MINUTES

KEIZER CITY COUNCIL
Monday, August 3, 1992
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular meeting to order at 7:35 p.m. Roll call was taken as follows:

Present
Andrew J. Orcutt, Mayor
Mike Hart, Councilor
Dennis Koho, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Bob Newton, Councilor
Joe Van Meter, Councilor

Staff
Donald H. Otterman, City Manager
John Morgan, Community Development Director
Skip Wendolowski, City Planner
Wally Mull, Public Works Director
John Lien, City Attorney
Shannon Johnson, City Attorney
Linda Sanders, Recording Secretary

PUBLIC TESTIMONY

Giving testimony was:

Bob French, 1384 Manzanita Street N., Keizer, Oregon 97303. Mr. French spoke as the Chairperson of the "Yes" for Keizer Committee. The Committee has filed an argument statement for the Voter's Pamphlet and he gave a copy to each Council member. Mr. French also stated that arrangements had been made for a Town Hall Meeting at McNary High School on August 27th at 7:00 p.m. It is the hope of the committee that disenchanted citizens will attend for discussion.

COMMITTEE REPORTS

Volunteer of the Month

Mayor Orcutt presented the Volunteer of the Month as Mr. Maur Horton. Mr. Horton has been very active in the City since its incorporation. He has served on the Budget committee from the inception until January 1992. Mr. Horton also has been working on the Charter Review Committee which completed its work quickly.

Mayor Orcutt presented the August 1992 Volunteer of the Month plaque to Mr Horton with deep appreciation. Mr. Horton thanked the Mayor for the honor and noted there is a lot of work to be done. He said more citizen involvement makes the City better for all

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and Keizer was built on volunteerism.

PUBLIC HEARINGS

Amendment to Sewer Plan

The Mayor reopened the Public Hearing.

Mr. Mull stated there was no additional report from the staff and a financial package was being put together to report at the August 17th meeting.

There was no one wishing to speak in the Public Hearing. Mayor Orcutt recessed the Public Hearing until August 17th.

Amendments to the City Charter

Mayor Orcutt opened the Public Hearing.

Mr. Otterman stated that the Committee did complete the work and had submitted the recommendations to the Council. The Public Hearing had been advertised. If there are any changes from the Council, the Committee could discuss them. He proposed the Council take action on August 17th to place amendments on the ballot for election.

There was no one speaking in the hearing. The Mayor closed the Public Hearing.

Conditional Use Appeal 91-9

Mayor Orcutt opened the public hearing.

Mr. Wendolowski, City Planner, reviewed the staff report. The majority of the conditional use criteria were met by the applicant. The situation is unique because part of the property lies within the West Keizer Special Policy Area. This area is located around the Willow Lake Treatment Facility. The City of Salem had registered comments in opposition to the request. Although both the Salem and Keizer Comprehensive Plans appear to permit such use, the Dual Interest Agreement, which supersedes both plans does not allow public or institutional land uses. The City of Keizer Staff determined that the proposed activity does not comply with the conditional use decision criteria.

The Hearings officer also denied the application. He recognized the use as permitted within the zone but noted the proposal is limited by the Dual Interest Agreement. The Hearings Officer did say the decision would be to deny even if the use were permitted by the Agreement. He stated the Comprehensive Plan gives priority to the operation of the Treatment Plan and uses which may inhibit present and future operation, and development of the plant are strongly discouraged.

The staff recommended that the City Council uphold the Hearings Officer's decision to deny Conditional Use Case No. 91-9.

Councilor Van Meter asked if the study were completed whether the Conditional use request would be more timely. Mr. Wendolowski stated the conclusions would then be known regarding the kind of activity to be allowed in the area. Councilor Koho asked if the special impact zone was a .25 mile radius. Mr. Morgan clarified that it was a half mile radius but includes every property that touches within that half mile.

Councilor Newton asked when the study began. Mr. Wendolowski answered that one year had been completed and there was one more year to go. Councilor Van Meter

asked if this was the same issue that came up regarding the requested driving range on the back of McNary Estates. Mr. Morgan stated they were going to partition the property in that instance.

Councilor Miller asked how many acres in the request would be outside the line. Mr. Wendolowski answered that probably about 4 of the 6 would be outside but that wouldn't change the zoning or the Comprehensive Plan policy.

Councilor McGee said the study is having to do with noise and smells which is different from the previous case the Council had heard. He asked if that would make any difference. Mr. Morgan stated that the representatives from the City of Salem would say no and that the land is limited to agriculture. He said the argument is adherence to the policy. Mr. Morgan also said that churches are allowed in the Exclusive Farm Use (EFU) zone, so there needs to be a decision whether it would be appropriate. Mr. Wendolowski noted that the staff had no problem with a church on the property, but the question is how the policy is read.

Speaking in the Public Hearing was:
Mark Grenz, Multi Tech Engineering Services Inc., 1155 13th Street S.E., Salem, Oregon 97302. Mr. Grenz spoke representing the Church and Mr. Chandler, the property owner. He said they have been pursing this since November 1991. At the time of the application they believed the Condition Use request was in accordance and were not aware of the Dual Interest Agreement. Mr. Grenz stated that the Agreement was signed without Public Hearings or copies to the public. He did not think it would override the Comprehensive Plans.

Mr. Grenz said the Dual Interest Agreement indicates that Keizer should participate with Salem but not that there needs to be interim land use restrictions in place while the study is being conducted. He thought the Church does fit in the EFU zone and stated they were happy to live under conditions such as building the building with fully conditioned air and locating it in the far southeast corner of the property. He said that puts it farther away from the plant than some of the residential neighbors. The owner, Mr. Chandler, participated in both the Willow Lake Treatment plan and granting easement, believing there would be some beneficial use of the trunk land by his property. Mr. Grenz said the agreement took away uses of the property that could have previously been.

Mr. Grenz noted the church would accept conditions that would make it more compatible with the Plan. He could not discover conclusive data resulting from the study as of yet. He said there are limitations on whether people have to be at a Church building and the Church is fully aware of the impact. Some of the people testifying may even live in the Apple Tree Subdivision which is closer to the Treatment plant than the church would be.

Councilor Miller asked when the agreement was signed and filed. Mr. Otterman stated it was a 2 year agreement that expired June 30, 1993. In response to Councilor Miller's question regarding the City Council's hands being tied, Mr. Grenz said that the agreement was passed without public hearings and property owners never had the right to have input on something was going to severely limit the uses of their property. He believed it should not supersede public documents such as the Comprehensive Plan and the Zoning plan.

Councilor Van Meter asked if Mr. Grenz remembered discussions regarding the Dual Interest Agreement when he was involved in the McNary driving range appeal. Mr. Grenz stated he was not provided a copy of the agreement and the issue there was whether the land belonged in the Special Policy Area.

Others speaking were:
Dan Willms, 1092 Bundy Court N., Keizer, Oregon 97303. Mr. Willms spoke as the Pastor of the Keizer Free Methodist Church. He asked the Council to consider a philosophical approach to these questions. He noted that within the past 6 or 7 years there have been many new churches established in the community. At least 6 of these are meeting in rented facilities. He said he did not know if those denominations required land purchases for future buildings but his denomination required property of at least 5 acres which will cover future expansion. That amount of land is difficult to find. He stated that not only is his church having difficulty finding land, but so are others.

Mr. Willms stated that since churches have a positive moral impact on the community, there should be interest in making way for them as well as for Pizza Hut, Taco Bell or Dairy Queen, keeping in mind the separation of Church and state. He noted that perhaps alternative ideas about zoning, particularly in a Special Policy Area, should be used to make use of land that can not be residential.

Pam Willms, 1092 Bundy Court N. Keizer, Oregon 97303. Ms. Willms agreed with the previous speakers.

Tami Palmer, 2009 Flag Stone Court NE, Keizer, Oregon 97303. Ms. Palmer was in agreement with the proponents.

Calvin N. Palmer, 2009 Flag Stone Court NE, Keizer, Oregon, 97303. Mr. Palmer was in support of the Conditional Use Appeal.

Wendel C. Mann, 2129 Flag Stone Court, NE, Keizer, Oregon, 97303. Mr. Mann said it seems like a church is a perfect use for the land. He said the Church would sit outside the magic circle and if noise or odors were a problem the members could go home. Mr. Mann said that if the Church signed a hold harmless agreement it seemed like the future would not have problems. He thought the two legal counsels could come together and work out something. Mr. Mann stated that if the Church had found another option, they probably would not be there but a diligent search has not turned up anything.
Jim Garrigues, 1210 Valley View Drive NW, Salem, Oregon 97304. Mr. Garrigues was in support of the Conditional Use permit.

Mike Harms, 5476 Chetco Ct. NE, Keizer, Oregon 97303. Mr. Harms was in agreement with the previous speakers.

Dan Van Brocklin, 5476 Chetco Ct. NE, Keizer, Oregon 97303. Mr. Van Brocklin was in concurrence with the previous speakers.

Doug Bartlett, 8547 Bronco Drive SE, Salem, Oregon, Conference Superintendent for the Free Methodist Churches. Mr. Bartlett said he had been involved in a number of this type of hearings and he was in agreement with the need for land use planning. He did think it could be so restrictive that some types of organizations could be limited. He said

he could see the dilemma between the Comprehensive plans, Zoning Code and the study. He also said that one of the things he would fight for would be city services that the City can not provide, i.e. family values, care for children and senior citizens. Mr. Bartlett also said that for a community to be the best one possible, it requires service organizations. He thought the issue was a judgement call.

Jill Barker, 6267 Arbordale Drive SE, Salem, Oregon. Ms. Barker was in favor of the Appeal.

Joanie Mann, 2129 Flag Stone Court NE, Keizer, Oregon, 97303. Ms. Mann supported the granting of the Conditional use permit.

Lloyd Lowry, 4770 Dalke Ct. NE, Keizer, Oregon 97303. Mr. Lowry agreed with the speakers

Linda Saylor, 5045 Windsor Island Road, Keizer, Oregon 97303. Ms. Saylor was in favor of the appeal.

Terry Saylor, 5045 Windsor Island Road, Keizer, Oregon 97303. Mr. Saylor was a proponent in the hearing.

Joseph Kline, 4377 Cedar Avenue N., Keizer, Oregon 97303. Mr. Kline supported the previous speakers.

Cheree Kline, 4377 Cedar Avenue N., Keizer, Oregon 97303. Ms. Kline was in favor of the appeal.

Speaking against the application were:
Ken Battaile, City of Salem. Mr. Battaile was present to answer questions. He did want to emphasize that churches in normal and frequent use have a large number of people together. This concentration of people creates a problem in the running of the Willow Lake Treatment Center. He believed the Dual Interest Agreement was a good faith effort on the part of Salem and Keizer to recognize there is a potential problem. He said if the land use was being denied for a long time there would be a more serious situation. The study will be done by June 30, 1993. He noted any land use decision will probably be a decision for 50 years. He asked for time to finish the study.

Councilor Koho stated he felt there could be an argument constructed to say this is not in disagreement with the Dual Use Agreement. He pointed out the agreement had a place for discussion should there be an argument and asked how this would be resolved. Mr. Battaile stated that in the past, this has been a long process and requires a great deal of negotiation. The last time it took about a year although it is possible that an agreement could give a quicker time schedule than the study. Mr. Battaile said the problem is the gathering of people in a location, who may not believe the plant is being operated the correct way. Although the plant may be operating under DEQ specifications, there may be complaints from church members. Enough of the those complaints would cause problems for the Cities involved and might have an economic impact.

Councilor Miller said that the Church has indicated they are willing to sign a hold harmless agreement. Mr. Battaile pointed out that would imply that nothing is going to

be changed. The plant is not a constant and changes might impact odor, vibration or other elements. A signer would not be able to say they would not be bothered since they would not know what would be changed. He said the agreement sounds great but he was not sure there was a way to hold it to the individual.
Councilor Miller asked why since both the Salem and Keizer Comprehensive plans allow for the establishmentof churches, the Dual Agreement plan is more restrictive. Mr. Battaile said that the Salem Comprehensive Plan includes churches under labor intensive plans since they bring together a lot of people in one locations.

Councilor McGee said that the Council could not assume that negotiations would be short or long. He did not think the City of Salem could be more protective of the Willow Lake Treatment Plant than Keizer and negotiations probably wouldn't be that long. Mr. Battaile pointed out 16 individual opinions would be included between both Councils.

Councilor Newton asked if there was a study going on regarding future expansion of the plant with the present noise, odor analysis. Mr. Battaile said not but that over the next decades expansions will undoubtedly be required. Councilor Newton asked if there are ways being considered to reduce odor. Mr. Battaile referred the question.

Paul Eckley, City of Salem, engineer and Project Manager. Mr. Eckley gave some history of the study. He said that 3 of the 4 sampling events, one in each season, had been done. The report will be done in the late fall or early spring. Conclusions can not come until all the data is gathered.

Councilor Newton stated he was concerned this would be the beginning of several studies to deal with the odor problem if one is discovered at the end of this study. Mr. Eckley said he did not think there would be recommendationswith this study. Councilor Koho was also concerned about how many studies it would take.

Mr. Grenz spoke again stating that the Church has said they are willing to enter into a hold harmless agreement. He said they want to come in and pay significant money for the buildings and they are willing to live with the outcome in order to have a site. Councilor Koho asked if the church would be willing to have a hold harmless agreement which might acknowledge things might change. Mr. Grenz said that they would.

Councilor Hart asked how the City ended up with an application when the document was in place which would not allow such a land use. He asked how the appeal got as far as the City Council. Mr. Morgan stated that when Mr. Grenz filed the application, the City Planner was new to the job. When it reached Mr. Morgan's office, he belabored it and decided to agree with the Hearings Officer. The applicant decided to appeal it to the Council.

Mr. Morgan also added some information regarding the Dual Interest Agreement. The Comprehensive Plan which was passed in 1987, includes a process in Chapter 4 for amendments to the Plan and Dual Interest Agreements. The agreement being discussed was passed in the review of the Comprehensive Plan. It was a part of the Willow Lake Treatment regional policy.

As for next step for the Council, Mr. Morgan suggested that if the they wanted to deny the case, staff should be directed to create an order to bring back to the August 17 meeting. He suggested if the Council wished to pursue approval of the case, he

recommended the hearing be held open and the staff be directed to set up meetings with Salem. The hearing should be held open until a resolution could come back from that group. He stated the applicant had signed a 120 day waiver.

Councilor Miller asked if the Council granted the appeal would that move it on to the next step and the hearing would automatically be held open. Mr. Morgan deferred to Mr. Johnson but he thought the applicant might be in some jeopardy if the appeal was granted. Councilor Miller noted that there was a contingency for disagreements in the Dual Use Agreement. Mr. Morgan agreed that it did not say when decisions should be made and the appeal could be granted, then go into the resolution process. He did think a cleaner way would be to table the issue until it is discussed with the Salem elected officials. Councilor Miller was concerned that unless the appeal is granted would not be right to go onto the next step.

Mr. Johnson, City Attorney, said that if the Council's wish is to go forward, it is better to enter into negotiations prior to formally granting the conditional use permit. If the permit is signed the time lines for appeals begin.

Councilor Koho suggested a third alternative if the sense of the Council is to find a way to locate the church. He stated the whole Agreement acknowledges the possibility of fluidity. His thought was to approach the City of Salem and ask about conditions. He felt the Church would be the City's best opportunity of protecting the Plant.

Mayor Orcutt recessed the hearing.

DELIBERATION Conditional Use Appeal 91-9

Mayor Orcutt opened the deliberation.

Councilor Newton agreed with Councilor Koho and was searching for some accommodation for the church. He wondered if there is another way of accomplishing the desired result. Councilor Newton thought a search for alternative solutions might be in order since that had not been done. He said, in view of the fact that the area of influence slices the end of the property, maybe there is some way the large slice could have the church and not be influenced. Mayor Orcutt noted that his discussions with the City of Salem usually resulted in the increase of Special Policy Areas rather than decreases.

Mayor Orcutt declared a conflict of interest since he is a member of Mr. Chandler's firm and said he would not be able to vote on this matter.

Councilor McGee spoke in favor of taking the case to Salem, despite the fact negotiations had not worked in the past. He stated there are significant differences in this case. He pointed out the strength of using this as a buffer zone, saying he couldn't think of a finer buffer. Another difference is the location of the church on the property site, at the extreme end. He wanted to negotiate this quickly with the mindset that dual means equal. He did allow that complaints may come but will come to Keizer as well.

Councilor Van Meter said that as much as he wanted to agree with Councilor McGee, he wondered what would happen if the study comes back saying less area is needed for a buffer. He said the result would be a buffer zone where the zone is closer to the plant. The land is then obligated in different ways. He felt there is more information needed before the buffer zone could be established. Councilor McGee said if less land is needed

that would be great and then the church becomes part of the community at large. He did not feel that would be an argument against it.

Councilor Hart stated the Dual Interest Agreement was put together for a study to know what could or could not be done. He did not want to try to make a change midway through the study. Although he did like the idea of having the church there, he wanted to have the results back before he approved the permit. Councilor Hart also was not eager to go back to the City of Salem in the middle of the agreement. Councilor Koho noted part of the Agreement talked about amendment, the purpose of the agreement and dispute resolution.

Councilor Koho moved that staff be directed to approach the City of Salem to see if there isn't some way to cooperate to site the church in this area. Councilor Newton seconded the motion.

Councilor McGee spoke in favor of the motion, stating the agreement does provide for potential change. Councilor Miller stated that both Salem and Keizer's Comprehensive Plans would allow for this use and it was never his extent to be more restrictive in the Agreement. He said he would support the motion. Councilor Hart stated that if the two Comprehensive Plans were the existing tools there would be no reason to have a Dual Interest Plan. He said he would vote in favor of this because he wanted the people to have the opportunity to try. Councilor Newton noted that Dual Interest means than neither is going to change boundaries without gaining approval of other jurisdictions.

Mr. Morgan stated that the Dual Interest agreement makes specific reference of a legal description. The entirety of the property is included in that legal description and it would take an amendment of the Agreement to exclude the property. He read the relating provision from the Agreement. He suggested it might be easier to try to take two acres out and not argue over the adverse affects of odor or noise. Councilor Newton said he was suggesting changing the property lines. Mr. Morgan said the property would still be inside the legal description of the agreement.

Councilor Van Meter wanted to clarify the motion to determine if it would be City Staff proceeding with the action. Councilor Koho stated yes.

The motion passed with the following votes:

AYES: Hart, Newton, Van Meter, Koho, Miller, McGee (6)
NAYS: None
ABSTENTIONS: Orcutt (1)
ABSENT: None

The Council took a brief recess.

The City Council meeting was called back to order at 9:20 p.m.

Zone Change 92-1

The staff had nothing further to report regarding this Zone Change. Councilor Miller asked questions regarding the last meeting where there was discussion about a wall not being allowed on Linda Avenue. Mr. Morgan noted that since it will be zoned commercial, the wall can be a solid structure up to the maximum height of a fence.

Councilor Miller had a list of ideas for buffers on Linda Avenue given to him by Mr. Morgan. The ideas were a result of meetings between Mr. Morgan and the neighborhood residents. Mr. Morgan stated he was in agreement that the list meets the intent of the motion and is an excellent guideline for the Community Development Department although the flexibility of the applicant may be limited somewhat. Councilor Miller read the ideas for the Council and asked for discussion on whether that is too restrictive.

Councilor Koho said that since the list was read into the record and the Community Development Director has acknowledged it would be the guideline then he was not sure it needed to be in the ordinance. Councilor Van Meter felt it should be in the ordinance but he would like to have the flexibility for the property owner and the Community Development Department to come up with something that may be even better than the suggestions. Councilor McGee would rather have the decision at the discretion of the Community Development Department since having it in the ordinance would reduce flexibility. Councilor Hart asked about the gate and whether a chain style gate would be easier for the service vehicles.

Councilor Miller made a motion for a Bill for an Ordinance in the Matter of Richard Beck, Phyllis J. Nelson, J. Larry Fugate and Fugate Enterprises (Owners/Applicants) for a Zone Change from Commercial Office (CO) to Commercial Retail (CR) on .53 acres of property located at 4710 River Road North and 524 Linda Avenue N.E., Keizer, Oregon (Case No. KZC 92-1) with the amendment in Exhibit E, 3, d inserting the words "substantially similar to Exhibit F." The list of suggestions will be Exhibit F. The motion was seconded by Councilor Koho.

Councilor Newton asked if this was the first reading or the second. Mayor Orcutt stated this would be the first reading because it substantially changed the Bill and if it did not pass unanimously it would be back for a second reading. Mr. Lien, City Attorney, said that his reading of the charter said if it first is read by title and if the amendment is approved and is read in its entirety, this would be the second reading.

Councilor Newton stated he was glad that his primary objection was solved with the wall, but the issue of the traffic on River Road was never solved. The Urban Redevelopment Plan calls for the sequencing of the lights as one of its first objectives so that should help the problem.

The motion passed unanimously with the following votes:

AYES: Hart, Newton, Van Meter, Koho, Miller, McGee, Orcutt (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

DISCUSSION

Initiate Amendment to Parks Plan

Mr. Morgan reported there is a request to initiate an amendment to the Comprehensive Parks Plan. Ms. Staats from the Staats Corporation was present to speak. The question before the Council is whether to initiate the amendment and if so, then it would be referred to the Parks Committee for analysis and recommendation. A Public Hearing and deliberation would take place in future meetings.

Speaking was Joyce Staats, 780 Dietz Avenue NE, Keizer, Oregon 97303. Ms. Staats stated she originally approached Mr. Morgan regarding the change of the size of the Park to be placed near Keizer Elementary to 2 acres. She understood it was up to her to convince the Council to initiate the proposed change. She stated she could not find enough validity from her study of the issue's history to warrant the change to 4 acres. The information in the packets she prepared for the Council asked whether a park should be near Keizer Elementary at all.

She stated she was the Corporate Manager of the Staats Corporation and she was currently trying to complete the Staats Lake Development. One of the continued concerns is the negotiations for the City to buy the land for the park. She stated that there seems to be a common concern about the area being appropriate for a park. Ms. Staats read from former minutes regarding the placing of a park north of Keizer School. She felt the issue dealt with in that policy was location not size. She also read from the McNary Activity Center Plan which said there could be a better place to put a park than adjacent to Keizer School, thus describing location.

In response to a letter from Mr. Morgan stating Ms. Staats did not participate in the hearings process, Ms. Staats said she was present at the hearing but chose not to speak since the speaker before her brought out many questions. At that time, she noted the Council was assured the plan was amendable and she chose to use the amendment process rather than waste the Council's meeting time.

Ms. Staats asked the Council to show her how OTAK chose to locate a park near the Keizer School. She pointed out the statistics should be evaluated since only 12% of the respondents were from the Keizer School area other statistic result in the people who visit parks least supporting the need for neighborhood parks most. Community parks were supported most. She felt there are better areas to build parks than at Keizer School since there will be two P.U.Ds nearby when the Staats Corporation work is completed.

Ms. Staats thought Parks money could be used for other areas where people don't have the amenities. The Keizer School park was to be one reachable by foot, but the people in that area already have access to facilities. She stated that what she was asking for meets the criteria for legislative amendments.

Councilor Miller asked if she was requesting two different things; 1. that the Park on the north side of Keizer School should be 2 acres rather than 4 acres and, 2nd, that there shouldn't be a park at all. Ms. Staats stated when she first asked about the change in acreage she was trying to catch up with the history. As she got into the research, she decided the big issue was whether the park needed to be there at all. Ms. Staats said she was approaching the Council on that issue. Councilor Miller said that although Ms. Staats herself wasn't involved previously, her family and the corporation was and he thought there was an agreement negotiated for a park on the north side of the school.

Mr. Morgan stated there was an agreement that the McNary Center Activity Plan would be adopted with that language with the caveat that the Plan would be superseded by the Comprehensive Park Plan recommendations. Councilor Miller asked if that was regarding size or location. Mr. Morgan stated that the specific wording related to whether there should be a park at all. He said the appropriate action might be to put both of those issues on the floor and let the Parks Committee deal with the issue of a park at that location.

Councilor Hart asked Ms. Staats what would happen if the Council decided to have a park of two acres there. Ms. Staats said she would like to understand why there should be a park from the statistics in the Comprehensive Park Plan. Councilor McGee noted he had said the plan was amendable and he understood there were questions regarding the survey. He would like to have Ms. Staats have the opportunity to present her case to the Parks Committee. With her presentation and other information there might be some changes in the Plan. Councilor Koho thought the Parks Committee should look at the location and size although he thought there should be a park in that area.

Councilor Newton stated he agreed. He was interested in leveraging the use of school grounds which are already present. He thought the Council had supported this for as long as 9 years ago when there was a discussion of trading with the School District for land. The idea was for the children to use it adjacent to the school and if McNary Estates had foot traffic accessibility, they might use it, also. He agreed with the request that the decision should be revisited with the Parks Committee. Councilor Miller agreed but asked that the Parks Committee understand they were merely to revisit and analyze it one more time, not to be have the request be interpreted as to have them come up with something different. Councilor McGee noted there is a possibility of another school being built in the North and it might be a better location than the Keizer School location.

Councilor Van Meter asked for clarification whether the Parks Committee had the opportunity to make a change such as 6 acres or whether they were limited to 4 acres, 2 acres or no park. Councilor McGee pointed out that the City is obligated to the Staats Corporation now for 2 acres although the Park could be as big as the City wants to buy. Councilor Van Meter said there was testimony at the last meeting of the Parks Committee that there is not near enough Parks space presently. Mayor Orcutt said he thought the process would be opened up by the request.

Ms. Staats said that she would like to have someone show her how the statistics showed the need for a park at the west end. Councilor Miller felt if the issue is going to be revisited then it should be totally revisited without any restrictions. He said his previous comment to Staff came from the language of the agenda item. He wanted to ask that the Parks Committee revisit, not amend. Mr. Morgan stated that was noted by the staff.

Councilor Koho stated he was concerned by Ms. Staats' remarks that she merely wanted an explanation. If this is opened up there could be a lot more changes.

Councilor Koho moved that the staff prepare the proper resolution which would initiate the Parks Committee looking at this request. Councilor Miller seconded the motion.

Councilor Hart raised an item of concern. He said that the opening up of the discussion didn't mean to him that the Staats Corporation is responsible to provide any more acreage. He thought the agreement was for 2 acres and that the opening up of the discussion did not make them responsible for more acreage. Councilor McGee agreed with Councilor Hart.

The motion passed with the following votes:

AYES: Hart, Newton, Orcutt, Koho, Miller, McGee (6)
NAYS: Van Meter (1)
ABSTENTIONS: None

ABSENT: None

Charter Amendments

Mayor Orcutt introduced discussion of the proposed Amendments to the Charter. Councilor Newton stated he applauded the efforts of the committee. He commented on the extension of time for finding a replacement of the City Manager from 4 months to 6 months. He supported that issue. He said that by the time the advertising is done for filling the vacancy this time, the selection process will be bumping into the holidays. He did want to disagree with the requirement of a 5-2 vote to remove the City Manager. He believed that should be maintained at a majority.

Councilor McGee supported the language changes, gender and updating. He also agreed with Councilor Newton on the change of time to hire a City Manager. He felt that the Manager should retain a simple majority of support on the Council rather than the change to a 5-2 vote needed for removal.

Councilor Koho moved that the staff prepare a resolution for the Council's consideration to send to the voters the proposed amendments as presented with the exception of Chapter 5 Section 21b where there is a requirement for 5 Councilors needed to remove the City Manager. That should remain at 4. Councilor Newton seconded the motion.

Councilor Hart spoke against the change since the position of the City Manager, even though it is a hired position, is a political position where a change in Councilors could make a change in the job of the City Manager. He felt the 5-2 vote requirement would make the job less political. Councilor Koho said he shared Councilor Hart's feelings but he felt that Councilors should use their best judgement and not act capriciously to terminate the Manager. Councilor Van Meter supported Councilor Hart.

Councilor McGee asked that since there had been a public hearing could the resolution be decided tonight. Mayor Orcutt stated there needed to be a resolution to place it on the ballot. Mayor Orcutt also thanked the Committee for their work. He agreed with their revisions, resulting from their mulling over the issues, and said he would support the recommendations intact.

The motion passed as follows:

AYES: Newton, Koho, Miller, McGee (4)
NAYS: Van Meter, Hart, Orcutt (3)
ABSTENTIONS: None
ABSENT: None

Procedures for Land Use Hearings

Mayor Orcutt noted the information from legal counsel was an update and encouraged the Councilors to keep the documents for reference.

Filling Planning Commission Vacancies

Mr. Otterman stated that when the Volunteer Coordinating Committee was established there was discussion regarding their appointing members to the Planning Commission as opposed to other committees in the City. At that time it was recommended the City Council retain control of vacancies on the Planning Commission. The first vacancies will be coming up in September. Three vacancies will result and one

member has chosen not to request reappointment. Mr. Otterman asked whether the Council wanted the Volunteer Coordinating Committee go through the applicants, screening, etc. He also asked if the Council wanted to reappoint present members automatically or have them go through the process. There was a situation in the past on the Parks Committee where information was requested from the Chair as to the involvement of the person in the Committee.

Councilor Koho said he would like to look at each reappointment and review. In most cases they would be reappointed. He would also like to involve the Coordinating Committee and perhaps have them screen and interview although he wasn't sure he wanted them to narrow it to one person. Councilor Newton would like to use the best parts of options 2 and 3 in the staff report. He would like to have the Committee advertise, screen and recommend the appointment to the Council. He would also prefer the Committee recommend reappointment if the member wishes to be reappointed and there is a favorable report from the Chair. The Council would then appoint. Councilor Miller would also like the applications of all the applicants presented to the Council and he would appreciate the Committee's work. The Councilors agreed on that option.

Mr. Otterman stated he would be in contact with the Volunteer Coordinating Committee and get the process started.

Planning Commission Statement

Mr. Morgan introduced the document as a result of the Planning Commissions from the Urban Area jurisdictions. He commented the groups can do good work together and tonight's statement is one result. The jurisdictions are asking for concurrence for the statement by their elected officials which will then be passed on the School District. He noted it is merely a position and is not specific but does establish a statement of policy.

Councilor Miller moved that the Council approve the Planning for Schools Statement and authorize the Planning Commission to present it to the School Board. Councilor McGee seconded the motion.

The motion was passed unanimously:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller, McGee (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

CONSENT CALENDAR

a. Bid Award - Lockhaven Phase II

b. Urban Renewal Agency Financial Statement

c. RESOLUTION - Meadows Phase 5 Street Lighting District

d. RESOLUTION - Timberview Phase 3 Street Lighting District

e. Approval of July 20, 1992 Regular Session Minutes

Councilor Koho moved the approval of the Consent Calendar. Councilor Van Meter seconded the motion.

Councilor Miller noted that there is presently a urban renewal case going on that would directly affect whether bonding is in or out of the $10.00 limit. Mr. Morgan stated that this should not be a problem with the upcoming bond sale since the total is far enough under the limit. The Urban Renewal Agency will be working with bond counsel before the sale to determine this. He said it would probably be a Supreme Court case before it is done and there is an association working with the legislature to get changes made there. Councilor Miller said his concern was that other jurisdictions might raise their tax rates high enough where there would be a problem. Mr. Morgan stated that could happen and put the City under compression.

Mayor Orcutt offered a correction to the Minutes of July 20 to change Harry Ryder to Gary Ryder.

The motion passed unanimously with the votes:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller, McGee (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

OTHER BUSINESS

Councilor Koho offered the suggestion of removing the podium on the witness stand, putting a chair behind the table and curving the microphone down. There was discussion regarding moving the speakers from the Council area to the audience area. The Mayor suggested a sound check before meetings.

Councilor Newton reluctantly moved that the Council accept the resignation of the City Manager, Donald H. Otterman, effective October 3, 1992 and thanked him for his service to the City. The motion was seconded by Councilor Hart.

The motion passed unanimously with the votes:

AYES: Hart, Newton, Van Meter, Orcutt, Koho, Miller, McGee (7)
NAYS: None
ABSTENTIONS: None
ABSENT: None

Mr. Otterman noted there have been some complaints regarding water pressure in the Willark Park area. He asked that Councilors refer those to the City officials and they will explain the situation.

WRITTEN COMMUNICATIONS

Councilor had received written communications in their packets.

AGENDA INPUT

Agenda items mentioned by the Mayor were the Resolution on the proposed Charter

amendments and the Sewer Master Plan. Mr. Morgan added the Public Hearing on readopting Salem's Local Review Order.

Councilor Newton asked that Mr. Otterman give an update on the goals and some other issues, including what items will be accomplished and what might be deferred before he left. He thought if anyone had any burning issues they should call the City Manager and get a status report. Councilor Koho said he thought the Council should be deciding what they will be doing the next 30, 60, 90 and 120 days. Mayor Orcutt asked about a meeting on next Monday to address some of those issues. The meeting was set for 7:00 p.m.

ADJOURNMENT

The meeting was recessed at 10:20 p.m.

Linda S. Sanders,
Recording Secretary

APPROVED:

MAYOR