

On motion duly made, seconded and carried, said reading was considered the first reading of said Ordinance, and for the reason that charges for publication thereof were, in the opinion of the Council, excessive, publication was ordered dispensed with, and the Recorder was instructed to post said Ordinance in three public and conspicuous places in Canby for a period of two calendar weeks.

Said Ordinance to come up for final action at a regular monthly meeting of the Council to be held on May 3-1926 at 8 o'clock P.M.

Whereupon it was moved and seconded that the Council adjourn.  
Motion carried.

Approved-May 3-1926

*W.H. Bair*  
-----  
Mayor

*H.B. Evans*  
-----  
Recorder

Regular Meeting, City Council  
May 3-1926

The regular monthly meeting of the Council was called to order by Mayor Bair, at 8 o'clock P.M.

Present: Mayor Bair-City Attorney Wait-Chief of Police Lent-Recorder H.B.Evans, and Councilmen Bowsby-Patch-Shewey-Swanby-Wang and White. Absent, Councilmen Dedman and Graham.

The minutes of the last regular meeting of April 5th., and those of the special meeting of April 12, were read and approved.

The following claims against the City were presented to the Council for their consideration:

Water Fund

First National Bank (Bond int.)	\$169.00
Canby Hdw. & Impl. Co.	30.75
Fairbanks, Morse & Co.	22.03
John W. Koehler	4.59
Wm. S. Turner	53.50
State Ind. Acc. Com.	1.52
Louis Lent	73.71
Canby Herald	.80
R.W. Atwood	32.50
C.E. Bowman	4.00
Chas. A. Thomas	4.00
Wilson Evans	4.00
A. W. Faulkner	9.20
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	409.60

General Fund

Canby Hdw. & Impl. Co.	5.35
So. Pacific Co.	1.00
W. S. Maple	15.00
H.B. Evans	13.85
City of Canby ( Lights )	50.00
Louis Lent	19.86
Chas. N. Wait	12.50
R.W. Atwood	6.75
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	\$ 124.31

Road Fund

Aug. Rothenberg	\$ 14.40
O.J. Mays	21.00
Will Kendall	6.80
Martin Danielson	9.00
State Ind. Acc. Com.	.79
Canby Hdw. & Impl. Co.	1.60
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	\$ 53.59

Electric Lt. Fund

State Ind. Acc. Com.	2.99
Louis Lent	113.17
A.W. Faulkner	8.00
Molalla Electric Co.	256.40
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	\$ 380.56

It was moved, seconded and carried that the above claims be allowed.  
Yeas 6-Nos 0.

## Communications

The following report from Wm. S. Turner was read and ordered spread on the minutes of this meeting:

Report on Inspections of Foundations  
and Water Tower and Tank.

City of Canby  
Canby, Oregon.

Gentlemen:

In accordance with agreement regarding inspection of foundations and water tank for the City of Canby, I beg to submit the following report:

Inspection of the site of the tank was made in connection with location of the foundation and dimensions of the piers for the structure before excavation began and work staked out in accordance with the Company's plans.

Later on, when excavation was practically completed and concrete was ready to be poured, an inspection was made of the excavation and the class of concrete materials to be used, all of which were ~~found~~ found to be in accordance with the plans. Placing of the foundation bolts was also checked and found to be correct.

Upon completion of the work of erection of the tank, an inspection was made of the completed foundations and of the materials of the tower and tank. The dimensions of the tank were taken, measurements of the thickness of the steel members of the tower and of the tank were made, and of the height of the tower, as well as of the various minor parts of the structure, and all were found to be in accordance with the specifications. The erection work has been done in a particularly workmanlike and creditable manner and the whole has been painted inside and outside in accordance with the contract. The capacity of the tank has been checked and found to be somewhat in excess of the 100,000 gallons specified in the contract.

The superintendent advises that the tank, while empty at the time of inspection, had been filled with water, and leakage found to be almost negligible. Some slight leakage or weeping at the rivets is always expected immediately after completion of the work, but this leakage is usually stopped within a short time after the tank is put into use, by rusting inside the rivet holes. In any event, if any leakage of consequence should occur, you have the Company's guarantee to rectify the same during a period of one year following acceptance.

In view of the fact that the materials and construction of the water tower and tank are found to be in accordance with your contract with the Pittsburgh-Des Moines Steel Company, I believe that they are entitled to an acceptance of the work at the hands of the City, and recommend that this acceptance be made at this time.

Respectfully submitted,

signed

Wm. S. Turner  
Consulting Engineer.

A communication from the Southern Pacific Company enclosing copy of agreement of June 26, 1913, granting the City an easement for roadway leading to the old Molalla Bridge was then read, and the Recorder was instructed to spread said agreement on the minutes.

May 3- Continued

Whereupon the Recorder was instructed to open bids received for the removal and destruction of the old water tank and tower.

The bid of Wilson Evans, \$ 10.00 being the only one received, on motion, seconded and carried the bid was accepted.

#### Reports.

The Superintendent of Streets reported various walks repaired and several new ones laid.

The committee in the matter of securing new dumping ground reported nothing done, and the Mayor instructed the committee on Streets and Public Property to act in conjunction with said committee on dump, and work out some solution of the problem.

The Water Committee reported getting figures on meters and price on new pump from Fairbanks, Morse & Co.

#### Miscellaneous.

The request of John Koehler to make a six foot walk and leave two feet for parking space in front of new garage building at First and B streets was granted. Also the bridging of the gutter in front of the entrance to the same building was left to his judgment in the matter.

#### Meters.

On motion of Councilman Patch, seconded by White and carried, it was voted that the City Attorney should draw an ordinance to be presented at a special meeting to be held on Monday, May 10 at 8 o'clock P.M., making it obligatory for those taking out sprinkling permits to install meters.

Whereupon Mr. Stover of the Neptune Meter Company, being present, was invited to address the Council.

Mr. Stover explained the workings of his meter, giving prices, etc. \$ 12.58 in lots of 100 or less, and \$ 11.83 in lots of 250, F.O.B. Canby.

Whereupon the following Ordinance came up for final action:

(107)  
ORDINANCE NO. 1926 - 4

An Ordinance appropriating the sum of \$ 1425.00 as a second payment, and the sum of \$ 1325.00 as a third and final payment out of the water funds of the City of Canby, on the claim of the Pittsburgh-Des Moines Steel Company for erecting and building a steel tower and water tank for Canby.

#### CANBY DOES ORDAIN AS FOLLOWS:

SECTION 1- Whereas heretofore the City of Canby duly entered into a contract and agreement with the Pittsburgh-Des Moines Steel Company, for the erection and construction of a steel water tank and tower for the Water Department of Canby, for and at the express and agreed price of \$ 7125.00, less the sum of \$ 100.00 to be allowed by the said Pittsburgh-Des Moines Steel Company for the expense of hiring an inspector for said work, and of which price of \$ 7125.00, sixty per-cent was to be paid when the material was delivered on the ground, which amount of \$ 4275.00 has been paid as per agreement, and whereas twenty per cent or \$ 1425.00 was to be paid when a certain other part of the agreement was completed and complied with, and which now has been performed according to said agreement, and twenty per cent or \$ 1425.00, being the final payment was to be made when said water tank and tower was entirely completed in a satisfactory manner, and turned over to and accepted by the City of Canby, and now the said water tank and tower being at this time about completed and ready to be turned over to Canby, the sum of \$ 1425.00 is hereby appropriated out of the water fund of Canby to be at this time paid to the said Pittsburgh-Des Moines Steel Company, and the further sum of \$ 1425.00 less the sum of \$ 100.00 allowed by the said Pittsburgh-Des Moines Steel Company for the expenses of inspection be appropriated out of the water fund of Canby, to be paid to the said Pittsburgh-Des Moines Steel Company, as a final payment.

May 3- Continued

SECTION 2- Whereas it is necessary that said water tank and tower be immediately accepted and put in use upon its completion and acceptance, for the use and convenience of the citizens of Canby, and in order to protect the peace, health and safety of Canby, an emergency is hereby declared, and this Ordinance shall go into full force and effect as soon as it is passed by the Council and approved by the Mayor.

Whereupon it was moved and seconded that said Ordinance be placed on it's final passage. On roll call, Ayes 6, Nos 0.

Whereupon the Mayor declared said Ordinance duly passed.

STATE OF OREGON )  
COUNTY OF CLACKAMAS)ss.  
CANBY )

I, H. B. Evans, being first duly sworn, depose and say, that I duly posted in three conspicuous places in Canby, three true and correct copies of the foregoing Ordinance certified to by me, as correct copies of such original, and which copies were posted in plain view of all passersby, and remained posted for more than fourteen continuous days, and were so posted on the 14th day of April, 1926, at the following places to wit;

One on the bulletin board in lobby of the Postoffice; one on the south side of W.H. Bair's warehouse, and one on the front of the City Hall, all in Canby, Oregon.

*H. B. Evans*  
-----  
Recorder.

Subscribed and sworn to before me this 3rd. day of May, 1926.

*Amelia Kraft*  
-----  
Notary Public for Oregon  
My commission expires 10-9-1927

Whereupon the following Ordinance came up for final action:

(288)  
ORDINANCE NO. 1926-5

An Ordinance to provide for the furnishing and installing of water meters, and the rates to be charged for water passing through meters in the City of Canby, Oregon, and declaring an emergency.

CANBY DOES ORDAIN AS FOLLOWS:

SECTION 1- Meters shall be furnished and installed for any water consumer of Canby, upon filling out a proper application thereof furnished by the Superintendent of the Water System.

SECTION 2- Each applicant for a meter shall deposit at the time of making application, the cost price of the meter, which cost price so deposited, shall be repaid to the user by remitting fifty percent of his water bill each month for two years, unless full payment for said meter shall be made before that time; and in case full payment has not been made in two years from the time of installment of said meter, then the balance, if any there be of the deposit, shall become the property of the City of Canby.

SECTION 3- Each applicant for a meter shall deposit with his application the cost of installing said meter, and the cost of making the water connection, as now provided for in the Ordinances of Canby relating to that matter.

SECTION 4- The charges for water used through meters shall be as follows:  
The minimum rate shall be \$ 1.50 per month, and will entitle the user to 400 cubic feet of water.  
In excess of 400 cubic feet and up to 2000 cubic feet, \$ for each additional 100 cubic feet-20c.  
In excess of 2000 cubic feet and up to 6000 cubic feet, for each additional 100 cubic feet-16c.  
In excess of 6000 cubic feet, for each additional 100 cubic feet-12c.

SECTION 5- Payments for water service on meter shall be at time and place as provided by Ordinance for payment of other water service.

SECTION 6 -Whereas this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the people of Canby, Oregon,

May 3-Continued

an emergency is hereby declared, and this Ordinance shall go into full force and effect, from and after its passage by the Council and approval by the Mayor.

And hereby repealing an Ordinance heretofore passed on the second day of June, 1924, and entitled an Ordinance to provide for the installing of meters and the rates to be charged for the uses thereof, in the City of Canby, Oregon.

Whereupon it was moved and seconded that said Ordinance be placed on its final passage. On roll call, Ayes 6, Nos 0.

Whereupon the Mayor declared said Ordinance duly passed.

STATE OF OREGON )  
COUNTY OF CLACKAMAS ) ss.  
CANBY )

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One on the bulletin board in the lobby of the Post-Office; one on the south side of W.H. Bair's warehouse, and one on the front of the City Hall, all in Canby, Oregon.

*H. B. Evans*  
Recorder.

Subscribed and sworn to before me this 3rd. day of May, 1926

*Amelia Kraft*  
Notary Public for Oregon.  
My commission expires 10-9-1927

Whereupon the following Ordinance came up for final action:

ORDINANCE NO. <sup>(209)</sup> 1926-6

An Ordinance directing the City Treasurer of Canby to merge and place the revenue arising from the Municipal Water Department and the Municipal Electric Light Department in one fund to be known as the Electric Light and Water Fund of Canby, and declaring an emergency:

CANBY DOES ORDAIN AS FOLLOWS:

SECTION 1- Pursuant to a Resolution passed by the City Council of Canby, Oregon, on April 12-1926, the City Treasurer of Canby is hereby authorized and instructed to merge the Water Fund and the Electric Light Fund of Canby, Oregon, into one fund, to be known as the Electric Light and Water Fund.

SECTION 2- That all the revenues from the Water and the Electric Light Systems be placed in said Electric Light and Water Fund, and that all warrants heretofore and hereinafter drawn on the Water Fund and the Electric Light Funds be charged to said Electric Light and Water Fund, and that an accounting be kept of the receipts and disbursements of each of said departments, and it is distinctly understood and agreed that all moneys raised or received from the sale of water bonds be used exclusively for the purpose for which the bonds were issued, and all moneys raised or received from the sale of Electric Light bonds be used exclusively for the purpose for which the bonds were issued, and that any tax or assessment levied and collected for the purpose of paying off bonds or the interest on bonds of either the Water or Electric Light departments of Canby, Oregon, shall be used for the sole purpose for which it was levied and collected.

SECTION 3- Whereas this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the people of Canby, an emergency is hereby declared, and this Ordinance shall go into full force and effect from and after its passage by the Council and approval by the Mayor.

Whereupon it was moved and seconded that said Ordinance be placed on its final passage. On roll call, Yeas 6, Nos 0.

Thereupon the Mayor declared said Ordinance duly passed.

May 3-Continued

STATE OF OREGON           )  
COUNTY OF CLACKAMAS    ) ss.  
CANBY                        )

I, H. B. Evans being first duly sworn, depose and say, that I duly posted in three conspicuous places in Canby, three true and correct copies of the foregoing Ordinance certified to by me, as correct copies of such original, and which copies were posted in plain view of all passersby, and remained posted for more than fourteen continuous days, and were so posted on the 14th day of April, 1926 at the following places to wit:

One on the bulletin board in lobby of the Postoffice; one on the south side of W.H.Bair's warehouse, and one on front of City Hall, all in Canby, Oregon.

*H.B. Evans*

Recorder.

Subscribed and sworn to before me this 3rd. day of May, 1926.

*Amelia Kraft*

Notary Public for Oregon

My commission expires 10-9-1927

Whereupon it was moved and seconded that the Council adjourn.  
Motion carried.

*H.B. Evans*

Recorder

Approved-June 7-1926

*W.H. Bair*

Mayor.

#### Special Meeting, May 10-1926

A special meeting of the City Council was held on Monday, May 10, 1926 at 8 o'clock P. M.

Mayor Bair called the meeting to order and announced that the meeting was called for the purpose of introducing meter ordinance and such other business as might appear.

On roll call there were present: Mayor Bair, City Attorney Wait, Chief of Police Lent, Recorder H.B.Evans, and Councilmen Bowlsby, Patch, Shewey, Swanby, Wang and White. Absent Dedman and Graham.

On recommendation of Mayor Bair, it was moved, seconded and carried that the Recorder be instructed to advertise for bids on meters, in lots of two hundred and fifty or less, bids to be presented and opened on May 27th., at a special meeting of the Council.

Whereupon it was moved, seconded and carried that the Water Committee in conjunction with the Mayor be empowered to purchase 100 boxes for meters.

Whereupon it was moved, seconded and carried that the matter of renewing Electric Light poles in the north end of the City be left to the Committee with power to act.

THIS INDENTURE, made the 26th day of June, 1913, between OREGON AND CALIFORNIA RAILROAD COMPANY, a corporation, incorporated, organized and existing under the laws of the State of Oregon, and its lessee, SOUTHERN PACIFIC COMPANY, a corporation, created by and existing under laws of the State of Kentucky, and doing and duly authorized to do business in the State of Oregon, parties of the first part, and CITY OF CANBY, a municipal corporation of the State of Oregon, party of the second part,

WITNESSETH-

THAT the parties of the first part hereby grant unto the party of the second part and to its corporate successors, an easement for a public road or highway upon and over the following described real property situate in the City of Canby, County of Clackamas, State of Oregon, to-wit:-

Beginning at a point on the West line of G Street, opposite Engineer Station 1260+11.7, and eighty (80) feet distant in a northerly direction at a right angle to the center line of the main track of the Oregon and California Railroad Company, and running thence westerly and parallel to said center line of said main track of said railroad twenty-two hundred and sixty-eight (2268) feet, more or less, to the westerly line of the Oregon and California Railroad Company's additional right of way for gravel pits; thence north along said right of way line sixty-six (66) feet, more or less, to a point which is one hundred and forty (140) feet northerly at a right angle to said center line of said main track of said Railroad Company; thence easterly and parallel to said center line of said main track twenty-two hundred thirty-eight (2238) feet, more or less, to the west line of said G Street thence southerly along the west line of said G Street sixty (60) feet to the place of beginning; said premises being shown within red lines upon the blue print map hereto attached and made part hereof.

RESERVING, however, unto the parties of the first part and each of them, and their and each of their successors, the right to maintain and operate the present spur-track now upon said property, and to change the location thereof, and to construct, maintain and operate other tracks upon and across said above described property.

This grant is made by the parties of the first part and accepted by the party of the second part upon the following conditions, to-wit:

1. The premises hereinabove described shall be used solely for street or highway purposes. In the event such use shall be discontinued or abandoned, this grant shall be void and said premises shall revert to the parties of the first part.

2. The party of the second part shall, at its own sole cost and expense, grade said premises for roadway purposes and place the same in condition for travel.

3. The party of the second part shall, at its own sole cost and expense, keep said premises in good condition and repair, and shall not at any time call upon or require the parties of the first part, or either of them, to pay any part of the expense of keeping said premises in repair or for improving the same.

IN WITNESS WHEREOF the parties of the first part have caused these presents to be executed by their respective officers thereunto duly authorized and their respective corporate seals to be hereunto affixed the day and year first above written.

Execution acknowledged  
before E. B. Ryan, N.P.  
San Francisco, July 3rd, 1913.

OREGON AND CALIFORNIA RAILROAD COMPANY

(Sgnd) E. E. Calvin, Vice President.

(Sgnd) G. L. King, Assistant Secretary

SOUTHERN PACIFIC COMPANY

(Sgnd) E. E. Calvin, Vice President.

(Sgnd) G. L. King, Assistant Secretary

Description Correct:  
(Sgnd) C. A. Marsh.

Recommended:  
(Sgnd) E. H. Miller,  
Industrial Agent.

Approved as to form:  
(Sgnd) Wm. F. Herrin,  
M  
Chief Counsel.