CANBY CITY COUNCIL
REGULAR SESSION
JANUARY 7, 1998

Council President Walter Daniels presiding. Council members present: Dennis Nolder, Brad Gerber, Roger Harris and Shirley Strong. Absent: Mayor Scott Taylor.

Also present: Administrator Michael Jordan, Finance & Administrative Director Sarah Jo Chaplen, City Attorney John Kelley, City Recorder Marilyn Perkett, Associate Planner Jason Kruckeberg, Police Chief Jerry Giger, Jean Tallman, Keith Stewart, Terry Prince, Jim Morse, Larry Sorenson, Alice Clymens, Steven Amick, Ray Hoen, Scott Misso, Alan & Linda Churchill, Ken & Nancy Waring, Heidi Henry, Kathy Henderson, Harry LeeKwaui, Dick & Carolee Morse, Bob Trappe, Dan Wilcox, Ken Robinson, Frank Cutsforth, Elsie Cutsforth, and Curtis & Lila Gottman.

Council President Daniels called the session to order at 7:30 p.m. and the opening ceremonies were observed.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

CONSENT AGENDA: **Councilman Harris moved to approve the consent agenda: Minutes of regular session, December 3, 1997; workshop session December 10, 1997; regular session, December 17, 1997; and accounts payable, $153,122.97. Motion seconded by Councilman Nolder and approved 6-0.

APPEAL: DR 07-07, Conditions, Canby Builders Supply - Council President Daniels declared a conflict regarding the appeal since he is employed by the applicant and stepped down from the podium at this time.

Councilman Harris reviewed the procedure for appeal and polled the audience for participants. Three expressed an intent to testify.

Councilman Harris asked the hearing body to declare any conflict of interest on the matter:

Nolder - none and will participate.
Gerber - none and will participate.
Harris - none and will participate.
Lucas - none and will participate.
Strong - none and will participate.

Councilman Harris asked the hearing body to declare any exparte contact on the subject:

Nolder - drives by the site on a routine basis and read articles in the newspaper. The audience was asked if they wished to question Mr. Nolder, no response.

Gerber - visited the site and drew no conclusions. The audience was asked if they wished to question Mr. Gerber, no response.

Harris - visited the site. The audience was asked if they wished to question Mr. Harris, no response.

Lucas - visited the site and had a three minute conversation with the applicant and drew no conclusions. Mr. Lucas said during the conversation with the applicant, he stated that the City Council turned him down on the 99E access which he needed. The audience was asked if they wished to question Mr. Lucas, no response.

Strong - visited the site, read articles in the newspaper and reached no conclusions. The audience was asked if they wished to question Mrs. Strong, no response.

Attorney Kelley noted that the appeal process is set in Municipal Code 16.88.140 (c): the appeal before the Council shall consist only of arguments based upon the record without a new public hearing and no new evidence will be permitted. He stressed that no new evidence can be submitted.

The second issue to be considered is if the Planning Commission members have "standing." Mr. Kelley said standing is the ability of someone to be able to follow through the subsequent legal steps in a matter and must have been involved with the matter from the beginning. The people that have standing in this instance are the applicant and property owner and persons who testified, either orally or in writing, before the Planning Commission when the record was created. Mr. Kelley said there is no language in the code which specifically states that a Planning Commissioner can testify, it is vague.. Mr. Kelley said commissioners have testified on annexations, however, this matter is different since the record is created before the Planning Commission. He added that the Council should make an interpretation on this issue which will then become policy to follow in the future. Mr. Kelley said that ORS 197.763 is silent on this issue and there is no case law on the matter. He said if the Council is concerned about making a wrong decision, there is case law from the Oregon Supreme Court, entitled "Clark," which basically states that land use issue decisions were routinely overturned if LUBA or the Court of Appeals could substitute their judgement over the governing body. The Clark case did not approve of that scenario and deference should be given to local jurisdictions; and resulting from that case an interpretation by the Council of what the ordinance intends will be granted great deference at LUBA or a Court of Appeals.

Mr. Kelley expressed a concern of a potential for a remand back to the Planning Commission to resolve a matter if a Commissioner is allowed to testify. He added that the decision is ultimately the Council's.

Councilman Nolder said the purpose of these hearings is to be sure an applicant has every opportunity to testify, and he did not need any further input from the Planning Commission.

Councilman Lucas said he listened to the tape twice, and understood the concerns of the Planning Commissioners. A possible remand was a concern of his.

Councilwoman Strong agreed with the previous Councilors.

Councilman Gerber said it didn't make much difference at this point.

Attorney Kelley said that Mr. Kruckeberg will prepare a finding which will make this a Council interpretation regarding standing of Planning Commission members.

Councilman Harris said the majority of the Council was in favor of not allowing the Planning Commission members to have standing in an appeal situation.

STAFF REPORT - **Mr. Kruckeberg** said the appeal, 97-07, was for a site and design review application for a retail and warehouse building for Canby Builders Supply. The proposed business site will operate the same as the current business at 102 NE First Avenue. The location is a 3.39 acre parcel on the southeast corner of 99E and S. Pine.

The Planning Commission approved the application on November 10, 1997, by 6-0 vote, with 20 conditions of approval. The appellant is appealing three of those conditions:

* Condition #9, no access onto highway 99 E is permitted for the property frontage, based on criteria 2 and 3; the Commission did not adequately consider all of the information pertinent to the case, and the Commission did not observe the precepts of good planning or interpretation by the Council;

* Condition #11, a 5 foot sidewalk located against the curb shall be constructed along SE 2nd Avenue, based on criteria 3; and

* Condition #18, a pole sign is not permitted for the development , a monument sign is suggested, based on criteria 1, the Commission did not correctly interpret the requirements of the title, the Comprehensive Plan or there requirements of law.

Mr. Kruckeberg first addressed the access issue stating that the appellant feels the access onto 99E is mandatory to their business and to the safety of the area. Also, other businesses on 99E area allowed access and without it, S. Pine would become backed up with vehicles, causing traffic congestion and a concern for emergency vehicles from the Fire Department on S. Pine. ODOT was involved in several meeting with the City prior to the application and the access was discussed. Gary Hunt, with ODOT, did not mention any restriction of access in his report on the information request form. Jim Wheeler stated in his staff report that ODOT gave an unofficial approval of the application and until the City approves the project, ODOT will not make a final committment.

Staff recommends approval of the application with the access, however, the Planning Commission had some legitimate safety concerns. Section 16.49.050, (1) (g), gives the Commission the right to restrict access, as long as sufficient access is maintained to the site. The Commission was concerned about the speed of traffic on 99E out of Pine to the north, and the dangers of turning in and out of the access, specifically left hand turns. The Commission was concerned about the yield from S. Pine onto the highway. The Commission felt that access off of Pine Street or SE Second was sufficient access.

Staff suggested that the access should be a policy decision from the Council. Mr. Kruckeberg asked if the Council should defer 99E access to ODOT, or should the City have the priority input regarding safety on 99E.

In regards to the sidewalk, Mr. Kruckeberg said the appellant stated that the sidewalk would not enhance the street nor be beneficial to the community; and be of no use in the area. The Commission concern was for safety in the area because of a high number of cars that park on the street and delivery trucks in the area. Also, sidewalks are a standard condition for all new development. The Commission has authority based on Section 16.10.070(B) 6, to require sidewalks.

In regards to the pole sign, the appellant believes that the land use ordinance does not explicitly allow the Council to deny the use of a pole sign, other businesses are allowed pole signs and the existing sign at Canby Builder Supply is well kept. The sign will have a reader board on the bottom to display community events. The Commission conditioned a monument sign saying a pole sign would be too obtrusive and unnecessary for the site. Condition 19 also prescribed that a monument sign be no closer than 10 feet from the highway 99E curb. The appellant claims a monument sign would block visibility at the intersection. Staff finds no basis in the Land Use Ordinance for denying the right to use a pole sign. Mr. Kruckeberg noted that a matrix using points is used in the design review approval process with at least 65% necessary, the applicant received 65.7%.

Staff recommendations for the three elements being appealed were that the City Council make a policy decision on the access; uphold the Planning Commission condition on the sidewalk; and uphold the appellants request and allow the pole sign.

Councilman Harris asked if ODOT was specific on the access. Mr. Kruckeberg said ODOT made an "unofficial approval" which is contingent upon the City's approval.

Dick Morse, appellant, thanked the Planning Commission for approving his application and stated that Jason Kruckeberg made an excellent presentation and the City made a good choice in hiring him. Mr. Morse said the City, Frank Cutsforth and himself had met several times with ODOT and they agreed to the access, and without it the project would not have continued. Mr. Morse used the map to indicate the access area on the highway that is critical to his type of business. He pointed out the traffic pattern on the site if the access were denied. He added that ODOT requires 300 feet from an intersection for an accesssite, and this proposal is 320 feet from the intersection.

Mr. Morse said he currently uses pole signs to advertise and promote civic events. He said a monument sign is not viable to use for advertising. He added that the Commission did not have the authority to restrict a pole sign.

Mr. Morse said when the application was filed there was nothing on SE Second, and now development has occurred. He added that he could be encouraged to the fact that a sidewalk is necessary at this time.

Frank Cutsforth, owner of Thriftway said they have been working with Mr. Morse for several years regarding the present location. He said in 1987 they attended several meetings with ODOT.

Attorney Kelly asked if this was new evidence.

Mr. Cutsforth noted that this was in the staff report, and he asked that the Council make a favorable consideration regarding the highway 99E access

Councilman Gerber noted that the meetings were in 1997, not 1987.

Jim Morse, Lake Oswego and former business partner of the appellant, noted that part of the application process is to meet certain conditions. He pointed out that if ODOT or the City denies the 99E access, the project will not take place.

Mr. Morse said a monument sign at ground level could create a traffic hazard to both bicyclist or motorists, and said it should be at least eye level. He said he has a pole sign at his Sherwood lumberyard. The sign is attractive, conforms with the building and is easy to maintain.

Mr. Morse noted that the project is past the traffic signal which controls traffic and the typical motorist would wait until the signal changes before making a left turn or use the center turn lane. He added that an alternative access suggested by the Planning Commission would create traffic congestion on S. Pine, including for emergency vehicles.

Councilman Harris closed the hearing at 8:18 p.m.

Councilman Gerber asked if there was an option to remand the matter back to the Commission. Attorney Kelley said the 120 day time frame would not allow it for this application

Councilman Gerber asked if this could be appealed to LUBA. Attorney Kelley said the next step could be the Land Use Board of Appeals.

Councilman Lucas asked if there were three deeded accesses on the parcel. Jim Morse said they relinquished two accesses for the one access in question.

Councilwoman Strong asked where the placement of the pole sign would be and how high it would be, specifically if it would be a traffic visual concern. Mr. Kruckeberg used the map to indicate it would be near a tree. Mr. Morse said it was approximately 10 feet to the reader board and the entire sign was approximately 21 feet and would not be a visual hazzard.

Councilman Gerber reviewed Code 16.88.140 which states the three standards and criteria the Council must use in making a decision. In regards to the pole, sign he felt the Commission did not meet criteria 1. He said there is criteria to request a sidewalk. He added that there is criteria, 16.49.050, addressing public safety concerns for the condition set by the Commission. Mr. Gerber said he felt the Commission did correctly interpret the Title and Comp Plan. He added that he was concerned that this was to be a policy decision with deferring all highway decisions to ODOT, the control should be maintained locally. He said he would like to remand the access matter back to the Commission. He added that he did not want to set any precedent for future decisions.

Councilman Nolder agreed with Mr. Gerber in some issues, specifically the pole sign. He added that the City was to set up some type of committee with ODOT to review the highway access issues. Mr. Jordan said that the committee will be initiated.

Councilman Nolder noted that the City approved access to 99E for the storage business, and this request meets the ODOT requirement regarding the distance from the intersection. He added that ODOT has better judgement on these type of transportation issues. Mr. Nolder added that a sidewalk was needed on Second Street.

Councilman Lucas said during the public meetings with ODOT, regarding 99E, it was decided that the City could make these type of decisions and use ODOT on a recommendation basis. He added that Mr. Morse knows what he needs for a successful business. He agreed that the Pine traffic signal aids in making the area safer, the access is beyond the ODOT 300 feet criteria, and is a good project. Mr. Lucas pointed out that a recent pole sign was allowed for the new car wash. Finally, he said there needs to be a sidewalk on SE Second.

****Councilman Lucas moved to uphold the applicants appeal and allow the pole sign and the 99E access. Motion seconded by Councilman Nolder.**

DISCUSSION - Councilman Gerber suggested that if we overturn the access issue are we setting a precedent for future developments. Mr. Kelley said no, each application has to meet the three criteria and the Council is not bound by precedents because the appeal is based upon the record.

Councilman Gerber said public safety needs to be considered and the Commission considered that when making their decision, and we can not overturn that decision. Mr Kelley said the other side of the argument is that the Council may not feel the safety issues are a concern.

Councilman Nolder noted that criteria 2, states, "as interpreted by the Council," which gives the Council the latitude to make a consideration on the safety issues.

Councilman Gerber expressed his concern about left hand turns off of the highway.

Councilman Harris said he is concerned every time he sees someone turn left into Texaco Station. He added that drivers must exercise good judgement and take some responsibility while driving.

Councilman Nolder pointed out that ODOT has set a requirement of an access being 300 feet from an intersection, and he felt there was data and good judgement that set this criteria; and the access point in question is beyond that.

Councilman Gerber argued that if the City follows ODOT guidelines, 38 access driveways would be closed on 99E.

Councilman Harris commented that he was in favor of supporting the needs of the business community.

****The motion to uphold the applicants appeal and allow the 99E access and the pole sign was approved 4-1, with Councilman Gerber voting nay.**

****Councilman Lucas moved to deny the applicants appeal and require sidewalks on SE Second Avenue. Motion seconded by Councilwoman Strong and approved 5-0.**

Staff was directed to return with findings regarding the appeal.

Councilman Harris called for a short recess at 8:42 p.m. The regular session was reconvened at 8:47 p.m.

COMMUNICATIONS: None presented.

NEW BUSINESS: None presented.

ORDINANCES & RESOLUTIONS: Ordinance No. 982 - Administrator Jordan reminded the Council that this ordinance was only setting procedure for an EID, and not specific to any certain EID.

****Councilman Harris moved to adopt Ordinance No. 982, AN ORDINANCE ESTABLISHING PROCEDURES FOR THE CREATION OF AN ECONOMIC IMPROVEMENT DISTRICT; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Lucas and approved by roll call vote, 6-0**

Resolution No. 661 - Attorney Kelley informed the Council that this resolution authorizes the measure which will be published in the voters pamphlet and the explanatory statement.

****Councilman Gerber moved to deny Resolution No. 661, a RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK a MEASURE REFERRING TO THE ELECTORATE a PROPOSED ANNEXATION OF 31 ACRES DESCRIBED AS TAX LOTS 900,901 AND 1000 OF TAX MAP 3-1E-34 LOCATED BETWEEN EAST MOLALLA FOREST ROAD, HIGHWAY 99E AND WALNUT STREET TO THE CITY OF CANBY; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MARCH 10, 1998 GENERAL ELECTION. Motion seconded by Councilwoman Strong.**

DISCUSSION - Councilman Harris asked what would happen if this was not on the March ballot. Mr. Kelley said he was not sure, since the ORS requires that the City place the measure on ballot for the next available election.

Administrator Jordan noted that the Metropolitan Boundary Commission would make the decision and it could become a court issue.

****The motion to deny Resolution 661 was denied 2-4, with Councilors Gerber and Strong voting yes, and Councilors Nolder Harris, Lucas and Daniels voting no.**

****Councilman Harris moved to adopt Resolution No. 661, a RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK a MEASURE REFERRING TO THE ELECTORATE a PROPOSED ANNEXATION OF 31 ACRES DESCRIBED AS TAX LOTS 900,901 AND 1000 OF TAX MAP 3-1E-34 LOCATED BETWEEN EAST MOLALLA FOREST ROAD,**

HIGHWAY 99E AND WALNUT STREET TO THE CITY OF CANBY; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MARCH 10, 1998 GENERAL ELECTION. Motion seconded by Councilman Lucas and approved 4-2, with Councilors Lucas, Daniels, Harris and Nolder voting yes and Councilors Gerber and Strong voting no.

Resolution 662 - Mr. Jordan informed the Council that rates at the cemetery need to be raised. Also, there needs to be a decision made about future cemetery expansion for both the mausoleum and ground burials. However, there is still money owed on the mausoleum and currently the spaces available in the mausoleum are not marketable. Mr. Jordan said an analysis needs to be made on how to re-pay a loan for expansion and to maintain the contracting services.

Councilman Harris noted that a letter was received from a citizen that suggested that a $5,000 study was ordered regarding the cemetery. Mr. Jordan said rates needs to be increased regardless of a decision to expand. Mr. Jordan reiterated that the pay back for the mausoleum and any future expansion needs to be considered and no study has been authorized at this time.

****Councilman Nolder moved to approve Resolution No. 662, a RESOLUTION SETTING PRICES AND RATES FOR SERVICES AND SPACES PROVIDED AT ZION MEMORIAL CEMETERY. Motion seconded by Councilman Gerber and approved 6-0/**

Resolution No. 663 - Chief Giger noted that the resolution proposed is to officially make their Emergency Response Group a recognized organization. He said the purpose of the group is the following goals: identifies authorities and references, defines operational conditions, describes the City's Emergency Management Organization, assigns emergency responsibilities, provides a concept of operations utilizing the National Interagency Incident Management System (NIMS) Incident Command System (ICS), outlines specific emergency services, assign tasks and describe methods by which emergency functions will be accomplished.

Chief Giger said besides the entities listed in the resolution, approximately 20 other businesses or individuals will participate in the emergency operations.

Chief Giger listed the annexes to the emergency plan: emergency information and warning, communications, direction and control, law enforcement, fire, rescue, health and medical, evacuation, mass care/shelter, public works/engineering, transportation, support services and damage assessment and recovery.

The sites for the emergency command control center would be as the first choice the Canby Fire Department, the second choice is the City shops and finally the Fire Department sub-station out of town on S. Ivy. All locations have emergency power available.

Chief Giger noted that an earthquake drill was done in April 1994.

****Councilman Harris moved to adopt Resolution No. 663, a RESOLUTION TO DIRECT DEVELOPMENT OF AN EMERGENCY RESPONSE PLAN, AND RECOGNIZE PARTICIPATION BY LOCAL ENTITIES IN THIS PLANNING GROUP. Motion seconded by Councilwoman Strong and approved 6-0.**

UNFINISHED BUSINESS: None presented.

MANAGER'S REPORT: <u>Meetings</u> - Mr. Jordan reminded the Council of the following scheduled meetings: JANUARY 22nd, goal setting session at the Library; a workshop session on JANUARY 28th with the Planning Commission to review the Industrial Park Master Plan; and a meeting at Jarboe's on JANUARY 27th with regional cities outside of the METRO Boundary and Portland State University staff will facilitate the session.

<u>1998 Amendments</u> - Mr. Jordan noted that three areas will have updated SDC's: transportation, recovering excess cost of the Ivy & 13th signalization project, and discussions for signals at 99 E at Territorial and Redwood; sewer, a collection master plan needs to be part of the methodology as well as updating the methodology; and parks, to update the methodology after implementing the Parks Master Plan. Also, Ray Bartlett will be working with the City regarding some policy issues which will include the Blue Heron group specifically addressing how to utilize the park SDC's.

<u>Hiring Process</u> - Mr. Jordan noted that 11 applications were received for the Planning Director position and five will be interviewed. The Council will meet the applicant prior to a final hiring decision.

Two records clerks have been hired in the Police Department.

Applicants are being interviewed for the Court Clerk position, the last person hired, did not stay.

In two weeks, interviews will be held for an Office Specialist for both the Administration and Planning Department.

<u>Infrastructure Projects</u> - The design phase for full improvement of Township from Ivy to Pine Street, with CDBG funds has been implemented, and Clackamas County will be splitting the costs. Councilman Lucas asked about bike paths and was informed they

would be in the design. Mr. Jordan also stated that once Township is brought up to City standards, the City will complete negotiations with the County to take ownership of that street/.

Territorial and Holly to Molalla River State Park bike path improvements will be made with ISTEA funds, which is a federal program. Also, preliminary designs are being pursued for an overpass on Township for the Molalla Pathway and will be funded with park SDC's funds. He added that due to constraints for use of federal and state funds, the City will build the entire projects for what the design costs would have been using the federal and state funds.

Design for wastewater plan improvements is nearly complete. Design for the NE storm water projects along Redwood street is being pursued.

RFP's are being developed for a regional park.

Wait Park lighting and additional electrical facilities are being implemented with $25,000 donated by Shimadzu.

RFP's for the northwest LID project is currently being developed.

1997 Building Permits - Mr. Jordan said that 303 permits were issued in 1997 for housing units, which is the largest number of permits issued since 1977 when 365 were issued. He added that this is the first year that multi-family unit permits outnumber both single family and manufactured permits combined.

COUNCILORS' ISSUES: Councilman Harris asked how much money the City will have for the budget process. Mr. Jordan said that resulting from Measure 50, the City will receive approximately $142,000 more than was budget last year. Mr. Jordan said the City has been in a "savings mode" in anticipation of cuts, which makes ending fund balances more than usual. The general fund ending fund balance is $665,000, and the City tries to maintain $300,000 for a cash flow basis, and $163,000 was budgeted for other purposes, which means approximately a total of $342,000 could be budgeted in the general fund. The street fund has a cash balance of approximately $290,000, but a short fall will be experienced in the street revenues because the City anticipated some type of gas tax revenue. He said approximately $60,000 was anticipated from the gas taxes. The sewer fund will have approximately a cash balance of $39,000.

Councilman Harris asked if a budget meeting will be scheduled soon. Mr. Jordan noted that a goal setting session has been scheduled for January 22nd and immediately after that a budget meeting will be scheduled. He added that a supplemental budget will be necessary as well.

Councilwoman Strong asked how the computer contract was proceeding. Mr. Jordan said Jim Scharmota was coordinator of the committee that reviewed all the proposals and the same company was selected. Mr. Jordan said he would have a complete report ready for the next meeting. He added that Computer Products has continued to work for the City on an hourly basis until the matter was resolved.

Councilman Lucas noted that a bus trip was made to Forest Grove, McMinville and Salem skate board parks. Along with Beth Saul, approximately 25 skaters attended. a meeting was held in the library when they returned to review the trip.

Administrator Jordan said the City has resubmitted an application for a rural fund grant for a skate park.

ACTION REVIEW:

1. Prepare Findings for the next agenda to uphold the appeal on the pole sign and 99E access; and uphold Commission requirement for a sidewalk.
2. Implement Ordinance 982, for EID procedure.
3. Implement Resolution 661, and take necessary documentation to the County Elections regarding the Gramor Annexation.
4. Implement new rates at Zion Memorial Cemetery.
5. Recognize the Emergency Operation Group as per Resolution No. 663.
6. Findings will be prepared regarding the issue of Planning Commissioners testifying at appeals.

****Councilman Harris moved to go into Executive Session under ORS 192.660 (1)(h) regarding pending litigation; (1)(e) to negotiate real property; and (1)(i) regarding the performance of a City employee or officer. Motion seconded by Councilman Lucas and approved 6-0.**

Council President Daniels recessed the regular session at 9:36 p.m. to go into Executive Session. The regular session was reconvened at 10:30 p.m.

Administrator Jordan informed the Council that he had a request from the City Recorder to consider an incentive for early retirement in some terms like the school district has provided. Mr. Jordan supplied the Council with documentation regarding an analysis of a City Recorder at an entry level salary rate, noting a considerable savings. Mr. Jordan said a proposed net savings would be $23,000 if the City opted to pick up the insurance until the Recorder's age of 65, as requested, and pay vacation time as well.

Mr. Jordan said he discussed the issue with Steve Miller, and noted that the school district set some criteria to be able to apply for the insurance premium retirement incentive. He added that the City would only save money with the administrative staff.

There would not be much savings for either of the AFSCME or Police contract staff.

Mr. Jordan reiterated that the savings to the City would come from the salary of an entry level employee. He added that bringing someone in at a third level would save money.

Councilman Gerber noted that there is also a morale issue which could be considered.

Mr. Jordan pointed out that the recorder has suggested the possibility of contracting to do Council minutes.

The general consensus of the Council was that it was a good idea. Mr. Jordan said his first concern was that it might be consideration with unions. Mr. Jordan noted that the City Recorder is an officer of the City and the Council could set almost any conditions.

The meeting was adjourned at 10:45 p.m.

EXECUTIVE SESSION
JANUARY 7, 1998

PRESENT- Councilors Daniels, Lucas, Strong, Gerber, Harris and Nolder, Attorney Kelley, Mike Jordan and Jerry Giger.

Council President Daniels called the session to order at 9:35 p.m. in the CUB conference room.

ORS 192.660 (1)(i) - The Council discussed the performance of police department personnel.

Chief Giger left at this time.

ORS 192.660 (1)(h) - The Council discussed the Mike Rinkes litigation case.

ORS 192.660 (1)(e) - The Council discussed a possible real property issue, the Mangus property.

Council President Daniels adjourned the session at 10:30 p.m.

Marilyn K. Perkett
City Recorder

Walter Danielsr
Council President