

AMENDED MINUTES OF THE REGULAR MEETING OF THE CANBY
CITY COUNCIL
Monday, March 1, 1954

The Council met in regular monthly session on Monday, March 1 and was called to order at 8:10 P. M.

Present: Mayor Eversole, Atty. Bettis, City Engineer Tatone, Fire Chief Christiansen, the Recorder and Councilmen Anderson, Beck, Girod, Hill, Hulbert and Kraft.

The minutes of the previous regular meeting of February 1 and recessed to February 15 were read and approved.

Communications

The Recorder read a letter from the Canby Chamber of Commerce, complimenting on the excellence of the annual report of city activities for 1953, as compiled by City Engineer Tatone.

Bills and Claims

Bills and claims against the City were then submitted and considered. On motion duly made and seconded and unanimously approved all claims as submitted were approved and ordered paid.

It then appearing that complaints had been made to the effect that the pond adjacent to the Wilkinson mill property constituted a hazard and a nuisance, the Recorder, on motion by Girod, seconded by Anderson and carried, was instructed to write Walter Fisher, Route 3, Oregon City, that this matter should have his attention.

It was then moved by Girod, seconded by Hulbert and carried that the bill of the N. W. Public Power Assn. (not included in the Bills and Claims) be laid aside for the present and the Recorder to write Gus Norwood, Secretary, suggesting that he advise the Council what, in his opinion, the advantages there are in continuing the membership.

Reports

A report of police activities for the previous month was submitted by Officer McCormick and read by the Recorder.

The Recorder reported four cases in his Court, resulting in fines of \$20.00, costs \$4.00.

Fire Chief Christiansen reported two city fire calls in February with no damage resulting; three Rural calls, two with no losses and one truck fire near Barlow with loss estimated at \$ 1055.00.

Also reported five calls for the ambulance and furnished a financial statement of the ambulance fund showing a bank balance of \$ 1484.34.

Councilman Hill reported having visited the City dump and found there a deplorable condition; whereupon it was moved by Hill, seconded by Hulbert and carried, that Torgeson's attention be called to the matter and that he be told to clean up and keep it that way.

Councilmen Beck reporting on Cemetery matters, stated that an up to date map should be drawn and suggested that different arrangements should be made in selling lots. In this connection, Mayor Eversole asked Councilmen Hulbert and Anderson to work with Mr. Beck and Tatone and come up with recommendations.

It was then moved by Girod, seconded by Anderson and carried, that Neal Thompson be notified that the City would assume ownership and responsibility for the three poles on the County Road just east of his irrigation pumphouse and carrying electric service to his dwelling.

It was moved by Hulbert, seconded by Kraft and carried, that Engineer Tatone be instructed to lay sidewalk adjacent to the City water tank property.

It was moved by Hill, seconded by Anderson, that petitions for street or sidewalk improvements be submitted to the Council on or before May 15 of each year. Carried.

The matter of landscaping around the new Fire Hall was then bro't up and Councilman Kraft agreed to meet with the R. F. D. directors for discussion.

Mayor Eversole then stated he would at this time appoint two new members to serve on the citizen's budget committee, replacing those whose terms were expiring.

He then appointed John Todd and Ruby Smith to serve for three years, making the personnel of the committee to read as follows:

Harry Porter	one year
Fred Stefani	one year
Ed. Johnson	two years
Clarence Eid, Sr.	two years
T. H. Arestad	three years in place of R. Smith
John Todd	three years

March 1 - continued

His usual monthly report was submitted by City Engineer Tatone, a copy of which was presented to each councilman and one for the files.

The report covered work done in the different departments, together with some recommendations. He also stated that a good used transit could probably be purchased for \$ 275.00 and on motion by Hill, seconded by Beck and carried was instructed to shop for one, but before buying submit for approval of some of the council members.

It was then moved by Girod, seconded by Hill and carried that any bills in connection with the proposed sewer construction be paid from the sinking fund account.

Atty. Bettis, as attorney for the sewer project then submitted and read to the Council for its approval, a schedule for the payment of attorney's fees for all legal work in connection therewith, a copy of which is attached to these minutes.

Mr. Bettis also stated that it would be necessary to postpone final passage of Ordinance No. 380, which was passed on its first reading at a previous meeting and on motion by Beck, seconded by Kraft and carried, it was so ordered, final action to be delayed to some future date. Attorney Bettis then went on to explain that Ordinance No. 380, which is an Initiative and Referendum Ordinance, could not be adopted by the Council until Section No. 14 of Chapter 4 of the City's Charter is first amended to allow for the adoption of such an Ordinance. Mr. Bettis pointed out that though such an Ordinance could not be used for a vote of the sewer matter in the May elections it might be advisable to put the question of amending the Charter to allow for its adoption at a later date, before the people for their vote at the May elections.

This matter was then discussed at some length and it was pointed out by various members of the Council that since the Ordinance had already been drafted, and since some cost had been incurred in its first publication there was no need to drop the matter entirely, and especially since such an Ordinance might be used at a later date in case the sewer proposal is defeated in the May elections.

On motion made by Hill and duly seconded, and unanimously approved, Attorney Bettis was directed to investigate the legal procedure for amending the City Charter to allow the adoption of an Initiative and Referendum Ordinance such as Ordinance No. 380, and also take whatever steps might be necessary in cooperation with the City Recorder to bring such a Charter amendment before the people for their approving vote at the May 21st election.

No other business appearing, the meeting adjourned.

Approved: _____

R B Eversole

Mayor

A. B. Evans

Recorder

Regular Monthly Meeting
Monday, March 1-1954

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Communications

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Bills and Claims

General Fund

F.J.Fieger	\$ 100.00	
Fed. tax	15.00	
State "	1.00	
SS	2.00	\$ 82.00
Joe McCormick	300.00	
Fed. tax	4.00	
State "	3.00	
SS	6.00	287.00
Kenneth McNamee		28.00
D.E.McArthur		6.00
H.B.Evans	85.00	
State tax	.85	
SS	1.70	
B.C.	6.00	76.45
Ralph Zimmerman		20.00
Norman Christiansen	40.00	
State tax	.40	39.60
Bertha Dedman		55.15
Public Employees Ret. Bd.		1.95
Davis Service St.		137.59
Canby Union Bank		4.00
Standard Oil Co.		33.85
Eversole Motors		15.18
Canby Hdw. & Impl. Co.		2.57
Light Fund		22.69
Bair's Cleaning Service		3.40
Beck Electric		7.59
Canby Builders Supply		3.26
Canby Telph. Assn.		3.85
Petty cash		4.23
Tom Cutsforth	183.65	
State tax	1.84	
SS	3.68	178.13
Vol. Fire Dept.		50.00
Blue Cross Plan		21.20
Rupp Shell Service		3.00
Sam's Garage		35.95
Kraft's Motors		35.25
V.D.Giger		62.97
Stefani Lbr. Co.		2.45
N.W. Ind. Ldy Co.		1.80
Brewer's Pest Control		10.00
Shannon & Co.		31.60
Kraft Motors		21.67
Canby Union Bank		48.00
John Williams		101.00
Pub. Emp. Ret. Bd.		26.76
Paul Wallace		16.50
	\$	1480.64
S.I.A.C.		45.81
	\$	1526.45

Water Fund

R.G.Tatone	70.00
Fed. tax	21.90
State "	2.00
SS	4.00
B.C.	10.80
	\$ 31.30
Kenneth McNamee	50.75
Don Stajgr	26.00
Harold Ott	22.00
Loyal Crawford	7.00
Mabel Decker	60.00
Theresa Sledge	68.20
D.E.McArthur	26.00
Pub. Emp. Ret. Bd.	1.95
Standard Oil Co.	27.94
Light Fund	53.87
Canby-Aurora Truck Service	1.75
Petty cash	9.00
Water Sinking Fund	208.33
General Fund	55.00
Blue Cross Plan	30.80
Rupps Shell Service	15.40
Canby Herald	4.00
Western Utilities Supply	7.64
Waterworks Supplies	27.50
Hersey Mfg. Co.	81.08
Canby Union Bank	21.90
Pub. Emp. Ret. Bd.	8.00
Paul Wallace	16.50
S.I.A.C.	2.17
	\$ 864.08

Cemetery Fund

F.R.Galbraith	240.00
Fed. tax	13.90
State "	2.40
SS	4.80
B.C.	10.80
	208.10
Pub. Emp. Ret. Bd	.65
Do	9.60
Blue Cross Plan	15.40
P.G.E.	1.65
Canby Union Bank	13.90
S.I.A.C.	2.70
	\$ 252.00

Light Fund

R.G.Tatone	\$ 330.00	
Fed. tax	21.90	
State "	2.00	
SS	4.00	\$ 302.10
Don Stajgr	312.00	
Fed. tax	32.60	
State "	3.51	
SS	7.02	268.87
Harold Ott	324.00	
Fed. tax	34.10	
State "	3.59	
SS	6.78	
B.C.	10.80	268.73
Loyal Crawford	111.57	
State tax	3.13	
SS	6.26	
B.C.	10.80	91.38
Kenneth McNamee	203.88	
Fed. tax	15.40	
State "	3.09	
SS	6.16	
B.C.	10.80	168.44
Mabel Decker	200.00	
Fed. tax	16.80	
State "	2.60	
SS	5.20	
B.C.	6.00	169.40
Theresa Sledge	107.80	
Fed. tax	22.00	
State "	1.76	
SS	3.52	80.52
D.E.McArthur	30.00	
Fed. tax	8.40	
State "	1.59	
SS	3.18	16.83
Pub. Emp. Ret. Bd.		3.90
Do		84.24
Standard Oil Co.		50.00
O.K.Rubber Welders		11.00
Canby-Aurora Truck Service		5.25
Canby Telph. Assn.		1.05
Mobley Hdw.		4.96
General Fund		618.92
Blue Cross Plan		42.80
Rupp Shell Service		30.41
Sam's Garage		46.34
Canby Herald		4.92
Stefani Lbr. Co.		9.50
Gilbert Bros.		47.55
Gen. Elect. Supply		76.35
Westinghouse E.S. Co.		1127.75
Graybar Electric Co.		49.26
Treasurer of U.S.		2928.00
Canby Union Bank		164.50
Paul Wallace		40.00
S.I.A.C.		32.00
		6744.97

Road Fund

Don Stajgr	\$ 13.00
Harold Ott	13.00
Loyal Crawford	189.00
Kenneth McNamee	25.37
D.E.McArthur	97.00
Anderson T & Impl. Co.	7.90
O.K.Rubber Welders	11.30
Light Fund	181.86
Telephone Co.	.20
Ritter's Body Shop	3.00
Mitchell Farm Equip. Co.	3.50
Rupp Shell Service	14.66
Sam's Garage	28.17
Stefani Lbr. Co.	2.37
J.H.Rigdon	168.88
	\$ 759.21

On motion, seconded and carried, the above bills and claims were approved and warrants ordered drawn. Yeas 6-nays 0

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No other business appearing, the meeting adjourned.

Approved: _____

R B Eversole

Mayor

A B Evans

Recorder

WADE P. BETTIS

ATTORNEY AT LAW

P. O. BOX 905

CANBY, OREGON

February 26th, 1954

The Honorable Mayor and City Council
City Hall
Canby, Oregon

Gentlemen:

Pursuant to my employment by the Canby Sewer Committee and approved by the Council of this City, as attorney for the Canby sewer project, I would submit for the Council's approval a schedule for the payment of attorney's fees for all legal work attendant to the proposed sewer project.

The schedule of fees is the same as that prescribed by the Oregon State Bar as the "Advisory Schedule of Minimum Fees and Charges", a copy of which is attached and the same having been approved and adopted September 4, 1952. According to the attached schedule, and under the heading of "Municipal Bonds, proceedings to issue and sell", the following is the recommended minimum fee for legal service.

Where the total issue is not over \$100,000, 1 1/2% of the face value is recommended fee. On issues above \$100,000 to \$500,000, add 1/2% of the value in excess of \$100,000.

Under the proposed sewer project plan, the total estimated cost is \$240,000. Of this figure, \$165,000 is to be raised by the sale of general issue bonds, while the remaining \$75,000, though assessed directly against the benefitted properties, may be paid for, and will I assume be paid in the most part, by Bancroft bonds which will entail a separate issue.

Applying the foregoing fee schedule to the total cost of \$240,000, the result would be \$1,500 for the 1 1/2% of the first \$100,000 plus \$700 for the 1/2% of the remaining \$140,000 cost, or a total fee of \$2,200.

In accordance with the Sewer Committee's proposal to make advances to me as the work progresses I have prepared the attached bill in the amount of \$200 for services rendered to March 1, 1954, and if acceptable to the Sewer Committee and City Council, I will submit bills for an equal amount on the first of April, May and June following.

If the bond issue is not approved May 21st by the voters, the only additional bill I will submit would be for the legal assistance I contracted for with the law firm of Winfree, McCulloch, Shuler and Sayne and which bill will be between \$350.00 and \$500.00.

If the voters do approve the proposed bond issue in May, then I will submit Mr. Shuler's bill to me to the Council for payment on July 1, 1954, or

The Honorable Mayor and City Council
City Hall
Canby, Oregon

February 26th, 1954

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whenever I am billed, but will not make my own separate billing for advance payment until the bonds have been sold and the work fully completed.

Out of the remaining and unpaid balance of the \$2,200 fee, a portion of that will be used by my office in securing legal assistance from the aforementioned Portland law firm for the preparation and sale of Bancroft bonds, in that my present agreement with them is for legal assistance in assuring a saleable general bond issue in the amount of \$165,000 and preparation of those bonds and nothing additional.

I trust you will find the foregoing acceptable as a fair and reasonable amount, and a satisfactory method, for the payment of the Canby Sewer project's legal service cost.

Sincerely,



Wade P. Bettis
Attorney for Canby Sewer Committee

WPB:sca
Encl.