

CANBY CITY COUNCIL
REGULAR SESSION
AUGUST 20, 1997

Mayor Scott Taylor presiding. Council members present: Dennis Nolder, Brad Gerber, Roger Harris, Walt Daniels, Barry Lucas and Shirley Strong.

Also present: Administrator Michael Jordan, Finance & Administrative Director Sarah Jo Chaplen, Recreation & Library Director Beth Saul, Planning Director Jim Wheeler, Associate Planner Jason Kruckeberg, Curtis & Lila Gottman, Lynn Kraxberger, Earline Carter, Ken & Judy Hostetler, Ted & Cary Ann Labedz, Gwen Schwertzen, Ron Nelson, Sharon Wright, Terry & Tam Curry, George Wilhelm, Nancy Canning and Charles Chiment.

(**NOTE:** The tapes did not start until the beginning of the public hearing, I assume that the opening ceremonies of the meeting were done.)

Mayor Taylor called the session to order at 7:30 p.m., followed by the flag salute and a moment of silence.

Roll call of the Council showed a quorum to be present.

MINUTES OF PREVIOUS SESSION: None distributed.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

Attorney Kelley addressed "New Business" item "B", and informed the Council that the dangerous building abatement involving Mr. Fincher, has been taken care of to the satisfaction of the Fire Marshal.

PROCLAMATION: Constitution Week - Mayor Taylor proclaimed the week of September 17 through 23, 1997 as Constitution Week in the City,

PUBLIC HEARING: ANN 97-04, 18.75 acres south side of SE Township - Mayor Taylor reviewed the public hearing process.

Mayor Taylor opened the hearing at 7:41 p.m.

Mayor Taylor asked the hearing body to declare any conflict of interest.

Nolder-No conflict and will participate.
Gerber-No conflict and will participate.
Harris-No conflict and will participate.
Taylor-No conflict and will participate.
Daniels-No conflict and will participate.
Lucas-No conflict and will participate.
Strong-No conflict and will participate.

Mayor Taylor asked the governing body to declare any exparte contact regarding the hearing subject.

Strong-None.
Lucas-None.
Daniels-None.
Taylor-None.
Harris-None.
Gerber-Visited the site, drew no conclusions.
Nolder-Drove by the site, drew no conclusions.

Mayor Taylor asked if anyone wanted to question the hearing body, no questions were asked.

STAFF - Jim Wheeler said the application is for an annexation of 15.50 acres, the Wright Nursery south of Township Road and east of Township Village III and V and west of Trost Elementary. A three acre parcel was added after the annexation was first submitted, and is owned by Ted and Carol Ann Laabedz. The additional three acres was added to strengthen the ability for future development of S. Redwood Street from Township Village. The property is priority "A". The 15 acre parcel has had a nursery operation for a number of years, and that operation has currently ceased. The subject area is an island of six properties that was created in 1993. The Planning Commission recommended approval, with two descending votes. The descending votes were cast with the rationale that there is not a need for additional land in the City limits and the subject land is viable for agricultural use.

Mr. Wheeler pointed out that there is a separate tax lot on the southern edge of the Wright property which was part of an adverse possession a number of years ago. This tax lot is not a part of the application, but should be included. It is approximately 20 feet by 500 feet, and the applicant agrees to adding this parcel.

Mr. Wheeler said that upon annexation, the first 200 feet south of Township Road will be zoned R-2, High Density Residential, in accordance with the Comprehensive Plan, and the remaining property will be zoned R-1, Single Family Residential. The applicant

does not have a development plan at this time. They have discussed a Planned Unit Development to incorporate some higher density, however, most of the development plan is for single family residences.

Access to the subject property will be from SE 9th and SE 7th, from Redwood Street. No access is anticipated from Township Road. Adequate services are available.

APPLICANT - George Wilhelm, representing Willamette Valley Homes, said the applicant was not aware that the adverse possession had created a new tax lot, and thought the entire area was a part of the application. Mr. Wilhelm reviewed the location and noted that the property was "islanded" by previous annexations. He added that the nursery has not been in production since Mr. Wright passed away more than a year ago and none of the family wants to pursue operation of the nursery. Mr. Wilhelm agreed with the staff report and said the property is ideal for residential development. Mr. Wilhelm pointed out the advantages for developing the area:

- ▶ the annexation will significantly reduce the amount of islanded property in the area;
- ▶ the annexation will allow future development to facilitate the completion of the transportation system for Township Village III and Redwood Estates, which will enhance emergency services in the area; and
- ▶ the annexation and future development will allow looping of the water system and other utilities (electric, cable, gas and telephone).

Mr. Wilhelm said all criteria has been met and the applicant requests a favorable consideration.

Councilman Gerber asked if the row of cottonwood trees were on the property to be annexed. Mr. Wilhelm said the agreement was that the trees would remain in place, but thought the property is a part of Wright's Nursery. He said he could not actually answer the question.

Sharon Wright, property owner, stated that the trees in question are poplars and are on the Nursery property and not on the small strip of property in question.

Councilman Gerber thought the trees were on the small tax lot created by the adverse possession, and wondered what will happen to the trees. Mr. Wilhelm said the question will be researched prior to action on the resolution.

Ted Labedz, owner of the 3 acres to be annexed and part owner of Wright's Nursery, said the trees are the property of Wright's Nursery and were planted to be harvested as firewood, and they have nothing to do with the subject property. He said the trees were

to remain on the Valley Farm property for ten years, and they could be removed from the Valley Farms side at that time, and could be removed on the Wright's side at any time.

PROPOSERS: Tamara Curry, 1312 SE 10th, said that most of the poplar trees are behind her home and she would like them taken out because they are very messy.

OPPOSERS: Ken Hostetler, whose property borders the subject site, was concerned about some trees and shrubs that he did not want disturbed when the property is developed. Mayor Taylor said that at the time of development this issue could be addressed.

REBUTTAL: None presented.

Mayor Taylor closed the hearing at 8:00 p.m.

****Councilman Gerber moved to recommend approval to the Boundary Commission for annexation of the 18.75 acres, including Tax Lot 4401, and prepare the appropriate resolution. Motion seconded by Councilwoman Strong.**

DISCUSSION - Councilman Harris noted that the Planning Commission had two descending votes, and asked how much land is available in the City limits or if there is a need for more land. Mr. Wheeler said there is a total of 455 units approved but not built on at this time, and there is a 2 year, 2 month supply of buildable land, as of two months ago. Recently, there has been an additional 5 acres added to that available land supply.

Councilman Harris asked how many lots could result from this annexation request. Mr. Wheeler projected 100 lots.

Councilman Gerber commented that Trost School is almost at capacity, and this annexation could bring in several children to the district. He reminded the Council that this is an annexation application and the development criteria is not a consideration at this time. Mr. Gerber pointed out that all utilities, schools, the County and City departments all reviewed the annexation request and were asked for comments. All jurisdictions reported adequate services for this annexation application.

****Motion to recommend approval of the annexation was favorable, 6-0.**

COMMUNICATIONS: Canby JR Baseball Waiver Request - Lynn Kraxberger, President of Canby JR Baseball, requested a waiver of Design/Review and building

permit for the improvements to the concession stand at Empey Field on Eccles School property. He said the second story of the structure was built on an existing roof and is full of dry rot. The upstairs house transforms for night games and it should not be allowed to be wet, also they'd like to expedite the remodeling prior to the start of school starting. Mr. Kraxberger presented engineering that was provided pro bono for the second level, by Rick Herigstad. Also, Roy Bentz was available to answer questions regarding the initial building of the lower level. Mr. Kraxberger said the building department requested engineering for the first level, to make sure it will sustain the proposed second level. He added that to obtain the requested engineering, and then demolish the block building is too costly for the organization.

Mayor Taylor asked if the request was for a waiver of fees or a waiver of inspections. Mr. Kraxberger said they are requesting a waiver of the request for engineering of the lower level.

Councilman Gerber commented that the building has a block base, with a rotting second level, and to rebuild the rotting top would cost more money than to provide the requested engineering of the block structure. Mr. Kraxberger agreed with that scenario. He added that funds are not available for additional engineering and the demolition necessary for engineering would expose the building to the elements. Mr. Kraxberger said he realized that the engineering is to insure a safe building, and explained that most of the work on the building is being done on a volunteer basis.

Jim Wheeler said the proposed second floor that is to be built will be twice as wide as the existing first floor, and the code requirements are much different now than when the structure was initially built. The concern is a safety factor to make sure the building meets the building codes.

Administrator Jordan noted that the City Council has the authority to waive fees, but not the authority to waive a building code provision.

Councilman Gerber said his concern was to help the non-profit organization with their building project at a limited cost.

Rick Herigstad, engineer, said the first level has been properly engineered and has proven itself for 20 plus years. He said the front will have a beam installed to take the load off of the existing building. He added that to x-ray the structure, the cost would be \$2,000 to \$3,000.

Mr. Wheeler said that both Roy Bentz and Bob Godon had discussed the project with him, and it requires design review, a conditional use permit and a building permit. The

total fees include a possible conditional use permit for \$900, site/design fee is \$750; and the building permit fee is estimated at \$136.86.

Councilman Lucas noted that this is a volunteer group that the City provides money to through the grant process, and now we are requiring a great deal of the money back in fees. He asked if the new engineering was putting less of load on the downstairs level then it currently has now. Mr. Wheeler replied that he did not know and staff has not seen the same plans that were presented tonight. Mr. Wheeler said the plans could be reviewed.

****Councilman Nolder moved to waive any and all fees for the construction of the concession stand at Empey Field. Motion seconded by Councilman Harris and approved 6-0.**

Mr. Kraxberger said his concern was essentially the time frame.

Councilman Lucas asked if Mr. Kraxberger had talked to the school officials to see if they had any funds to help with the engineering requests. Mr. Kraxberger said no he had not, that he only spoke to the custodian who agreed the building is in need of remodeling.

Councilman Nolder asked if any local engineers had been contacted. Mr. Kraxberger reported that Mr. Herigstad provided "free" engineering and the test of time is often the best study.

Mayor Taylor suggested returning to the next meeting after staff reviews the plans. Mr. Wheeler noted that the plans may not meet the code and more work may need to be done. Mr. Kraxberger asked that Mr. Godon submit suggestions of "what would work" if the plans are inadequate.

Councilman Daniels suggested that the engineering is beyond the scope of the Council and should be discussed with the building inspector.

Administrator Jordan said that staff will solve the problem. He noted that there are several concerns, liability, engineering and time issues.

Mr. Wheeler asked if site and design review will be waived. He said that is a time period of two months prior to issuing a building permit. He added that it is a land use public hearing process to review aesthetics issues.

Councilman Harris said it is safe to assume there is no aesthetic problem since the new

building will look better than the existing building.

****Councilman Gerber moved to waive the site and design review process. Motion seconded by Councilwoman Strong and approved 6-0.**

General Canby Day Letter - Mayor Taylor reviewed the thank you letter from the General Canby Day Committee for their grant and the request for their grant money at this time.

Mr. Jordan said the funds would be dispersed.

Bike/Ped Review - Mayor Taylor said there was a request from the Bike/Ped Committee to show a film and address safety issues. The Council agreed to postpone the matter until later, perhaps October.

Lila Gottman said the workshop was originally scheduled for June or the second meeting in September.

The Bike/Ped presentation was scheduled for October 1st.

NEW BUSINESS: Accounts Payable - **Councilman Harris moved to authorize payment of accounts payable in the amount of \$390,915.45. Motion seconded by Councilman Daniels.

DISCUSSION - Councilman Harris pointed out that \$225,000 was for the Logging Road Industrial Park Phase II work.

****Accounts payable were approved by roll call vote, 6-0.**

Terry & Tammy Curry Request for Zone Text Amendment - Mr. Wheeler said the Curry's live on SE 10th in Valley Farms Phase III, and they are requesting a zone change for a second driveway. Mr. Wheeler said the Curry's had laid the forms for the driveway but did not meet the code requirements. Driveways are to be five feet off the property line; and two driveways on one property are required to be 40 feet apart from each other. Mr. Wheeler said the Curry's have found several locations in town that do not meet the proper width as required by code for two driveways.

Staff recommends elimination of the five foot set back requirement from the property line; and a reduction in distance between two driveways for single family residential areas.

Councilman Harris asked if it would be simpler to set a waiver for this particular situation. Mr. Wheeler said there have been similar requests, and a variance would be the appropriate request for waiving a code requirement. Mr. Wheeler said there is a fee for a variance and a public hearing held by the Planning Commission.

Terry Curry presented a drawing regarding his text amendment request. He said a concrete pad has been poured from the sidewalk to the backyard, no curb cut has been made at this time.

Councilman Gerber pointed out that RV parking is often provided by angling back to the rear of the house, with an access along the property line. He asked if Mr. Curry had considered that approach. Mr. Curry said it was considered, but the side area is not wide enough.

Councilman Harris asked Mr. Wheeler to explain the variance procedure and time frame. Mr. Wheeler explained the procedure and stated that it would take approximately two months to complete.

Mr. Curry said the two month time frame was not a concern. He stated that he was a land use planner, and he felt there was no criteria to warrant the approval of a variance.

Mr. Wheeler said November 19th, would be the approximate date for adoption of code changes.

Mr. Curry said that Mr. Jordan has offered to have the City install a temporary gravel approach until the matter is settled.

Councilman Lucas suggested a code change was appropriate for the issue, and pointed out that there are citizens in the community that have several vehicles parked in their front yard. Mr. Curry is simply trying to approach the issue in the appropriate manner.

Councilman Harris asked if there might be things not anticipated if the Council agrees to change the code.

Councilman Gerber stated that this issue is one of many that will be added to the list of topics to discuss regarding code changes, which is set for a workshop session, and he preferred handling the situation at that time.

Mr. Curry pointed out that he agreed with the proposal for reduction in setback requirements, but noted there has been a hesitancy regarding the separation of two

driveways on one parcel, with a concern about disruption of pedestrian traffic patterns. (Using a map, Mr. Curry pointed out several things he had observed about yards and driveways.) He added that he and his wife walked around the neighborhood to identify lots with access drives on the garage side of the home; lots with sufficient room to have access drive on the garage side of the lot; and lots that already have two separated driveways. He also identified lots that were marked that did not have sufficient room on either side of the home for a backyard access; and there were 13 lots that do not have room on the garage side of their lot for a backyard access, but room on the opposite side, and 7 are corner lots; leaving only six lots out of 219 lots that have the appropriate room for backyard access from the opposite side of the garage. Mr. Curry said there were only six yards with the available space to install a second driveway on their lot and that the pedestrian traffic would be very minimal with only six such lots.

****Councilman Gerber moved to direct staff to prepare the appropriate code amendment regarding residential driveway spacing requirements for discussion at the workshop session for code revisions. Motion seconded by Councilman Nolder and approved 6-0.**

Mayor Taylor called for a five minute recess at this time.

Opening & Closing Hours of Locust Street Park - Beth Saul informed the Council that due to graffiti at the South Locust Street Park, the restrooms are locked at the end of the work day. However, when the restrooms are open on the weekend, there appears to be criminal activity continuing. She added that there is graffiti on anything in the park that can be used, including the sidewalk. Mrs. Saul said some children in the area have indicated they would be willing to paint over the graffiti, and also paint murals.

Staff recommendation was if a opening and closing time is established, they recommend it be the same for all parks unless there is a park related activity at the time.

Councilman Harris said he, and other Council members, attended the neighborhood meeting regarding South Locust Street Park. He said that the overwhelming concern was to close the park at night. Mr. Harris said the park problems are unique to the South Locust Street Park, that he lives near Maple Street Park and knows it does not experience this type of activity. In fact, Maple Street Park is often used by people late at night or just a place for youth to sit and talk. He said he did not favor a city-wide park closure because of an isolated problem.

Councilman Daniels said that "river park" has a curfew and does not experience problems. His concern was if Maple Street Park continues to be open, it may have

problems.

Councilman Harris stated that Maple Street Park has not experienced problems, even prior to the establishment of the South Locust Street Park, and no problems have been experienced at Wait Park.

Beth Saul pointed out that geographically, the South Locust Street area has more criminal activity, according to a recent Police Department survey.

Councilwoman Strong said she was not in favor of establishing a closing time for all parks, only the problem area at South Locust Street.

Councilman Lucas concurred with Mr. Harris and Mrs. Strong, and said he would like to see South Locust Street Park closed in the evenings.

Councilman Harris suggested dusk until dawn closure be considered.

Attorney Kelley said, from a prosecution stand point, specific hours would be desirable.

Councilman Gerber said that since Community Park has an opening and closing time, Locust Street Park should be consistent with that park, and other parks can be addressed if problems occur.

Mayor Taylor noted that the neighborhood has offered to help with the problems at the Locust Park, and he agreed that hours should not be initiated at all parks.

****Councilman Gerber moved to establish an opening and closing time at South Locust Street Park to correspond with the Canby Community Park; and to create improvements, including new light poles and establish a security agreement with the nearby apartment owners for opening and closing of the restrooms. Motion seconded by Councilman Daniels.**

DISCUSSION - Councilman Nolder noted that at the time the park was created, lights were not included because it encouraged people to congregate in areas that are in the dark.

Councilman Gerber said lights cost \$1000, but suggested lights be installed with the ability of the Police Officers to turn the lights on with their cellular phone. He suggested that fund raisers be held or soliciting of donations be considered for the lighting.

Councilwoman Strong questioned the hours of closing for the restrooms. Councilman

Gerber suggested that the agreement between the City and apartment security work out the best hours for closure of the restrooms.

****The motion setting hours at Locust Street Park was approved 6-0.**

Mayor Taylor said starting now, the police officers have the authority to advise the people to leave South Locust Street Park, and that park hours will soon be posted. Mayor Taylor reported that New York has had a 50% reduction in crime, due to interaction and communication with people through the Community Policing Program.

Chief Giger explained that Community Policing encourages communication, and he said his department will work toward those efforts, specifically regarding the park hours.

ORDINANCES & RESOLUTIONS: Resolution No. 646 - Administrator Jordan reported that this was a recommendation regarding an annexation off of S.Ivy Street.

****Councilman Harris moved to adopt Resolution No. 646, A RESOLUTION TO THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION RECOMMENDING APPROVAL OF THE ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, OF TAX LOT 700 OF TAX MAP 4-1E-4D, LOCATED ON THE EAST SIDE OF S. IVY STREET, APPROXIMATELY 1000 FEET SOUTH OF SE 13TH AVENUE. Motion seconded by Councilman Lucas and approved 6-0.**

Ordinance No. 975 - ****Councilman Harris moved to adopt Ordinance No. 975, AN ORDINANCE PROHIBITING OPEN OUTDOOR BURNING OF CERTAIN TYPES OF WASTE; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY. Motion seconded by Councilwoman Strong and approved by roll call vote, 6-0.**

Ordinance No. 976 - ****Councilman Daniels moved to adopt Ordinance No. 976, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH OTAK FOR AN INDUSTRIAL PARK MASTER PLAN FOR PHASES II AND III OF THE LOGGING ROAD INDUSTRIAL PARK; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Harris and approved by roll call vote, 6-0.**

Resolution No. 648 - Bond Council has not drafted the resolution at this time.

UNFINISHED BUSINESS: Findings, Conclusions & Final Order for CUP 97-03/DR 97-02 - Jim Wheeler pointed out that the findings regarding the appeal for the cell tower was to uphold the Planning Commission decision for denial, with City Council reasons

incorporated into the findings.

****Councilman Gerber moved to adopt the Findings, Conclusions & Final Order Appeal of CUP 97-03/DR 97-02 for US West Communications. Motion seconded by Councilman Harris and approved 5-1, with Councilwoman Strong voting nay.**

MANAGER'S REPORT: Organizational Structure - Mr. Jordan asked if a workshop session was to be scheduled to discuss the organizational structure.

Mayor Taylor noted that this has been discussed thoroughly before, however, there are some changes Mr. Jordan needs to present

Mayor Taylor noted that Mr. Jordan will have proposals regarding vacancies and the on-going issue regarding organizational structure.

Councilman Gerber suggested the workshop be an informational exchange, including staff recommendations.

Councilman Harris noted that some Council members will have proposals for open discussion.

August 25th from 6:30 to 9:30 pm. Was set for the organizational structure discussion.

Industrial Parks Master Plan - Mr. Jordan reported that a Technical Advisory Committee is being formed for the Logging Road Industrial Park Phase II Master Plan and a member of the Council and Planning Commission is needed to sit on that advisory committee. Councilman Nolder volunteered with Councilman Gerber as an alternate.

Access Management - Mr. Jordan reported that a meeting has been held with ODOT regarding access management with more scheduled in the future. A new process will be pursued for a solution.

Councilman Gerber suggested that the business community become involved in this process.

Gas Tax Issue - Mr. Jordan noted that handouts were distributed regarding the gas tax and vehicle registration fee for the November ballot for Clackamas County and perhaps three other counties.

Measure 50 - Mr. Jordan stated that the County Assessor's officer notified the City of a mistake on the M-50 form regarding the Police Levy. He said the same number was

used on all the LB forms that were prepared earlier, so resolutions will be prepared to correct this financial issue.

COUNCILORS' ISSUES: Councilman Gerber asked that the computer contract be discussed either in a workshop or as an agenda item. He said perhaps his concerns could be clarified: what was the relationship between Steve Hanson and Computer Products prior to the bids; what was Mr. Hanson's involvement in the bidding process; and did the computer committee actually review and compare the bids before selecting one. Councilman Gerber expressed a concern about a possible conflict of interest if one employee had responsibility for the selection process with a company that he may or may not have had a prior relationship.

Councilman Harris expressed a similar concern.

Mr. Jordan said there may be personal information regarding Steve Hanson that the City may not have, however, the other information requested is public information regarding the process.

Mayor Taylor said the concern is if these are legitimate concerns and the entire Council agreed and will get copies of the computer report.

OTHER REPORTS OR ANNOUNCEMENTS: Chief Giger reported that the Police Department is developing a hiring list because a couple of officers may leave the department.

Chief Giger handed out information regarding criminal activity in the community, with the City being divided into four quadrants.

Councilman Harris asked if this is the information needed for the drafting of an exclusion ordinance. Chief Giger said this was part of the necessary information. Quadrant four, near the high school and shopping center appeared to have a higher crime rate, possibly due to car thefts and criminal mischief in the area. Mr. Harris asked if the numbers justify pursuing an exclusion ordinance.

Chief Giger said it shows that the police department has a need to be able to control some of the things they do to hinder the ability for crimes to occur. He said many of the crimes in the parks were occurring because there is no way to limit access to the parks, so the concern for exclusion or limited hours is valid and justified for that area.

Councilman Gerber asked that the process for replacement of officers be defined. Chief Giger said the City will advertise, notify every applicant of the LGPI testing

process, physical agility testing will be administered and then it is an all pass or all fail process. Background checks are done and then interviews scheduled prior to an offer of a position, which are then contingent on physiological and health fitness screening by a physician.

Beth Saul noted that September 16th is the 60th anniversary of the City Hall building and opening of a public library. Ms. Saul said that the showcase currently has a constitution display.

Jim Wheeler handed out ordinance amendments which will be discussed on September 15th. He also asked if the Council wanted to consider a draft ordinance on the voter annexation process, in the event it passes at the November election. The Council agreed to the proposed draft voter annexation ordinance.

Councilman Gerber asked that the Bike/Ped presentation be set for a September 3rd workshop. The Council concurred with the suggestion.

Mr. Jordan reminded the Council of a joint meeting with the Planning Commission on September 15th, at 7:00 p.m. and a regular session on September 17th, with a yard debris recycling workshop at 6:00 p.m.

ACTION REVIEW:

1. Resolution No. 647, regarding the annexation will be drafted for the next meeting.

2. Waiving all fees and design/review for the Empey Field baseball concession stand, and the issues regarding the structure.

3. Add curb cut amendment to code revision meeting.

4. ANN 97-03 recommendation will be forwarded to the Bound any Comm ission.

5. Ordinances 975 and 976 will be implemented.

6. Prepare resolution for reissuance of sewer bonds.

7. Communicate with businesses regarding access mana game nt issue.

8. Prepare a memo regarding computer contract process.
9. Work with S. Locust Street Park neighborhood and closing that park at 10:00 pm and opening at same time as Community Park; establishing relationship with

neighborhood security; and review lights that activate by police cell phones.

****Councilman Daniels moved to go into Executive Session under ORS 192.660 (1)(d) regarding labor negotiations; (1)(h) regarding pending litigation; and (1)(i) regarding the performance evaluation of public officer. Motion seconded by Councilman Gerber and approved 6-0.**

Mayor Taylor recessed the regular session at 10:20 p.m. to go into Executive Session. The regular session was reconvened at 11:56 p.m. and immediately adjourned

EXECUTIVE SESSION
AUGUST 20, 1997

Present- Mayor Taylor, Councilors Gerber, Nolder, Harris, Daniels, Lucas and Strong, Mr. Jordan, Ms. Chaplen and John Kelley.

Mayor Taylor called the session to order at 10:29 p.m. in the CUB conference room.

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

ORS 192.660 (1)(d) - The Council discussed department head salaries.

ORS 192.660 (1)(i) - The Council discussed holding an executive session to evaluate the administrator.

Mayor Taylor adjourned the session at 11:55 p.m.



Marilyn K. Perkett
City Recorder



Scott Taylor
Mayor