

REGULAR MEETING OF CITY COUNCIL OF
CANBY, HELD ON JUNE FIFTH, 1922.

The meeting was called to order by W. S. Maple,
Mayor.

Those present were: W. S. Maple, Mayor; C. L. Eid, Recorder; George F. Meeks, Chief of Police; H. C. Gillmore, Superintendent of Streets. Councilmen: Evans, Johnson, Lee, Sandsness, Shull and Sheldon.

The minutes of the previous meeting were read and approved asread.

It was moved and seconded that the audit of the city books be turned over to the Finance Committee, with power to act. Motion carried.

The following bills were read:

GENERAL FUND

Geo. F. Meeks	\$15.00	
Au. Rothenberg	20.00	
Library Association	5.00	
C. L. Eid	8.65	
Canby State Bank	85.00	
Canby Hdw. & Imp. Co.	5.10	
Molalla Electric Co.	18.00	
W. S. Maple	1.50	
Sheldon Drug Co.	12.55	
E. C. Shull	5.00	
Chas. A. Thomas	3.00	
P. L. Hammond	<u>35.00</u>	\$213.80

ROAD FUND

Aug. Rothenberg	2.00	
Barney Huiras	1.10	
Geo. Maghill	3.00	
H. Johnson	12.00	
John Mahlen	3.75	
Geo. Koehler	<u>1.00</u>	\$ 22.85

WATER FUND

Geo. F. Meeks	94.70
Geo F. Meeks 5% on \$400.	20.00
State Accident Comm.	1.63
Standard Oil Co.	18.80
Bond #1 Due 7/1/22	<u>500.00</u>

Int. on \$7,500 due 7/1/22	225.00	
Canby Hdw. & Imp. Co.	80.55	
R. C. Duke	.50	
Oregon City Foundry	15.35	
C. & R. Company	17.16	
W. S. Maple	2.00	
Peter Hornig	50.00	
Peter Hornig	<u>60.00</u>	\$1085.69

On roll call: Ayes: Evans, Johnson, Lee, Sandsness, Shull and Sheldon. Noes: None.

Whereupon the bills were ordered paid.

The Committee on Streets and Public Property made a report that the sidewalks were in bad condition.

The Committee on Health and Policey reported that a number of toilets in the City were a nuisance.

Whereupon the following Ordinance was read:

ORDINANCE NO. 165

An Ordinance providing for the construction of an electric light transmission and distributing system within the City of Canby, and declaring an emergency.

CANBY DOES ORDAIN AS FOLLOWS:

Section 1. It is hereby declared to be the purpose of the City of Canby to construct within the City of Canby the necessary distributing lines with the equipment attached thereto for a municipal lighting system within Canby.

Section 2. To carry out the work of constructing said system, it is hereby provided that the Mayor of Canby shall appoint a committee of three members of the Council, who shall be known as the "Electric Light Committee" who shall have immediate charge under the direction of the Council of the proposed work in connection with said transmission system.

Section 3. Wherever in this Ordinance the word transmission, or system is used, it shall be taken to mean and include all and everything necessary that may be required of the municipal transmission system to provide the City of Canby with the distribution of electrical energy.

Section 4. That said Electric Light Committee shall immediately upon the adoption of this ordinance, secure the services of a competent man to act as engineer, directing the construction of the said system, and shall cause to be provided the necessary plans, specifications and data that will be required for the construction of the said system, which said plans, specifications and data shall be submitted to the Council of Canby for its approval.

Section 5. Upon the said plans, specifications and data being so approved, the City of Canby shall call for bids for the construction of the said electric light system, in accordance with such adopted specifications, or, if in the opinion of the Council as expressed by a Resolution the Council of Canby shall determine that it shall be for the best interest of Canby that such work shall be done by day labor and without contracting, they may so specify in said Resolution and shall undertake the construction thereof without delay; or, the said Council may construct such portions of the work to be performed, and complete the balance by day labor, or in such other manner as may be decided by the Council at such time.

Section 6. That the Electric Light Committee shall have charge of the purchasing of all materials that may be necessary to be used in connection of such transmission system, and are hereby given full power and authority to do all things that may be necessary to be done to carry this provision of the ordinance into effect.

Section 7. All contracts which may be necessary to be signed on the part of the City of Canby, shall be signed by the Mayor and Recorder, and shall be in writing, and shall be first submitted to the Council of Canby and approved by such Council by resolution.

Section 8. That the said Committee shall cause the City of Canby to be insured under the provisions of the Act

creating the Industrial Accident Commission of the State of Oregon, for all damages that might be caused to the employees engaged in the construction of said system, and all contracts entered into by the City of Canby shall contain a clause that such contractors will and shall save harmless the City of Canby from any and all damages that may be caused thereby, and such contractor shall either secure such insurance, or in lieu thereof supply the City of Canby with such other insurance, or bonds as may be necessary.

Section 9. That said Committee shall employ a Superintendent, who shall represent the City of Canby in all of its dealings, and shall be an employee of the City of Canby, and shall be known as the Superintendent of the Electric Light System; said Superintendent shall be under the direct control of said Committee, whose duty shall be to look after the interests of the City of Canby during the course of such construction.

AND WHEREAS, it is necessary for the City of Canby to immediately construct such municipal light system for the immediate preservation of the peace, health and safety of the City of Canby and the inhabitants thereof, an emergency is hereby declared, and this ordinance shall go into immediate force and effect upon its passage and adoption by the Council of Canby, and approval by the Mayor.

It was moved and seconded that said ordinance be posted for the reason that the cost of publication was considered excessive by the Council and to come up for final passage at a special meeting to be held on June 29, 1922, at eight o'clock P. M. Motion carried.

The following Resolution was then read:

RESOLUTION

A RESOLUTION, directing the Recorder of Canby to advertise for bids for the sale of Ten thousand (\$10,000.00) DOLLARS worth of bonds of Canby, providing for the manner of

sale of the same, and setting forth an emergency to make this Resolution immediately operative.

Whereas, the Council of Canby was authorized by the vote of the electors of Canby at an election held for that purpose to issue bonds of Canby in an amount not to exceed Ten thousand (\$10,000.00) Dollars, which shall draw interest at a rate not to exceed 6 per cent. and is for the purpose of constructing an electric transmission and distributing system in Canby, Now, Therefore:

BE IT RESOLVED BY THE COUNCIL OF CANBY, That the Recorder of Canby shall and he hereby is directed for and in behalf of Canby to advertise for bids for the sale of bonds of Canby in the amount of Ten thousand (\$10,000.00) Dollars, for at least one publication in a newspaper of general circulation in Canby Clackamas County, Oregon. which said advertisement shall direct that all bids for said bonds shall be mailed or delivered to the Recorder of Canby not later than six o'clock P. M., on June 22, 1922. Each of said bids shall be inclosed in an envelope securely sealed, and marked "Bid for Bonds of Canby", and each bid shall be on the rate of interest to be paid on the said bonds, and shall specify the number of bonds the bidder will purchase at said rate of interest; and provided, further, that any number of bonds may be sold to one or more of said bidders.

That on the 22 day of June, 1922, at eight o'clock P. M., or at the earliest time thereafter, the Council of Canby shall meet at the Council Chamber in Canby at which time said bids shall be opened and at which time they shall award the purchase thereof to the best bidder or bidders therefor; provided, the Council shall have the authority to reject any or all bids. When the purchase of said bonds shall have been awarded as above set forth the Mayor and Recorder shall issue said bonds at the rate of interest provided for at the time said bids are let; interest to run from the date of acceptance of said bonds by the successful bidder or

bidders therefor. Upon the execution of said bonds the Recorder shall deposit the same with the Treasurer of Canby to be delivered to the successful bidder or bidders upon the receipt of the moneys bid therefor, with accrued interest.

said bonds shall be issued in the aggregate amount of Ten thousand (\$10,000.00) Dollars and shall be issued in amounts not to exceed \$500.00 and as desired by the purchasers; provided that said amounts shall be in even hundreds of dollars, and which said bonds shall be numbered from #1 upwards in order of issuance, dated as hereinbefore provided, and payable as follows:

\$500.00	in 2 years	from date thereof;
\$500.00	in 3 years	from date thereof;
\$500.00	in 4 years	from date thereof;
\$500.00	in 5 years	from date thereof;
\$500.00	in 6 years	from date thereof;
\$500.00	in 7 years	from date thereof;
\$500.00	in 8 years	from date thereof;
\$500.00	in 9 years	from date thereof;
\$500.00	in 10 years	from date thereof;
\$500.00	in 11 years	from date thereof;
\$500.00	in 12 years	from date thereof;
\$500.00	in 13 years	from date thereof;
\$500.00	in 14 years	from date thereof;
\$500.00	in 15 years	from date thereof;
\$500.00	in 16 years	from date thereof;
\$500.00	in 17 years	from date thereof;
\$500.00	in 18 years	from date thereof;
\$500.00	in 19 years	from date thereof;
\$500.00	in 20 years	from date thereof;
\$500.00	in 21 years	from date thereof.

to bear interest at a rate to be specified at the time said bids are accepted, payable semi-annually every installment of interest to be evidenced by sufficient coupons attached to each of said bonds, both principal and interest to be payable at the First National Bank of Canby, Oregon, or at such a place designated by the successful bidder or bidders for said bonds, in gold coin of the United States of America, said bonds to be in lawful form and the full faith and credit of Canby shall be pledged in payment thereof; provided, that said bonds may be called as provided in the act providing for their issuance.

Upon presentation of said interest coupons to the Treasurer of Canby at or after maturity he shall pay the

same out of any funds he may have applicable thereto, and they shall take precedence over and be paid before any outstanding city warrant or other obligation of Canby, except bond issues heretofore made.

Every bid for bonds shall be accompanied by a certified check for five per cent. of the amount of bonds bid for, payable to the Treasurer of Canby, which shall be the property of Canby as soon as the bid accompanying the check shall have been accepted by the Council, the amount of which check shall be applied on the purchase price of said bonds; provided however, if any bidder or bidders shall fail or neglect to complete the purchase of said bonds within thirty (30) days from the date of the acceptance of such bid as above provided, the said check and money represented thereby shall be forfeited to Canby. All checks received with bids not accepted shall be returned by the Recorder forthwith upon being rejected. Provided further, the City of Canby reserves the right to reject any and all bids submitted for said bonds, and further reserves the right to accept such bid in an amount of Eight thousand (\$8,000.00) Dollars in lieu of the full sum of Ten thousand (\$10,000.00) Dollars, the four bonds reserved being of later maturities.

And Whereas, the health and safety of the citizens of Canby are endangered through a lack of light system and power to supply water for household purposes and fire protection, an emergency is hereby declared, in order to preserve the peace, health and safety of Canby, and this Resolution shall go into full force and effect as soon as it is passed by the Council and approved by the Mayor.

It was moved and seconded, that said Resolution be adopted. Motion carried.

On roll call. Ayes: Evans, Johnson, Lee, Sandsness, Shull and Sheldon. Noes: None.

Whereupon the Mayor declared the same duly passed, and immediately approved a copy thereof.

Whereupon the following Ordinance was read:

ORDINANCE NO. 185th 1422-3

An ordinance defining the term "interurban public utility vehicles" and providing that Interurban Public Utility Vehicles shall not be operated in Canby, except under or by virtue of a franchise, and for penalties for violation hereof and declaring an emergency.

CANBY DOES ORDAIN AS FOLLOWS:

Section 1. The following words used in this ordinance, shall have the following meaning attached thereto:

The word "street" shall mean and include any street, alley, avenue, highway, lane, or public place in the City of Canby.

The term, "Interurban Public Utility Vehicle" shall mean and include any automobile, auto bus, jitney, omnibus, auto stage, taxicab, or other vehicle propelled, operated or driven by any motive power whatsoever, other than horses or other animals, which are run or operated on the streets of Canby from any point or points outside of Canby to or within the City of Canby, ^{or from Canby to any points outside of Canby} for the purpose of affording a means of transportation of passengers or property for hire as a common carrier; providing however, that this shall not include railroad cars.

The word "Person" shall mean and include persons, copartnerships, corporations, associations, their lessees, trustees, or receivers, whether appointed by a Court, or otherwise, either as principal, agent or employee.

Section 2. From and after the passage of this ordinance it shall be unlawful for any person to operate any interurban public utility vehicle on any street of the City of Canby, and no such franchise shall be given or granted except by ordinance.

Section 3. Such franchise shall be given and granted on such terms, provisions and conditions as may be determined by the ordinance giving or granting such fran-

chise.

Section 4. Whereas, Canby is without adequate legislation regulating the use of Interurban Public Utility Vehicles operated upon the streets thereof, and the public peace, health and safety of the people of Canby requires the regulation of such vehicles without delay, an emergency is hereby declared to exist, and this ordinance shall be in effect upon its passage and approval.

Section 5. Any person violating any of the provisions of this ordinance, shall upon conviction thereof before the Recorder be punished by a fine, not exceeding \$50.00 for each offense, or by imprisonment, not exceeding thirty days, or by both.

It was moved and seconded that said ordinance be posted for the reason that the cost of publication was considered excessive by the Council and to come up for final passage at a special meeting to be held on June 22, 1922, at eight o'clock P. M. Motion carried.

The following Ordinance was then read:

ORDINANCE NO. ¹⁹²²⁻⁴
^{184(b)} _____

An ordinance giving and granting to J. H. Cain a franchise for a period of five years from the passage of this ordinance to operate interurban public utility vehicles from Canby to Oregon City, and providing penalties for the violation of this ordinance.

CANBY DOES ORDAIN AS FOLLOWS:

Section 1. J. H. Cain is hereby given the right to operate interurban public utility vehicles over and along the streets of the City of Canby and from said City to Oregon City, from and after the passage of this ordinance for a period of five (5) years, providing that the said J. H. Cain shall pay to the City of Canby the sum of Sixty (\$60.00) Dollars per year in advance for the privilege of this franchise.

Section 2. This franchise shall be void unless such payment above mentioned is made as provided herein, or unless

the said J. H. Cain shall make four round trips daily between the cities of Oregon City and Canby, and shall file with the City Recorder a schedule of the time of such trips, together with the tariff rate to be paid thereunder; and provided further, that the said J. H. Cain shall maintain the said trips as per said schedule, unavoidable delay only excepted.

That this franchise is subject to such other rules and regulations as may be adopted by the Council of Canby to govern and control interurban public utility vehicles in general in Canby, and provided further, that the said J. H. Cain shall bond each of the public utility vehicles operated under this franchise hereby granted, in a sum of not less than \$5000.00 personal liability insurance for the safe passage of the passengers to be carried in such vehicles and to be approved by the City of Canby, and further that the said J. H. Cain shall not assign this franchise without the approval of the City of Canby.

Section 3. If the said J. H. Cain shall fail or neglect to comply with all or any of the conditions of this franchise, together with the other ordinances and regulations of the City of Canby heretofore adopted, or which may hereafter be adopted by the City of Canby, then and in that event on written notice of the City of Canby, this franchise shall be void.

It was moved and seconded that said ordinance be posted for the reason that the cost of publication was considered excessive by the Council and to come up for final passage at a special meeting to be held on June 22, 1922, at eight o'clock P. M. Motion carried.

It was moved and seconded that the Committee on Streets and Public property put button to safeguard traffic at First and C Streets of Canby. Motion carried.

No further business appearing, the meeting adjourned.

APPROVED:

July 3, 1922
W. S. Mape

Mayor.

RECORDER: