

CITY COUNCIL OF CANBY, OREGON  
MINUTES OF SPECIAL MEETING FEBRUARY 14, 1979

Special meeting of the Canby City Council was called to order by Mayor Robert E. Rapp at 7:30 P.M. in the Canby Utility Board's meeting room. Council Members present were Robert E. Westcott, Robert Swayze, Leonard Taylor, Beryl Brown, Richard Nichols and Beauford Knight, answering roll call. Flag salute followed.

Also present were City Attorney Wade P. Bettis, City Administrator H. A. Wyman, Public Works Foreman Bud Atwood, City Treasurer Myra Weston, Paul Bosarge, Editor of the Canby Herald, Dennis Nolder, Canby Utility Board member, David Bury, the Rev. George Boner, Bob L. Stuart, Stan Miller, and others.

Ordinance No. 652, relating to emergency power for sewer lift stations, was passed on first reading on motion of Councilman Swayze, seconded by Councilman Westcott, by unanimous vote. Second reading, by the motion, was set for the Council's regular meeting March 7, 1979, opening at 7:30 p.m., and posting ordered. (Bids for such power were opened February 1, 1979.)

Following reading of a letter from Canby Realty Co. regarding sewer service overcharges and request for an appeal, Councilman Westcott moved, seconded by Councilman Swayze, to schedule the appeal for March 21, 1979; vote was unanimously in favor.

Administrator Wyman noted that 1979=80 budget forms had gone to Council Members, and that lay members of the budget committee would receive copies February 15, 1979. First meeting of the 1979 budget committee was announced for February 19, 1979, at 7:30 P.M. in Council Chambers.

Meeting was recessed at 7:40 P.M. to await the 8 P.M. opening of bids on city water bonds.

At 8 o'clock P.M. Mayor Rapp announced that this was the time to open the bids for sale of the City's \$3,000,000 GO Water Bonds. The City Recorder Wyman announced that he had received a total of four (4) bids. The council proceeded to open the sealed bids received by the City Recorder pursuant to the advertisement of the proposed sale of bonds of the City.

The following bids for said bonds were received:

NAME OF BIDDER	INT. RATE OFFERED	ON MATURITIES	TOTAL COST TO CITY IF BID ACCEPTED	EFFECTIVE INT. RATE BASED UPON PRICE OFFERED
The Oregon Bank,	7.0%	1980 to 1984, inclusive		
Continental Illinois	6.9%	1985		
National Bank, Foster &	6.6%	1986		
Marshall, Wm. P. Harper	5.4%	1987 to 1988, inclusive		
& Co., Piper, Jaffray &	5.5%	1989 to 1992, inclusive		
Hopwood, Bank of	5.6%	1993 to 1994, inclusive		
California	5.7%	1995 to 1999, inclusive	\$2,135,793.48	5.720620%

NAME OF BIDDER	INT. RATE OFFERED	ON MATURITIES	TOTAL COST TO CITY IF BID ACCEPTED	EFFECTIVE INT. RATE BASED UPON PRICE OFFERED
First National Bank of Oregon, Harris Trust & Savings Bank	7.00%	1980 to 1985, inclusive		
	6.00%	1986 to 1987, inclusive		
	5.75%	1988 to 1990, inclusive		
	5.60%	1991 to 1992, inclusive		
	5.70%	1993		
	5.75%	1994 to 1999, inclusive	\$2,169,362.50	5.810533
United States National Bank of Oregon, Blyth Eastman Dillon & Co., Inc., and Associates	7.40%	1980 to 1983, inclusive		
	6.90%	1984 to 1986, inclusive		
	5.90%	1987		
	5.40%	1988 to 1989, inclusive		
	5.50%	1990 to 1991, inclusive		
	5.60%	1992 to 1993, inclusive		
	5.70%	1994		
	5.75%	1995 to 1999, inclusive	\$2,159,737.50	5.78475
Merrill Lynch-White Weld Capital Markets Group	7.00%	1980 to 1981, inclusive		
	6.50%	1982 to 1987, inclusive		
	6.25%	1988		
	5.60%	1989 to 1990, inclusive		
	5.70%	1991 to 1992, inclusive		
	5.75%	1993		
	5.80%	1994 to 1995, inclusive		
	5.90%	1996 to 1997, inclusive		
	6.00%	1998 to 1999, inclusive	\$2,213,863.25	5.9297%

Upon due consideration the Council determined that the most favorable bid received for the bonds was that of the Bank of Oregon, et al. Accordingly, upon motion duly made by Councilman Westcott moved to accept the bid of the Bank of Oregon, et al, and for adoption of the following Resolution, which motion was duly seconded by Councilman Taylor and unanimously adopted, to-wit:

#### RESOLUTION

BE IT RESOLVED that the \$3,000,000 in bonds of City of Canby, Clackamas County, State of Oregon, sold on the 14th day of February, 1979, be issued to bear the date of March 1, 1979, and interest at the following rates:

- 7.0% for bonds maturing in years 1980 to 1984, inclusive;
- 6.9% for bonds maturing in year 1985;
- 6.6% for bonds maturing in year 1986;
- 5.4% for bonds maturing in years 1987 to 1988, inclusive;
- 5.5% for bonds maturing in years 1989 to 1992, inclusive;
- 5.6% for bonds maturing in years 1993 to 1994, inclusive;
- 5.7% for bonds maturing in years 1995 to 1999, inclusive.

BE IT FURTHER RESOLVED that the bonds be issued to mature serially on the dates provided in the Resolution No. CCLVI (256), adopted by the Canby City

Council at a regular meeting thereof on January 17, 1979; and that both the principal of and the interest upon the said bonds be paid at the Office of the County Treasurer of Clackamas County, in the City of Oregon City, Oregon; and

BE IT FURTHER RESOLVED that the said bonds and coupons attached thereto shall be executed in the form prescribed in the said Resolution adopted by the Council at said meeting.

Checks were returned to the unsuccessful bidders, on recommendation of the City Attorney with thanks for their bids. The Bank of Oregon's check was given to Administrator Wyman, with suggestion that he contact Thelma Hooper, County Treasurer, next morning and have a trust established and receive suggestions for handling the money. The City Attorney requested that all bids be given to him so that copies as necessary could be made. He also asked that copies of these minutes be given to him to complete by incorporation of the Resolution called for in the bid acceptance motion and a letter of instructions to Irwin-Hodson Co. will be directed for printing of the bonds. Mr. Bettis noted that the City has received an "A" rating from Moody's and that the bond sale had received a better interest rate than the 5.754 received by low bidder on School District #91 bonds the previous week.

Recess was called at 8:38 P.M. for a workshop with representatives of the Canby United Methodist Church.

Upon reconvening at 9:11 P.M., Councilman Westcott moved that the City Council at this point in time is not opposed to any further annexations to the City of Canby within the immediate interim growth boundaries. Motion seconded by Councilman Swayze, approved 6-0.

There being no further business to come before the meeting, upon motion duly made, seconded and carried, the meeting adjourned at the hour of 9:15 o'clock P.M., Pacific Standard Time, on the 14th day of February, 1979.

*Robt E Rapp*

Robt. E. Rapp, Mayor

*Harold A Wyman*

Harold A. Wyman, City Recorder

STATE OF OREGON } ss.  
County of Clackamas }  
I hereby certify that the foregoing is a  
full, true and correct copy of the original  
herein and of the whole thereof.

*Harold A Wyman*

ORDINANCE NO. 652

AN ORDINANCE AUTHORIZING PURCHASE OF TRAILER MOUNTED  
GENERATOR FOR EMERGENCY POWER TO SEWER LIFT STATIONS

WHEREAS, the City of Canby has heretofore advertised and received bids for purchase of a trailer mounted Winco Model #15WS-23EPT, 15 kw generator for emergency power to the City's sewer lift stations; and the call for bids was duly and regularly given in the manner and for the time required by law; and

WHEREAS, bids were received as advertised and were opened by the City's Engineer on February 1, 1979, and the following bids were received:

<u>BIDDER</u>	<u>BID</u>
Cessco, Inc. 1601 S. E. Eleventh Avenue Portland, Oregon 97214	\$6,033.76
E. C. Distributing Co. 2122 N. W. Upshur Street Portland, Oregon 97208	7,798.00
Balzar Pacific Equipment Co. 2136 S. E. 8th Avenue Portland, Oregon 97214	8,700.00

WHEREAS, the Canby City Council as the City's Contract Review Board, met in regular session on February 7, 1979, and considered the bids and reports and recommendations of the City Engineer; and

WHEREAS, the City Council determined that the lowest and best bid was that of Cessco, Inc., and purchase of the required unit from said company should be made immediately in case winter weather causes power outages and interruption of sewer services

*Posted 2-15-79  
Post Office  
Bulletin Board -  
inside & outside*



requiring sewer lift stations; now, therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: A contract or purchase order to be signed by the Mayor and attested by the City Recorder is approved for the immediate purchase from Cessco, Inc. of Portland, Oregon, of one (1) trailer mounted Winco Model #15WS-23EPT, 15 kw, generator for its bid price of \$6,033.76; and the purchase price shall be paid upon receipt of billing and approval by the City Engineer, from budgeted funds on hand in the City's Sewer Department Account.

Section 2: This Ordinance shall take effect immediately upon its enactment after final reading.

Submitted to the Council and read the first time at a special meeting thereof on Wednesday, February 14, 1979; ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof to be held on Wednesday, March 7, 1979, at the hour of 8:00 o'clock P.M. at the Council meeting chambers at the Canby City Hall in Canby, Oregon.

Robt E. Rapp  
Robt. E. Rapp, Mayor

ATTEST:

Harold A. Wyman  
Harold A. Wyman, City Recorder.

Passed on final reading of the Canby City Council at a regular meeting thereof held on the 7th day of March, 1979, by the following vote: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_.

\_\_\_\_\_  
Robt. E. Rapp, Mayor

ATTEST:

\_\_\_\_\_  
Harold A. Wyman, City Recorder

AFFIDAVIT OF POSTING

STATE OF OREGON       )  
                              )  
County of Clackamas    ) ss.

I, HAROLD A. WYMAN, being first duly sworn depose and say that I am the Recorder for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by virtue of the laws of the State of Oregon; that the Common Council for said City of Canby held a Special Council Meeting on the 14th day of February, 1979, at which said meeting Ordinance No. 652 was read for the first time and passed by the vote of said Council, and was then and there ordered posted in at least three (3) public and conspicuous places in said City for a period of two (2) full calendar weeks prior to the second reading and final vote on said Ordinance, and as is provided by Section 3 of Chapter V of the Charter for the City of Canby, and

Thereafter, and on the 15th day of February, 1979, I, HAROLD A. WYMAN, the undersigned, personally posted said Ordinance in the following three (3) public and conspicuous places all within the said City of Canby, to-wit:

1. Canby City Hall
2. Canby Post Office
3. City Bulletin Board

That since said posting on the date aforesaid, the said Ordinance has remained posted in the said three (3) public and conspicuous places continuously for a period of the two (2) full calendar weeks and until the very 1st day of March, 1979.

Harold A. Wyman  
HAROLD A. WYMAN, CITY RECORDER

Subscribed and sworn to before me this 15<sup>th</sup> day of February, 1979.

John L. Emery  
Notary Public for Oregon  
My Commission Expires: Nov 8, 1981

ASSESSMENT ROLL

NORTH OAK STREET	L.I.D. #8	(10th to 11th)						
NAME & ADDRESS	Tax Lot & Map No.	Frontage	Front Ft. Cost \$14.549378	Lin. Ft. Curb Cost \$2.5797	Square Ft. Driveway	Driveway Cost \$1.22382 F.	Total Cost	Assessed Valuation
Welch, Thomas A. & Beverly A. 900 N.E. 10th Ave. Canby, Ore.	1200 3-1E-33AA	110.00	\$1,600.43	\$ 283.77			\$ 1,884.20	28,030.00
Shollenberger, Anna N. Oak Canby, Ore.	1100 3-1E-33AA	110.00	1,600.43	283.77	281.24	\$ 344.19	2,228.39	36,310.00
Cole, Larry A. & Karyn A. 1135 N. Oak Canby, Ore.	1000 3-1E-33AA	110.00	1,600.43	283.77	138.75	169.81	2,054.01	36,910.00
Weaver, Jack D. & Priscilla 27785 S. Oglesby Rd. Canby, Ore.	900 3-1E-33AA	73.33	1,066.91	189.17	295.59	361.75	1,617.83	32,860.00
Travis, Louine Kay 1120 N. Oak Canby, Ore.	801 3-1E-33AA	73.33	1,066.91	189.17	281.24	344.18	1,600.26	32,860.00
Fiores, Hector D. & Lucille 1100 N. Oak Canby, Ore.	802 3-1E-33AA	73.34	1,067.05	189.20	309.75	379.07	1,635.32	32,860.00
Hansen, Lawrence H. & Bonnie J. 984 N.E. 10th Canby, Ore.	800 3-1E-33AA	110.00	1,600.43	283.77	173.25	212.03	2,096.23	39,630.00
TOTALS		\$660.00	\$9,602.59	\$1,702.62	1,479.82	\$1,811.03	\$13,116.24	\$239,460.00

EXHIBIT "A"

AFFIDAVIT OF POSTING

STATE OF OREGON       )  
                              )  
County of Clackamas    ) ss.

I, Harold A. Wyman, being first duly sworn depose and say that I am the Recorder for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by virtue of the laws of the State of Oregon; that the Common Council for said City of Canby held a Regular Council Meeting on the 7th day of February, 1979, at which said meeting Ordinance No. 651 was read for the first time and passed by the vote of said Council, and was then and there ordered posted in at least three (3) public and conspicuous places in said City for a period of two (2) full calendar weeks prior to the second reading and final vote on said Ordinance, and as is provided by Section 3 of Chapter V of the Charter for the City of Canby, and

Thereafter, and on the 8th day of February, 1979, I, HAROLD A. WYMAN, the undersigned, personally posted said Ordinance in the following three (3) public and conspicuous places all within the said City of Canby, to-wit:

1. Canby City Hall
2. Canby Post Office
3. City Bulletin Board

That since said posting on the date aforesaid, the said Ordinance has remained posted in the said three (3) public and conspicuous places continuously for a period of the two (2) full calendar weeks and until the very 1st day of March, 1979.

Harold A. Wyman  
Harold A. Wyman, CITY RECORDER

Subscribed and sworn to before me this 8th day of February, 1979.

Notary Public for Oregon  
My Commission Expires: March 1981

ORDINANCE NO. 651

AN ORDINANCE ASSESSING VARIOUS LOTS, PARCELS AND TRACTS OF PROPERTY FOR STREET IMPROVEMENTS MADE TO NORTH OAK STREET IN LID NO. 8; DIRECTING THE ENTRY OF ASSESSMENTS IN THE DOCKET OF CITY LIENS; PROVIDING FOR NOTICE THEREOF; REPEALING ORDINANCE NO. 647; AND DECLARING AN EMERGENCY.

WHEREAS, the Common Council for the City of Canby, Oregon, has made improvements to North Oak Street within the City of Canby pursuant to the Charter of said City, the laws of the State of Oregon and the Ordinances of said City as for such matters provided; and

WHEREAS, notices of intention to make such improvements were duly given as provided by the City's special assessments Ordinance No. 393 as amended by Ordinance No. 598 and a hearing thereon was duly and regularly scheduled and held after notice thereof, and said hearing was held during a regular meeting of the Canby City Council on Wednesday, October 5, 1977. There were no objections made or filed against said improvement project; and all of the owners of the property abutting upon said street where said improvement was to be made and whose property will be specially benefited by said improvements and assessed for the costs approved of the project, plans and estimated costs. The Council then determined to proceed with the said improvement project and assess the costs thereof to the benefited properties as provided by Ordinance No. 393 as amended by Ordinance No. 598 and the Bancroft Bonding Act; and

WHEREAS, the City of Canby did call for bids for improvements in LID #8 and said bids were considerably in excess of the Engineer's estimate; and

*Pasted 2-8-79  
Past Office  
Bulletin Board (inside)  
Bulletin Board (outside)*



WHEREAS, the Public Works department of the City of Canby did then, by order of the City Council, call for and accept separate bids on each separate item of the project; and

WHEREAS, said separate bids were in conformance with the Engineer's estimate and therefore the project was completed; and

WHEREAS, the City Council then enacted Ordinance No. 647 after final reading on December 6, 1978 and assessed the benefited properties for the costs of the improvements and directed the entry of assessments in the City Lien Docket and also directed that notice of such assessments and city liens be given to the property owners in the manner and within the time required by such ordinance so that applications could be filed to pay the assessments in installments according to the ordinance and the Bancroft Bonding Act; and

WHEREAS, the assessment liens were not docketed and notices were not given and it is necessary that the legal requirements in that regard be completed; THEREFORE,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: That the costs of making improvements to North Oak Street in the City of Canby, Oregon, as heretofore provided for and approved by the Common Council for said City and the property owners specially benefited thereby is hereby ascertained and determined to be in the amount of \$13,611.63, and the assessable cost to the benefited properties is \$11,305.21, or \$17.13 per front foot including curbs and \$1,811.03 or \$1.22 per square foot for driveway construction for each benefited property, which said sum is hereby assessed upon the lots, parts of lots and tract of land abutting on that part of

North Oak Street which is within this local improvement district (LID No. 8) and said properties are found to be specially and directly benefited by said improvement, and the cost thereof is to be and is hereby assessed upon each lot, part of lot and tract of land thereof as in the ASSESSMENT ROLL provided hereunto annexed and marked "Exhibit A" and by reference made a part hereof, and said Assessment Roll is hereby adopted and approved as the assessment for said improvement.

Section 2: That the Recorder for the City of Canby, Oregon, is hereby ordered and directed to enter a statement of said assessments hereby made in the docket of city liens as provided for under the Charter of the City of Canby, Oregon, and Ordinance No. 393 as amended by Ordinance No. 598.

Section 3: That the City Recorder for the City of Canby, Oregon, shall within ten days after the final passage of this Ordinance cause to be posted in three (3) public and conspicuous places within said City and also publish in the Canby Herald, a Notice of Assessment, which said Notice shall contain a description of each lot, parcel or tract of land, together with the name of the owner or owners thereof and the amount of their respective assessments as in the annexed Assessment Roll provided; and said Notice shall state that within ten days after notice of such assessment is first published, the owner of the property as assessed, if such assessment exceeds the sum of \$25.00, may file with the Recorder for said City a written application to pay the assessment in semi-annual installments not exceeding ten (10) years as provided under Oregon Revised Statutes, Sections

223.205 to 223.295, inclusive, commonly known as the Bancroft Bonding Act, and said Notice shall further provide that all assessments which are not bonded shall be due and payable in full within thirty (30) days next following the date said Notice is first published, and assessments which are not paid or bonded within the time stated in such Notice shall bear interest at the rate of 10% per annum, and the Lien as docketed on that property so assessed shall be subject to foreclosure as provided by Ordinance No. 393 as amended Ordinance No. 598.

Section 4: That the Common Council, after due investigation, deems and considers that the benefits of said improvements to and upon each lot, and part thereof, and tract of land assessed for said improvement is more than the amount assessed against each lot or part thereof and tract of land as the cost of said improvement; and that the share of the cost of said improvement assessed against each lot and part thereof and tract of land is proportionate to the benefits to and upon each lot and part thereof and tract of land respectively as compared with other property benefited.

Section 5: Ordinance No. 647 enacted December 6, 1978 and the assessments made by such ordinance and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6: It being deemed by the common Council for the City of Canby, Oregon, that an emergency exists, this Ordinance shall go into effect immediately upon its final passage by the City Council.

Submitted to the Council and read the first time at a regular meeting of the Canby City Council held on the 7th day of February, 1979; ordered posted in three (3) public and conspicuous places in the City of Canby or a period of two (2) full calendar weeks as provided by the City Charter, and to come up for final reading and action of the Council at a meeting thereof to be held on the day of , 1979 commencing at the hour of 7:30 o'clock p.m. at the Council's regular meeting place at the Canby City Hall.

Robt. E. Rapp  
Robt. E. Rapp - MAYOR

ATTEST:

Harold A. Wyman  
Harold A. Wyman - CITY RECORDER

Passed on final reading this day of , 1979,  
by the following vote: Yeas \_\_\_\_ Nays \_\_\_\_.

Robt. E. Rapp  
Robt. E. Rapp - MAYOR

ATTEST:

Harold A. Wyman  
Harold A. Wyman - CITY RECORDER