

MINUTES
KEIZER CITY COUNCIL
Monday, September 16, 1996
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Council President, Jerry McGee called the regular meeting to order at 7:07 p.m. Roll call was taken as follows:

Present:

Jerry McGee, Council President
Carl Beach, Councilor
Jim Keller, Councilor
Al Miller, Councilor
Bob Newton, Councilor
Jerry Watson, Councilor

Absent:

Dennis Koho, Mayor

Staff:

Dotty Tryk, City Manager
John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Kim Krause, Finance Officer
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

Addressing the Council were:

Greg Lamb, 2323 Latona NE, Keizer representing the Gubser Neighborhood Association, explained their purpose as a registered association is to work with the city to get accurate information to their neighbors on issues affecting them. Mr. Lamb feels the City deliberately did not seek input on the baseball stadium proposal from the neighborhood associations. This will have ramifications, some will no longer vote for the tax base since it may be the only way to punish the city for what they see as a violation. Legally, we believe the neighborhood associations must be brought in right away on things like this. Mr. Lamb also indicated there are hurt feelings and many feel they have been cheated. He realizes that sometimes plans create tunnel vision when they get in the fast track. He suggested the Council take the extra time to communicate with citizens. He feels that a trust has been broken and the city owes an apology to the neighborhood associations.

Councilor McGee stated he understood and appreciated Mr. Lamb's comments. He pointed out the Council was requested not to disclose the details, however he McGee disagreed the law was broken

Mr. Lamb noted they did not need to know the name of the team.

Councilor McGee added in retrospect, he would agree with that. We could have kept the name sealed in several different fashions.

Councilor Miller stated when the City was first approached with an idea, it was not the right time to bring it to the associations. Staff needed to gather facts and information to see if it was feasible. This analysis went on for about a six week period. When the facts starting coming together that's when we had the public hearing and announced the possible proposal and sought citizen input. He believes it was presented to the public as soon as it could be.

Mr. Lamb added Council did a media release before doing a public hearing. Neighborhood associations could have been involved in the analysis prior to open hearing. Several of the people speaking weren't even from Keizer. This means that the associations are no more valid than people from other towns who pay nothing.

Councilor Miller says he kept detailed notes and several Keizer residents were in favor. Also, it was referred to as a 'media release', but what we did was announce that there was a proposal then ask for input from the citizens.

Councilor Keller pointed out the neighborhood associations are a new concept and we're not used to people being actively involved. The Gubser Neighborhood Association could have been involved earlier. It didn't happen and, in retrospect, we all wish it would have.

Councilor McGee thanked Mr. Lamb for his comments on behalf of the Gubser Neighborhood Association.

Dave Guile, 6717 14th Street NE, Keizer stated that on Sunday, September 8th he cleaned 150 feet' of the Labish Ditch by hand, collecting approximately 200 pounds of debris. Recently he was informed a survey of what needs to be cleaned has been completed. He would also like to know which citizens from the Gubser Association participated survey.

Wally Mull, Public Works Director reported he walked the ditch with three staff members on Monday, September 9. An inventory of the area was created and pictures were taken. A map should be available later this week. At that time we'll contact the associations to join us and look at the creek up close.

Mr. Guile says he's glad they will be involved and adds that on Wed. of that week he removed the debris pile on the opposite side of the ditch to about 25' away from the ditch edge.

Councilor McGee asks Mr. Mull to confirm that we were going to have Fish and Wildlife representatives, 14th Avenue neighborhood people, our staff, and state lands representative involved.

Mr. Mull adds some people from the Hidden Creek and Country Glen areas. Plus some people from West of River Road. As soon as we get the pictures back we'll get together with that group.

Councilor Miller thanks Mr. Guile for his work and effort on this project.

Mr. Guile says he thinks many citizens want to work together with the city on projects like this.

Manny Martinez, 1747 Meadowlark Drive NE, Keizer announced he's here about the baseball park. He contacted people in Salem and Washington (Bellingham) and talked to the director of the commission there. I would like to ask if any member of the council has conflict of interest on this project.

Councilor Miller responds that he rented offices to the team at the same rate of rent as any other tenant. There are no other arrangements with them and it's temporary, 1-2 months. There is nowhere else available in Keizer other than one location that requires a 6-month lease and they won't need it that long. They will either go back to Bellingham or move into a construction trailer.

Mr. Martinez asks if councilor Miller has any financial gain from this.

Councilor Miller states that he paid to have an insurance agent move his phones across the hall and will have to pay to move them back when they leave. He will get rent revenues just as if Mr. Martinez rents the same space.

Mr. Martinez asks whether Councilor Miller feels he has a conflict of interest.

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Councilor Miller says no.

Mr. Martinez asks whether Councilor Miller feels he has a conflict of interest.

Councilor Miller says no.

Councilor McGee states that if we go to any public hearing any councilor will have to declare any potential conflict of interest at that time. Councilor McGee adds that he has no conflict.

Councilor Miller adds that at the time a decision is made they will leave his office no matter what the decision is.

Councilor Beach states that he has no conflict of interest.

Councilor Keller states that he has no conflict.

Mr. Martinez says he learned that the club initially contacted Salem, not Keizer. Salem was not interested in spending the money. Salem referred them to Keizer. Since Keizer will pay the bill, we would like to have the citizens vote on it. The team has to make a decision by Nov. 1 and it appears we are forced to make a decision quickly. There may not be time for the citizens to vote in which case we should not do it.

Councilor Watson adds that he has no conflict of interest.

Councilor Newton says he will let them wonder.

Niki White, 920 Cade Street, Keizer says she hopes everyone read the Statesman Journal article concerning Cade Street. She presents a surveyors map to council. She says a county surveyor shows a 20' right of way on that street. All the neighbors want that street left the way it is. It is not a county road and is not a dedicated road.

There was no further public testimony to come before the Council.

COMMITTEE REPORTS

VOLUNTEER OF THE QUARTER AWARD

WILLOW LAKE

LaVerne Caudle presents the volunteer of the quarter award to Mr. A. Carl Myers. He has been a volunteer judge for the city for over 6 years at no cost to the city. He has sustained good relations with council, staff and citizens. He spends many evenings hearing cases and his efforts are much appreciated.

Councilor McGee thanks Ms. Caudle for her work and presents the award (a clock) to Mr. Myers thanking him for his work.

Floyd Collins, assistant Public Works Director for Salem, along with staff and his consulting firm will give the presentation.

TREATMENT PLANT MASTER PLAN PRESENTATION

Floyd Collins says they are here to give the presentation for the wastewater plan. He is joined by John Philbert (CHM2 Hill), Mark Madison is the agricultural engineer, Michelle Gurtz is an engineer with specialties in wetland, and Linda McPherson in Public Involvement. City of Salem is represented by Frank Mauldin (Salem Public Works Director), Paul Eckly (Project Manager) and Diane Teneguchi-Dennis (Manager of the Willow Lake Facility). There are 3 members of the City of Salem Wastewater task force present; Mike Gotterbaugh, J.B. Summers, and Fritz Scurvin. First, we will give an overview, slide presentation, summarize, and finally questions. Aug. 5 Salem Council received a presentation of the draft plan in a workshop much like this one. At that time we were authorized to take it to the citizens for feedback. We are in the early phase of public input on this draft plan. We now have information to present and are sharing it. We are under review by the DEQ and must show how we will meet water quality standards on the Willamette River. We must submit the plan to them and show how we resolve the issue of overflows into the river. In 1985 a previous wastewater task force was chaired by John Miller of Miller Farms looking at what to do for wastewater capacity because summer months approached capacity and regulatory requirements were not in place addressing winter problems. Improvements were identified at that time that cost about \$5 million which was substantially less than other alternatives. Guiding principles to protect infrastructure. Plan must be based on sound science, sound engineering, and sound economics. Consistent with long-term vision, cost effective solutions, feasible and implementable schedule without major impacts to the community, and finally a cost-effective system that met regulatory compliance. We started on this system about 3 years ago with data collection. Keizer's city engineer was a representative for our early group and his model for Keizer was incorporated in the entire system. We have studied 27 separate options and will present the least cost option for the entire community and will minimize the cost of repairs. There are 630 miles of pipes ranging from 4" diameter to 75" diameter, we looked at whether we can contain all of the flow and store it and bring it back into the system when the peak passes (we couldn't build enough underground storage to do that). Could we fix the 630 miles of pipe? No, estimates were \$500-\$800 million. Most effective option was to capture the waste, transport it and treat it then discharge it either to the river or to another application. The preferred alternative is to transport it to a treatment area. On the plant side we studied whether we should just walk away from Willow Lake and build a new facility? No, because Willow Lake represents \$100 million investment. Should we build a new

plant that compliments Willow Lake? That was also more costly than our recommended proposal. Should we expand what we have today? Yes, feasible, but it's not the least cost. The plan shows that the least cost is to expand Willow Lake, take some food processors out of the system and take them to a direct land application, then compliment the existing system with a 'natural treatment system'. A series of overland flows where secondary effluent and process it back across poplar tree plantations or a combination of wetlands. The combination of expand Willow Lake with offloading some of the food processing and building a natural treatment system around the facility was the least cost alternative by about \$24 million.

The plan allows some flexibility for future modification. (Chart is shown)

Important to Keizer: Previous plan shows a parallel interceptor.

Current plan has no interceptor going through Keizer; we pick up all the flows, transmit them to N. River Rd, take it under the river, across the bar, back under the river, and up to the treatment facility. This avoids construction in Keizer that was cheaper than a shorter route but avoids disruption from construction in Keizer. Odors around the Willow Lake plant will be greatly diminished. All new facilities will be built with odor-scrubbing facilities in them. Treatment of food processing would be in a separate location. Less disinfectant will be used. There will be a reduction in truck traffic by about 25%. It provides a major environmental learning opportunity for the Claggett Creek project.

Councilor Keller says he read the report and asks if this report addresses what happens if flooding occurs.

Mr. Collins responds that the report itself does not, the pre-engineering does. This will meet all Marion County flood plain requirements.

Councilor Keller asks if there will be an opportunity to review the report and give input before it is adopted.

Mr. Collins says that at this point, it was not anticipated that that level of effort would go into the planning process.

SLIDE SHOW

Reference written plan.

John Philbert, CHM2 Hill gives slide presentation.

Presentation ends at 8:27 p.m.

Councilor McGee requests staff to make a formal response on this to the City of Salem.

Dotty Tryk, City Manager, says that is reasonable and can be done in a work session the second week of October.

Mr. Collins says formal input from Keizer would be in the public hearing process before the planning commission if it's zoning related and before Salem City Council if it's plan related.

Councilor McGee states that we will present input by the middle of October.

Councilor Miller asks about the decision-making process. He feels that Keizer citizens are short-changed by not giving input and that Salem will do what they want regardless. Councilor Miller wonders what the economics would be if Keizer had their own plant; what would cost to Salem be? Keizer? There has been a dispute between Keizer and Salem about confluence and the presentation sounds like the odor will go away. If so, why would an arbitrary circle be needed around the plant preventing development?

Mr. Collins says 'all' odors can never be eliminated. Therefore, the question is what is the appropriate buffer? We can consider that issue once completed.

Councilor Beach adds that there seems to be unnecessary tension over this issue between Salem and Keizer councils. He feels everyone is better served if constant communication is maintained. Rather than pumping all the processing of their cannery waste out here it looks like a facility out south is a more appropriate way to treat it which would reduce waste. I hope that will be considered. Most people he talks to are concerned about the high cost. This nearly doubles the monthly cost. Councilor Beach is also concerned about the ponds in the plan and high water could cause that to flow over and into the developments on the North side.

Mr. Collins says the canning facilities in West Salem currently drop in as gravity all the way to Willow Lake. Offloading to an alternative site, as suggested, creates less waste. If it does flood, waste (according to Mr. Weates' photos) will be diverted North.

Councilor Beach asks if the sewer bill is based on water usage.

Mr. Collins says yes, it is, based upon water use in the winter.

Councilor McGee asks about the pond system relative to lagoons.

Michelle Gurtz says the ponds are a shallow system about 2' deep, much shallower than lagoon systems.

Councilor McGee asks if it has the fallout like the lagoons.

Ms. Gurtz says there isn't the same kind of build-up of slush.

Councilor McGee asks about the transmission which is a large part of the cost. He asks if Keizer is being assessed for development. Very little of the cost is for the added lines in Keizer. He asks what part of the 650' is in Keizer? Also, of the new lines most of it is in Salem, not Keizer. Are we paying for both?

Mr. Collins responds, no. Page A4 shows areas where developments will occur. It is a unified system so is blind to the ownership of the jurisdiction. There is no future assessment to Keizer.

Councilor McGee is pleased to hear about the efforts to reduce the odors and complaints have gone down to nearly nothing. What was the original federal funding of this program.

Mr. Collins says there was about \$14 million in grant money along with 25% local match. It is 75% EPA funded supported program.

Councilor McGee says his point is that though Salem is contracted to manage the system, it is our regional system. However, Keizer also spent money on this system. The poplar plantation will still have one in Keizer and I hope we will search for land of marginal quality. Poplar grows on almost anything.

Councilor Keller appreciates response to Councilor Beach about the flooding. He is pleased to hear about listening to people affected by this. He is glad Salem is listening and appreciates it.

Mr. Collins says that plans are never exactly right and they are listening ready to respond and possibly modify the plan.

Councilor Newton says it's a very complete report. What percent of the wastewater comes from the food processors? One line carries sewage and one stormwater.

Mr. Collins states it's a complicated question. In the summer, the plant sees about 30 million gallons a day coming in and 5-6 million gallons from the food processors. Flow alone doesn't indicate impact, the organic load is important. When they're not running the community generates 40,000-60,000 pounds of organic load daily. When they are running it can be 150,000 - 190,000. It also generates substantial revenues.

Councilor Newton asks if there's a separate rate structure.

Mr. Collins says it's a combination of a variety of rates by customer class based on characteristics of their waste.

Councilor Newton thinks the natural treatment option is good and is a cost savings. It seems like we could have one East and South or West. Did you consider more than one?

Mr. Collins says in 1985 three sites were considered. This plan looked at one location with the offloading process and we will approach farmers asking if they are interested in a long-term relationship with an agreeable landowner.

Councilor Newton says areas of town may be redirected if it's stormwater.

Mr. Collins says stormwater is a whole separate issue. It's not included in this plan. Stormwater is supposed to go into the stormwater (sanitary) pipe.

Councilor Newton asks about the economic viability of the food processors and whether Salem Council has commitments with industrial users, or obligations to them, other than rate structure.

Mr. Collins says, no. Everyone is proportionally paying for what they discharge. EPA monitors the process and doesn't allow any special deals. There are no deals or discounts.

Councilor Watson says that decision modeling usually considers a range of options (27 in this case) and a sensitivity analysis. Is that done here? Would it affect outcome here?

Mr. Collins says that the community generates about 225 million gallons daily at peak so what do you do with that much water. We must design for the peaks and what to do with the organic load in the summer.

Councilor Watson asks how much community growth factors in.

Did you test a range of growth for viability?

Mr. Collins says we went to each major processor asking about long-range plans for growth. We have accommodated that growth through the year 2027. General population we used a 2% growth to buildout at 254,000 people.

Councilor Watson says so they factored to the urban growth boundary which is a fixed amount. Are there important factors in making the decision? How were they ranked? Environment?

Mr. Collins says cost was a consideration. We did not want the conventional concrete and steel approach. The green solution with flexibility is the least cost option.

Councilor Watson asks if he can give an example of existing systems that use this system.

Ms. Gurtz brought a list of similar systems used since about 1980 which she offered. These summaries are written and published by the EPA from a recent 1995 publication.

Councilor Watson asks if it's fair to say this technology is not experimental.

Ms. Gurtz confirms it is an established technology.

Mr. Madison says Woodburn has a municipal wastewater land application system which is now an 8-acre demonstration but city approved expanding it to a 300-acre site. They are moving into a full-scale poplar land application program. McMinnville has an irrigation site at full-scale now. Brooks also has one.

Councilor Watson says he's satisfied there has been a good analysis here, though we all feel Keizer is involved a bit late.

Councilor McGee says this is not a public hearing, it is a committee report. Work session in October is a good time to discuss this more.

John Blake, 5655 Windsor Island Road, Keizer: we own Willow Lake Nursery and we started dealing with Salem and losing ground to the sewage treatment plant in the mid-60's. Along with John Weeks we recognize that the plant is maxed out. Someone has to ask staff to see if any plans have the Willamette River going through them? Are any of them sitting on 8' of prime sandy loam on top of 150' of gravel. It works in Woodburn because it's on clay. Nobody has talked about groundwater in the presentation. Groundwater can be

contaminated. First he was told they were not going to line it. Liner can double the construction cost. This is not included in the \$245 million figure which isn't even close if the liner and dike costs are not included. If you put a 300-acre poplar plantation and strip 5' topsoil we want to know how many hours that takes and how much is it. How much is the materials and labor for the clay and/or bentonite stone? Dilution is the solution to pollution. There are some projections showing 20-years of wet weather. Repairs after the first flooding are not included in financial projections. Polk County has wells 150 - 200' deep to find water. Polk County commissioner will meet with farmers and present this idea. How clean will the water be? If it's clean enough to drink you can put it in the river, it doesn't need to be put in the wetlands. The costs are the big question. If it's only a foot higher than the 100 year floods then there will be a lot of damage. 50' of poplar trees won't do anything to keep any odor out. Polk County wants the water and they have right ground for the site. Why doesn't Salem go to Polk County with the site?

Mr. Collins says he understands John's issues. We have no objection to Polk County. The option is considered.

Councilor Miller says the plan doesn't require a dike or liner so it seems it will be much less.

Mr. Collins says he thinks it will be more because there are pipes going into the river and pumps to take it over and recycle through the treatment plant. We would have to acquire 40-50 acres or more and other incremental costs. Bottom line appears to be more but we'll know for sure very soon.

Councilor Watson asks if this is not one of the 27 options considered.

Mr. Collins confirms that it was not. We look at Poplar trees as an agricultural crop with another use (multiple use) and we own that land to the North. The technology is not flawed but site-specific is that the best location.

Councilor Watson asks if Collins concurs with John's analysis of the soil and risks and whether John's concerns are reasonable.

Mr. Collins agrees. DEQ won't allow any plan to allow groundwater contamination and we will certainly be in regulatory compliance.

Nora and Bill Weeks give their time to John Blake and Barbara Weeks.

Barbara Weeks, 6494 Windsor Island Rd., Keizer owns Weeks Berry Nursery. Since Willamette River is no longer being dredged so in a flood it spreads more because it can't stay in the channel. The 50-acres of Poplar has been in farm production since early 1940 and will be lost to the community.

John Weeks, 6494 Windsor Island Rd. N., Keizer owns Weeks Berry Nursery. He has a degree in horticulture, major in math and became President of Association of Nurserymen. He is on the board for approval of agriculture grants along with the board for Oregon food and shelter. He is extremely concerned that our aquafir is one of the largest and most fragile on the planet. He disagrees on diking believing that it can be diked to keep it out of McNary Estates but wonders about Grovers farm and whether it'll be diked out of his farm. Jackson bottom wetland in Hillsboro was 600-acres and the amount of water they're polishing is very small compared to what they're polishing here (this one can probably be made more efficient) but part of that 600-acres was so it could hold some water in a flood but that won't work here. This is the worst possible site for this wetland scheme.

Councilor Newton says Keizer's water comes through 2 impervious layers of clay.

Mr. Weeks says his domestic well that had .66 ppb, the city of Salem in Keizer, they looked at his well and said that with a bigger casing his well could potentially supply Salem and Keizer with all the water they need. It's a huge aquafir. The well is about 100' deep.

Harvey Riswick, 5406 Steven Court N, Keizer says it doesn't smell very good at his house. This is not a new problem. What have they done about the 'phantom load'? Do they know how much the trees will cost?

Mr. Collins says the specific cost may be known by Mark. He says it depends on many variables but about \$1.

Mr. Riswick emphasizes that there is a figure and nobody knows what the trees cost, liner cost, etc. Who has the highest sewer rates in the state? There are tree farms in McMinnville and Woodburn and they have the highest rates. We are going to pay. The tree farm isn't going to cut the rates.

Mr. Collins explains the phantom load; in the summer the projected loads added to the domestic doesn't add up to what's coming in. We need to make sure the load it's designed for is

the load it receives. It is not infiltration.

Garry Whalen, 1156 Glaze Meadow St, Keizer also owns some property inside Bowden Ln which is in the buffer zone. The wetland must be sited properly. One issue not addressed is that Salem would need to acquire prime farm property if this plan doesn't happen. 30-35% of rate-payers live outside Salem. He feels all rate-payers should have a voice in this decision. This is just lip-service so they can say they came and gave Keizer the information but our voice has no weight.

Councilor Watson asks staff what role Keizer has in this?

John Morgan says the 2 public hearings coming in Salem are the points for Keizer to participate with the same standing as any citizen.

Councilor Watson requests if any of the four jurisdiction ..

John Morgan responds, no.

Susan Elder, 6627 14th Ave, Keizer lives in the Gubser area. She is concerned about adding more capacity to a sewer system. 1' above the 100' stage is where McNary Estates are. She had a lake behind her house after the spring flood for several weeks and is concerned it could back up and cause public health problems with this plan in the event of a flood. She is saddened that Keizer is the little brother to Salem so we tend to get bullied into the garbage treatment plant in Woodburn and are now being asked to take sewer. Where is the fastest growth? W. Salem, S. Salem, Keizer? Why burden our system more in Keizer. Why can't it go over to the Polk County site? If Salem is growing as fast as expected why does it all have to come to Keizer?

Nancy Lassiter, 22nd Ave N., Keizer near the proposed wetlands. The 1964 flood water broke through the road and the river almost changed its channel to directly where this is proposed. This past winter flood damaged 2 houses and if they're going to dike, where are they going to put the water?

Emil Valich, 6625 Radiant Dr, Keizer was working on a house by spawn's landing during the past flood. This damage dug down into the ground.

Arlene Olson, Hazelgreen Rd, Salem owns the orchard across from the sewer plant and she's known that land since 1926. We would not put orchard in that area because it always flooded. We are directly across Windsor Island Rd. We

weren't included in your meeting about the plan for people around the area. We can't do anything with our land but farm due to the buffer requirements but people are building right around us. They pay about \$50,000 an acre for the land next to me. Will our land be devaluated?

Mr. Collins says the City of Salem would not devalue, that's set by the assessor's office. We can re-evaluate buffer policy.

Ms. Olson says Keizer is short on building area limiting expansion. Garbage disposals put a lot of garbage in the sewage systems. Who will manage the orchards?

Mr. Collins says the facilities around the plant be managed by staff as part of the facility. We could manage it or the farmer could manage it; to be negotiated.

Sue VanCleave, 7448 Wheatland Rd N., Keizer has lived here for 30 years. They've had businesses and homes even on top of the dike. She feels other options need to be considered. Maybe it's time to start looking at a sewage department.

Barbara Weeks says it would be nice if Keizer could control the buffer zone, not Salem. There was a farmer in Portland recently where the city wanted part of his farm for a community center. They resisted because you get the value of your land at the farm rate then they develop it at a commercial rate. That's where farmers get taken. Keizer had to sell water to Salem because Salem water was contaminated. She challenges the council to be at Salem Council meetings and represent Keizer. Keizer must gets its voice heard in Salem decisions affecting us. She points out that nobody from Keizer stood in favor of this plan in the Salem meeting.

Sam Goesch, 1338 Marigold, Keizer asks if any of the existing natural water treatment has gone through flooding and what would it cost to repair? Do they track the sulfur dioxide emissions and are there records of that reduction?

Diane Teneguchi (plant manager) Yes, during the canning season.

Mr. Goesch wants that to be shared with City of Keizer to formulate a policy regulating it.

CHM2; Michelle Gurtz says a system that has gone through a 100 year flood has an emergency inflow so water enters wetland system. It survived, the burms did stand, overflow went as planned, plants were still there when waters receded.

Same safeguards are planned for this system. If they didn't work the costs for restoration/rebuilding are built into lifetime costs of this plan.

Mr. Goesch asks who owns the sanitary collection system in Keizer?

Dotty Tryk responds saying the City of Keizer does.

Mr. Goesch says before Keizer was incorporated did the City of Salem hold a contract with any government agency to handle waste from Keizer?

Mr. Collins says he believes this was a county service district (Dotty Tryk confirms) as is East Salem now. The Board of Commissioners acting as a governing body oversaw the wastewater collection.

Mr. Goesch asks if that, or any, contract give those jurisdictions a voice in the planning process?

Mr. Collins says existing agreements allow for annual input for construction budget. There is no formal level of participation.

Mr. Goesch says it seems Salem has significant industrial lands to develop and some have wetlands on them. This 300-acres would give Salem a nice wetland trade-off under federal rules.

Mr. Collins says treatment related wetlands do not count.

Mr. Goesch asks if Salem owns any industrial land.

Mr. Collins says the land-use person could better answer that. He believes there is a cooperative agreement with the state about Fairview and a block in the McHale Rd area. There may be others.

Fran Chu, 615 Bowden Ln N., Keizer wants to know if at the time they went through the plan and got to a certain point did they define what the percolation point was of water to the top of the ground water?

Response from audience (CHM2 Hill staff) states they did not do a detailed percolation test. Field test has not been done but we are aware of the texture of the soil and rates from Corps of Engineers.

Ms. Chu asks if flooding destroys the whole operation, is there

money to pay for restoration?

Mr. Collins says there is a reasonable contingency in long-term plans. Not enough to totally reconstruct.

Ms. Chu says she understands the buffer zone is for the purpose of the odor. Will the buffer zone be expanded?

Mr. Collins says there is no plan to extend beyond the plan. The buffer area in the plan should resolve the odor issue.

John Weeks discovered a 3-year study on his own. This is the first time there's been any flexibility at all and if percolation tests haven't been done why don't the engineers go out and do it now and we can resolve the issue in 6 months instead of 6 years.

Harvey Reyswick says it's become clear that we should get our own people in to do our own survey and not rely on Salem people. They can smell it.

Mr. Collins says we are not stating there is no odor. It can never be totally eliminated.

COUNCIL LIAISON REPORTS

Planning Commission Report, Councilor Watson states the commission met Wed. spending time examining revisions to the Chemawa Activity Center Plan which are in the materials they have.

Parks Advisory Board, Councilor Miller states the Parks Committee met last Tuesday and citizens presented multi-purpose skate-park design. The Parks Committee thanked them and gave it to staff for review and report back to the committee in the next committee in October.

PUBLIC HEARINGS

Councilor McGee re-opened the public hearing.

AMENDMENTS TO ZONING ORDINANCE TO RESTRICT AUTOMOTIVE RELATED USES IN RIVER/CHEMAWA ROAD AREA

Shannon Johnson, City Attorney reviewed the applicable criteria and procedure for this hearing.

John Morgan states that this is a public hearing to reestablish prohibition of auto-related uses on areas around the River Rd. and Chemawa Rd. intersection. It was in place close to a year and expired July 1. River Rd Redevelopment Board and the Planning Commission concurs. Both groups and staff would like it reestablished until July 1, 1997 as part of the CM Zone. It has been very successful to date. Three gas stations wanted to locate at that intersection on the Wittenberg corner which will now be an asset to the community for retail use.

Staff recommendation is to pass an ordinance extending it to July 1, 1997.

Presenting testimony to the council were:

Karen Trucke had to go home so Mr. Trucke stated that she just wanted to say that she was in favor of it.

Councilor McGee closed the public hearing.

Councilor Watson moves that staff return on October 7, 1996 with an ordinance bill approving the proposed amendment and that we adopt it.

Councilor Beach seconded the motion.

Councilor Keller states he remains opposed to the amendment. We've already eliminated one driveway and he does not agree with this type of zoning.

Councilor Newton says he didn't like it before, it was passed with an emergency clause and now we're extending it another year. What is the emergency? Maybe there's a better way to do this; such as a zone change or revise the comp plan. Maybe that would be quicker.

John Morgan says that what's coming is an amendment to the comprehensive plan and the zoning ordinance. We don't have the resources to finish that and get it to you before Christmas. Doing this buys the time until we can get it to you.

The Motion passed as follows:

AYES: McGee, Watson, Miller and Beach (4)

NAYES: Newton and Keller (2)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

CHEMAWA ACTIVITY CENTER PLAN

John Morgan reports that councilors have information in the report showing proposed revisions that staff prepared as a result of discussions 2 months ago. Revisions were prepared and language added to accommodate the proposed stadium. 2 responses were included in the packet coming from staff and planning commission. Tonight's staff report there are 3 proposed changes fine tuning points not settled in the planning commission meeting. Tonight we will receive written testimony, much of it was just received today. John thinks issues with ODOT can be worked out to satisfy their concerns. Tonight he wants to answer council questions and recommend the hearing be held over until Oct. 7 for oral testimony and public input.

John would like to return that night with written adoptive orders so council can act that night if they wish.

John Morgans recommendation is to hold the hearing over to receive oral testimony and direct staff to return with the appropriate adoptive material.

Councilor McGee asks Shannon Johnson (City Attorney) if it's council's option to have written and/or oral testimony.

Shannon Johnson says yes, that's council's option.

Councilor Watson asks Mr. Morgan about a reference to proposed revisions to the draft plan followed by pages referring to Sep. 16 which is confusing. His concern is that unless those changes were provided to people we could have a potential problem with enacting a plan with major changes.

John Morgan points out the planning commission report that went out last week, and the staff report responding to it, did not go out. They responded to the same distribution as everyone else.

Councilor Keller asks Mr. Morgan if they will get a heads up a bit quicker than regular packet time. He would like to have time to prepare and study early enough to have good questions.

Councilor McGee states that they would like written testimony with a deadline of 5:00 on the night the council meets which kind of forces a continuation. In the future they would rather not get it on the night the council meets so there is no time to study it.

Councilor Beach asks Mr. Morgan to explain (due to Chemawa Activity Center discussions) about whether the 11-acres can be set as a minimum or maximum.

John Morgan says the 11-acres can be set as the maximum and if a developer wants more they can apply for a comprehensive plan change and zone change. It would go to a hearings officer first (public hearing) then go to council in another public hearing and approve, approve with conditions, or not approve it.

Councilor Beach asks if the 11-acres includes streets, sidewalks, etc.

Mr. Morgan says, yes. The zoning line always goes down the middle of the street. The 11-acres is gross.

Councilor McGee asks for a consensus about coming back Oct. 7 and if there is a problem with oral and written testimony.

Councilor Beach moves that the hearing be continued until October 7 when Mr. Morgan will come back with a written order and we will hear oral and written testimony.
Watson seconded the Motion.

Councilor McGee asks that written be provided several days before council meets.

John Morgan says at this stage it can't be done because it won't be renoticed, they will not send another notice of public hearing. It may be received at the time of the hearing.

Councilor McGee states that if that happens it should be read into the record to have to discuss.

Councilor Keller says that they've heard a lot of oral testimony. Can oral testimony be restricted to new information not already heard.

Shannon Johnson says it can be restricted to language of the additional documents that were submitted, though that's always difficult.

Councilor Watson agrees that they've heard a lot of information already on the issue so if it can be restricted, it should.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton, and Watson (6)

NAYES: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

ADMINISTRATIVE ACTION

RESOLUTION - ADOPTION OF EMERGENCY OPERATION PLAN AND DEVELOPMENT OF AN EMERGENCY

Sgt. Mark Miranda gives staff report for the Emergency Management Plan.

Sgt. Miranda states that many people worked on this and it's not done and may never be done. A committee of 8 people and staff were involved and he asks that section 1 of the plan be adopted which would be set in stone, only changed by council in the future. The rest of the plan deals with operations which change from day to day so request will be to approve it in concept. Built into the plan is an annual review process to make sure it's current and changes may come out monthly.

OF AN EMERGENCY MANAGEMENT PROGRAM

make sure it's current and changes may come out monthly. Copies of the plan will be distributed and updated as changes are made. Staff will give an annual report updating. We ask in the resolution to formalize a committee to work on the plan comprised of staff and professionals in the community (red cross, county emergency managers, etc).

Councilor Newton moved that a resolution adopting our emergency operations plan and approving the development of an emergency management program for the City of Keizer. Councilor Miller seconded the Motion.

Councilor Newton says he would like to work with Sgt Miranda and City Manager on that committee and says the document prepared is better than anything they have had in the past. It is a very careful and detailed document based on recent experience. The Community Emergency Response Team creates significant community involvement which I like.

Councilor McGee mentions that ^{Councilor Newton} ~~Sgt. Miranda~~ did the first plan the city had so his feeling that this plan is superior is significant.

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Councilor Beach says we need to emphasize that we are adopting the plan in concept, other than section 1, subject to review and constant change.

The Motion passed as follows:

AYES: Beach, Keller, McGee, Miller, Newton and Watson (6)

NAYES: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

CONSENT CALENDAR

The consent calendar consisted of the following:

a. RESOLUTION - Approval of Hidden Creek Phase IV Street Lighting LID Engineer's Report

b. Approval of September 9, 1996 Special Session Minutes

Councilor Keller moved for approval of the items on the consent calendar. Councilor Watson seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, McGee, Miller, Newton and Watson (6)

NAYS: None (0)

ABSTENTIONS: None (0)
ABSENT: Koho (1)

OTHER BUSINESS

Dotty Tryk states that she will be out of town from October 5 to 10 and John Morgan will be the acting administrator.

WRITTEN COMMUNICATION

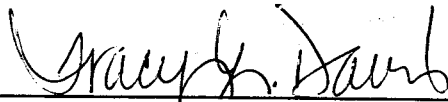
There was no written communication to come before the Council.

AGENDA INPUT

Council President McGee requested a review of the noise ordinance. He attempted to work on it but it hasn't been completed so Councilor McGee asked that as soon as it can be scheduled that the staff do that. One neighborhood has a specific concern.

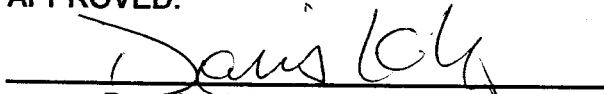
ADJOURNMENT

The meeting was adjourned at 11:16 p.m.

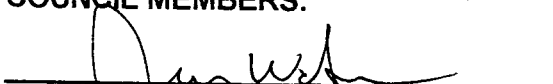
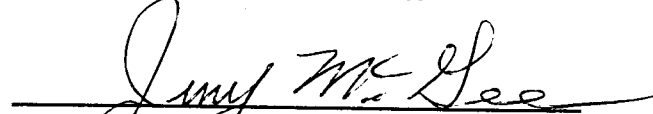


Tracy L. Davis
City Recorder

APPROVED:


Dennis Koho-Mayor

COUNCIL MEMBERS:


Councilor #1 - Jerry Watson
Councilor #2 - Bob Newton
Councilor #3 - Jim Keller
Councilor #4 - Carl Beach
Councilor #5 - Al Miller
Councilor #6 - Jerry McGee

(minutes prepared by temporary help)

Minutes approved:

October 21st, 1996