

REGULAR MEETING OF
Canby City Council - February 1, 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, Asst. Fire Chief MacKenzie, Police Chief Walter and two Police Reservists.

Minutes of the meetings of January 18 and 25 were approved as distributed to the officials. The minutes of the Planning Commission meeting of January 27 was read and noted.

A motion was made by Councilman Giger, seconded by Braman and carried unanimously to approve the monthly report of the ambulance and fire activities as distributed. Mayor Dinteman complimented the volunteer firemen on their dedication to the fire suppression effort and particularly during the recent fire in the Canby Bakery building. A motion was made by Councilman Tate, seconded by Braman and carried unanimously concurring in the Mayor's commendation.

Councilman Lindsay reported on a recent meeting regarding safety hazards that exist at Canby railroad crossings. The City is to prepare plans to eradicate the hazards and present to the Southern Pacific Company for consideration. Lindsay said it was revealed that safety gates on three crossings would cost approximately \$90,000 but no statement was made as to how the costs would be distributed.

Mayor Dinteman reported on a recent meeting with BPA representatives regarding the contents of Ordinance No. 532 which eliminated the net and gross references from existing electric rate schedules. The Mayor said the City would resume billing by the old rate schedule and that Ordinance No. 532 would be referred back to the ordinance committee for review.

Resolution No. CIX, A RESOLUTION RELATING TO FEDERAL SURPLUS PROPERTY AND APPOINTING AUTHORIZED REPRESENTATIVES OF THE CITY, was read by Attorney Bettis. A motion was made by Councilman Giger, seconded by Braman and carried unanimously to adopt Resolution No. CIX and thereby appoint Councilman David R. Anderson and Fire Chief Norman Christiansen as City Surplus property officers.

Ordinance No. 533, AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE TO LARRY WHITMAN, DBA CANBY TAXICAB; FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE; AND DECLARING AN EMERGENCY, was read on first reading by Attorney Bettis. The Council recommended that a portion of the Ordinance be rewarded to permit the taxi to operate within the City but not as an affiliate with the City. A motion was then made by Councilman Giger, seconded by Lindsay and carried unanimously to pass the Ordinance No. 533 on first reading, post in compliance with the provisions of the City Charter and to come up for final action on March 1, 1971.

After a period of discussion regarding the inability of certain City employees to pay the required utility deposit, a motion was made by Councilman Braman, seconded by Giger and carried unanimously that the employing department of the City advance the amount of the deposit required until the employee was financially able to reimburse the department.

Supt. Cox reported that repairs for the Beck well were being made and he hoped to have it back in production within 30 days.

Councilman Tate reported that 2 way radio equipment for the police and public works departments could be secured for an estimated \$7,472 and possibly less if he were authorized by the Council to seek rebuilt equipment. The Council agreed to Tate's suggested procedure.

A motion was made by Councilman Lindsay, seconded by Giger and carried unanimously by roll call vote that claims against the City be approved for payment and that warrants be drawn on the Treasurer in payment thereof.

Councilman Tate revealed a proposal recently received by Attorney Bettis regarding the fulfillment of the Albert Knight will pertaining to enhancing of the Knight burial plot in Baker Prairie Cemetery. The Attorney for the will suggested that a fence of concrete and wrought iron be constructed around the Knight plot and the remainder of the willed funds, approximately \$430 be turned over to the City for maintenance. After a period of discussion, a motion was made by Councilman Tate, seconded by Raines and carried unanimously to accept the proposal. A copy of the letter is attached and becomes a part of the file copy of these minutes.

Supt. Cox read a letter from CH2M regarding changes and additions to preliminary plans for the construction of the proposed sewage treatment plant. A copy of the letter is attached and becomes a part of the file copy of these minutes.

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The Supt. and Council discussed the recently announced sewage operators school at Oregon State University. Supt. Cox said the available course at Clackamas Community College was being investigated and that employee Lynn Kraxberger was interested in such a course.

Councilman Lindsay called the Council's attention to unauthorized traffic speed signs having been posted on Knights Bridge Road and on S. E. Township Road. After a period of discussion, a motion was made by Councilman Tate, seconded by Raines and carried unanimously that the speed signs on Knights Bridge and Township Roads be changed to comply with existing laws.

The Council discussed a recommendation from the Planning Commission that a zone change from R-2 to C-2 be considered for an area adjacent to S. W. 2nd Avenue. A motion was made by Councilman Raines, seconded by Tate and carried unanimously that a public hearing date be set on the matter for 7:30 p.m. on Friday, February 19 with public notices in the Canby Herald on February 11 and 18th.

Mayor Dinteman appointed Lawrence Beck and Robert Westcott to fill vacancies on the City Building Code Board of Appeals, to serve with present member Cal Lewis. No objections to the appointments were forthcoming from the Council.

Councilman Anderson stated that he had heard considerable comment regarding a recent item in the Canby Herald concerning the repossession of the Police Department jeep by the Office of Economic Opportunity. He said the question was did the Police Department have Council approval prior to the expenditures made to equip the jeep for patrol use. Councilman Raines and others assured Anderson that prior approval of the expenditures was approved by the Council.

Attorney Bettis announced that word had been received from the District Court that the case of Saraceno vs. Cox, Read and Stefani had been dismissed for want of prosecution. The attorney advised that this action is not necessarily final if the claimant wishes to file a new claim for the same issue.

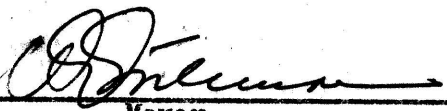
Attorney Bettis reported that he had contacted Dale Morgan's attorney regarding the City's offer to each party dropping their claims against the other and that it met with the attorney's favor but that Morgan's decision had not been obtained.

Councilman Anderson reported that the Zion cemetery look real good and that it appeared that employee Rapp was doing a good job.

Councilman Lindsay reported a decision of the State Hiway Department to return to the policy of stripping streets with yellow instead of white paint and that City's had been advised to also use yellow paint.

Mayor Dinteman reminded the Council of a special meeting at 4 p.m. on Tuesday, February 16 for the purpose of opening bids on certain water treatment equipment. He said the meeting would then be recessed until 8 p.m. to resume regular business of the City.

The meeting was adjourned at 9:45 p.m.


Mayor


Recorder

Howard P. Arnest
LAWYER
YEON BUILDING
PORTLAND, OREGON 97204

RECEIVED JAN 21 1971

January 20, 1971

Mr. Wade P. Bettis, Lawyer
160 NW Third Avenue
Canby, Oregon 97013

Dear Mr. Bettis:

You recall that on July 21st you wrote me a letter about the inability of the City of Canby to accept the bequest under the will of Albert F. Knight for the express care of the Pioneer Cemetery.

I noted that the Council was willing to accept the money for some use in improving the Cemetery and graves in the Knight plot but they would have to be funnelled through the general park and cemetery fund and could not be earmarked for the care of the particular graves.

I have conferred with the Court and further explored the matter and have reached a conclusion of spending a substantial part of the money in erecting a concrete base around the Knight plot with a six foot iron fence and gate, and a Visquin coat to prevent growth of vegetation and a white rock cover with a substantial granite monument showing that the improvement and monument were a memorial to his ancestors by Albert F. Knight; and if this is done it will leave, I estimate, \$431.80 which I propose to pay to the City of Canby for its park and cemetery maintenance fund.

Is this solution agreeable to you and the Council, that is does it have any objection to that solution? I will appreciate your reply so that I will know if I should proceed to secure the appropriate court order.

Thank you for your assistance.

Sincerely yours,


Howard P. Arnest

HPA:fc

NB Do we have to have a permit from the City to make such installation? *16j*

CH₂M



CORNELL, HOWLAND, HAYES & MERRYFIELD

1600 S. W. Western Blvd., P.O. Box 428, Corvallis, Oregon 97330, Telephone: 503/752-4271

Corvallis Regional Office

20 January 1971

Project No. P6220.1

City of Canby
City Hall
Canby, Oregon 97013

Attention: Mr. Lee Cox
Mr. John Whiteside

Gentlemen:

I thought I should record the information developed at our meeting last Tuesday to be sure that we have a common understanding. Following are the major items we discussed.

Water Supply

The existing well at the plant site has been a problem both with respect to water quality and physical maintenance. With the addition of the new sludge humus ponds on the hill above, the well water quality may become worse yet. Therefore, this well will be abandoned, and the City will extend a water main to the plant. This will not be included as part of our design other than to indicate the point of connection. The new water supply will be used for pump seal water, chlorinator water, plant wash down, and potable purposes.

Alarm System

We believe that an alarm system is essential as part of the plant expansion. It is imperative that at least a high raw sewage pump sump level be telemetered to a central location such that the City staff will be alerted. The proposed plan is that this alarm would be telemetered to the City police office which is manned at most times. When it is not manned, the alarm would be automatically transmitted to the County Sheriff's office which can reach the City police by radio.

Existing Plant Facilities

As you know, most of the existing plant facilities will not be used as part of the plant expansion. However, no provisions will be included in this contract for demolition or modification of any facilities not directly involved in the plant expansion. Such work, if any, would be accomplished by the City staff at a later date.

Sewer Outfall Capacity

While at your office, we reviewed flood stage profiles for the Willamette River to determine if the outfall sewer would have adequate capacity during high water periods. The projected 100-year flood elevation of river mile 35.0 is 87.0. A review of the outfall hydraulics indicates that a peak flow of approximately 2.0 mgd can be passed under these conditions without overtopping the chlorine contact chamber (elevation 89.5). Although the design peak flow is 2.5 mgd, no modifications to the outfall are recommended in view of the flood year frequency and probable plant life.

Plant Power Supply

No decision has been reached as yet regarding whether the City of Canby or P.G.E. will serve the expanded plant. We estimate a service of approximately 100 KVA will be required. Our electrical projects manager, Dick Nichols, will contact you regarding this matter. The power supply will be 480 volt.

Emergency Power

An emergency power generator suitable for operating one of the 15 HP raw sewage pumps will be required. If it is feasible to utilize a generator in cooperation with the water system fire pump, we will do so. Otherwise, we will include a suitable portable generator under this contract along with required transfer apparatus.

Site Clearing

Additional humus pond storage will be required beyond that anticipated in the study. With the proposed site plan, the area you have already cleared should be extended to the Mollala Forest Road. The City will accomplish this clearing, preferably before March 1.

I believe the above covers the primary decisions reached. If you desire something different than indicated, please contact me.

Very truly yours,

Robert L. Chapman

Robert L. Chapman
Project Engineer

cec

cc: C. L. Wiersen

WADE P. BETTIS
DALE D. LIBERTY, SR.
RAYMOND R. REIF

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

TELEPHONE 266-1113
AREA CODE 503

January 25, 1971

Mr. E. Lee Cox
P. O. Box D
Canby, Oregon 97013

Mr. Lyle Read
P. O. Box 277
Canby, Oregon 97013

Mr. Fred Stefani
2040 Country Club Drive
Canby, Oregon 97013

Re: Sam Saraceno vs. Cox, Read and Stefani, District Court
Case No. 15905

Dear Messrs. Cox, Read and Stefani:

This case has been dismissed by the Court for want of
prosecution. I am closing my file subject to your
further inquiry or examination.

Sincerely,

BETTIS, LIBERTY & REIF

/s/ Wade P. Bettis

Wade P. Bettis

WPB:EN

cc: Mr. J. R. Richardson, Recorder
City of Canby

cc: Hon. Werner Dinteman, Mayor
City of Canby