

**CANBY CITY COUNCIL  
REGULAR SESSION  
MARCH 2, 1994**

Mayor Scott Taylor presiding. Council members present: Dennis Nolder, Roger Harris, Cheryl Stark, Walt Daniels and Shirley Strong. Absent: Terry Prince.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Assistant to the Administrator Sarah Jo Chaplen, City Recorder Marilyn Perkett, City Planner Bob Hoffman, Parks & Swim Center Director Scott Nelson, Ken & Mavourn Stuart, Jack Pendleton, Lyle Read, Archie McLeod, Delbert Hemphill, Dana Tyler, Ed Montecucco, Robert Backstrom, Gordon Ross and Michael Robinson.

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:** \*\*Councilman Daniels moved to approve as distributed the minutes of regular session February 16, 1994. Motion seconded by Councilman Harris and approved 5-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** None presented.

**COMMUNICATIONS:** Letter from Whiskey Hill Jazz Board - Administrator Jordan reviewed the request from the Whiskey Hill Jazz Band Board to use Wait Park for the fifth annual Jazz Festival on May 21, 1994. The group requested closure of N.W. Fourth and Grant streets from 7 AM to 6PM during their event.

\*\*Councilman Harris moved to approve the request of the Whiskey Hill Jazz Band Board for use of Wait Park on May 21, 1994 and the closure of N.W. Fourth and Grant Streets. Also, to coordinate their efforts with the Police and Public Works Departments. Motion seconded by Councilwoman Strong and approved 5-0.

Petition from Senior Swimmers - Mayor Taylor reviewed a letter and petition signed by several "senior swimmers" that patronage our Swim Center regarding the temperature of the water and dressing rooms at the pool.

Mayor Taylor also reviewed the response to the petition from Scott Nelson which stated that we keep our pool at 84.5 degrees. The pool has 150,000 gallons of water, and it would not be cost effective to raise and lower the temperature for the various groups that like various water temperatures.

Scott Nelson also explained that the dressing rooms use a supplement air heating system which is not very efficient, however, that is all they have at this time. He noted that when the pool renovation was a done, there was not enough money to refurbish the dressing rooms. Mr. Nelson said that in the future they hope to expand the lobby and dressing rooms.

Ken Stuart, 603 N.W. 13th, informed the Council that he was one of the senior swimmers, and he felt there was a problem with the group of students that swim after the senior swim. Mr. Stuart suggested that a lifeguard monitor the dressing room to prevent the students from throwing soap around and making the floor hazardous.

Mayor Taylor asked Scott Nelson to look into Mr. Stuart's suggestions.

**NEW BUSINESS: Accounts Payable** - \*\*Councilman Daniels moved to approve accounts payable in the amount of \$ 155,181.01. Motion seconded by Councilman Harris and approved by roll vote, 5-0.

**ORDINANCES & RESOLUTIONS: Ordinance No. 912** - Attorney Kelley said this ordinance was drafted as a "housekeeping" measure regarding service of subpoenas. The new method will be by "mail" or by a "designee" of the Police Chief.

\*\*Councilman Nolder moved that Ordinance No. 912, AN ORDINANCE AMENDING CHAPTER 1.16 REGARDING JURY TRIALS; AND DECLARING AN EMERGENCY be posted and come up for final reading on March 16, 1994. Motion seconded by Councilwoman Stark.

Discussion - Councilman Harris asked how many subpoenas are served for a jury and would the mailing lessen the number who appear. Attorney Kelley said usually they serve 18, and 12 respond. He said 24 could be served by mail if this method results in fewer responding.

Councilman Harris asked why the current ordinance required the Chief of Police to serve the subpoenas. Mr. Kelley said he really didn't know. However, several jurisdictions are using the mail system, and it seems to be cost effective.

\*\*The motion on the floor was approved 5-0.

**UNFINISHED BUSINESS:** Mayor Taylor noted that Councilman Prince had requested pursuing an ordinance for impounding uninsured vehicles. Administrator Jordan said a draft should be ready by the next session.

**Northwoods Findings** - Attorney Kelley briefly reviewed the history of the Northwoods matter. The application is for a Comprehensive Plan Amendment to permit adding a 30+ acre parcel known as the "IFA Property" into the Urban Growth Boundary for Low Density Residential Use.

Mr. Kelley outlined the following:

- \* The Council heard this matter, and approved the request, in October 1993;
- \* On November 3, 1993, the Council approved the application and directed staff to prepare findings which were adopted by the Council;
- \* On November 22, 1994, the matter was appealed to LUBA;
- \* The applicant requested the City withdraw the findings for reconsideration on December 9, 1993;
- \* On December 21, 1993 the City withdrew the findings from LUBA and at that time the City had 90 days to adopt new findings; and
- \* The applicant has prepared new findings which are very detailed and are to be considered at this time.

Mr. Kelley pointed out that this is not a public hearing on the matter, however, the entire record was present for review if necessary. Also, two new Council members have been appointed, Harris and Strong. Neither have reviewed the extensive record, and they will abstain from voting on the issue.

\*\*Councilman Nolder moved to adopt the Findings of Fact and Conclusions of Law of the Northwoods Investments for an Urban Growth Boundary Amendment and Comprehensive Plan Amendment as submitted. Motion seconded by Councilwoman Stark. The motion

was approved 3-0 with no discussion offered. Councilman Harris and Councilwoman Strong abstained.

**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan reminded everyone of the FOCUS meeting on March 17th.

Mr. Jordan also pointed out that a new Council liaison for the Swim Center Advisory Board is needed since Joe Driggers is no longer on the Council. Walt Daniels had been in this position in the interim. Mayor Taylor asked Councilors Harris and Strong to consider this position.

**ACTION REVIEW:**

1. Approving Whiskey Hill Jazz Board request for the May 21, 1994, street closure at Wait Park for their festival.
2. Posting Ordinance No.912 and having second reading at the next meeting.
3. Approving the Northwoods Findings and sending out notification of the action.

**\*\*Councilwoman Stark moved to go into Executive Session under ORS 192.660 (1)(e), to negotiate real property and (1)(h), regarding pending litigation. Motion seconded by Councilman Harris and approved 5-0.**

Mayor Taylor recessed the regular session at 7:58 p.m. to go into Executive Session. The regular session was reconvened at 9:16 p.m. and immediately adjourned.

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**EXECUTIVE SESSION  
MARCH 2, 1994**

**Present:** Mayor Taylor, Councilors Stark, Daniels, Nolder and Harris, Administrator Jordan, Attorney Kelley and Sarah Jo Chaplen. **Absent;** Councilman Prince.

Mayor Taylor called the session to order in the CUB Board room at 8:08 p.m.

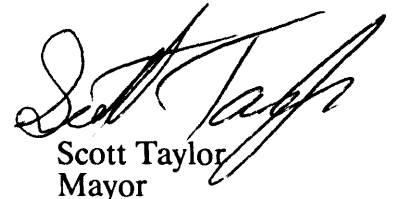
ORS 192.660 (1)(h) - The Council first discussed the pending OSHA case.

ORS 192.660 (1)(e) - The Council discussed the following real property issues: the property located west of City Hall parking lot that now houses the Canby Trophy Shop; the Atkins property on S. Knott; and the Hellhake property near S. Pine off Highway 99E.

Mayor Taylor adjourned the session at 9:14 p.m.



Marilyn K. Perkett  
City Recorder



Scott Taylor  
Mayor