON WAIT AVENUE, NORTH IVY STREET AND NORTH DOUGLAS STREET.

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WHEREAS, the voters of the City of Canby have previously approved a street improvement special levy and the present balance of tax money in the City's Street Improvement Fund No. 298 is \$65,689.00; and

WHEREAS, the City's Street Commissioner made a survey of City street improvement needs and established a list of street priorities for improvements to be paid for by the special levy Street Improvement Fund, and the City Council has ratified and approved the Street Department's priority schedule; and

WHEREAS, the City Superintendent has prepared plans and specifications for subgrade preparation, base rock and asphaltic concrete pavement for Project No. 72-WID for Wait Avenue, North Ivy Street and North Douglas Street, public thoroughfares in the City of Canby; and

WHEREAS, the City has called and received bids for the construction of said improvement project, and said bids were received and publicly opened on August 28, 1972, and the only bid received, which was also an acceptable bid, was that of Parker-Northwest Construction Co. of Oregon City, Oregon, for a total bid price of \$32,355.65, and was broken down to the respective streets under the bid items as follows:

Wait Avenue	\$24,236.75
North Ivy Street	6,453.90
North Douglas Street	<u>1,665.00</u>
Total	\$32,355.65

WHEREAS, Parker-Northwest Construction Co. is ready, willing and able to proceed with the construction contract in accordance with the plans, specifications and proposal, and it is necessary that a formal written Contract be approved and executed by and between the said Parker-Northwest Construction Co. and the City of Canby; ;now, therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

COPY
Section 1: The bid proposal of Parker-Northwest Construction Co. of Oregon City, Oregon, for subgrade preparation, base rock and asphaltic concrete pavement construction on Wait Avenue, North Ivy Street and North Douglas Street in the City of Canby according to the City's plans and specifications for said project No. 72-WID, and for the total bid price of \$32,355.65 is hereby approved and accepted; and the Mayor and City Recorder are hereby authorized and directed to make, execute and deliver in the name of and on behalf of the City of Canby an appropriate construction Contract with the said Parker-Northwest Construction Co.

Section 2: The construction costs and charges which was the bid price of \$32,355.65 shall be paid upon receipt of billings and approval by the City's Superintendent and the City Council from the money on hand in the City's Street Improvement Fund No. 298 (special tax levy fund for street improvements).

Section 3: Inasmuch as there is an urgency for the commencement of the construction work to be done by Parker-Northwest Construction Co. and before the commencement of fall rains and inclement weather, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its second reading and final passage by the Canby City Council.

Passed on first reading of the Canby City Council at a regular meeting thereof held on the 5th day of September, 1972; ordered posted and provided by the Canby City Charter and to come up for final reading and action of the Canby City Council at a

meeting thereof to be held on the day of September, 1972, at the hour of o'clock p.m., Oregon Daylight Saving Time, at the Canby City Hall.

ATTEST:

CARL A. BRAMAN - Mayor

J. R. RICHARDSON - City Recorder

Passed on second and final reading by the Canby City Council
at a meeting thereof on the day of September, 1972,
by the following vote: Yeas _____. Nays _____.

CARL A. BRAMAN - Mayor

ATTEST:

J. R. RICHARDSON - City Recorder

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~~CXLXX~~
RESOLUTION NO. ~~CXLVIII~~

A RESOLUTION AUTHORIZING FILING OF AN APPLICATION FOR GRANT TO DEVELOP OPEN-SPACE LAND (WAIT PARK IMPROVEMENT PROJECT).

C WHEREAS, Title VII of the Housing Act of 1961, as amended, provides for the making of grants by the Secretary of Housing and Urban Development to States and local public bodies to assist them in the acquisition and development of permanent interests in land for open-space uses where such assistance is needed for carrying out a unified or officially coordinated program for the provision and development of open-space land as part of the comprehensively planned development of the urban area; and

O WHEREAS, Title VI of the Civil Rights Act of 1964, and the regulations of the Department of Housing and Urban Development effectuating that Title, provide that no person shall be discriminated against because of race, color or national origin in the use of the land developed; and

P WHEREAS, the City of Canby desires to develop a "children's activity park" and "reflecting fountain" to certain land known as "Wait Park" which land is to be held and used for permanent open-space land for community park purposes; and

Y WHEREAS, it is recognized that the contract for Federal grant will impose certain obligations and responsibilities upon the Applicant and will, require, among other things, (1) assurances that families and individuals displaced as a result of the open-space land project are offered decent, safe and sanitary housing, (2) compliance with Federal Labor Standards and (3) compliance with Federal requirements relating to equal employment opportunity; and

WHEREAS, it is estimated that the cost of development of said land will be Twelve Thousand Dollars (\$12,000.00); now, therefore,

BE IT RESOLVED by the Canby City Council of the City of Canby that an Application be made to the Department of Housing and Urban

Development for a grant of an amount authorized by Title VII of the Housing Act of 1961, as amended, which amount is presently estimated to be \$6,000.00, and that the Applicant will pay the balance of the cost from other funds available to it; and

BE IT FURTHER RESOLVED that the United States of America and the Secretary of Housing and Urban Development be, and they hereby are, assured of full compliance by the Applicant with the Federal Labor Standards imposed under Title VII of the Housing Act of 1961, as amended.

Adopted by the Canby City Council at a regular meeting thereof this 5th day of September, 1972.

CARL A. BRAMAN - Mayor

ATTEST:

J. R. RICHARDSON - City Recorder