

CANBY CITY COUNCIL
Regular Meeting
January 17, 1979

Present: Mayor Rapp, Council Members, Westcott, Swayze, Brown, Nichols and Knight.

Absent: Councilman Taylor

Others Present: City Attorney Bettis, Administrator Wyman, Treasurer Weston, Public Works Director Ferguson, Planner Stephan Lashbrook, Public Works Supervisor Bud Atwood, David Bury, Denise O'Halloran of the Canby Herald, seven North Marion High School students and Lyle Read of Read Bentz Insurance.

Following flag salute and roll call, Attorney Bettis suggested that due to leave of absence of Nancy Boggs, recorder, that Harold A. Wyman, Administrator be named city recorder. Councilman Westcott moved, seconded by Brown, to appoint Harold A. Wyman City Recorder to replace Nancy A. Boggs and that Mr. Wyman act as Acting City Recorder prior to this date subsequent to the leave of absence of Mrs. Boggs are hereby ratified and confirmed. Vote was unanimous.

Nominations were opened for election of a Council President. Councilman Swayze nominated senior member Robert D. Westcott as president, seconded by Nichols. Nominations closed and an unanimous ballot cast, with Mayor Rapp declaring Westcott elected.

Postponed until corrected were minutes of the December 19, 20 and January 3 minutes.

Resolution #256, read by Attorney Bettis with explanation, was approved unanimously on motion of Councilman Swayze, seconded by Westcott, the motion specifying that a copy of the resolution be added to the minutes of January 17, 1979. Vote by roll call.

On City Attorney's recommendation, Councilman Swayze moved that the Mayor and Administrator contact Moody's Investors Services, New York City and get a bond rating for the City of Canby, and execute an agreement with that company. Payment will be from bond sale money. Motion seconded by Council member Brown, approved unanimously. Mr. Bettis indicated he would call New York January 18 and that the administrator will have an official statement in his City Hall office on January 23, 1979.

Accounts payable of \$20, 181.89 were ordered paid by unanimous vote on motion of Councilman Swayze, seconded by Knight. Roll call vote.

Insurance coverage on the City-owned van bought for Loaves and Fishes was discussed by Read with the Council. Councilman Knight moved, seconded by Westcott, that the Administrator issue instruction that the Dodge van purchased for use by Loaves and Fishes is not to be used for municipal purposes. Read said he had paid the premium for city insurance but will have the policy on that vehicle cancelled and will prorate the bill to the city. Motion passed, 5-0.

Liquor license applications of HiWay Market, Canby American Legion Post 122 and Canby Home Discount Grocery were approved on motion of Councilman Nichols, seconded by Swayze. Roll call vote: 4-1 (Westcott voting no.)

Draft agreement of Montgomery Engineering, Los Angeles, for Canby water system engineering services, a 25 page document, has been delivered (January 11) to the City Attorney and Canby Utility Board manager, Bettis reported. No action taken.

Labor negotiator hiring for the City was discussed. Councilman Westcott moved, Knight seconding, that after reviewing proposals from Blair Services and Cascade Employers that because of lower cost and excellent performance in the past, Blair Services, Inc. be engaged to do consultation and negotiation with Canby Police Association and Public

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Works employees, effective January 1, 1979, through December 31, 1979, at \$450 plus costs, to do work as outlined in Blair's letter of January 16 to Administrator Wyman. Motion to table made by Councilman Nichols, seconded by Swayze, drew a no vote from Westcott. Reason for tabling was given as affording opportunity to verify what is involved, due to differences of opinion in interpreting Blair's letter.

Hearing Mayor Rapp's recommendations on two appointments to the Planning Commission, Councilman Westcott nominated Al Schwartz to a three-year term and Marilyn Perkett to a one-year term. Motion to appoint them was made by Councilman Swayze, seconded by Knight; vote was unanimous. Mayor Rapp directed that letters of thanks be sent to the outgoing members; Ralph R. Hulbert and Alvin W. Cibula.

Planner Lashbrook read a report of January 10 from the Committee on Citizen Involvement recommending appointment to the Citizens Advisory Committee of E.L. Cole, Hal Andrews, C.C. Sheppard and Marjorie Weiss, and suggesting that Fred A. Kahut of the Planning Commission and Beryl Brown, Councilwoman serve as CAC in advisory capacity. On Councilman Westcott's motion, seconded by Swayze, Councilman Knight was to contact the proposed members of CAC or seek others to serve, and report to the Council January 31. Motion passed, Knight voting No.

Motion to name Cole to the CAC was made by Councilman Westcott, seconded by Swayze, and passed unanimously. Councilwoman Brown was named advisory member from the Council on request of Lashbrook.

December report from Loaves and Fishes was reviewed. Public Works Director Ferguson stated that Rick Kuehn of the Oregon Highway Division expected restriping of 99E refuge lane to start in the near future. Ferguson reported that 53 had been removed from sewer service billing so far, following certification that they have no hook-ups and cannot connect with the city lines.

Because the February 14 Special Council meeting will be in the new Canby Utility Board Building, starting at 7:30, the City Hall office must remain open from five to eight p.m. to receive bids on the G.O. bonds for water purposes, Bettis advised.

Assured by the city attorney that a motion will suffice, Councilman Swayze moved that new budget committee members as needed be named in January, two each for 3 year terms, and that such authorization be made part of the book of policy. Seconded by Westcott, motion passed 5-0. Terms of Matthew Knoblauch and Alvin Cibula Are expiring this year.

Administrator Wyman reported the Cemetery Fund \$5,713 in "the red", and that the sexton will be placed in another department to decrease the loss. The perpetual care fund, now at \$93,000, has interest which can be used for maintenance but such has never been done, he added. Bud Atwood stated that a new area must be prepared (two years prior to its need) starting in the next fiscal year.

Public hearings by the Council, suggested by Mr. Wyman, were approved on motion of Councilman Nichols, with Knight seconding, and passed 5-0. Motion was for hearings February 7, on appeal; Feb. 21 on (Clark) zone change; and March 7 on (Morse) application for annexation; to be held no earlier than 7:30 p.m., or as soon thereafter as possible.

Meeting adjourned at 9:27 p.m.


Robert Rapp, Mayor

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Harold A. Wyman, City Recorder

RESOLUTION NO. CCLVI (256)

RESOLUTION AUTHORIZING ISSUANCE OF WATER BONDS.

WHEREAS, heretofore in the manner and form prescribed by the City Charter and the City's Initiative and Referendum Ordinance No. 380, a Resolution No. CCL (250) was duly adopted by the Canby City Council at a regular meeting thereof on October 4, 1978 submitting to the legal voters of said City the question of contracting a general obligation bonded indebtedness in the sum of \$3,000,000 for a term not exceeding twenty (20) years for the purpose of providing funds with which to make additions, extensions and improvements to the water supply and distribution systems; construct, equip and develop another source of water and water supply facilities; and acquire necessary land and rights-of-way therefor in and for the City of Canby; and

WHEREAS, a special City election was called for the aforesaid purpose and the said common council thereupon directed the Recorder of said City to give notice of said election by posting a notice in six (6) public and conspicuous places within the City and also at the City Hall which was the only polling place and also by publishing said notice in the Canby Herald, a newspaper of general circulation in said City for two successive weeks, the first publication of such notice to be not less than fifteen (15) days preceeding the date of the election. The required notices were duly and regularly posted and published in the manner and for the time required by law; and

WHEREAS, the said election was duly and legally held in said city on Friday, October 27, 1978 and the Clackamas County Elections Department, pursuant to request of the Canby City Council, received and counted votes cast and made a report and abstract of the voting recording to the Canby City Council which canvassed the votes cast

at said election and confirmed the results thereof which were duly proclaimed by the Mayor's proclamation; and

WHEREAS, the common council is satisfied that only duly qualified legal voters were allowed to vote at said election; that there was no fraud or conspiracy in the conducting of or voting at said election; that said election was duly and legally held; that notice thereof required by ordinance and resolution by the Council to be given was duly and regularly given in the form, for the time and in the manner required; that said election was held in strict conformity with the requirements of law; that the votes cast at said election were counted and the results of said election canvassed and returns thereof filed, recorded, reported and proclaimed as provided by ordinance; that on the question of contracting a general obligation bonded indebtedness in the sum of \$3,000,000 for a term not exceeding twenty (20) years for the aforesaid purposes, there were a total of 388 ballots cast, of which 195 were in the affirmative, 192 were in the negative and there was one "undervote" and the proposition of a water bond issue for the aforesaid purposes received the assent of a majority of the votes cast at said election; and

NOW, THEREFORE, BE IT RESOLVED by the common council for the City of Canby, Clackamas County, Oregon, that for the purpose of making additions, extensions and improvements to the City's water supply and distribution systems and for the purpose of constructing, equipping and developing another source of water and water supply facilities and for the further purpose of acquiring necessary land and rights-of-way therefor and to pay engineering and legal services in connection therewith, all in and for the City of Canby, Clackamas County, Oregon, the common council of said City directs that there be issued \$3,000,000 of general obligation coupon bonds of the City for a term of TWENTY (20) years to be dated March 1, 1979, and to be numbered consecutively from one (1) to six hundred (600) inclusive,

to be in denominations of FIVE THOUSAND DOLLARS (\$5,000) each and to mature serially in numerical order as follows:

\$80,000	on March 1, 1980
85,000	on March 1, 1981
90,000	on March 1, 1982
95,000	on March 1, 1983
100,000	on March 1, 1984
110,000	on March 1, 1985
115,000	on March 1, 1986
120,000	on March 1, 1987
130,000	on March 1, 1988
140,000	on March 1, 1989
145,000	on March 1, 1990
155,000	on March 1, 1991
165,000	on March 1, 1992
175,000	on March 1, 1993
185,000	on March 1, 1994
195,000	on March 1, 1995
210,000	on March 1, 1996
220,000	on March 1, 1997
235,000	on March 1, 1998
250,000	on March 1, 1999

BE IT FURTHER RESOLVED that the bonds of said issue be issued to bear interest from the date of the bonds payable semi-annually on March 1 and September 1 of each year at such rates or rates as shall be specified by the successful bidder but not exceeding a net effective rate of seven percent (7%) per annum; and the difference between the highest and lowest coupon rates bid shall not exceed two percent (2%); and

BE IT FURTHER RESOLVED that the interest accruing upon said bonds be evidenced by coupons attached thereto; that both the principal of and interest upon said bonds be paid at the office of the County Treasurer of Clackamas County, Oregon who is hereby requested to register each bond issued and sold according to the provisions of ORS 208.200; and

BE IT FURTHER RESOLVED that each bond be executed by the facsimile signature of the Mayor of the City of Canby, Oregon in office upon the date of the execution of said bonds, and that each bond further be countersigned by autograph signature by the duly chosen, qualified and acting Recorder of said City in office upon said date; and that the coupons appertaining to the bonds be issued with

facsimile signatures of said Mayor and Recorder; and

BE IT FURTHER RESOLVED that the said bonds shall be known as "CANBY, OREGON 1979 GENERAL OBLIGATION WATER BONDS"; and

BE IT FURTHER RESOLVED that the full faith and credit of the City of Canby, Clackamas County, Oregon be and they hereby are pledged to the successive holders of each of said bonds and of the interest coupons appertaining thereto for the punctual payment of said obligations when due; and that said City shall levy annually as provided by law a direct ad valorem tax upon all of the taxable property within the City in sufficient amount after taking into consideration delinquencies in the payment of said taxes to pay the said bonds and bond interest obligations promptly as they respectively mature; and that the said City hereby does covenant with the aforesaid holders of said bonds to levy such a tax annually during each year that any of said bonds and bond interest obligations are outstanding; and

BE IT FURTHER RESOLVED that the bonds and coupons attached thereto be in substantially the following form, to-wit:

No. 1

\$5,000

UNITED STATES OF AMERICA
STATE OF OREGON, COUNTY OF CLACKAMAS
CANBY, OREGON

CANBY, OREGON 1979 GENERAL OBLIGATION WATER BONDS

KNOW ALL MEN BY THESE PRESENTS that the City of Canby, Clackamas County, State of Oregon, for value received hereby promises to pay to the bearer FIVE THOUSAND DOLLARS in lawful money of the United States on the presentation and surrender of this obligation on the first day of March, 1980, with interest thereon from the date hereof until maturity at the rate of _____% per annum payable semiannually on the first days of March and September of each year on the presentation and surrender of the proper coupons attached hereto, principal and interest payable at the office of the County Treasurer of Clackamas County, Oregon, in the City of Oregon City, Oregon.

THIS BOND is one of a series aggregating the sum of THREE MILLION DOLLARS (\$3,000,000) par value issued for

the purpose of providing funds with which to make additions, extensions, and improvements to the water supply and distribution systems; construct, equip and develop another source of water and water supply facilities; and acquire necessary land and rights-of-way therefor, and to pay engineering and legal services in connection therewith in and for said City of Canby, Oregon pursuant to the Charter of the City of Canby, Oregon and the constitution and laws of the State of Oregon and pursuant to an approving vote of a majority of the qualified legal voters of said city voting at a special election duly called and legally held therein on October 27, 1978.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all conditions, acts and things required to exist, to happen and to be performed precedent to and in the issuance of this bond have existed, have happened and have been performed in due time, form and manner as required by law; that the issue of which this bond is a part, and all other obligations of said City, are within every debt limitation and other limit prescribed by the Constitution and Statutes of the State of Oregon and by the Charter of the City of Canby, Oregon; and that the Common Council of said City by Resolution duly adopted has provided for the levying annually of a direct ad valorem tax upon all the property within said City so taxable for its purposes in sufficient amount to pay the interest upon and the principal of the bonds of said issue as the said obligations respectively become due and payable.

IN WITNESS WHEREOF, the City of Canby, Oregon, has caused this bond to be signed by its Mayor and countersigned by its Recorder and under its corporate seal and has caused the annexed interest coupons to bear the facsimile signatures of its said officers this first day of March, 1979.

Mayor

Countersigned:

City Recorder

Registered:

Treasurer of Clackamas County, Oregon

(FORM OF INTEREST COUPON)

No. _____ \$ _____

On the first day of _____, 19____, the City of Canby, Clackamas County, Oregon, will pay to bearer the sum of _____ DOLLARS (\$_____) in lawful money of the United States of America at the office of the County Treasurer of Clackamas County, Oregon, in the City of Oregon City,

Oregon, for interest then due on Canby, Oregon 1979
General Obligation Water Bond No. _____, dated
March 1, 1979.

Mayor

Countersigned:

City Recorder

BE IT FURTHER RESOLVED that the Canby City Recorder cause to be published in the Canby Herald, a newspaper of general circulation printed and published in the City of Canby, Clackamas County, State of Oregon, and having a general circulation in the City of Canby; in the Daily Journal of Commerce, Portland, Multnomah County, State of Oregon; and also in the Daily Bond Buyer, a national financial newspaper, a Notice of proposed sale of such bonds as provided by law, specifying that sealed bids will be received by such Recorder up to and including the hour of 8:00 o'clock p.m. on Wednesday, February 14, 1979, and that immediately thereafter, bids received will be publicly opened by the Canby City Council for the sale of such bonds at not less than the par value thereof and the accrued interest thereon at an interest rate or rates in multiples of one-fourth of one percent, or one-tenth of one percent, not exceeding a net effective rate of seven percent per annum payable semiannually, to be specified by the bidder, but the difference between the highest and lowest coupon rates shall not exceed two percent (2%); that such bids shall be accompanied by a cashier's check or certified check of or upon a bank doing business in the State of Oregon, in the sum of \$60,000 to be forfeited to the City in case the bidder fails to complete the purchase in accordance with the terms of the bid; that bids must be unconditional except as to qualification of approval of validity of the bond issue by bond attorneys; that bids must show the total cost of the bond issue to the City, including interest,

less premium offered, if any, provided the bid be accepted; that the bonds will be sold to the highest responsible bidder; that the City Council reserves the right to reject any or all bids; and the successful bidder will be furnished with the written opinion of Messrs. Rankin, McMurtry, Osburn, Gallagher and VavRosky, Attorneys of Portland, Oregon, to the effect that the bonds constitute the valid and legally binding obligation of the City and said approving opinion will be printed on the reverse side of the bonds.

Adopted by the Canby City Council at a regular meeting thereof this 17th day of January, 1979.

Robt E Rapp
Robt. E. Rapp - MAYOR

ATTEST:

Harold A. Wyman
Harold A. Wyman - CITY RECORDER