

**CANBY CITY COUNCIL
REGULAR MEETING
JULY 15, 1992**

Mayor Shawn P. Carroll presiding. Council members present: Scott Taylor Keith Stiglbauer, Maureen Miltenberger, Terry Prince, Walt Daniels and Robert Smith.

Also present: Administrator Michael Jordan, City Attorney John Kelley, City Recorder Marilyn Perkett, City Planner Robert Hoffman, Assistant Planner Jim Wheeler, Public Works Director Rusty Klem, Aquatics Director Scott Nelson, Librarian Beth Saul, Police Chief Jerry Giger, Gene & Julie Chapin, Anna Chapin, Clara Abrams, Jim Warren, Tom Kotzian, Andy Ditommaso, Debbie Barber, Tom & Lori Fitzgerald, Floyella Moore, Dan & Pat Ewert, Mark & Tara Nofziger, Tom & Teresa Myers, Diane Cessna, Jan Brawson, Mary Diggles, Steve & Barbara Jones, Marirose Wood, Jim & Wanda Cutler, Linda Davis, Franklyn Wood, Gloria Hudson, Marguerite Cereghino and Lucy O'Neil.

Mayor Carroll called the regular session to order at 7:30 p.m. in the Canby Adult Center, followed by the flag salute and meditation.

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

MINUTES OF PREVIOUS SESSION: **Councilman Prince moved to approved as distributed, the minutes of regular session July 1, 1992. Motion seconded by Councilman Smith and approved 5 -0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Mary Diggles, 940 N.W. 14th, asked if the City had any plans for parks, specifically due to the fast growth of Canby and many new residents and children.

Administrator Jordan explained that the Council had adopted a Parks Master Plan to be implemented over 12 years in three phases. The plan calls for neighborhood parks, tot lots, regional parks and bike paths. System Development Charges of \$295 per bedroom of each new construction and remodeling has been implemented. These funds are currently at \$46,000 and must be spent on parks. The Council has set the parks issue as a high priority, however, the next step is to set a funding mechanism.

Ms. Diggles asked if Fairgrounds Park was considered a "park". Mr. Jordan said it was a housing development with a small "open space" area set aside.

Ms. Diggles said her concern was due to so many new children and urged the Council to strongly consider parks.

Mr. Jordan noted that Township Village has dedicated six acres for parks space and the Planning Commission is currently considering options for new developments to contribute land for such things.

(Councilman Daniels arrived at 7:40 p.m.)

COMMUNICATIONS: None presented.

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to pay accounts payable in the amount of \$56,642.01. Motion seconded by Councilman Smith and approved 6-0, by roll call vote.

Comprehensive Plan & Zone Change Request, File Nos. CPA 92-01 & ZC 92-01 -

Attorney Kelley explained the procedure, noting this was not an appeal but a decision of the Council based on the Planning Commission recommendation. Mr. Kelley said the Council decision must be based upon the "record" established by the Commission and no new testimony can be entered, only argument based upon the record can be permitted. Attorney Kelley read the criteria for review, Municipal Code Section 16.54.050:

"Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, deny, or approve subject to modifications, the recommendation of the Planning Commission. The City Council shall hear the arguments based upon the record. Additional or supplemental information not included within the original record shall not be considered. The arguments on the record shall not be conducted as a public hearing."

Mayor Carroll asked the Council members if anyone had any conflict of interest regarding the issue. Councilman Daniels noted that he lived four blocks from the development but felt it would not affect his decision. Mayor Carroll asked if anyone in the audience wanted to question Mr. Daniels, none was voiced. The rest of the Council declared no conflict of interest.

Mayor Carroll asked the Councilor's if anyone had any exparte contact on the issue. Councilman Stiglbauer noted that he had visited the subject site that evening and had to stop at the Ewert residence to ask about the specific area of the site and no other discussion was made at that time. Gloria Hudson, 630 Baker Drive, asked why Mr. Stiglbauer waited until this evening to view the site. He replied it was better late than not viewing it at all. Councilman Prince noted he had visited the subject site. The other Council members declared no exparte contact.

Mayor Carroll noted that he had received a letter on his desk at his employment from the Chamber of Commerce. The letter did refer to the proposed request. The letter was offered to the audience to review and Dan Ewert looked at the letter and nodded his approval. However, the letter does not become part of the record of the proceedings.

STAFF REPORT - Assistant Planner Jim Wheeler informed the Council that he had the entire record except for some drawings of a possible development of the proposed site. The subject property is north of Johnson Controls and fronts on N. Baker and south of N.W. 6th Avenue. It is approximately 3.1 acres and an additional one acre parcel east of the property is included in the request. The request is for an amendment to the Comp Plan to propose the area as High Density Residential to permit construction of multi-family residences. The Zone Change request is from Light Industrial with a PUD Overlay to R-2, Medium Density Residential.

The site is an area of "Special Concern" under the Land Use Element of the Comp Plan and referred to as area "D" because of its location separating industrial, multi-family and residential. This area was originally intended as a "buffer" between the conflicting uses and to assure that the development of the site does not conflict with surrounding uses, the M-1 PUD zoning was applied. Any proposed action on the site would be a Conditional Use with a public hearing. Changing this parcel to R-2, would allow up to 70 units on the site.

The applicant has stated there is a low vacancy rate in apartments in Canby and they have marketed the site as Light Industrial since 1970, without success. Also, they would gain financial returns if the zone change is approved.

The staff and commission recommend to deny the application. Mr. Wheeler said that creating more R-2 land is not necessary to meet the goals of the Comp Plan, currently there is sufficient land available. Preserving vacant industrial land next to an active industrial

site is a priority and appropriate. Further, bringing more residents closer to Johnson Controls, and actually at a higher intensity than exists now, would be inappropriate. Finally, the applicant has not supplied information that the criteria for change has been met or warranted.

QUESTIONS - Councilman Prince inquired about concern of the traffic pattern.

Mr. Wheeler said if the site were to be developed for residences there are concerns on N. Baker, which is currently used for industry, the mix of traffic residential and industrial is not desirable. Citizens were concerned about higher density traffic on Cedar Street.

Councilman Daniels asked if traffic would be limited to Cedar and was told this would be addressed at actual development of the property. Mr. Daniels noted that the Fire Department does not usually like a one-way entrance into a development.

Councilman Taylor asked if the PUD Overlay would remain on the property and was told it could.

APPLICANT - Jack Hammond, Attorney for the applicant's Mimi Chitty, Sid Brockley, John Anicker & Jim Goodwin, reported the history of the subject site. In the early 1970's they purchased the property, including the industrial site of Johnson Controls and Potters, and this parcel is the remnants of that site.

Mr. Hammond said that after they filed the application, they did negotiate with Johnson Controls for purchase of the property but could not come to an agreement.

Mr. Hammond noted that this would be a tough decision; Johnson Controls is opposed to the request, neighbors are opposed, and he said if he were a resident on 6th he might do what they are doing.

In 1970, the City Council determined this parcel be a buffer strip as R-1, it was rezoned in 1972 to R-2, and in 1981 it was rezoned by the City, without involvement of his clients, to M-1 PUD. It was also identified as a "special concern" and the PUD Overlay was zoned to permit review for any allowable use on the site.

Mr. Hammond's clients have continually marketed this property, since 1981, for industrial use and Johnson Controls only offered negotiations after their application was made.

The property is 900 feet long and 150 feet wide, with a 20 foot Utility Board easement along the length; City code also requires a 10 foot setback.

The reason his clients purchased the additional one acre parcel located east, was to get access onto Cedar Street, and it was zoned residential at that time.

Mr. Hammond maintained if Johnson Controls has no industrial interest in the property, no one would. He further stated that the key point to address is that there was nothing in the record to show any industrial interest in the property.

Mr. Hammond said all of the buffer properties on Cedar adjacent to Johnson Controls is R-2, except for the CUB water plant.

Staff had suggested that the parcel would be more marketable by extension of N. Baker, they felt this was not case.

Mr. Hammond referred to two recent annexations by the Planning Commission that were Industrial zoning in the Comp Plan and were changed to R-2. These were the Bergen N.

Pine 2.4 acre parcel, and the commission found that the Bergen parcel was not valuable for industrial purposes stating there was an urgent need for multiple residential development. Also, there is in excess of 384 acres of light industrial property in the City. The 7 acre Willow Creek site was changed from Light Industrial to R-1, citing this was not vital for industrial purposes for the City. A recent 13 to 14 acre parcel on Township annexed does not have services ready for development.

They see a need for R-2 property in Canby, the 1990 census shows a vacancy rate of 1.3% for rental units, very low. Only 47 housing units were available City wide.

Mr. Hammond said they felt there would be no adverse traffic problems with an R-2 designation and further noted this would be dealt with during the Design Review process.

The suggestion was made that Johnson Controls has a DEQ problem due to noise and would be an adverse impact on residential zoning, then he suggested they should correct their violation.

The claim that property value would diminish had no validity, unless it were developed for industrial purposes.

Finally, he suggested there would be no reasonable probability that it would be developed for industrial purposes and no public need to be maintained in that zoning. Mr. Hammond asked that the Council reverse the Planning Commission recommendation and find in favor of the Comp Plan and Zone Change.

Mr. Hammond state that they had no objection if the opponents wanted additional time to present their argument in written form.

OPPONENTS - Tom Kotzian, Johnson Controls representative, referred to the July 9, 1992 letter from Jack Hammond as having new information in their opinion and for that reason they requested to give their interpretation of that particular information. Johnson Controls urged the Council to uphold the Planning Commission and staff recommendation and deny the application for a zone change.

Mr. Kotzian said the request was not consistent with the Comp Plan policies and state law which both require that any proposed amendment must be consistent with other relevant policies of the plans. LUBA has authority to review the amendment. He pointed out the nonconsistent policies:

A. Land Use Policy #1, requires separation of conflicting or incompatible uses. He said Johnson Controls would have an additional burden to supply a buffer if this area were changed to a residential zone. He further stated that the request increases the conflicts with both of the joining uses and should be denied on that ground alone.

B. Land Use Policy # 6, recognizes this parcel of special concern and that all development proposals will be considered to conform to the Comp Plan only if they meet the requirements imposed by this policy. The Plan requires the zoning to be M-1 PUD because it is a buffer. The zoning requested by the applicant is in direct conflict of this policy. The same people owned the property in 1970 and they benefited by the zone change that was approved for industrial use by the sale of this property to Johnson Controls.

The City determined that M-1 PUD was the best zoning for this parcel, and the buffer function was to be included as an area of Special Concern. Mr. Kotzian urged the Council not to abandoned this decision to assist the applicants in marketing the parcel.

C. Mr. Kotzian reminded the Council of the Economic Policy #1, which specifies that the City shall promote increased industrial development at appropriate locations and urged the Council to consider this parcel as an appropriate location.

Mr. Kotzian referred to the July 9, 1992 letter from Jack Hammond, the applicants attorney, and said Johnson Controls felt there were some inaccuracies in several areas. Further, he stated that they did not want some of the statements made in this letter, to remain uncorrected.

A. Johnson Controls did offer to buy the subject property for industrial purposes on January 9, 1992, before the filing of this application on February 26, 1992. He stated that the 20 foot easement would not prevent them from using the parcel for industrial use.

At this time, Jack Hammond, argued that this testimony was not part of the previous evidence.

Attorney Kelley asked Mr. Hoffman and Mr. Wheeler if this was part of the record since he was not present at that hearing.

Mr. Hoffman said this line of argument was opened by the applicant when he stated history of the negotiations of Johnson Controls, and that this was new argument.

Mr. Hammond said that what is being stated now is not argument, but facts that were not facts of the record.

Mr. Hoffman said that was true, however, the July 9th letter did have statements about that situation.

Mr. Kelley said if Mr. Kotzian was stating new facts, this could not be allowed.

Mr. Kotzian reiterated that this was not new evidence, because they felt there was new information in Mr. Hammond's July 9th letter that was not part of the original hearing and they had not seen that letter until a couple days ago. Johnson Controls felt the need to correct information that was contained in that letter before the Council.

Mr. Kelley said the record that was created for the Council could not be added to and felt these arguments didn't have relevance to the issue.

Mr. Kotzian went on to say the subject parcel was listed for sale in 1990 for \$350,000, the packet information said it was listed for \$325,000, this was inaccurate. He felt the applicants could not market the property because the price was well above the going rate.

He said Johnson Controls is adjacent to industrial property on north, west and south. The only residential area is on the east. He said that Johnson Controls does not find residential uses to be desirable buffers. He stated that Johnson Controls does not have any desire to purchase the property for a non-industrial buffer.

Mr. Kotzian urged the Council to deny the application for all of the reasons he had argued. He said he also noted that several written documents were missing from the packet that were given to the commission and requested that everything submitted in writing be made an official part of the record.

Attorney Kelley reminded everyone that those documents are present in the original record that all Councilor's have reviewed.

Councilman Taylor said that is not correct. Other Councilor's also indicated they had not reviewed the entire record at City Hall.

Mr. Wheeler noted that the memo to the Council said the entire record was available for review which included all documents.

Dan Ewert, 596 N.W. Baker, said he was confused regarding the July 9th letter being allowed to be submitted after the record was closed at the Planning Commission level and no new information was to be entered. He said he was told this was really new information that would "taint" the Council decision and just let "the rules slide by"...

Attorney Kelley questioned who told him that.

Mr. Ewert said his wife was told that by some of the people in the City....

Mr. Kelley asked if a City person had said we would let the rules slide by...

Mr. Ewert, said no, no. What he implied was that because the July 9th letter was in the packet we were "apparently" letting the rules slide by.

Mr. Kelley said, that is "your opinion" and let's make sure that is clear on the record.

Mr. Ewert went on to say he didn't think the July 9th letter should be there, the record was closed. Also, he felt it was not right for the applicant to interrupt when testimony is being given, referring to Mr. Hammond's interruption of Mr. Kotzian's testimony. He felt there was no procedure here and felt the procedure should not go further.

Mr. Kelley reiterated the process for this meeting. The Planning Commission creates the record which is then forwarded on for recommendation to the City Council. The next step is argument based upon the record and Attorney Kelley said the July 9th letter of Mr. Hammond's is the written argument based upon the record and is permissible. Mr. Kelley informed the opponents that they could also have produced a written argument.

Mr. Ewert read from the March 13, 1992 public notice regarding the procedure for keeping the record open for seven days after the hearing.

Attorney Kelley again read Municipal Code Section 16.54.05, referring to the decision being based upon the record.

Mr. Ewert said they had turned in over 200 signatures of names and pictures regarding the issue. Mr. Ewert stated that the subject site is also the "high noise" side of the plant. Also, the proposed apartments would be marketed to mid and high income families, he felt that was unreasonable with a backyard that would have a 24 hour a day battery plant. He also noted that there would be no playground available, Eccles School is not available until 6:00 p.m. Mr. Ewert stressed a concern regarding increased traffic in the area on an undeveloped street. Finally, he urged the City to make a decision on exactly what can be done with the subject property.

Pat Ewert, 596 N.W. Baker, said as a "neighborhood", they are concerned and are against the application.

Steve Jones, 885 N.W. 6th, requested that the Council review the complete record and urged they deny the request.

REBUTTAL: Jack Hammond said he agreed with Mr. Ewert that the precise use needs to be resolved. He again referred to the 1980 rezoning, without his clients approval, to the current zoning.

Mayor Carroll polled the Council, asking if there were ready to make a decision tonight.

Councilman Stiglbauer said yes to a decision tonight.

Councilwoman Miltenberger said yes to a decision tonight.

Councilman Taylor said he was ready to go forward, however, he felt the average citizens are confused on the procedure and wanted to give them the opportunity to review all the information.

Attorney Kelley said he was surprised that some of the Council had not reviewed the entire record, he said the statute requires this. He suggested a two week recess to allow Council to review the entire record and allow the opponents to submit written argument if they desired. Those with "standing" that could submit arguments are: Tom Kotzian, Steve Jones, Ginny Jones, Pat and Dan Ewert, Gloria Hudson, Theresa Myers, Wanda Haverly, Stan Miller, Clara Abrams and a representative from Potter's Industry.

Julia Chapin noted that she had submitted initial written testimony, her name was added to the list.

Attorney Kelley requested that additional documentation, written argument, be at City Hall at noon on Thursday, July 30th.

Mr. Hoffman asked for clarification on what could be submitted. Mr. Kelley said no new facts could be submitted, only argument based upon the facts could be submitted.

Gloria Hudson asked if they could argue the July 9, 1992 letter of Jack Hammond and if this would conclude in two weeks.

Mr. Kelley said yes it was part of the record and they can argue their case, using facts in the record to support either denial or approval. Also, the Council may allow more oral argument.

Councilman Daniels said he was ready to make a decision tonight, however, he felt the opponents should be asked.

Tom Kotzian felt the entire record should be reviewed. Pat Ewert and Mr. Jones both said they felt no further information was necessary and a decision could be made tonight.

Mayor Carroll continued the CPA 92-01 and ZC 92-01 request to August 5, 1992, at the Canby Adult Center and said a decision would be made at that time.

Councilman Taylor requested to be able to ask questions at the next meeting, and was told he could.

Councilman Prince asked if they needed to review the record. John Kelley said yes, they needed to review the record.

Councilman Prince went on to ask further questions: is the PUD unique to the parcel; can you build on the 20 foot setback on the southerly part; and clarify why the Bergen and Willow Creek property were used as argument in changing the requested zoning.

Jim Wheeler said this is the only parcel with the PUD overlay as previously designated, there are other PUD's in the City. Mr. Hoffman interjected this was the only one with the M-1 PUD overlay, the others are R-2 PUD overlay. Mr. Wheeler said there are no regulations restricting development on the easement, however, some insurance companies

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may have some restrictions. He went on to say that the other two developments in question, Willow Creek and Bergen, did not have any special concerns connected with their zone changes.

Mayor Carroll apologized for the two week delay in the decision on this issue. Mayor Carroll recessed the session at 9:30 p.m. and reconvened at 9:38 p.m.

ORDINANCES & RESOLUTIONS: Resolution No. 513 - Administrator Jordan explained that this document was to insure a three year commitment to City/County Insurances for our Worker's' Comp. This has been a very cost effective insurance for the City, we do have a \$15,000 deductible clause, however, if claims are limited it saves on our quarterly payments. Also, the refund was money received that was not expended by the trust for either paying claims or administering by the fund.

****Councilman Daniels moved to adopt Resolution No. 513, A RESOLUTION REGARDING MEMBERSHIP IN CITY/COUNTY INSURANCE SERVICES TRUST WORKER'S COMPENSATION GROUP.** Motion seconded by Councilman Smith and approved 6-0.

Resolution No. 514 - Administrator Jordan explained that the County Enhanced Law Enforcement District failed on the May ballot and they are intending to put it on the November ballot. Mr. Jordan explained that establishment of the district would lower the City tax rate on the Sheriff's levy by approximately 25 cents.

****Councilman Taylor moved to adopt Resolution No. 514, A RESOLUTION IN SUPPORT OF BOUNDARY COMMISSION APPROVAL OF CREATION OF A CLACKAMAS COUNTY ENHANCED LAW ENFORCEMENT DISTRICT.** Motion seconded by Councilwoman Miltenberger and approved 6-0.

Councilman Taylor requested that the City send a letter to the County Commissioners noting that we consider this a step in the right direction and hope they continue to pursue equity in their taxing efforts.

UNFINISHED BUSINESS: Swim Center Advisory Board Appointment - Administrator Jordan reported that two people had submitted interest in serving on the Swim Center Advisory Board. The board recommended appointing Darryl Warner to the position vacated by Charles Driggers.

Councilman Taylor suggested a letter be sent to Carolyn Graybill who had also expressed interest.

****Councilman Daniels moved to appoint Darryl Warner to a three year term on the Swim Center Advisory Board, with his term expiring in July, 1995 and to send a thank you letter to Carolyn Graybill for interest in the Swim Center.** Motion seconded by Councilwoman Miltenberger and approved 6-0.

OTHER REPORTS OR ANNOUNCEMENTS: Planning Department Update - Bob Hoffman updated the Council on the current status in the Planning Department:

- * currently they are processing about 20 land use applications and 6 to 8 building permits.

- * big current projects are the school expansions and new school; Township Village is continuing in various phases; the subdivision on the Tofte property on S.E.13th is taking shape; the N. Pine subdivision, 15 lots, is under construction; and Nelson's mobile home park project has been scheduled for a preapplication process.

- * the Planning Commission usually reviews 3 or 4 new projects at each meeting, as well as doing final orders on 3 or 4 projects.

* the Commission has recently formed five committees, where each person will take responsibility for an area to prepare recommendations for steps forward: tree issues, Comprehensive Plan Update, what we're losing in Canby and what we need to protect, advance financing, Design/Review update and some implementation steps for the Park Plan.

* the Commission spends one hour of the first meeting of each month on general planning issues.

* the Fairgrounds Park developer has committed to build a fence at that development.

* the DLCDD has requirements that must be completed by the end of September: inventory and information of industrial and commercial sites, define wetlands in UGB and how to deal with them, and reach agreement of relative responsibilities between City and County on development matters, update a Capital Improvement Project list with long and short term range, asking CUB to be a part of this process. There are financial penalties if we don't make the deadline.

* some ordinance improvements are beginning to be in process, including recommendations from the Historic Task Force, as well as beginning a discussion of the need for interim designation of properties, which Mr. Hoffman said he has responded negatively to at this time.

* we need to obtain a consultant and get started on the Traffic Ways Plan.

* averaging 7 new houses a month, and an average 100 new building permits a year.

* soon we will have to prepare for the Block Grant Social Improvement Plan which should be started in October.

Councilman Prince asked about all the trees cut down on N.E. Pine. Mr. Hoffman said it was on property not annexed to the City, however, the owner did hire an arborist to consult about preserving what trees to save. Also, our ordinance does not deal with cutting down trees on private land.

Councilman Taylor asked about requesting developers to adhere to solar friendly tree planting. He was told we could request but not require it, but we are researching the possibility of requiring "street trees".

Councilman Smith asked if a "novice" developer has all the information needed for developments or improvements. Mr. Hoffman said it was on the application or discussed in a pre-development conference.

Beth Saul reported to the Council that they have hired a new Children's Librarian, Beverly Phillips. Also, she requested volunteers to serve on the ADA Task Force.

ACTION REVIEW: 1. Continue CPA 92-01/ZC 92-01, to August 5th.
2. Notify CIS of continued Workers' Comp Program.
3. Support of Enhanced Law Enforcement District with letter regarding further tax equity considerations.
4. Appointing Darryl Warner to Swim Center Board, with appreciation letters to Carolyn Graybill and Charles Driggers.

Councilman Prince thanked everyone who participated in making the July 4th General Canby Day a safe and successful day.

Councilman Taylor questioned if the entire package regarding the CPA 92-01/ZC 92-01, would be available at City Hall for review during regular working hours. He was told it would be available.

**Councilman Taylor moved to go into Executive Session under ORS 192. 660 (1)(d), regarding labor negotiations and (1)(h), regarding pending litigations.

Mayor Carroll recessed the regular session at 10:10 p.m. to go into Executive Session. Mayor Carroll reconvened the regular session at 10:58 p.m.

Councilman Prince expressed concern that the staff did not get all the information needed on the Planning issue on tonight's agenda and that the July 9th, Jack Hammond, letter contained new evidence.

Administrator Jordan said that Mr. Hoffman and Mr. Kelley reviewed the letter and it was only argument on the record.

Councilman Prince reiterated that the Council did not receive everything in the record and he felt it was not that much more information. Also, the memo did not say they "had" to review the entire record, only that it was available.

Other Councilor's expressed that the situation embarrassed them and it was not clear that each Council person had to review the entire record. The consensus was a miscommunication among the staff.

Councilman Taylor asked why tapes weren't distributed. Mayor Carroll noted that usually we only sent tapes for appeals. Mr. Jordan said as long as the Council is making a decision on the record, we could distribute tapes. However, Mr. Jordan said we would make it work any way they wanted.

Mayor Carroll reminded the Council of the City Employee Breakfast on Tuesday, July 28th. Mr. Jordan said longevity awards will also be presented at that time.

Councilman Daniels suggested this was a newsworthy event and someone from the Canby Herald be there.

Mayor Carroll adjourned the session at 11:21 p.m.

EXECUTIVE SESSION
JULY 15, 1992

Present: Mayor Carroll, Councilor's Stiglbauer, Miltenberger, Taylor, Prince, Smith and Daniels, Administrator Jordan, Attorney Kelley, Don Schaefer and Cam Sivesind.


Mayor Carroll called the session to order at 10:14 p.m. in the conference room at the Canby Adult Center.

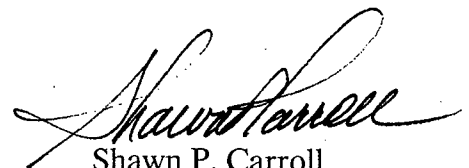
ORS 192.660 (1)(h) - The Council discussed pending litigation regarding the Torgeson case.

(Attorney Kelley left at this time and Don Schaefer attended the rest of the session.)

ORS 192.660 (1)(d) - Labor negotiations regarding the Police Association was discussed.

The Executive Session was adjourned at 10:57 p.m.


Marilyn K. Perkett
City Recorder


Shawn P. Carroll
Mayor