

MINUTES OF COUNCIL MEETING.

Regular meeting of the Council held September 5, 1916.

On roll call the following were present:

Mayor, W. H. Bair, Recorder, P. L. Hammond, Councilmen
Wang, White, Graham, Dedman, Bates, Combs, Stacy.

The minutes of the previous meeting were read and approved.

The following communication was received from the City

Attorney:

Canby, Oregon,

August 24, 1916.

To the City Recorder of Canby,

Clackamas County, Ore.

Dear Sir:

I herewith submit and return the ballot title
for the proposed bond election and authorization of
the purchase of the Lee Water System of Canby, towit:

1. Referred to the people of Canby by the Council of Canby.
2. Ordinance authorizing the purchase of the Canby Waterworks and the issuing of bonds.
3. Purpose: Shall Canby purchase the Canby Waterworks, including its franchises, distributing system, Lots 11 and 12, in Block 16, of Canby, and all other property of every kind and character, and shall Canby issue bonds to the amount of \$6500.00 at a rate of interest not greater than six per cent, for the purpose of purchasing said Canby waterworks?

P. L. Hammond,

City Attorney.

The following bills were then read against the general fund:

Frank Dodge,	\$228.00
Canby Herald,	24.25
P. L. Hammond,	125.00
Canby Transfer Co.	1.50
Canby Transfer,	1.00
K. O. Hills,	1.00
City Recorder,	10.45
Carlton & Rosenkrans Co.	3.96
Molalla Electric Co.	47.00
O. L. Carpenter,	9.00
Canby Library Assn.	5.00
Canby Water Works,	5.00
	<hr/>
	\$461.16

Forwarded,	\$461.16
Chief of Police,	15.00
Clem Dollar	10.00
Huntley Drug Co. Oregon City,	.35
Huntley Drug Co. Oregon City,	3.96
Canby Hardware Implement Co.	2.45
	<u>\$492.92</u>

The following bills were read against the water fund:

Crane Co.	\$9803.24
W. H. Howell	87.47
Waldron Hyatt	20.59
C. E. Bowman,	67.92
G. W. Kessebung	45.12
W. Jensen,	32.16
P. Jensen	25.51
Leo. Houston,	16.20
Elmer Gribble,	48.34
E. W. Bates,	.33
Geo. Bates,	9.75
W. W. Bradley,	11.55
E. Bertilsen,	21.07
H. Bissell,	18.82
Floyd Carlson,	15.75
B. Carlson,	30.49
D. Cox,	20.97
E. H. Chisholm,	2.03
James Dozier,	32.07
M. Eid,	39.50
H. Fenny,	38.82
W. E. Gurley,	9.60
T. Hagen,	3.75
L. P. Hagen,	3.47
John Hustan	36.64
Edward Hustan,	30.64
R. L. Hein,	41.74
Geo. Huiras,	34.84
L. H. Huiras,	1.35
Roy Johnson,	15.72
Leland Johnson,	20.97
W. A. Kendall,	25.65
D. Kraack,	38.29
Wm. Kraack,	22.39
J. B. Mitts,	36.87
John Nieland,	25.70
R. L. Porter,	44.29
Levi Pierce,	9.60
J. K. Skivington,	22.39
H. Swigart,	31.24
A. Zec,	30.72
Canby Transfer Co.	32.50
Bill Maple,	5.25
C. Wang Co.	6.55
Crane Co.	21.13
Crane Co.	161.50
Crane Co.	16.94
Crane Co.	837.43
Waldron Hyatt,	27.50
W. Jensen,	24.00
P. Jensen,	24.00
E. W. Bates,	13.81
E. H. Chisholm,	29.97
L. P. Hagen,	23.57
T. Hampton,	39.27
M. Hampton,	24.45
W. Miekelson,	18.75
W. M. Porter,	39.27
Carlton & Rosenkrans,	.19
Total,	<u>\$ 12219.64</u>

Motion made and seconded that all of said bills be paid.
Carried.

On roll call:

Ayes: Wang, White, Graham, Dedman, Combs, Stacy.

Noes: None. Not voting: Bates.

Motion made that street commissioner be ordered to trim up the trees growing in the parkings on the streets of Canby to such a height as he may deem proper. Carried.

Motion made that S. A. Cobb be employed to survey and give the grade on Railway Avenue on B Street between First and Second Streets and C Street between Second and Third Streets, and that the street superintendent improve said streets. Carried.

The following budget prepared by the committee on budget was read:

CITY BUDGET FOR THE YEAR 1917.

Estimated sum needed in the General Fund for expenses during the year 1917, \$2338.00

Salaries of city officials as required
by Ordinances:

Recorder of Canby, \$12.00 ✓

Chief of Police, 180.00 ✓

To regular monthly bills, total required for year: 150.00 ✓

Electrical current 575.00 ✓

Canby Public Library 60.00 ✓

Regular yearly bills: 2.00 ✓

Lease of ground from O. & C. R. R. 1.00

To maintenance of electric light system:

To renewing globes, brackets and wires for the same, 100.00 ✓
120.00

To cost of maintaining new extension on light system, 50.00

To maintenance of executive department of city:

To pay general expenses (including printing, postage, attorney's fees, fees of Recorder's office, telephone charges, annual cost of preparing budget, stationery, publishing monthly expense accounts, expenses of auditing City's Books annually, money for charitable purposes, interest on warrants not paid for want of funds, etc.) \$300.00

To maintenance of Recorder's Court:

To cover witness fees and other court costs, upkeep of jail, meals to prisoners, etc. 50.00

To maintenance of police department:

For special police during Fair, 40.00

For special police, for fees allowed Chief of Police, according to City Charter, for other costs of police department, as maintenance of City pound, taking care of stray dogs, collection of dog licenses, prevention of nuisances, etc. 50.00

For Oiling Streets of Canby (Tank of oil and freight on same) 150.00

Engineering:

For charges of engineers for giving grades for street cross walks, etc. 50.00

General repairs for city buildings: 50.00

Fuel for City:

Wood 20.00

Cross walks and side walks:

For cross walks across the streets in Canby, and repairs of walks in front of City property, prescribed by the charter to be paid from the general fund of the City, 600.00

To maintenance of ferry:

To salary of ferryman, 150.00

To City Election:

To salaries of clerks, judges and printing, etc. 30.00

To salary City Treasurer:

Salary of the Treasurer is on the fee basis and
is estimated at

\$50.00

Total, \$2538.00

To estimated sum needed in the water fund for
expenses during the year 1917:

To interest on bonds of Canby, \$1080.00

To maintenance:

Oil and maintenance of machinery, 300.00

To collection of water rent and salary of man
in charge of water plant,

600.00

Total, \$1980.00

To total sum needed in the general fund for
expenses during the year 1917,

\$2538.00

To total sum needed in the water fund for
expenses during the year 1917,

1980.00

Total, 4518.00

SOURCES OF REVENUE OF THE CITY OF CANBY.

General revenue from sources other than taxes:

From fees, Unknown

(Very little or nothing)

From rent of City Hall, \$180.00

(Provided the hall is rented during the year)

Total probable revenue, without taxation, 180.00

Revenue for water fund from sources other than
taxes:

To water rents from municipal water system, \$1800.00

Estimated expenses:

General fund, 2518.00

Water fund, 1980.00

Total probable revenue without taxation:

General fund,	\$180.00
Water fund,	1800.00

Deficit to be raised by taxation:

General fund,	2338.00
Water fund,	180.00

Total deficit to be raised by taxation,	2518.00
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Estimated valuation of property within Canby,	\$324,828.59
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This budget for Canby includes nothing for the improvement of roads or streets. Money for these purposes will have to come from the general road taxes of Clackamas County. The value of road taxes from this source during the year 1916 was about \$1800.00. This tax has not been levied for the year 1917.

We respectfully submit the foregoing budget to the Council of Canby.

L. H. Wang.

H. A. Dedman

J. Lee Eckerson.

Treasurer.

P. L. Hammond,

Recorder.

The following resolution was proposed by George Bates:

BE IT RESOLVED by the Council of Canby, that the budget proposed by L. H. Wang, H. A. Dedman, J. Lee Eckerson, and P. L. Hammond, under the direction of the Council, be and the same is hereby accepted and adopted by the Council for the City of Canby.

On roll call:

Ayes: Wang, White, Graham, Dedman, Bates, Combs, Stacy.

Noes: None.

Whereupon the Recorder read the following Ordinance:

ORDINANCE NO. ____.

An Ordinance for the purpose of levying a tax of eight mills on all the taxable property, both real and personal, within the city of Canby.

CANBY DOES ORDAIN AS FOLLOWS:

Section 1. That the City Council of Canby does hereby levy a tax of eight mills on all the taxable property, both real and personal, which is taxable for state and county purposes within the corporate limits of Canby, to be collected as other taxes are collected in the State of Oregon by the treasurer and tax collector of Clackamas County, during the year 1917, with the taxes commonly known as the taxes of 1916.

Motion made and seconded that said Ordinance be posted for the reason that the charges of publication thereof are in the judgment of the Council excessive, and said publication be dispensed with, and the same shall be posted in three public and conspicuous places for a period of two full calendar weeks, and to come up for final passage at a regular meeting of the Council of Canby to be held on the 25th day of September, 1916, at 8 o'clock. Carried.

Nominations were called for for Judges of the Special City Election to be held September 23, 1916. The following persons were nominated: Wilson Evans, Wilmer Sandsness, C. E. Bowman, W. E. Grastrock.

No other persons being nominated, nominations were declared closed.

Nominations being called for for Clerk, the following persons were nominated: F. B. Patch, George Ben Shadler, C. R. Gunzal.

No further nominations being made nominations were declared closed.

The ballot being cast the Mayor announced the result as follows for judges:

Wilson Evans 6, Wilmer Sandsness, 5, C. E. Bowman 6, W. A. Grastrock 3, Bissell 1.

For clerks:

F. B. Patch 5, George Ben Shadler 6, C. R. Gunzal 2, C. Smith 1.

Whereupon the following resolution was introduced by Councilman Wang:

RESOLUTION.

BE IT RESOLVED by the Council of Canby, that Wilmer Sandsness, C. E. Bowman and Wilson Evans are hereby appointed Judges of the Special City Election to be held September 23, 1916, and F. B. Patch and Geo. Ben Shadler are hereby appointed Clerks of the election to be held on the 23rd day of September, 1916. That they shall receive for their compensation the sum of \$3.00 per day.

WHEREAS it is necessary that Canby purchase the Canby Waterworks in order to preserve the peace, health and safety of Canby, and the citizens thereof, in order to provide an adequate supply of pure and wholesome water and to provide fire protection, and whereas, an election is to be held for that purpose on the 23rd day of September, 1916, and it is necessary that Judges and Clerks be appointed for said election, an emergency is hereby declared, and this resolution shall go into full force and effect as soon as it is adopted by the Council, and approved by the Mayor.

On roll call on the passage of said resolution:

Ayes: Wang, White, Dedman, Graham, Bates, Combs, Stacy.

Noes: None.

Whereupon the Mayor immediately signed and approved a copy thereof and declared said resolution in full force and effect.

Whereupon the Recorder read a communication from the Southern Pacific Company in regard to water and pipe lines on station grounds and under the tracks of the Southern Pacific Company in Canby, and the following agreement:

THIS AGREEMENT, made this first day of September, 1916, by and between Southern Pacific Company, a corporation, hereinafter termed Licensor, and City of Canby, Oregon, of Canby, County of Clackamas State of Oregon, hereinafter termed Licensee,

WITNESSETH THAT: Licensor, in consideration of the faithful performance by Licensee of all its covenants and agreements herein contained, hereby grants unto Licensee the right to construct, reconstruct, maintain and operate a pipe line 4" -6" in diameter, hereinafter termed structure, for transporting water, said structure to be constructed beneath the property of Licensor and / or its lessors, at or near Canby, Station, County of Clackamas and State of Oregon from a point in the westerly side of "A" Street, thence westerly along the southerly line of Licensor's station grounds, and 16 ft. northerly from the southerly edge thereof, a distance of 1455 feet, thence northerly a distance of 235 feet to a point in "E" street, crossing beneath the tracks of the Licensor not less than 5 feet below base of rail opposite Engineer Station 1252+20, in location as shown in red ink on the blueprint map hereto annexed and made part hereof.

This grant is made upon the following terms and conditions, to-wit:

1. Licensee hereby acknowledges the title of Oregon and California Railroad Company, and the leasehold estate of the Licensor, in and to the premises described in this agreement and agrees never to assail or resist said title or leasehold interest.

2. As and for use of premises of Licensor or its lessors, Licensee shall pay Licensor, on rendition of bill therefor, a rental of One and no/100 (\$1.00) dollars per year, or fractional part of a year in the event of termination as hereinafter provided, payable annually in advance.

3. Licensee agrees to indemnify and save harmless Licensor and its lessors from and against any and all loss, damage, liability, cost and expense which it or its lessors may sustain or bear, or to which it or its lessors may be put, resulting in any manner from the location of said structure and its appurtenances on or beneath the premises hereinbefore specified.

4. Licensee and the agents and employees of Licensee shall have the privilege of entry on said premises for the purpose of making necessary repairs to or changes in said structure, and Licensee agrees to at all times keep said premises in a good and level condition to the satisfaction of Licensor.

5. At the expiration of said term of any extension thereof, or upon revocation of the privilege hereby granted, or upon the termination of this agreement, as hereinafter provided, Licensee shall, at Licensee's own cost and expense, immediately remove said structure and restore said premises, as nearly as possible, to the same state and condition they were in prior to the construction of said structure, failing in which Licensor may perform such work at cost of Licensee, which cost Licensee agrees to pay on rendition of bills therefor.

6. Licensee agrees that all work upon, or in connection with, said structure shall be done at such times and in such manner as not to interfere in any way whatsoever with the operations of Licensor, its lessors or successors, and that the location of said structure and all work in connection therewith shall be done and made under the supervision and to the satisfaction of Licensor, its lessors or successors.

7. Should Licensor, its lessors or successors at any time require the removal, reconstruction, alteration, or changes in the location of said structure, Licensee shall, at Licensee's own cost and expense, immediately remove, reconstruct, alter or make changes in the location of said structure upon receiving written notice from Licensor, its lessors or successors.

8. This license is personal to Licensee, and in case Licensee shall attempt to assign or transfer the same, in whole or in part, without the written consent of Licensor, or shall for the period of one year continuously fail to use said structure, this license may, by notice from Licensor to Licensee, be revoked.

9. In the event Licensee shall discontinue the use of said structure or shall abandon the same, or shall fail to keep, observe and perform any covenant on Licensee's part herein contained, all rights hereby granted shall forthwith cease and determine and Licensee shall thereupon remove said structure and restore said premises to their present condition. Should Licensee in such event fail, neglect or refuse to so remove said structure and so restore said premises to their present condition, such removal and restoration may be performed by Licensor at the expense of Licensee, which expense Licensee agrees to pay to Licensor on demand.

10. If at any time or times any work of any kind of character is to be performed or done by a contractor for Licensee, Licensor hereby reserves the right to require any such contractor to enter into a written agreement with Licensor satisfactory to it and to also require any such contractor to give an indemnity bond in favor of Licensor in such amount as Licensor shall specify before permitting any such contractor to perform or do any of said work on property of Licensor or its lessors.

11. This agreement may be terminated by either party

hereto giving thirty days' notice in writing to that effect to the other.

12. Except as otherwise provided herein, the terms and conditions of this agreement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in duplicate the day and year first herein written.

The following resolution was introduced by Councilman Wang:

A RESOLUTION

Providing for the entering into of a lease agreement with the Southern Pacific Company for the purpose of laying water mains under the tracks and on the right of way of the said company in Canby, Oregon, and providing for the payment of One Dollar per year for said right, and that the mayor and recorder issue and execute an agreement, and declaring an emergency.

WHEREAS, Canby is constructing a municipal water works, and in order to supply the people of Canby it is necessary to lay and construct water pipes and mains of said system under the railroad track and upon the right of way of the Southern Pacific Company in the City of Canby, and

WHEREAS, it is necessary to secure permission from the owners of the said property so to do,

NOW THEREFORE, BE IT RESOLVED by the Council of Canby that Canby does ordain that the Mayor and Recorder are hereby instructed and directed to execute a lease agreement with the Southern Pacific Company, a copy of which lease agreement was filed in the recorder's office September 1, 1916, and

BE IT FURTHER RESOLVED that Canby pay the Southern Pacific Company One Dollar per year for the privilege of

maintaining said pipes under said agreement,

BE IT FURTHER RESOLVED that insomuch as Canby is now constructing said municipal water system for the purpose of erecting a building and water system to supply Canby and its inhabitants with an adequate supply of good, pure and wholesome water, and to provide fire protection therefor, and by reason of the want thereof, the health and safety of Canby and its inhabitants are in danger, an emergency is declared to exist, and this resolution shall be in full force and effect from and after its passage and approval by the Mayor.

On roll call:

Ayes: Wang, White, Dedman, Graham, Bates, Combs, Stacy.

Noes: None.

Whereupon the Recorder read the following Ordinance:

ORDINANCE NO. 131.

132

An Ordinance appropriating the sum of \$965.00 to purchase an oil engine for the Canby Waterworks, directing the mayor and recorder to enter into a contract therefor, and declaring an emergency.

CANBY DOES ORDAIN AS FOLLOWS:

Section 1. That the sum of \$965.00 be and the same is hereby appropriated from the water fund of Canby to purchase a Type "Y" semi-Diesel Oil Engine from Fairbanks, Morse & Company.

Section 2. The Mayor and Recorder are hereby instructed to enter into a contract with the said Fairbanks, Morse & Company, for the purchase of said engine, a copy of which said contract was filed in the recorder's office September 1, 1916.


Section 3. Whereas, Canby is constructing a municipal water system, and whereas, it is necessary that an engine be purchased to furnish power for said water system, and whereas, it is necessary in order to protect the peace,

health and safety of Canby and the citizens thereof, to purchase said engine in order to complete said waterworks, and furnish the said town with pure and wholesome water, and to furnish fire protection, an emergency is hereby declared, and this ordinance shall go into full force and effect as soon as passed by the council and approved by the Mayor.

Motion made and seconded that said Ordinance be posted for the reason that the charges of publication thereof are in the judgment of the Council excessive, and said publication be dispensed with, and the same shall be posted in three public and conspicuous places for a period of two full calendar weeks, and to come up for final passage at a regular meeting of the Council of Canby to be held on the 25th day of September, 1916, at 8 o'clock. Carried.

Whereupon it was moved and seconded that the Council adjourn to a special meeting to be held September 11th, 1916, at 8 o'clock.


RECORDER.

APPROVED,  OCT. 2, 1916.


MAYOR.