

**CANBY CITY COUNCIL
REGULAR MEETING
JULY 20, 1994**

WORKSHOP: Present: Mayor Taylor, Councilors Harris, Nolder, Prince, Stark, Strong and Daniels, Administrator Jordan, Assistant to Administrator Chaplen, Recorder Perkett, Police Department Personnel Jerry Giger, Jim Scharmota, Brian Howarth, Ken Pagano, John Watts, Ed Stelle, Marc Nunn, Steve Landis, Eric Taasevigen, Julie Schoenfeld, Rod Davis, Tim Skipper and Keith Marquand.

The workshop was held at from 6:00 to 7:30 p.m. in the Police Department Conference Room to discuss various concerns of the Police Department.

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

Also present: Administrator Michael Jordan, Assistant to Administrator Sarah Jo Chaplen, City Attorney John Kelley, City Recorder Marilyn Perkett, Police Chief Jerry Giger, Library Director Beth Saul, Parks & Recreation Director Scott Nelson, City Planner Bob Hoffman, Assistant Planner Jim Wheeler, Ron Tatone, Elroy Knutson, Doug Sprague, Frank Charbonneau, Dorothy McCormick, Ray Baldwin, Al & Linda Geddes Jane Blake, Michael McNichols, Linda Mihata, Gary Kuykendall, Jerry Burns, Kris Gorsuch, John Middleton and many others.

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 Prince moved to approve as distributed the minutes of regular session July 6, 1994. Motion seconded by Councilman Harris and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: At this time, Mayor Taylor announced that several students were present to receive awards as winners in the drawing and essay contests regarding the future of Canby. This is all a part of the visioning process. Those present to accept awards were: Walter Blomberg, Breanne Smith, Dustin Gurley, Adam Kelshe, Austin Elliot, Nichole McCormick, Kevin McCullogh, Nick Freeman, Ben Steinert, Ellie Raines, Katrina Inman, Marie Imholt, Hap Burden, Nichole Newton, Michael Lynn, Caleb Stelle and Vickey Stewart.

Mayor Taylor recessed the regular session at 7:42 p.m. for only two minutes to allow the students and their parents to leave the meeting.

APPEAL SUB 94-02: Mayor Taylor reviewed the appeal processed and asked the audience how many would be testifying. He set 20 minutes for both sides to present their argument.

Mayor Taylor asked the hearing body if anyone had any conflict of interest on the subject matter. None was declared.

The Mayor asked that the hearing body declare any exparte contact. Mayor Taylor and Councilman Prince both indicated they had attended a Planning Commission meeting during the process, but felt it would not affect their decision. Mayor Taylor asked if anyone from the audience wished to question them. No one came forward.

STAFF - Jim Wheeler, Assistant Planner, reported that the location of the subject proper was off N. Maple on the far end of the City limits and north of 34th Court. The subdivision is planned for 26 lots with a one acre open area with a wetland within the open space. The sewer would be from an extension on N. Maple and brought to a pump station on N.E. 34th Court. Stormwater drainage would be taken to the Willamette River. Access for the subdivision is from N. Maple with an additional emergency access from the Logging Road. Mr. Wheeler referred to some maps on the wall which outlined the utility easements, trees and streets. He pointed out maps that show the area to be filled to elevations of 84.5 feet to 86 feet.

Mrs. Geddes, from the audience, stated that only one of the maps that was on the wall was present at the Planning Commission. She further stated this was new information and was not available at the Planning Commission. Mr. Wheeler said the maps were submitted at the continued session of the Commission. Mr. Hoffman interjected that all four maps were submitted and displayed at the continued meeting of the Planning Commission.

Mrs. Geddes said she specifically asked how fill would affect her property and there were no maps or information available to that question during the Commission meeting. She reiterated that she did not miss any meetings and the fill map and the map with the green coloring were not available. She expressed concern that these maps were "new" information. Staff again reviewed the maps and said they were available at the Planning Commission sessions.

Mayor Taylor said the Council had listened to the tapes and read the record and if the Geddes need more time to look at the maps, that would be considered.

APPLICANT - Ron Tatone, representing the owners Elroy Knutson and Doug Sprague, introduced the owners and other support members Attorney Kris Gorsuch from Salem, Civil Engineer John Middleton and Traffic Engineer Frank Charbonneau from Portland.

Mr. Tatone noted that the packet he handed out to the Council contained no new evidence. He did state that he made "mention" of a letter from Steve Miller of the school district which was not in the original record. Mr. Tatone added that it was the understanding of the applicant that the issue of adequate service by the school district is an issue that would be resolved in the near future.

Mr. Tatone referred to his memo which stated that SUB 94-02 is a site within R-1 zoning and inside the UBG. He indicated that the land is of "marginal" value for agriculture and best suited for single family housing. All utilities are available and an open space has been provided to maintain the natural resources of a wetland. He urged approval of the development.

Mr. Tatone noted that the elevations in the area will require little fill. He stated that the elevation maps were used at a previous session. He added that there would be no fill in the wetland area. However, he pointed out that the Planning Commission did not recognize the wetland as such. He pointed out letters that were evidence from the Army Corp of Engineers designating the wetland area, even though the state did not recognize same. Mr. Tatone said the applicant had offered to deed the open space to the City or school district, and neither agency accepted the offer.

Mr. Tatone addressed some of the 12 findings the Planning Commission made in their denial. He stated that the first six findings related to the school issue, and he felt the City should make all development decisions based upon the same school relating factors.

Mr. Tatone addressed Iatem No. 7 (the solar access decision) and pointed out that their

exemptions to the solar criteria in the ordinance:

- * Adverse impacts on density and cost of amenities if the design standard relating to develop cost are at least 5% or more per lot, and
- * There is a significant natural feature on site, identified as such in the Comp Plan or development ordinance that prevents given streets or lots from being oriented for access. It will exist after the site is developed.

Mr. Tatone stated that the Commission did not accept the Corp of Engineers designation of the wetlands. He further added that the development cost for improvement, including loss of density by construction of streets with 30 degrees of east-west centerline, would far exceed the 5% exemption standard.

Item 8 (sub-surface drainage) was next addressed. Mr. Tatone said that roof water and stormwater run off will be collected in a gravity system with a pollution control structure and discharged off site. He added that groundwater will not be impacted because the roof water would be able to use the proposed stormwater system. He further added that they would connect up with the Montecucco Farm drain and divert it directly into an outfall that would go to the river. He pointed out that the area is known to have a high ground water table, and it is the applicant's stand that the construction of the stormwater drainage system would enhance the discharge of surface water run-off.

Mr. Tatone referred to Item 9 (the traffic analysis) and pointed out that their traffic study finds no significant impact. He stated Mr. Charbonneau would answer questions later on this issue.

Item 10 (the Logging Road) which is owned by Caffell Brothers, would have an eight foot chain link fence on the southerly boundary, by agreement of the applicant. Also, the use of the Logging Road as an emergency vehicle access is an enhancement to the area. He added that the present use of the Logging Road by joggers and bikers will not be affected by the development.

Item 11 referred to tree retention. He stated a map was available listing the trees to be retained.

Item 12 (filling portions of the property) was addressed with elevation maps. He said the elevation would conform with the FEMA regulations. Proposed filling would not affect the Montecucco Farms. He reiterated that no fill would be in the wetland area.

Mr. Tatone said Montecucco Farms requested a six foot chain link fence on their property line, and the owners agreed.

In summary, Mr. Tatone stated that the Planning Commission denial was based on design issues, and he requested the Council overturn the Planning Commission decision.

PROPONENTS - Daniel Carens, 111 SW 5th Portland, represented the Montecuccos, and said they were proponents to the development as long as a condition of a permanent six foot chain link fence on the Montecucco property line on the entire western boundary was imposed. Also, the fence should be placed prior to any construction.

OPPONENTS - Linda Geddes, 740 NE 34th, reiterated that some of the maps used tonight were not at the Planning Commission sessions. She said the BLM does not recognize the proposed wetlands area because of illegal dumping there. She questioned who would preserve and maintain the wetlands. In regards to the ground water, Mrs. Geddes noted that all homes on her block need sump pumps, and Mr. Tatone designed those homes. She questioned his design and integrity.

Mrs. Geddes said that the Logging Road could not be used for emergency access because it was too narrow and only one-way traffic was possible.

Al Geddes, 740 NE 34th Place, said his wife expressed many of their concerns. He did note that the drainage system would create a gully from the cul de sac to the Logging Road which would accumulate water.

Mr. Geddes said he measured Maple Street in the cul de sac area, and it is 19 feet 11 inches wide. If a car parked on one side in that area it would make it a one-way access. He added that the Logging Road is also one-way and would not be conducive to emergency vehicles.

Mr. Geddes noted that this area has electrical power problems and adding housing would adversely affect these problems.

He too reiterated that some of the maps were not available prior to tonight.

Mr. Geddes also expressed concern regarding the maintenance of the wetland area.

Michael McNichols, 730 NE 30th Place, asked when the packet presented by Mr. Tatone was made available and requested a chance to review it. He was told the Council received it tonight, and it would be made available to him. Mr. McNichols stated that the proposed wetland needed a detailed plan for maintenance. He asked how the off site disposal of stormwater was to be addressed.

He further added that there were major discrepancies between the applicants traffic study and the Planning Commission traffic study. He questioned the traffic count and when it was done.

In summary, he said he objected to the development for the reasons determined by the Planning Commission.

REBUTTAL - Mr. Tatone rebutted the following testimony:

- * The stormwater system is designed for public water, not home disposal. However, the roof water could be eliminated in the same system and the discharge would be through the Caffell Brothers property.
- * The electrical problems were addressed in prior meetings and CUB has replaced much of the cable in that area.
- * The wetland area is part of the open space and would be maintained through the Home Owner Association.
- * Frank Charbenneau, State of Oregon Civil Engineer and Traffic Engineer, reported that the traffic study was done on Tuesday April 19, 1994, in the A.M. peak hours of 6:30 to 8:20 and the P.M. peak hours of 4:30 to 6:30. The study showed no change in level of service at the nearest major intersection of Maple and Territorial; it is a Level "A" service which is nearly no or very minimal traffic delays at that intersection. He said 205 vehicles were measured going both directions on that approach, which is one vehicle every 18 seconds in peak hours. Mr. Charbenneau said by adding the proposed site traffic the change would be one vehicle every 16 seconds instead of one every 18 seconds.
- * Mr. Tatone added that the emergency access is something additional and was an enhancement to the area.

Councilman Harris noted that traffic would be going up Maple where the street is 20 feet wide. He a bottle neck would be created if there was parking on one side. Mr. Charbonneau said parking could be eliminated; however, with the narrowness of the street and some street parking allowed, it would ten traffic. He added that it shouldn't be a big factor because the traffic volume would be low.

Councilman Nolder said pedestrians are forced into the street because of no sidewalks and it does create a safety hazard. Mr. Nolder said he walks in that area frequently and has to scurry out of the way of traffic. Mr. Charbenneau said the amount of trips added by the development will not be a noticeable increase.

Councilman Prince asked why it is acceptable that 6 out of 26 homes have no solar access. Mr. Wheeler replied that the ordinance sets criteria for exemptions. Staff felt that the provision of the natural feature was sufficient for allowing the solar reduction.

Councilman Prince also noted that the development is in excess of allowable building per lot. Mr. Wheeler said the Comp Plan calls for an average in R-1 density, and development to the south is less so an argument could be made that a higher density could be made somewhere in the area. Mr. Prince felt the variance defeated the ordinance.

Councilman Prince asked if only on-site drainage would be taken care of. Mr. Wheeler replied that the Montecucco Farm would drain into the system. However, additional drainage was not required. Mr. Wheeler said if the application is approved a condition has been set for excess drainage of the wetland, specifically in winter, and it would be in the proposed off-site system.

Councilman Prince asked if a buffer area around the wetlands was considered. Mr. Wheeler said the wetland hasn't been officially designated and in only two places does the wetland abut a property line.

Councilman Prince asked why the solar exemption was allowed if the area was not officially designated. Mr. Wheeler replied that staff considered it a "natural feature" allowing the solar exemption.

Councilman Harris reminded everyone of the 1964 flood when the water level was 95.5 feet, and this development elevation is 85.5 feet. This would put the houses 10 feet under water in the event of another such flood. Mayor Taylor noted that the Willamette River has been better maintained, and it shouldn't happen again. Mr. Hoffman said it was his understanding that there would be full protection against a 100 year flood. He also noted that the 1964 flood was lower than a 100 year flood. He pointed out that it is hard to predict nature.

Councilwoman Strong asked how the wetland area would be protected during construction. Mr. Tatone replied that a "silt" fence would be used.

Mr. Tatone stated that the applicant is following the solar ordinance exemptions, specifically in regards to the wetlands because the Corp of Engineers has recognized the area as a wetland. He added that the applicant actually meets all three solar exemptions in the ordinance.

Councilman Prince asked why one of the findings was in regards to lack of a tree plan when a map was submitted. Mr. Wheeler said the Planning Commission felt the map was not sufficient.

Councilman Nolder asked what governing body identifies wetlands. Mr. Wheeler said in our Comp Plan we use the U.S. Department of Fish and Wildlife. (Mr. Hoffman pointed

out that wetlands can be identified that were not in the original inventory.) In fact, the City is required to inform the State and Corp if anything might impact an area and those agencies would do an analysis.

Mayor Taylor asked if both the U.S. Fish and Wildlife and Corp of Engineers can identify wetlands. Mr. Hoffman said yes. Mayor Taylor asked if this area is a natural feature and shouldn't be violated. Mr. Hoffman said it shouldn't be violated, but it is not a requirement of the Comp Plan. However, the solar ordinance does give a provision for credit of the natural feature on site.

Councilman Daniels asked if a wetland has year-round water. Mr. Hoffman noted that there are many technical definitions, and in this case the Corp ruled it was a wetland and the State ruled it was not.

Mayor Taylor asked if the Logging Road emergency access was required. Mr. Wheeler said it was an additional offering, not a requirement.

DISCUSSION - Mr. McNichols withdrew his request to review the Tatone record prior to discussion. He said he would review it at a later time.

Councilman Harris commented that if the subdivision were approved, the City would probably receive several requests to widen N. Maple or prohibit street parking in that area.

Mayor Taylor said that N. Maple has a "funnel" affect in terms of various widths. He stated that part of N. Maple has only half a street because of the farm production in that area.

Councilman Nolder asked where the City limits was located. Mr. Wheeler replied it is approximately 5 feet from the edge of the pavement on the west side of N. Maple.

Councilman Prince said, in his opinion, the applicant didn't provide a plan for ground water for the surrounding subdivision; and further the solar design required 80% of the lots be developed within the solar requirements and in this case it has only 20%.

Councilman Daniels said the Council needs to decide the what level of solar access is to be required, when at the same time we want to save trees from being removed.

Attorney Kelley reviewed the criteria the Council must use in basing in their decision. He also pointed out the options:

- * accept Findings, Conclusion & Order of the Planning Commission;
- * prepare new Findings, Conclusions & Order for denial;
- * reverse the Planning Commission decision and make Findings, based on the three criteria; or
- * remand it back to the Planning Commission for more evidence.

**Councilman Prince moved to uphold the Planning Commission decision and accept their Findings. Motion seconded by Councilwoman Stark.

Councilwoman Stark said she did not have enough time to review all of the materials and suggested we delay a decision at this time.

Councilwoman Stark withdrew her second to the motion.

**Mayor Taylor restated the motion, Councilman Harris seconded the motion, however, he stated it was a short time frame to digest the volume of material.

Councilman Daniels expressed trouble supporting the motion. He stated that 6 of the 12 findings were in regards to the schools, and this issue had been addressed. He suggested the Council remand the issue back to the Planning Commission.

****Vote was YES, Councilors Prince, Nolder and Harris; NO, Councilors Daniels and Strong; and ABSTAIN, Councilor Stark.**

Administrator Jordan pointed out that the City Charter requires a majority of the Council "present" to pass a motion.

Mayor Taylor recessed the session at 9:15 p.m. to review the charter. The regular session was reconvened at 9:19 p.m. Mayor Taylor reported that Mr. Jordan was correct in regards to the City Charter requirement. Therefore, the motion FAILED.

****Councilman Daniels moved to remand the issue back to the Planning Commission since half of the findings were in regards to the school issue. He also cited the criteria for remanding as: #1, The Commission did not correctly interpret the requirements of this title, the Comprehensive Plan or other requirements of law; and # 3, The Commission did not adequately consider all of the information which was pertinent to the case. Motion seconded by Councilwoman Strong.**

Councilman Prince stated that he felt most of the Planning Commission findings were valid. He suggested we drop Findings 1 through 7. Mayor Taylor noted that would take another motion.

Councilman Daniels commented that 12 findings covered a broad area, and he was more comfortable with fewer findings, perhaps 4 to 6. He specifically noted that the school issue had too many findings, which ultimately said "we can provide adequate services."

****Vote was for approval 5-1, with Councilman Prince voting nay.**

Attorney Kelley asked if the remand was for review of other items listed other than the schools. He was told yes.

Mayor Taylor recessed the regular session at 9:28 p.m. and reconvened at 9:32 p.m

COMMUNICATIONS: Letter from Chris Ohmart - Mayor Taylor read a letter from Chris Ohmart, asking why the City does not provide monetary assistance to the Youth Center (The Zoo). Mayor Taylor commented that no one from the Youth Center had ever approached the City during the budget session for financial assistance. He added that the Council strongly supported and endorsed the concept of the center. Money had never been an issue.

Councilman Prince said the budget committee would be reviewing how they handle financial requests from other agencies.

Letter from Joe Driggers - Mayor Taylor read a letter from Joe Driggers, Canby Kids Softball, commending Jack Martin and Jerry Stanbery for their extra commitment keeping the ball parks in such good condition. He specifically referred to the tournament of the past weekend and thanked City employees for assistance.

Mayor Taylor also echoed Mr. Driggers' letter and noted that the Parks Staff were "masters" in their field.

NEW BUSINESS: Accounts Payable - ****Councilman Daniels moved to approve payment**

of accounts payable in the amount of \$98,245.62. Motion seconded by Councilwoman Stark and approved 6-0 by roll call vote.

Request for Zoning Amendment, 210 S. Elm Street - Councilman Harris stated that Ray Baldwin is on the southeast corner of the intersection of S. Elm and SE Second, and it is currently zoned R-2. In the Comp Plan it is to be zoned C-2, Highway Commercial and the other three lots at that intersection are commercial. Mr. Harris noted that the Council can initiate a zone change. Also, he pointed out that neighbors have been contacted, and they have no objection to the request.

Mayor Taylor asked if a request was normally done by the applicant or affected person. Mr. Hoffman said yes, and the applicant submits a \$1,000 fee. Mr. Hoffman pointed out that the Commission is considering initiating some changes and it could be done then. Also there is the method of the Council initiating a zone change. The Planning Commission will send out notices and have a hearing then make a recommendation.

Councilman Nolder asked if this would set a precedent. Mr. Hoffman said we may not be "swamped" with applications, but we would probably hear from others.

Mr. Hoffman said we usually get one application a year, and the fees were much less in early years.

Councilman Daniels noted that the City usually likes zoning standards proposed in the Comp Plan to be implemented.

Ray Baldwin informed the Council he had lived at that site for 22 years and is now surrounded by commercial property. He indicated there was noise and air pollution in the area. Mr. Baldwin said he really could not afford the \$1,000 fee.

Mayor Taylor asked if the fee was to pay for costs and services for the application. Mr. Hoffman replied yes, that is the cost of the processing of the application.

Councilman Prince expressed concern for setting a precedent. Attorney Kelley agreed, however, he said this could be considered a special case to rezone now, instead of a future date.

Mr. Baldwin said he has had a construction business there for several years. However, at this time he isn't actively doing business.

****Councilman Harris moved that the City Council initiate a zone change for 210 S. Elm Street to change the zoning from R-2, to C-2, Highway Commercial. Motion seconded by Councilman Daniels. The vote was YES, Daniels, Harris, Stark and NO, Nolder, Prince and Strong. Mayor Taylor cast the tie-breaking vote of NO, the motion FAILED, 4-3.**

Committee Appointments - Recorder Perkett reviewed the various committee and board appointments. She pointed out that the Traffic Safety Committee was requesting a resolution change to increase their membership from 5 to 7. Mrs. Perkett recommended against this because it seems to be getting more difficult to find citizens to volunteer to serve on the various boards. Also, she noted that the General Canby Day Committee would be reviewing their governing resolution and suggesting several changes.

****Councilman Harris moved to appoint the following citizens to various committees as outlined in the memo:**

Budget Committee - Donna Jean McManamon & Dale Carter, to 3 year terms.

Library Board - Bob Smith to a 4 year term.
Adult Center PAB - Ruth Crain to a 4 year term
Swim Center PAB - Pam Judy, Lance Lyon and Rick Mair to 3 year terms.
Motion seconded by Councilman Nolder and approved 6-0.

The Traffic Safety Committee appointments will be made at a later date after drafting a new resolution.

ORDINANCES & RESOLUTIONS: Ordinance No. 923 - **Councilman Harris moved to adopt Ordinance No. 923, AN ORDINANCE AMENDING CHAPTER 9.40 REGARDING CURFEW; AND DECLARING AN EMERGENCY. Motion seconded by Councilwoman Stark.

Chief Giger stated that his department would issues warning for the first 30 days instead of citations.

**Motion was approved 6-0, by roll call vote.

Ordinance No. 924 - Attorney Kelley explained that he was amending Ordinance 914 and Code 12.24.020 because of a discrepancy regarding the penalty provision. Ordinance No. 914 penalty will deal only with general park rules under Section 12.24.010, while leaving the penalty provision for possession or consumption of alcohol in public parks the same as provided in Ordinance No. 878, a Class "C" misdemeanor.

**Councilman Harris moved that Ordinance No. 924, AN ORDINANCE AMENDING CITY PARKS CHAPTER 12.24.020 AND ORDINANCE NO. 914, REGARDING PENALTY PROVISIONS AND DECLARING AN EMERGENCY be posted and come up for final action on August 3, 1994. Motion seconded by Councilman Daniels.

Councilman Prince noted that he had seen alcohol use at Wait Park during the Slice of Summer concerts. Attorney Kelley replied that it was illegal.

Councilman Daniels questioned signage and was informed the parks would have some type of signs, except for Wait Park, which the City wanted to keep clear of signs for aesthetic reasons.

**The motion was approved 6-0.

UNFINISHED BUSINESS: Grand Prix Request - Mayor Taylor adjusted the agenda at this time since Mr. Jackson had been waiting for so long.

Ray Jackson informed the Council that he was not able to secure the National Guard for security. However, he would provide people of his own, plus members of the Canby Varsity Football Team. He also noted that he had obtained signatures from residents on the proposed route, except for two houses that had no one home. Mr. Jackson said the Northwest Cadillac Club would have a showing of their cars at the event. On August 14, starting at noon, 4 or 5 races will be held.

Councilman Nolder said when he requested a detailed plan be submitted tonight, he was expecting times, names, hours, contract, or a better defined plan.

Mr. Jackson said that he has held 16 events at the fairgrounds and if he did not perform as the Council expected, it would be "cutting his own throat" in respect to requesting future events.

Recorder Perkett reported that Mr. Jackson's insurance company would be FAXING proof of appropriate coverage.

Councilman Nolder agreed to assist in preparing a contract for Mr. Jackson to sign for the event.

ORDINANCES & RESOLUTIONS: (returning to the scheduled agenda) Ordinance No. 925 - Administrator Jordan reminded the Council that the issue of a proposed Construction Excise Tax had been discussed at an earlier session. He stated that the proposed tax would be on improvements and limited to habitable space. Mr. Jordan pointed out that "installation permit" was added since this would apply to manufactured homes also.

****Councilman Harris moved that Ordinance No. 925, AN ORDINANCE RELATING TO TAXATION, ESTABLISHING A CONSTRUCTION EXCISE TAX; AND DECLARING AN EMERGENCY be posted and come up for final action on August 3, 1994. Motion seconded by Councilman Daniels and approved 4-2, with Councilors Stark and Strong voting against the motion.**

Resolution 565 - Attorney Kelley noted that the Hellhakes had been granted two sewer easements, as well as a 20 foot construction easement. Usually a construction easement expires with the completed project, however, that language was not included in the contract. The sewer easements would remain as granted.

****Councilman Harris moved to adopt Resolution No. 565, A RESOLUTION VACATING A CONSTRUCTION EASEMENT FOR PROPERTY LOCATED ALONG U.S. PACIFIC HIGHWAY 99 EAST. Motion seconded by Councilman Prince and approved 6-0.**

Resolution No. 566 - Administrator Jordan explained that Clackamas County has been trying for several years to form an enhanced patrol district for the unincorporated areas to allow for better service and tax equity. A similar proposal failed by a narrow margin two years ago. Mr. Jordan said the Sheriff's Department is asking the City for a resolution of support.

Councilman Harris asked what precluded the Sheriff's Department from redistributing patrol. Mr. Jordan said they respond to demand at this time, and a tax district would also allow new deputies.

****Councilman Daniels moved to adopt Resolution No. 566, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY TO THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION IN SUPPORT OF THE FORMATION OF A CLACKAMAS COUNTY ENHANCED LAW ENFORCEMENT DISTRICT. Motion seconded by Councilman Harris and approved 6-0.**

Mayor Taylor asked if anyone from Clackamas County sat on the Portland Boundary Commission. Administrator Jordan said he would obtain a list to check on the members.

OTHER REPORTS OR ANNOUNCEMENTS: General Canby Day Committee - Administrator Jordan reported that this group of volunteers wanted to set a workshop with the City Council. The Council set the workshop for the regular September 21st 6:00 p.m. session.

Mayor Taylor requested a brief workshop August 17th at 7:00 p.m. prior to the regular session with the Council.

Bob Hoffman informed the Council he had received notice of a meeting regarding a technical discussion on Metro's preferred alternative to be adopted this fall. He said his intention is to let them know of Council's concerns discussed at previous sessions.

Councilman Prince reported that the official dedication of the Sister City "Friendship Garden" was the night before and was well attended. Also, the garden is very nice and citizens were encouraged to stop and see it. Administrator Jordan thanked Sarah Jo Chaplen for arranging the ultimate completion of the project.

Mayor Taylor briefly reviewed the ballots cast on the proposed "Canby by Design" visioning process:

1. "A place where people live, work and play together free from fear and in a spirit of peace, mutual understanding and cooperation."
2. "A place where children grow up safe and nurtured in the natural beauty that envelops Canby and the values that are rooted in our farming heritage."

Mr. Taylor commented that there were also many Hispanic suggestions. The total ranking between English and Spanish resulted in the following:

"A place where our mutual respect and community pride insures a sense of security and trust."

- ACTION REVIEW:**
1. Remand SUB 94-02 back to the Planning Commission.
 2. Appoint the various committee recommendations and return with a new resolution for the Traffic Safety Committee.
 3. Ordinance 923, regarding curfew will have a 30 day warning period prior to implementing.
 4. Ordinances 924 and 925 will be posted for final action at the next meeting.
 5. Resolution 565 will vacate a construction easement.
 6. Resolution 566, supporting County Enhanced Law Enforcement District will be passed on to the County.
 7. Preparing agreement for Grand Prix event.
 8. Set workshop for September 21st with General Canby Day Committee.

**Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(h), regarding litigation. Seconded by Councilman Daniels and approved 6-0.

Mayor Taylor recessed the regular session at 10:53 to go into Executive Session. The regular session was reconvened at 11:28 p.m and immediately adjourned the session.


**EXECUTIVE SESSION
JULY 20, 1994**


Present: Mayor Taylor, Councilors Prince, Nolder, Harris, Stark, Strong and Daniels, Administrator Jordan, Sarah Jo Chaplin, Attorney Kelley and Bob Hoffman.

Mayor Taylor called the session to order at 10:58 p.m. in the Utiliby Board confernece room.

ORS 192.660 (1)(h) - The Council discussed the Northwoods LUBA case.

Mayor Taylor adjourned the session at 11:26 p.m.


Marilyn K. Perkett
City Recorder


Scott Taylor
Mayor