

REGULAR MEETING OF  
City Council Meeting - May 3, 1971

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

Roll Call: Present - Mayor Dinteman and Councilmen Anderson, Braman, Giger, Lindsay, Raines and Tate. Absent - None.

Others Present - Attorney Bettis, Supt. Cox, Asst. Whiteside, Utility Manager Rundle, Fire Chief Christiansen, Fireman Westcott and Budget Committeemen Edgerton and Hansen.

A motion was made by Councilman Giger, seconded by Braman and carried unanimously that the minutes of April 19 and 26 be approved as mailed to the officials with minor corrections and additions.

Mayor Dinteman announced that Earl Oliver had been appointed to succeed himself for another 3 year term on the budget committee and that John Edgerton had been appointed to fill the other expired term, leaving Sue Cox as the lone alternate.

Ordinance No. 540, AN ORDINANCE RELATING TO REGULATING AND LICENSING OUTDOOR PUBLIC EVENTS, ENTERTAINMENTS, AMUSEMENTS AND ASSEMBLIES; AND ESTABLISHING LICENSING PROCEDURES THEREFOR; PRESCRIBING OFFENSES AND PENALTIES; AND DECLARING AN EMERGENCY, was read on first reading by Attorney Bettis. After a period of discussion during which several additions to the Ordinance were suggested, a motion was made by Councilman Giger, seconded by Lindsay and carried unanimously that Ordinance No. 540 be passed on first reading with prescribed additions and that it be posted as provided for in the City Charter and to come for final Council action at a special meeting on May 24, 1971.

A motion was made by Councilman Giger, seconded by Braman and carried unanimously that the matter concerning aerial mapping of the City be taken from the table and thereby opened for further discussion. After a period of discussion, it was moved by Councilman Raines, seconded by Giger and carried unanimously to approve the area mapping proposal for areas 1, 2 & 3 at a cost of \$16,573.00 to be paid out of Sewer Bond funds.

Lyle Read and James A. Hubert, representing Northwest Pacific Indemnity Company, presented a proposal for tort liability coverage for the City of Canby, a copy of which is attached to and becomes a part of the file copy of these minutes. After a short period of discussion, Mayor Dinteman referred the matter to the Council Insurance Committee for study and recommendation.

Copies of the fire and ambulance report was distributed to members of the Council.

The Council and Attorney discussed the matter of purchasing property adjacent to the fire hall from Mr. & Mrs. Albert Berg. Attorney Bettis advised that the City and Rural Fire District each pay their equal share of the cost direct to the Bergs. The Council further agreed to hold up payment of R. W. Beck and Associates until proof of the survey activities had been received. A motion was then made by Councilman Lindsay, seconded by Giger and carried unanimously by roll call vote that claims, with the above exceptions be approved for payment and warrants drawn on the Treasurer in payment thereof.

Councilman Anderson advised the Council of the benefits the City would derive from the creation of the position of City Fire Marshall in addition to the present full time Fire Chief and assistant. Anderson also told the Council that the cemetery was now being very well kept and maintained.

Councilman Braman advised the Council that W. Beauford Knight would meet with City officials at 7 p.m. on Wednesday, May 5th to discuss the possibilities of the City's securing easements through his property for water lines in the Molalla River bottom.

Councilman Giger told the Council that a meeting had been arranged for 2 p.m. on Tuesday, May 4th for the sewage engineers and the contractor to discuss procedures with the City officials.

Councilman Tate told the Council that the special committee had purchased a used tractor from G. G. Makin for \$1,700 and a rotary mower from 3-Way Equipment Company to complete a mowing unit for the City parks and cemetery. Supt. Cox said the Birch trees had been moved from Wait Park to the Community Park. The Supt. advised the Council, for the second time, of vandalism and damage to the new planting at Wait Park. It was announced that a group of citizens would meet at the Community Park at 7 p.m. on Tuesday to make a study of needed improvements to be made there.

Neal Thompson approached the Council and made the donation of a very unusual rock weighing approximately 7,000 pounds to be located in a City park and to be equipped with a plaque commemorating the efforts of his mother and father to the pioneer development of the City of Canby. The Council accepted the gift.

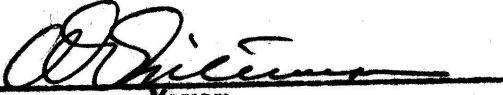
The Council reviewed an agreement presented by the school board relating to future ownership and use of North Cedar Street adjacent to the Eccles School property. A motion was made by

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Councilman Giger, seconded by Lindsay and carried by a vote of 5 to 1 that the Mayor be authorized to sign and return a copy of the agreement to the Grade School Board. Councilman Tate made a motion that the previous motion be reconsidered to the question having not been properly called for. The motion was seconded by Councilman Anderson and carried again by a vote of 5 to 1.

The meeting was adjourned at 10 p.m.

  
Mayor

  
Recorder

May 3, 1971

May 3, 1971

Read - Bentz Insurance Co.  
334 N. W. First Avenue  
Canby, Oregon 97013

Attention: Mr. Lyle Read

Re: Liability Insurance for:  
- City of Canby  
- Canby Utility District  
- Canby Rural Fire Protection  
District

Dear Lyle:

Per your request the Northwestern Pacific Indemnity Company has produced a coverage and premium quotation for the above three captioned risks, using its OREGON POLITICAL SUBDIVISION COMPREHENSIVE LIABILITY POLICY.

These three municipal corporations, while separate and distinct political entities, are closely intertwined in their responsibilities and operations. Each is fully responsive to the Oregon Tort Claims Act, can sue or be sued in its own name, and can certainly - in some situations - be joined as co-defendants. Each body needs the full \$300,000 CSL coverage.

The Policies will be written separately, with limits of liability of \$300,000 Combined Single Limits, except that for Errors or Omissions coverage the limits will be \$50,000 per claim with an Aggregate of \$300,000.

The Policy is quoted for each on a three year basis, payable annually, on a "flat" premium basis for each annual period, except for the automobile section which is subject to annual audit. There are usually a number of changes in vehicles during the year. At each Anniversary the risk is reviewed to determine if there have been any change in exposures. If so, there may be a variance in premium - either up or down - for the succeeding year, but NO Change for the previous year.

Under this Policy form the Political Body is the Named Insured; but, "...while acting within the scope of his duties as such", the following are insureds also:

1. Any member of the Governing Body
2. Any member of Boards or Commissions
3. An elected or appointed Official
4. Any Employee of the Named Insured.

Each of these individuals - in addition to the City/Utility District/RFPD itself - is insured under:

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1. Automobile Liability (while using a City/ Utility District/RFPD owned/leased vehicle), including Family Protection (Uninsured Motorist) and Nonownership Liability

2. General Liability, including M & C, O L & T, Products & Completed Operations, Owners' & Contractors' Protective, Automatic Written Contractual, and Fire Legal Liability.

The Watercraft exclusion, the XCU exclusion and the Undeclared Partnership or Joint Venture Restriction have all been deleted for much broader coverage. The XCU exclusion removal is of special importance to any public body which engages in any construction, excavation or demolition operations.

3. Personal Injury, including False Arrest & Imprisonment, Libel & Slander, Invasion of Privacy. Under this Section the "Employment Exclusion" has been deleted. Further, under the False Arrest & Imprisonment coverage, this does not terminate upon the arrest, "booking" or incarceration of the prisoner, which is the case with the so-called "Jail Door Policy."

It is quoted without the assured's contribution toward settlement, payment of loss or expenses.

4. Errors or Omissions, including coverage for Professional Liability, issuance of permits, preparation of or approval of maps, plans, opinions, reports, surveys, designs or specifications, and inspections or engineering services.

Under this section, the personal, individual exposure of the personnel of the Public Bodies (particularly the Fire Department and RFPD), relating to Statutory responsibilities for FIRE PREVENTION is insured. (See Attorney General's Opinions No. 6491 & 6512 and the Fire Marshal's Memorandum of August, 1969.)

AMBULANCE MALPRACTICE coverage is provided hereunder for both the City and the RFPD. Considering the arrangements for the ownership/use & operation of this vehicle, there is exposure for both public bodies.

The Premium Quotations are:

1. City of Canby
- |   |       |
|---|-------|
| General Liability Bodily Injury (including Personal Injury and E & O)                     | \$910 |
| General Liability Property Damage   | 612   |
| Automobile Liability Bodily Injury (including Family Protection & Nonownership Liability) | 949   |
| Automobile Liability Property damage  | 614   |

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Automobile Physical Damage . . . . . \$1284  
Total first year premium . . . . . \$4369 ✓

Inland Marine form - Fire & Theft only on  
9 pieces unlicensed road & maintenance  
equipment \$100 deductible . . . . . \$103 ✓

2. Canby Utility District Board

General Liability Bodily Injury . . . . .	\$496
General Liability Property Damage . . . . .	1368
Automobile Liability Bodily Injury . . . . .	444
" " Property Damage . . . . .	286
" Physical Damage . . . . .	536
Total first year premium . . . . .	\$3130 ✓

7602.00

3. Canby Rural Fire Protection District

General Liability Bodily Injury . . . . .	122
" " Property Damage . . . . .	35
Automobile Liability Bodily Injury . . . . .	342
" " Property Damage . . . . .	233
" Physical Damage . . . . .	501
Total first year premium . . . . .	\$1233

Clackamas County is one of the 21 Counties insured under the Policy, which was designed by this Oregon-based insurance company. The State of Oregon itself is insured by the NPI for its Automobile and General Liability coverages. Cities insured by this "LO" Policy-form include Salem, Eugene, Klamath Falls, Redmond, Madras, Medford, Ashland, Beaverton, The Dalles, Milwaukie, Cottage Grove, St. Helens, Riddle, Myrtle Creek, Myrtle Point, Independence, Gervais, Burns, Florence, Lake Oswego, John Day, Springfield, Sweet Home, Sutherlin, Tigard, Veneta, West Lynn, Umatilla, Warrenton, Willamina, Wilsonville, Woodburn. Others are Pilot Rock, Hermiston, Baker, Moro, Ione and even Antelope (population: 48).

School Districts, Water Districts, Irrigation Districts, RFPDs and other political subdivisions all fit this policy. However, it is not claimed that this will cover all exposures of a public entity. Some are uninsurable, such as deliberate and intentional injuries. The ultimate extensions of the OTCA are not known.

It should be remembered, too, that individuals are insured under the Policy only while "on business" of the public body, not while "moonlighting" in a private job (such as a "bouncer" in a beer tavern).

liability coverages for  
political subdivisions

JAMES A. HUBERT  
INSURANCE

P. O. Box 14792  
Portland, Oregon 97214

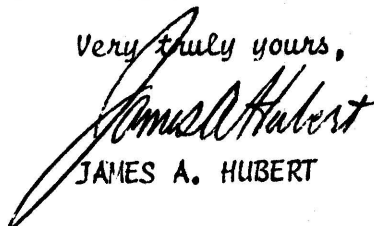
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As far as I know, the OREGON POLITICAL SUBDIVISION COMPREHENSIVE LIABILITY POLICY offers the broadest package of coverages with fewer exclusions and restrictions than are available anywhere in Oregon.

The Policy, incidentally, does contain a Riot & Civil Commotion exclusion, but this is now deleted without any charge.

If you have any question, please let me know.

Very truly yours,

  
JAMES A. HUBERT



SINCE 1948

# CLARK & GROFF ENGINEERS, INC.

MAIN OFFICE: 3276 COMMERCIAL STREET S.E. • SALEM, OREGON 97302  
BRANCH OFFICE: 12755 S.W. BEAVERDAM ROAD • BEAVERTON, OREGON 97005

TELEPHONES  
503/585-2362  
503/644-8747

REPLY TO:

April 19, 1971

Salem

Honorable Mayor and City Council  
City of Canby  
City Hall  
Canby, Oregon 97013

Re: Water Storage Reservoir  
J.O. 70686

Gentlemen:


Based on our evaluation of proposals received by the City on April 5, 1971 for the construction of a 2.4 MG Water Storage Reservoir, we recommend the acceptance of the proposal of Charles F. Lewis for construction of used tankage in the amount of \$89,000.

We further recommend that the City defer exercising the choice of the deductive alternate, Item No. 2, which deletes the inside vinyl painting system in the amount of \$10,000 until the tank has been erected. The reason for this recommendation is that we feel that upon completion of the erection of the used tankage, an evaluation can be made to determine the condition of the existing painting system. If it is just a matter of repainting the welds and other minor abrasions, then the vinyl system would not be justified. We recommend that if the Council desires to accept this recommendation, the contract be worded so that upon inspection of the completed erected tank, the Council would have the choice of paint alternates.

Should you have any questions or comments, please don't hesitate to let us know.

Very truly yours,

CLARK & GROFF ENGINEERS, INC.

  
William C. Light  
Project Engineer

WCL/hh

cc: Charles F. Lewis



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SURVEYING • TESTING AND MATERIALS • COMPREHENSIVE PLANNING • COMPUTER SERVICES