MINUTES

KEIZER CITY COUNCIL
Monday, July 20, 1992
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular meeting to order at 7:30 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
Wally Mull, Public Works Director
John Lien, City Attorney
Shannon Johnson, City Attorney
Linda Sanders, Recording Secretary

PUBLIC TESTIMONY

Giving testimony was:
Garry Ryder, 663 Linda Avenue, Keizer, Oregon 97303. Mr. Ryder stated he had two areas of concern relating to Item No. 7 on the agenda, Zone Change Case 92-1. He was concerned about the definition of an aesthetic and acoustical barrier on the north of the property located at Linda Avenue and River Road. He wanted to be sure the decision would reflect the impression the Linda Avenue residents got from the Council regarding what would be placed there and not a short fence. The residents are agreeable to assist in this decision.

Mr. Ryder's second area of concern related to unwarranted traffic down Linda Avenue. He did not feel a dead end sign would be effective. His suggestion was an island type of barrier that could be located just east of the property near the truck fence area. This barrier or turning island would give drivers a chance to correct their direction before they got down the street. He said Linda Avenue residents were willing to make contributions toward this and were willing to help. He felt it could be effective and pleasing in appearance, perhaps with landscaping.

Al Davie, planter of the new American Legion Post in Keizer. He stated he came from the Post in Keizer which numbered approximately 100 members. He showed the Council pictures of a possible monument to be erected to honor Veterans. His

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discussions with the business community had been positive and he said the monument including the flag pole would cost about $9,000. The cost will be born by the American Legion. The flag pole would be the Keizer City Flag Pole. He said they would like to erect the monument and pole on City property and at Cherry and River Road, if the property would be available.

In answer to questions by Councilor McGee, Mr. Davie related that the names on the monument could be anyone who has served their country, without rank or organization, who has applied and paid the fee needed to cover the etching on the stone. Mayor Orcutt suggested the location of the monument and flag pole be referred to the Parks Committee. Councilor Koho said that he would like to see the location more visible than the possibility mentioned of behind City Hall. Councilor Van Meter suggested Mr. Davie attend the Parks Committee meeting on July 28th. Mr. Morgan noted that the River Road Redevelopment Board had heard the presentation in their last meeting and they directed the staff to work on a location on River Road.

COMMITTEE REPORTS

Charter Review Committee

Mr. Otterman stated the Charter Review Committee was established last year and asked to review the existing City Charter to make suggested changes. The Committee has met twice a month for the past few months. They have also reviewed other City Charters and the Model Charter. The committee has spent a lot of time working on this and Mr. Otterman noted that the work done is good and concise. Chet Patterson, Chair of the Committee, will give the Committee's report tonight and if there are suggestions the committee could work on those. If there is direction to the Committee, they could do that and return the document for a Public Hearing on August 17th. This would allow the amendments to be placed on the ballot for the November 3rd election.

Mr. Patterson formally thanked the Committee members, Chalmer L. Jones, Maur Horton, David Moomaw and Mollie A. Smith. Mr. Patterson stated that the proposed revisions were meant to be brief and are restricted to generalities. The Committee worked to keep functions out of the Charter. The real protection for the citizens comes from the initiative and the referendum process. He felt the Charter needs to remain brief.

The Charter does not contain provisions on a number of subjects which would better be covered by ordinance or resolution. Some examples of those were making local improvements, levying and collecting special assessments and rules and procedures for the Council.

The present Charter was created in 1983 and has been amended once. It has 43 sections and they were all discussed by the Committee. He proposed discussing the major recommendations.

One of the changes presented by the report was to revise sections of the Charter that did not use gender neutral language. The report also recommended the removal of the City Recorder as a charter-appointed officer. With that recommendation, Mr. Patterson listed the specific sections where there would have to be changes. In Section 3, the Committee proposed the change to a Custodian of Records which could be selected by ordinance. The receiving of petitions for City offices could be described by an ordinance. The signing of ordinances would need to assigned to someone through an ordinance.

The Committee proposed the adoption of the language of the Model Charter in several instances which would actually create no change in the meaning or intent of the present Charter, i.e. Section 3, Section 5, Section 6, etc. Mr. Patterson reported the work of the Committee resulted in recommendation for retaining the at-large system for electing councilors. They did not feel the city is large enough for the ward system, although that might be needed in the future.

Another recommendation from the Committee was to change the number of votes required to remove the City Manager from office to 5. The Committee also thought the time allowed for replacement in the case of a vacancy of the City Manager should be increased from 4 to 6 months recognizing that time is needed for the interview process and for the newly-hired city manager to leave their previous position.

The Committee recommended that the bid process be revised to provide for bids to be governed by ordinance. The present $1000 limit puts a burden on the City for small needs when a more informal process could work. Lastly, the Committee recommended the addition of language regarding removing a councilor from office for interference in the administrative process of the city. Mr. Patterson also noted minor changes were included.

Councilor Koho thanked the Committee for their hard work and asked whether thought had been given to the actual writing of the ordinances. Mr. Patterson said the question had come during the Committee's meetings and they would be available for some of that work if it was requested of them. They were not sure where the Council wanted them to head but would be able to help. Councilor McGee asked if any consideration had been given to the idea of a primary. Mr. Patterson said that it had been discussed very briefly and little excitement was generated basically due to the cost. Councilor Newton praised the report and asked if there were any other items that were dismissed summarily. Mr. Patterson did not think of anything at the time. Mayor Orcutt thanked Mr. Patterson and the Committee for the work they had done. Councilor Hart noted he found the report extremely easy to read and he appreciated the work done by the Committee.

PUBLIC HEARINGS
Sewer Plan Amendment

The Mayor reopened the Public Hearing.

Mr. Mull apologized for the lateness of the delivery of the reports. He stated that Bill Peterson, City Engineer, would be giving the presentation on the update of the Sewer Master Plan which includes the Clear Lake Section. That section runs from River Road and Wheatland and runs to Clear Lake and to take in the Urban Growth Boundary.

Mr. Peterson gave a brief history and overview of the present situation. In 1983, the Marion County Commissioners wanted to see how the Sewer District expansion could occur and the City entered in agreement to do a plan. Areas of growth were identified to the North, East and West. The study identified a need to discover a cost to charge developers. The study included an analysis of pipe sizes required based on the information given by the City of Salem. Salem owns the major sewer interceptor that runs through Keizer to Willow Lake Treatment Plant and there are probably 35 connector points in Keizer.

The study was completed and an assessment of $1,500 per acre was to be charged by the City to developers. The first element was developed when McNary Estates went in and they signed on to a Local Improvement District for 150 acres. A 36" sewer trunk was built from north of Staats Lake which runs up to the old McNary pump Station. Staats also participated in the cost using the same formula. The Pump station was removed and additional developments have occurred. Mr. Peterson said the City of Salem became concerned regarding the capacity. A new agreement between the City of Keizer and the City of Salem was entered into. The new agreement called for a new Master Plan Update, requested by Salem, and Mr. Peterson's firm was hired three years ago to do the work.

Mr. Peterson said his firm was to look at growth areas and develop data about existing basins which might be causing problems in infiltrating and inflow. He explained the coding of the map that resulted from taking the data and inserting it into a particular computer program as used by the City of Salem. This would result in a model for the north area of the city. The City of Salem also requested different numbers be used on infiltrating and inflow allowances than used in the original report. He pointed out the result on the map.

Mr. Peterson stated that overall costs have increased over the years. The plan suggests a cost estimate of $2,066 per acre for the residential area called the Clear Lake area. That amount is a result of 2 numbers. The Chemawa Activity Center which is commercial and industrial and the flows from that would run through the Upper Labish trunk. The cost of the pipe size there would be shared by the property in Clearlake area. The lines to the north would only be shared by the developers.

The reason for the creation of Basin 36 is the development that is happening in that area thus reaching sewer capacity. The City of Salem requested the firm look specifically at this area. The past 3 years of lower than average rainfall has left estimates regarding the work in Keizer's basins lacking.

Mr. Peterson stated the report on Basin 36 included line sizes to serve the area and the estimate of the cost to do those improvements. There is a situation where one of the developers in the Meadows Subdivision has an agreement to put in a pump station and then have a connector to the existing interceptor. This was analyzed in the report. If the City agrees to put a station that would take in that area and the Chemawa Activity Center, the overall costs would be more but the benefit would be greater and the developer might help on the costs. The developer is interested in knowing what is going to happen so he can get going, either cooperating or doing his own work.

In answers to questions by Councilor Hart, Mr. Peterson said that the existing sewer on Wheatland road varies from 8 to 10 inches. He said the line on River Road has capacity but no grade. The plan is asking to delete the areas that had previously been looked at and coming straight south. The purpose of that line would be to pick up the pump station which was a deliberate decision by the City Council. A pump station was put where there would be a sewer interceptor.

Councilor McGee asked about the gravity flow line replacing the pump station. Mr. Peterson said that on the original master plan a gravity line was shown. The City of Salem would like to have a gravity line because less upkeep would be required than for a pump station. Councilor McGee also asked if some of the line goes outside the City boundary. Mr. Peterson stated that it does and it is more sensible to build in a straight line. The lines have proven to be compatible with farm land and the City of Salem has lots of lines outside the limits to carry water. Mr. Morgan explained that hookups would not be allowed. The land is zoned farm use and the only cost would be the easement.

Mayor Orcutt questioned when this line could go in, so the developer would not have to put in a pump station. Mr. Peterson said it would take several months to acquire an easement although he didn't think there are any objections. He thought it could be under construction by next spring and a pump station probably would take longer than that to put in.

Mayor Orcutt asked if there has been money set aside. Mr. Peterson said the usual action is to get the plan approved and then assemble the money. They have about $150,000 already and there was probably enough land up there. Mr. Mull suggested that the Council might continue the Public Hearing until the 3rd and they would come up with a plan for the funds.

Councilor Miller asked about the possibility of creating a process, if there is not one, to streamline getting the easements. Mr. Mull stated there hasn't been one in the past but he thought that is something that the City could or should do. Councilor Miller asked for a proposal at the August 3rd meeting. Mr. Otterman stated they would talk to the City Attorney, John Lien and have the process ready for the Council.

Councilor McGee said he would like to see a procedure to determine the policy that it is in the best interest for a line to go a certain place so that the City Staff could move ahead, if the line was approved, without having to return to the Council several times. Mr. Mull stated they would work with City Legal Counsel.

Councilor Van Meter noted that the letter from the City of Salem supported the gravity sewer approach strongly while the developer wanted to have a pump. Mr. Peterson stated he thought the developer would work with the City. Their goal was to get the line done. As soon as the plan is adopted there should be enough flexibility to make progress in discussions with some of the key City staff in Salem.

Mayor Orcutt stated that the Public Hearing will be held over until August 3rd.

Variance 92-3/ Ackerley

Mayor Orcutt opened the Public Hearing. Mr. Johnson, City Attorney gave the staff report. He introduced a draft of the settlement agreement resulting in Ackerley Communications removing the variance request. Mr. Johnson noted the main points of the settlement required the company to pay $500.00 to the City, provide 10 complimentary advertising faces for use by the City, reduce the height of the existing sign and make all other signs on the location conform to the Sign Code.

Councilor Newton said he did not agree with the complimentary advertising. He did not believe it is appropriate in the settlement and thought the dispute resolution should end the matter. Mr. Johnson said the idea was not necessarily for the City to use the faces but other organizations within the City, i.e. Iris Festival, Little League, etc. Mayor Orcutt commented that he thought when this was brought to the Council that the City wouldn't have need or want for that space but somebody else in the Keizer might and it could be donated.

Councilor McGee recalled that a condition was not requested but offered. He was concerned that if the Council supported the use of the signs it would be supporting sizes that they have opposed in the past. He would like the City not to be a part of it at all. Councilor Koho agreed and did not want to have to explain how the City had money to apply the sign faces. Councilor Miller also pointed out that the Council had passed a sign code that would hopefully eliminate those signs and by including it as a part of the agreement the Council would be moving against the Sign Code. Councilor Newton believed the spirit of the offer was genuine but the Council should stay away from that sort of arrangement.

Councilor Koho made a motion to dismiss the Variance request and permit Mayor Orcutt to sign the negotiated agreement with Ackerley Communications once it is drafted by legal counsel removing all conditions related to the free donated space. The motion was seconded by Councilor Hart.

The motion carried unanimously and the votes were:

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

ORDINANCE 92-1
Pizza Hut

Mr. Morgan stated the proposed ordinance is in the packet. He commented on the motion regarding a sound and visual barrier, stating the City staff would work with the applicant although broad authority is given but no actual guidance. He thought the Council might want to nail it down or the staff could work on it. He said the staff had also been working on how to deal with the traffic at River Road intersections of Maine and Linda since they are unique. The idea of the traffic circle mentioned earlier in the meeting is one possibility. Mr. Morgan said the specific issue will be taken back to the River Road Redevelopment Board for discussion regarding those two streets.

Councilor Hart said on the north side, he did not believe the Council said how high the barrier should be in the motion but 6 feet was discussed. He thought it should be a sound buffer and aesthetic. Councilor Miller asked about the height of the wall on the east side. There was uncertainty whether the wall was 6 or 8 feet high.

Councilor Miller noted he did not have a problem with a minimum being put in the ordinance but the goal of the condition in the motion was to make the barrier effective. Mr. Morgan stated that it is possible a zoning ordinance would be violated by a structure taller than 30 inches adjacent to the street. He said there was the possibility of a 30 inch high solid wall with some substantial landscaping. Councilor Miller asked if there was a way to get around the ordinance and Mr. Morgan answered that a variance would be required.

Councilor Koho asked about the wording in the Exhibit E, questioning whether there could be some sort of wall all the way to River Road. Mr. Johnson, City Attorney noted that the Exhibit said subject to the vision clearance requirements of Chapter 17. With those requirements, there would not be a buffer from the service entrance to River Road. The code deals with walls running adjacent to the street. There could be an aesthetic barrier but Mr. Johnson thought that would have to be set back farther than would be practical. Councilor Koho stated he did not want to be surprised after the building is done. He thought there would be some substantial vegetation for vision when he voted for the motion.

Councilor McGee said that Councilor Koho's points were well taken. A sound barrier would be difficult since sound will come out of any restaurant parking lot. His concern from the beginning has been aesthetics to shield the lights or the cars rather than sound. A sound barrier would be very impractical since it would have to be an 8 foot solid wall. He had in mind a nice hedge which would shield aesthetically. Councilor Miller said he had envisioned that the driveway on the corner of Linda Avenue, would be gated with a solid gate. A 10-foot gap beside the gate was not what he had thought. He envisioned the sound wall on the east side, the gated driveway with a solid gate and then a buffer up to 30 feet from River Road. He thought the present plan did away with the whole intent.

Mr. Morgan read the code saying that within 10 feet of the front property line no fence, wall or hedge should be taller than 24 inches on any yard adjacent to the street. He said the code does not allow a solid wall of any kind running parallel to the street. Councilor Miller asked if it could be remedied. Mr. Morgan said a variance procedure for this particular instance may be justified.

Mr. Morgan stated a variance would be required if the barrier is 10 feet from the property line and more than 25% opaque. Setting a wall back to fit in the code would probably make it so far into the property that the property would not be usable. Councilor Miller stated he was not in favor of the motion if this area could not be worked out. Councilor McGee noted that it was interesting that even though the Council had worked hard on this before, all the time he did not see the gate as being solid. He recommended that the Ordinance be passed and the staff come back with a plan. Mayor Orcutt was opposed to having the Council chose what is aesthetically pleasing and having the Ordinance come back again and again to the Council. He felt the ordinance should be decided tonight.

Councilor Koho asked whether if this Ordinance were passed in the present form tonight and within a month there was a variance procedure allowing a hedge, the developer could rely upon today's code. Mr. Johnson answered yes. The variance would not make the developer change plans unless it was a condition of the approval. Mr. Johnson suggested that in Exhibit E, (3) d, the words "approved by the Community Development Department" be inserted. He suggested that Councilors with specific concerns could go to Mr. Morgan. This would allow the site plan to be submitted to the department for approval. He was concerned about the Council initiating variances for their own Code, especially ones which might be safety oriented. Mayor Orcutt also noted that a variance could start the whole process over with Public Hearings and appeals. Mr. Johnson hoped the addition of the words in the Exhibit would allow for Councilors to work with Mr. Morgan and the Community Development Department could work with the developers.

Councilor Koho said that 2 feet did not do what he had wanted but he didn't know if the Community Development Department could require something that isn't in the ordinance. Mr. Johnson said that was a legitimate concern and he usually tried to avoid discretionary acts by the Staff, but that any time there is talk about screens or hedges adjacent to the street, problems with the Code arise. He could not think of another way to deal with it unless the Council wanted to reject the Zone Change or vote to amend with other words. It would not be appropriate to make a condition that would require a variance. Councilor Hart noted that at present there is not a Pizza Hut but a vote on a Zone Change and there may be some other restaurant in the future. This would result in a different site plan and he supported Mr. Johnson's addition.

A motion was made by Councilor Hart that a Bill for an Ordinance in the matter of the application of Richard Beck, Phyllis J. Nelson, J. Larry Fugate and Fugate Enterprise for a Zone Change from Commercial Office to Commercial Retail on .53 acres of property located at 4710 River Road North and 524 Linda Avenue NE, Keizer Oregon, be amended Exhibit E,(3) D to include Sound and Aesthetic Buffer as approved by the Community Development Department. Councilor McGee seconded the motion.

Councilor Miller asked whether the work would have to be done by variance when the site plan came in. Mr. Morgan said he felt comfortable with the discretionary authority and cited the two instances of State Farm and the Chevron Station where the Council granted authority to staff. The staff went toe to toe with developers in both cases and prevailed. He said they would probably work to create a significant visual break with staggered trees and other landscaping. He thought the sound could be muffled, too although a wall could not be built. He said he would gladly accept the challenge with the understanding a wall could not be put there.

Councilor Koho asked whether greenery fell under the code. Mr. Morgan said the code said fence, wall or hedge so as long as it is not solid, they are alright.

Mr. Ryder, formerly speaking during Public Testimony, asked the Council if the residents of Linda Avenue were losing all their hard earned fight with only a staggered tree or so. Mayor Orcutt explained a wall could not be along the street. He encouraged the Council to make an extra effort and get a variance passed which would allow for the wall since the residents were expecting it.

The motion passed with the following voting:

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

Mayor Orcutt stated it would be back for a second reading on August 3rd.

Mayor Orcutt announced a brief recess.

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

DISCUSSION
Extension of City Layoff Notices

Mr. Otterman stated that the City gave layoff notices to 5 employees in the Keizer Police Department and 2 in City Hall. On June 30th, the notices were extended. He said the discussion related to whether the notices should be extended past August 3. As an update, he noted that 1 of the police officer who was more senior resigned due to a spouse's job transfer so 1 officer with a lay off notice will be moved to her position. In the City Hall, the part-time clerk was temporarily appointed as Pro-Tem City Clerk.

Mr. Otterman gave the Council a summary of keeping the personnel on the payroll. He recommended that if the Council is going for a status quo budget, that the employees be kept on until after the election. The funds from the changes would be adequate until the end of September at which time he recommended layoffs be scheduled. In answer to a question by Councilor McGee, Mr. Otterman said the $13,370 amount is the monthly total of funds needed to keep the employees on and this would be required for both August and September.

Mr. Otterman said that the notices could be extended to a specific date so they wouldn't have to be reissued. The City Attorney had said that would be in compliance.

Councilor Koho moved that the layoff notices be extended until September 20, 1992. Councilor Van Meter seconded the motion.

Councilor McGee asked why the notices might not be dated the 16th since the levy results would be known on the 15th. Mr. Otterman said that could happen but the original notices were set at the end of a payroll period and on the shift change of the Police Department to make coverage easier. Councilor Koho did not think the 16th would be realistic since some officers would be going to work early in the morning. Councilor Hart noted that he felt Mr. Otterman was comfortable with the availability of funds until the 30th and he probably would have made a motion to extend until then. Councilor Newton thought 5 days is a reasonable time. Councilor McGee said he could live with the date since services would be rendered. He did note that he was not sure everyone felt comfortable with the transfer and he did not feel it was appropriate.

The motion carried unanimously:

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

Proposed Charter Amendments

Councilor Koho stated he would like to set a Public Hearing as soon as possible since there were a lot of issues for discussion, and hold off discussion in this meeting. Mr. Otterman said a hearing could be set for August 3, 1992 with deliberation on August 17.

Periodic Review Status Report

Mr. Morgan noted that Marion County had asked for a meeting to discuss the issues that had been previously rejected by the City Council. He asked for direction whether to do this. Secondly, procedurally all four jurisdictions adopt at the same time. Within the next month or two the document should be back for another hearing and adoption.

Mayor Orcutt asked that a meeting be set up with Marion County in Keizer to discuss the points. Mayor Orcutt, Councilor Newton, and Councilor Hart had served as Council

Representativesin the past.

RESOLUTION Viacom Cable Extension

Mr. Otterman reported that the Viacom Cable Franchise Agreement expires on August 19, 1992. He shared the history of the agreement made in 1990. The Joint Government Committee on Cable Television refused to represent the City at that time because they were not members of the PEG access cable communication system. Mr. Otterman reported he had monitored the progress of the Committee and recommended that whatever came out with Marion County and Salem should be recommended for Keizer. He felt the Joint Government Committee could do a better job and asked the Council to consider again asking for Keizer to be included in the negotiations.

Mr. Otterman stated he had had conversations with Marion County who has also extended their agreement to January 1994. He would like to join with them to work out a franchise agreement for both cities and the County. With the Council's agreement, he said the City staff would work with them and he recommended the franchise agreement be extended to January 20, 1994.

<u>Councilor Koho moved that the City Council approve the Resolution extending the franchise agreement to January 20, 1994 and that the City once again approach the Joint Government Committee on Cable Television for the purpose of requesting that they represent the City in further negotiations. Councilor Hart seconded the motion.</u>

<u>The motion carried unanimously with the following votes:</u>

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

CONSENT CALENDAR

- 1992-93 Resurfacing of Street Bid Award

- May 26, 1992 Special Session Minutes

- June 15, 1992 Regular Session Minutes

- July 6, 1992 Regular Session Minutes

- Lockhaven Agency Fund Exchange Agreement

- <u>RESOLUTION</u> - Adopting the Urban Renewal Agency Budget

- <u>RESOLUTION</u> - Making Appropriations for the Keizer Urban Renewal Agency

- <u>RESOLUTION</u> - Amending Resolution R92-569 and Making Appropriations

- <u>RESOLUTION</u> - Amending June 30, 1992 Minute Motion Adopting City Budget

Councilor Hart moved the approval of the Consent Calendar. Councilor Koho seconded the motion.

Councilor McGee asked that f and g be removed from the calendar.

The motion passed unanimously with the votes:

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

Councilor McGee asked if the budget for the Urban Renewal Agency was supposed to be complete and whether it assumed that the bond would be issued. Mr. Morgan stated the budget was in the least complete state possible and the purpose is to pass a minimum budget that can be given to the County.

Councilor McGee moved that items f and g on the Consent Calendar be approved. Councilor Koho seconded the motion.

The motion carried unanimously:

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

OTHER BUSINESS

Mr. Otterman stated that a Budget Committee meeting has been scheduled for July 27th at 7:00 p.m. The Budget document was completed and should be delivered tomorrow.

Councilor Hart asked about the newspaper article saying the Oregon Water Resource Committee was going to be asking for plans to cut water use. Mr. Mull said they had done a preliminary plan last year and until the final results of the request was seen, he did not know if the plan was in compliance. Councilor Hart asked if the situation is such that the Council can report back that the City doesn't have to cut water. Mr. Mull said until he saw the report he would not know, but that would be his recommendation.

Councilor Van Meter said the recent report received regarding Police Activity during 1991 was an exceptional report. He hoped copies would be available for civic groups and felt it was the clearest report he had seen from the Police Department.

Councilor Newton reported to the Council that he had received a phone call regarding a citizen's extreme displeasure about the 3rd levy and he wanted to let the other council members know.

Mr. Otterman reported that Bob Simon had had an accident where he fell and broke his arm. He is recuperating at his son's home and the City will be sending a card and possibly some flowers. He said he would get the address for the Council members.

WRITTEN COMMUNICATIONS

There were no written communications to come before the council.

AGENDA INPUT

Mr. Otterman said the method for filling Planning Commission vacancies would be on the agenda. There will be three vacancies at the end of September and all the present members will be filing for reappointment. The question is whether the Volunteer Coordinating Committee should be used or other methods. There will also be the 2nd reading of the Zone Change 92/1 and the Public Hearing for the Charter Review Report.

ADJOURNMENT

The meeting was recessed at 9:45 p.m. to reconvene in Executive Session at 9:46 p.m.

Linda S. Sanders

Linda S. Sanders,
Recording Secretary

APPROVED:

MAYOR