

SPECIAL MEETING OF THE CANBY CITY COUNCIL

Monday, November 15th, 1954

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The special meeting of the Canby City Council, as called by the Mayor, and for which written notice to each Councilman was duly given in advance, was called to order by Mayor Eversole at the hour of 8:00 o'clock P. M.

Present were: Mayor Eversole, Attorney Bettis, Engineer Tatone, City Recorder Evans and Councilmen Anderson, Hill, Hulbert, Johnson and Kraft.

Mayor Eversole announced that the meeting was called for the purposes of adopting a resolution calling for bids on the sewer Bonds, authorizing the issuance of Sewer Bonds and also for the purpose of amending the Council's minutes of March 1st, 1954, to show more completely the Council's action in regards a proposal to amend the City's Charter to allow for the adoption of an Initiative and Referendum Ordinance.

It was pointed out by Attorney Bettis that the Council had unanimously approved the Charter's amendment at the March 1st meeting and had directed the City Attorney to take the necessary legal steps to present the matter to the people for their vote in the May election, so that if the people did approve the Charter amendment of Chapter 4, Section 14, the Council could then legally adopt an Initiative and Referendum Ordinance such as Ordinance No. 380. Attorney Bettis pointed out that the Council's action at the March 1st meeting did not show in sufficient detail in those minutes and should be corrected to show the Council's approval of the actions that were subsequently taken and pursuant to the Council's duly adopted motion directing the City Attorney and Recorder to proceed to bring to a vote at the May elections the question of amending the City Charter to allow for the adoption of an Initiative and Referendum Ordinance.

The Council then reviewed their actions taken on March 1st, 1954, and all agreed that the Attorney and Recorder had been directed on motion made by Hill, seconded and unanimously adopted, to investigate the legal procedure and prepare the necessary papers and do whatever was necessary to bring the question of amending the Charter to allow the adoption of an Initiative and Referendum Ordinance before the people on May 21st.

On motion made by Hill and seconded by Hulbert and unanimously approved by the Council entitled to vote (Councilman Johnson could not vote on such a motion because he was not a member at the March 1st meeting) the Recorder was directed to correct the Council minutes of March 1st, 1954, to show the Council's approval of amending the City Charter to allow the adoption of an Initiative and Referendum Ordinance and to show the Council's approval that the City Attorney and Recorder bring the matter to the vote before the people at the May elections and then present Ordinance No. 380 for Council action after the elections, provided the Charter amendment question was first approved by the voters.

On motion made by Anderson and seconded by Hill and unanimously approved, the Council's actions taken on March 1st, 1954, and calling for a vote by the City Electors on the question of amending the City Charter to allow the adoption of an Initiative and Referendum Ordinance was ratified.

On motion made by Hill, seconded by Johnson, and unanimously adopted, the following transcribed Resolution was approved, to-wit:

RESOLUTION No. II

RESOLUTION AUTHORIZING ISSUANCE OF SEWER BONDS

WHEREAS, HERETOFORE in the manner and form prescribed by City Ordinance No. 380, a resolution of the Common Council for the City of Canby, Clackamas County, Oregon, was duly adopted submitting to the legal voters of said City the question of amending the City Charter to allow the issuance of a general-obligation Bond issue in an amount not to exceed \$165,000.00 to be paid by a general tax levy not to exceed 5 mills per annum on all the taxable real property in the said City, and the proceeds thereof to be

expended in the construction of a sewer system, including a sewage treatment plant, together with the necessary intercepting and discharging sewers, appropriate pumping and other necessary facilities; and a special City election was called for that purpose, and the said Common Council thereupon directed the Recorder of said City to cause to be published a Notice of Election for such purpose in the manner and form prescribed by said Ordinance No. 380, which said election notice was duly and regularly published; and

WHEREAS, the said election was duly and legally held in said City of the 2nd day of November, 1954, and the Judges and clerks of said election, duly appointed for the conducting of said election, received and counted the votes cast, and thereafter the Common Council for said City canvassed the votes cast thereat, and have certified the results thereof, and

WHEREAS, the Common Council has examined and investigated the regularity of the proceedings for the said election, and finds 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 called and legally held; that notice thereof required by Ordinance to be given was duly and regularly given in the form, for the time, and in the manner required by Ordinance; that said election was held in strict conformity with the requirements of Law; that the votes cast at said election have been counted and the results of said election canvassed and returns thereof filed, recorded, and reported and proclaimed as provided by Ordinance; that 452 votes cast at said election were in the affirmative, and 332 votes were in the negative; and that the proposition of amending Chapter XI of the Charter for the said City of Canby, Clackamas County, Oregon, by adding 3 new sections numbered 4, 5 and 6 to allow for the contracting of a bonded indebtedness of said City in the sum of (\$165,000.00) One Hundred and Sixty Five Thousand Dollars in order to provide funds for the purposes hereinabove stated, accordingly has received the assent of a majority of votes cast at said election;

NOW THEREFORE, BE IT RESOLVED by the Common Council for the City of Canby, Clackamas County, Oregon, that for the aforesaid purposes the Common Council of said City directs that there be issued One Hundred and Sixty Five Thousand Dollars (\$165,000) in Bonds of said City to be dated February 1st, 1955, to be numbered consecutively from One (1) to One Hundred and Sixty Five (165) inclusive, to be in denominations of \$1,000 each, and to mature serially in numerical order as follows:

\$6,000 on February 1st, 1957
\$6,000 on February 1st, 1958
\$6,000 on February 1st, 1959

\$7,000 on February 1st, 1960
\$7,000 on February 1st, 1961
\$7,000 on February 1st, 1962
\$8,000 on February 1st, 1963
\$8,000 on February 1st, 1964
\$8,000 on February 1st, 1965
\$9,000 on February 1st, 1966
\$9,000 on February 1st, 1967
\$9,000 on February 1st, 1968
\$10,000 on February 1st, 1969
\$10,000 on February 1st, 1970
\$10,000 on February 1st, 1971
\$11,000 on February 1st, 1972
\$11,000 on February 1st, 1973
\$11,000 on February 1st, 1974
\$12,000 on February 1st, 1975

BE IT FURTHER RESOLVED that the said Bonds be issued to bear interest at a rate or rates of not to exceed $3\frac{1}{2}$ per cent per annum payable semi-annually February 1st and August 1st of each year during which they are outstanding; that the interest accruing upon said Bonds be evidenced by coupons attached thereto; that both the principal of and interest upon the said Bonds be paid at the office of the County Treasurer of Clackamas County, Oregon.

BE IT FURTHER RESOLVED that each of said Bonds be personally signed with his manual signature by the Mayor of the said City of Canby, Oregon, in office upon the date of execution of said Bonds; that each of said Bonds further be countersigned in like manner by the duly chosen, qualified and acting Recorder of said City in office upon such date; that the coupons appertaining to the said Bonds be executed with the engraved facsimile signatures of said Mayor and Recorder; and that each of said Bonds be registered in the form and manner required by Laws of the State of Oregon, by the duly chosen, qualified and acting Treasurer of Clackamas County, State of Oregon, in office upon the date of registration of said Bonds; and

BE IT FURTHER RESOLVED that the full faith and credit of said City 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 the net revenues derived from charges and rates for the use of and connection with the sewerage system of said City, and of all improvements thereto and enlargements thereof as provided in Section 5, Chapter XI of the Charter for the City of Canby, are hereby pledged to the payment of the principal of and the interest upon the aforesaid Bonds; and that said City shall levy annually, as provided by Law, a direct ad valorem tax upon all of the taxable real property within said City, but not to exceed 5 mills, which together with receipts from said sewer service charges are to be used to pay said Bond and Bond interest obligations promptly as they respectively mature; and that

the said City does hereby covenant with the aforesaid holders of its Bonds, to levy such a tax annually during each year that any of the said Bonds and Bond interest obligations are outstanding, and to also prescribe, charge and collect monthly a sewer service charge from each water user within the City of Canby, and in an amount additionally necessary to meet such obligations when due, and for so long as any of the Bonds issued remain unpaid.

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

No. <u>1</u>	UNITED STATES OF AMERICA STATE OF OREGON COUNTY OF CLACKAMAS CITY OF CANBY SEWER SYSTEM BOND	\$1,000
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THE CITY OF CANBY, in Clackamas County, Oregon, for value received hereby promises to pay to bearer the sum of ONE THOUSAND DOLLARS (\$1,000) upon the FIRST DAY OF FEBRUARY, 1957, with interest thereon from the date hereof to maturity at the rate of _____ per cent (_____%) per annum, on the FIRST DAYS OF FEBRUARY AND AUGUST in each year until maturity, upon surrender of the annexed interest coupons as they severally become due. Both the principal of and the interest upon this Bond are payable at the office of the ^{amended} County Treasurer of Clackamas County, Oregon, in any coin or currency which, at the time of payment, is the legal tender for the payment of public and private debts within the United States of America.

THIS BOND is one of a series aggregating the sum of One Hundred and Sixty Five Thousand Dollars (\$165,000) par value, issued to provide funds to construct a sewer system, including a sewage treatment plant, together with the necessary intercepting and discharging sewers, appropriate pumping and other necessary facilities within and without said City, pursuant to the Statutes of the State of Oregon thereunto appertaining, and Chapter XI of the Charter of said City as amended by the Legal Voters of said City at a special election regularly called and legally held therein on the 2nd day of November, 1954, and with a Resolution numbered II, dated November 15th, 1954, which was duly approved by the Common Council of said City on said date.

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 the Constitution and Statutes of the State of Oregon; 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 said Contitutiton and Statutes; 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 taxable real property within said City, but not to exceed 5 mills per annum, and has also provided by said resolution for the monthly collection of a sewer service charge in an amount as may be additionally necessary 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 said City of Canby, Clackamas County, Oregon, has caused this Bond to be signed by its Mayor and counter signed by its Recorder under its corporate seal, and has caused the annexed interest coupons to be engraved with the facsimile signatures of its said officers this 1st day of February, 1955.

R B Eversole (SEAL)
Mayor of the City of Canby, Clackamas
County, Oregon.

Countersigned:

A B Evans
RECORDER of the City of Canby, Oregon

Form of Coupon

No. 1 ON THE FIRST DAY OF AUGUST, 1955, 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, for interest then due on City of Canby Sewer System Bond No. _____.

R B Eversole
MAYOR

Countersigned:

A B Evans
RECORDER

BE IT FURTHER RESOLVED that all the recitals and statements contained in the aforesaid Bond and coupon be and they hereby are approved as true and correct.

BE IT FURTHER RESOLVED that the Recorder of said City shall cause to be published in the Canby Herald, a newspaper of general circulation printed and published in the City of Canby, Clackamas County, Oregon, a notice of proposed sale of said Bonds, as provided by Law, specifying that sealed bids will be received by the said Recorder up to and including the hour of 8:00 o'clock P. M., Standard Oregon Time, on the 14th day of December, 1954, and that immediately thereafter the bids will be publicly

opened by the Common Council, for the sale of said Bonds, at not less than par value thereof and the accrued interest thereon, at an interest rate or rates in multiples of one-fourth of one per cent, not exceeding $3\frac{3}{4}$ per cent per annum payable semi-annually, to be specified by the bidder; 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 \$3,300.00 to be forfeited to the City in case the bidder fails to complete his purchase in accordance with the terms of his bid; that bids must be unconditional except as to qualifications as to 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 and no callable Bonds of the issue are redeemed prior to the final maturity dates thereof; that the Bonds will be sold to the highest responsible bidder; and that the said City reserves the right to waive informalities in bids and to reject any or all bids.

Mayor Eversole excused himself and turned the gavel over to Council man Kraft. Thereafter and by way of further business, Mr. and Mrs. Poschwata appeared before the Council and requested the Council's approval of extending City Water to certain parcels of their property which was adjacent to the City but not within the limits. They explained that as far back as 1948 they and certain neighbors had paid the City for the costs of piping City Water to their respective properties, but still had not received the benefits promised. They produced cancelled vouchers, to prove same. It was explained by Mayor pro tem, Kraft, that the meeting was a special one and for certain advertised purposes, but that their problem would be presented to a regular meeting of the Council for discussion.

Mr. James Howland, Engineer for the Sewer project, discussed a work schedule and suggested that preliminary work be completed by January 1st, and this should include acquisition of easements, etc., so that actual sewer construction could get under way by about April 1st. He explained that it would be about 2 weeks before his office could complete engineer's descriptions for the easements, but would forward them as soon as possible.

On motion by Hill and seconded by Hulbert and carried, it was decided to assess sewer lateral costs against the benefited properties on a square foot basis, rather than on a front foot basis.

The following motions were then made, seconded and unanimously approved, and in the order as they appear:

1. That the Library be paid the \$300.00 due as per the budget.
2. That a package beer license for the Highway Market be approved.
3. That the election Boards be paid a total of \$2.50 for each member for service at the November 2nd special City elections.

On motion made by Hulbert and seconded by Johnson and carried, the City Recorder was directed to write the State Highway Commission for permission to remove 2 trees at 433 S. W. 1st Avenue (on 99E) which were in the way of the utility wires, and constituted a danger in stormy weather.

On motion by Hulbert, seconded by Hill and carried, the City Attorney was granted permission to order a tax-lot report from a title company for the purpose of showing the interests of the owners, and any encumbrances on those properties adjacent to the South side of S. W. 5th Avenue. Attorney Bettis explained that such a title report was sufficient to permit a dedication by these property owners to the City of a proposed additional 20 feet of property for street purposes, and without the City running