

Canby City Council  
Regular Meeting  
July 1, 1974

The meeting was called to order at 7:31 p.m. by Mayor Roth followed by the traditional flag salute.

Roll Call

Present: Mayor Roth, Councilmen Gerber, Tate, Wagner and Westcott

Absent: Councilmen Giger and Kariker

Others Present: Attorney Bettis Sr., Administrator Wyman, Supt. Whiteside, Inspector Campbell, Police Chief Graziano, Fire Chief Buttolph, Treasurer St. Amant and Foreman Atwood

Attorney Bettis was excused at 9:52 p.m.

After a period of discussion minutes of the meetings of May 20, June 17 and June 21 were approved with minor corrections as a result of a motion made by Councilman Westcott, seconded by Gerber and carried unanimously.

Dale M. Harlan, attorney for Canby Disposal Company, approached the council in regard to approval of Canby Disposal Company's increase in rates. After Harlan's presentation and a short period of discussion Resolution CLXXVIII was read by Attorney Bettis. A motion was made by Councilman Gerber, seconded by Wagner and carried unanimously that Resolution CLXXVIII be adopted to authorize the proposed increase in rates effective July 1, 1974.

The council reviewed recent action of the Canby Planning Commission regarding Canby Telephone Association's request for a conditional use and zone variance application. The Planning Commission had approved the conditional use application subject to conditions required by them and they had denied their application for a zone variance in that the telephone company failed to produce qualifications for said variance. After a period of discussion a motion was made by Councilman Westcott, seconded by Tate and carried by a vote of 3 yes and 1 no that the letter be referred back to the Planning Commission for negotiations with the telephone company in compliance with existing resolutions and ordinances.

The council discussed at length the effect that a prior motion declaring a moratorium on building applications which require that property abutts a 60' street. After discussion regarding the 30' set back from the center line of said street, Supt. Whiteside said that he had recently made application for a permit to build an addition on his residence on a 40' street. Thereupon a motion was made by Councilman Westcott and seconded by Gerber to approve a building permit for an addition at 1348 N. Locust Street. Further discussion revealed that Whiteside's application was only verbal at this point and thereupon the mayor suggested and a motion was made by Councilman Westcott, seconded by Gerber and carried by a vote of 3 yes and 1 no to table Whiteside's request for two weeks. This action nullified Westcott's original motion. Attorney Bettis then advised the council that right-of-ways should be protected by condemnation or negotiation to assure available 60' rights-of-way when needed sometime in the future. Discussion followed during which Westcott questioned the present procedure indicating needed improvement.

Administrator Wyman presented a request from the Canby Employee Association that payroll deductions be approved for monthly premium of cancer insurance as introduced to the Association by the Family Cancer Plan Insurance Company of Columbus, Georgia. The premium is \$2.50 per month for the employee or \$3.60 for the employee and family. After a period of discussion a motion was made by Councilman Westcott, seconded by Gerber and carried unanimously approving the request for payroll deductions as per the employee's written request of June 28, 1974.

The Comprehensive Land Use Plan being compiled by Eldon Edwards resulting in the monthly expenditure of \$1,342.15 and having been approved by the Planning Commission, a motion was made by Councilman Gerber, seconded by Tate and carried unanimously approving the expenditure.

After a review of the computer print-outs of accounts payable in the amount of \$31,958.99, a motion was made by Councilman Wagner, seconded by Westcott and carried unanimously by roll call vote to approve said claims for payment.

Administrator Wyman informed the council that six purchase orders had been written encumbering monies for merchandise ordered but not received by June 30, the conclusion of normal expenditures from the 1973-74 budget. Wyman advised the council that the contract had been cancelled on a Chevrolet truck from the Hubbard Garage which was requisitioned and the bid price thereof encumbered December 26, 1973; and that five other purchase orders, i.e. 699, 825, 1098, 1266 and 1267 totaling \$10,187.03 plus or minus minor adjustments, were outstanding. Wyman requested that these purchase orders be approved for payment from 1973-74 funds. After a period of discussion a motion was made by Councilman Gerber, seconded by Wagner and carried unanimously approving the administrator's request to withhold funds from the 1973-74 budget for the purpose of paying said purchase orders as the merchandise is delivered.

Mayor Roth announced that certain councilmen had discussed with him a regulation prohibiting smoking in the Council Chambers. After a period of discussion and a plea from Councilman Wagner to table action on this matter because Councilmen Giger and Kariker were absent, a motion was made by Councilman Tate, and seconded by Westcott that smoking be prohibited in the Council Chambers and that signs to that effect be posted in that room. Upon roll-call vote resulting in 2 yes and 2 no votes, and the mayor appearing to be reluctant to use his prerogative to break the tie, Councilman Gerber announced that he would change his vote to yes and the motion was thereby adopted.

Mr. Douglas Jones and other officials of Package Containers Inc. appeared before the council along with Charles Sandsness who had the plumbing contract when the Package Containers plant was constructed. Continuation of discussion with the council regarding the council's decision on whether the cost of the sewer connection fee for the plant be established at \$7,450, 400 or 100 followed. Sandsness told the council that he was paid \$400 by the Package Containers owners for the purpose of paying the sewer connection fee but his application was denied and receipt of the connection fee was postponed by the man who was Public Works Superintendent at that time contingent on the fee to be assessed.

ABSTENTIVE  
No Roll Call

Sandsness said that after a period of time and before final settlement of his bill to Package Containers, he credited the \$400 back to the Package Containers contract. Sandsness' bid was \$6,885 less the \$400 permit fee after credit of the connection fee. At that point Councilman Tate requested that these conditions and actions be submitted to the council in writing. Mr. Jones said the waiting period was contingent on word from the City government which he never received. Councilman Wagner reviewed the history of the case from the first building permit application to the City up through the recent period of correspondence on the matter. Thereupon a motion was made by Councilman Wagner, seconded by Gerber and carried by a vote of 3 yes and 1 no to establish the Package Containers sewer connection fee at \$100 due to a prior commitment of a City employee as stated by Councilman Westcott.

Upon the attorney's advice a motion was made by Councilman Westcott, seconded by Tate and carried unanimously allowing the administrator and public works superintendent until July 15 to locate an available truck within 6% of the \$7,126 bid price of Hubbard Garage. The attorney said this procedure would be legal if the council declared an emergency existing for said vehicle.


Administrator advised the council that he had received applications to be signed involving a grant from the 230 Highway Safety Act for the construction and improvement cost of the Grant Street railroad crossing for signalization. Wyman said the total cost of the improvement was estimated at \$35,000, the City's share being \$3,500. A motion was made by Councilman Gerber, seconded by Wagner and carried unanimously authorizing the administrator to proceed in securing the improvement. Wyman told the council that the Elm Street and Ivy Street crossings were low on the 230 Act priority list but that other sources of funds were being pursued. Mayor Roth said plans were also being pursued to finance the improvement of the fairgrounds railroad crossing. The City's share of 10% equalling \$3,500 is to come from the special railroad tax levy.

Treasurer St. Amant advised the council on the recent action of the Federal Deposit Corp. regarding municipal reserve funds. He said that he would try to keep the council advised on the best investment of City funds available.

Mayor Roth announced a workshop for July 8 at which time proposed Ordinances #577 and 583 would take top priority along with sewer line construction proposals and other important business that might come before the council.

Councilman Tate requested an executive session immediately upon adjournment of the regular meeting to discuss personnel and finance problems.

The meeting was adjourned at 9:58 p.m.

  
J. E. Richardson, City Recorder

  
Paul N. Roth, Mayor

THE CITY OF

INCORPORATED  
1893

*Canby*

GARDEN SPOT OF THE WILLAMETTE VALLEY

POSTOFFICE BOX D

CANBY, OREGON 97013

Paul N. Roth, Mayor  
Harold A. Wyman, City Administrator  
Jarrel R. Richardson, Recorder  
John F. St. Amant, Treasurer  
John L. Whiteside, Supt. Public Works Actg.  
Wade P. Bettis, City Attorney  
Vincent Graziano, Chief of Police  
Everett L. Buttolph, Fire Chief  
Gordon L. Ross, Chairman Planning Com.  
Dale D. Liberty Sr., Municipal Judge  
Norman Christiansen, Fire Marshal

COUNCILMEN  
Anthony E. Gerber  
Howard J. Giger  
C. Ron Kariker  
Albert D. Tate  
Joe M. Wagner  
Robert D. Westcott

June 28, 1974

Honorable Mayor  
and City Council

The Canby Planning Commission at its regular meeting of June 26, 1974 reviewed an application for a Conditional Use and a Zone Variance from the Canby Telephone Association. The property concerned is located at 191 S. E. 2nd Ave.

A motion was made by Commissioner Shaw to approve the Conditional Use application subject to: (1) that a sight obscuring fence be installed adjacent to abutting properties; (2) file a waiver of remonstrance for street improvements on S. E. 2nd and property dedication for future widening of S. E. 2nd. Motion carried.

A motion was then made by Commissioner Johnson that the Zone Variance be denied. Motion carried. Chairman Ross advised the applicant that if he wishes to appeal the decision of the Planning Commission, he has 10 days in which to bring it before the City Council.

It is the opinion of the Planning Commission that the waiver of remonstrance as stated in the motion would deal with the moratorium on building upon less than a 60 foot street, due to the fact that S. E. 2nd is currently improved as a 40 foot street.

Sincerely,

Gordon L. Ross, Chairman  
Canby Planning Commission

By:

*Cindy Belleque*  
Cindy Belleque, Secretary

GLR:cb

*60' ROW PROVISION NO CORNER WITHIN 30' CENTER LINE*

7-B  
cc: Mr. Wade Bettis, City Attorney  
Mr. E. Edwards, Planning Consultant

*MORATORIUM 60' ST 30' SETBACK  
OPP SIGN*

DALE M. HARLAN  
ATTORNEY AT LAW PC  
1108 MAIN STREET  
MILWAUKIE, OREGON 97222

654-9533

June 27, 1974

CANBY CITY COUNCIL  
City of Canby  
Canby, Oregon

Subject: CANBY DISPOSAL CO.  
Rate Increase Request

Gentlemen:

Your garbage collection Contractor has asked me to prepare this information for your consideration for the Rate Increase Request that I have incorporated in a Resolution drafted along the lines of that prepared by your City Attorney, Wade P. Bettis, when the last increase was granted by your action of February 22, 1972.

I am an ex-officio adviser of the Clackamas County Solid Waste Commission and attend every meeting of that Commission which advises the Board of County Commissioners on all matters pertaining to Waste and Solid Waste, including Rates. The Commission, at a special meeting on January 29, 1974, unanimously recommended an increase of 50¢ per month on the basic residential service, and a 20% increase across the board on rates previously effective. The recommendations of the Solid Waste Commission were adopted unanimously by the Board of County Commissioners and the rates requested by your Contractor will be the basic rates in force in the County for the past four months.

I believe you will agree with me that we have been going through an unprecedented period of inflation. The Contractor and his predecessor were unable to keep up with this inflation due to the price freeze under Economic Controls which were effective from August 1972 until earlier this year. In the past six months, there have been large increases in Social Security payments, a large increase in the dumping fee at the landfill, terrific increases in fuel costs, maintenance costs, cost of equipment, tires, and postage. Wages payable in the garbage industry in this area have increased substantially since you granted the last Rate Increase, and they are scheduled to go up again on January 1, 1975.

Canby Disposal Co. was one of the companies surveyed by the County Solid Waste staff and the County CPA in determining that a Rate Increase was necessary in the county. In that survey, the CPA for the County found that in 1973 for the firms surveyed, operating costs before depreciation increased 27%. The survey prepared by the County Solid

June 27, 1974

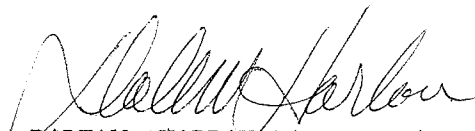
Waste Administrator on Canby Disposal Co., in cooperation with the undersigned and the operator, indicated that the company had a deficit of over \$5,000 in 1973 after depreciation.

As men of experience, I am sure you are all aware that operations such as your Franchisee conducts under the Contract with this City, requires heavy capital investment. This is particularly burdensome at this time of historically high interest rates. Because of the shortage of lendable funds, many firms both small and gigantic have had to resort to leasing. The present cost of leasing on a \$1,000 piece of equipment is \$35.20 per month over a 36 month period. Thus, to lease an item costing only \$1,000 would cost \$1,267.20 over such a period; to lease a \$36,000 truck would cost \$1,267.20 per month. Your Contractor has found a demand for clients served under this Contract for additional investment in the form of containers and drop boxes. The cost of the smallest drop box, 20 yard size, has increased from \$871 to \$1,075 in just the last month. Since said increase steel companies have announced additional increases in the cost of steel which will further inflate the cost of even the smallest equipment.

In addition, your Franchisee will soon have to undertake a major replacement program on his largest equipment, trucks. Four large trucks and a pickup are used in performing the services under this Contract. The rule of thumb has been that the average compactor garbage truck is increasing at approximately \$1,500 to \$2,000 per year, but recent inflation will probably double the rule of thumb that has been applied in the previous three or four years.

I hope to be present to answer any questions at the City Council Meeting on July 1st, but it is dependent on whether I have to be present at a previously committed appearance before another City Council. At the time I write this letter, I am not certain that I can appear before you, but I think Mr. Fred A. Kahut, the managing officer of your Contractor, can do a very good job, and can answer fundamental operating questions concerning service under the Contract and the need and desirability of the requested Rate Increase.

Respectfully submitted,



DALE M. HARLAN, Attorney

DH:e

SUPPORTING INFORMATION FOR RATE INCREASE REQUEST  
of  
CANBY DISPOSAL CO.

<u>ITEM</u>	<u>CURRENT RATE</u>	<u>PREVIOUS RATE FEB. 1972</u>	<u>INCREASE</u>	<u>PERCENTAGE INCREASE</u>
Gasoline per gallon	.48	.32	.16	50%
Diesel Fuel Per Gallon	.40	.20	.20	100%
<b>Wages and Fringe Benefits</b>				
<b>In Teamster Contract: (1)*</b>				
Wage Per Hour	197.20	170.00	27.20	16%
Health/Welfare	47.16	34.48	12.68	37%
Retirement Per Mo.	77.83	43.25	34.60	80%
<b>Social Security: (2)*</b>	<b>772.00</b>	<b>468.00</b>	<b>304.00</b>	<b>62%</b>
<b>Mailing:</b>				
Billing	.08	.06	.02	33%
Statements	.10	.08	.02	25%
<b>Dumping Fees Per Yard:</b>				
Backer	.65	.55	.10	18%
Compactor	.55	.45	.10	22%
Drop Box	.40	.30	.10	33%
<b>Equipment:</b>				
1. Ford Diesel Tractor Unit				
20 Yard Compactor	28,000.00	21,000.00	7,000.00	33%
2. Containers				
(a) 1 yard	170.00	112.00	58.00	52%
(b) 1-1/2 yards	179.00	118.00	61.00	52%
(c) 2 yard	214.00	139.00	75.00	55%
3. Drop Boxes				
(a) 20 yard	1,075.00	600.00	455.00	73%
(b) 30 yard	1,545.00	920.00	645.00	72%
<b>Repair Services:</b>				
Mechanical	34.00	10.50	3.50	33%
Tires	12.50	10.00	2.50	25%
<b>Interest Rate on Borrowed Capital</b>				
(Prime Rate plus 4.00%)	15.75%	9.50%	6.25%	67%
Interest Rate for Leased Equipment	17-20%	12-15%	5.00%	33-41.6%

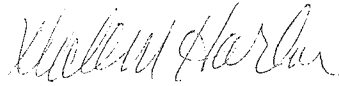
**Footnotes:**

\* (1) Most Solid Waste Operators in the Portland Metropolitan Area find it necessary to meet or beat the contract of Teamsters Sanitary Truck Drivers Local 220, whether the men are members of the Local or not. I am informed that the present contract which runs through 1975 calls for a 50¢ per hour increase on 1/1/75, plus cost of living increase. The 50¢ per hour will be \$26.66 per month. At the present time no increase in health and welfare or pension retirement is contemplated, but the contract could be subject to re-opening on these matters.

\* (2) The Social Security figure was 5.2% on a maximum of \$9,000 wages in 1972 or a total of \$468. As of 1/1/74 the rate went to 5.85% for both employer and employee on a maximum of \$13,200 and that would equal an amount of \$772.20 for both employer and employee.

(3) It is impossible to try to keep up with all the increased costs of doing business. I was not able to find the cost of truck tires 2 years ago, but I am informed that just since January 1st of this year, truck tires have increased in cost 27%, including 9% today.

Respectfully submitted,



DALE M. HARLAN, Attorney

DL:0