MINUTES
KEIZER CITY COUNCIL
Monday, June 2, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:08 p.m. Roll call was taken as follows:

Present:
Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Dawn Meier, Councilor
Al Miller, Councilor
Garry Whalen, Councilor

Staff:
John Morgan, Community Development Director
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Pat Bowe, Lieutenant, Keizer Police Department
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Presenting testimony to the Council was:

Alyssa Groenig, Emily Halter, Students at McNary High School, 595 Chemawa Road N, Keizer stated they were part of the McNary senior class wishing to give a new sign to their school. The sign would not be acceptable under the Keizer Sign code without a variance. Since the entire Senior budget has been used for the sign, they requested the Council waive the $200 filing fee required for a variance request.

Council President Keller moved to waive the $200.00 filing fee for a variance request for the McNary High School senior class. Councilor Meier seconded the Motion.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

FMAGIC

John Morgan, Community Development Director, noted he had been working with Gary Bulen, the staff advisor for the project. They suggested the students go through the variance request process as a civics lesson. Mr. Morgan stated that although all sign variances are brought before the Council because of being policy issues, he would intend to grant this variance himself unless the Council preferred to discuss the issue.

The Council also agreed by consensus to allow the Community Development Director to approve the variance request.

Karen and Wayne Trucke, 6330 14th Avenue NE, Keizer, appeared before the Council to ask if a change in the traffic plan for baseball games, as reported in the Statesman-Journal, was correct. Mr. Trucke asked specifically if Tepper Lane would be open for east bound traffic during baseball games. Mayor Koho did not have any knowledge of such a change.

Councilor Keller stated he also had read the article. Noting incorrect information cited regarding the length of Tepper Lane, he stated he, too, was surprised since the assurance had been made the street would be closed during baseball games. A process has been made available for residents to return to their homes. He noted the benefit for residents if the traffic on Radiant is made one-way, thus cutting the Stadium exit time significantly. Councilor Keller noted the incorrect map and information in the article may have come from the lack of interviews with policy makers.

Mr. Trucke stated his concern that closure information be broadcast. Wally Mull, Public Works Director, stated double barricades on the west side of the railroad tracks are still anticipated. The east barrier on Tepper Lane is removed when the Radiant traffic is released. Mayor Koho noted the importance to the Council that commitments to the Gubser Neighborhood Association be kept.

Mrs. Trucke stated the promise the Neighborhood Association understood was to include access only for emergency vehicles. She thought also that the Association would probably support access for the Radiant Drive home owners.

Councilor Meier asked if a sign for Lockhaven Drive, stating the temporary Tepper Lane closure, had been considered. Mr. Mull said the article would be corrected. Work has also been done to get a map out to season ticket holders and made available at the park. He mentioned changes may result as the season continues.

Beth Daniel, P.O. Box 6078, Salem, OR 97304 dispersed handouts to the Councilors addressing the Labish Ditch Plan. As a

result of the recent meeting, Ms. Daniel had some concerns, as well as alternatives, regarding the proposed berm. Using her pictures, she explained the amount of water which will need to be diverted in case of a flood. Her belief was that the berm could create further flooding. One solution included an angled berm running across the north side of the park, funneling the water away from the homes. Another suggestion was to grade the borders of the park to be ready for a temporary berm of sandbags. Her favorite solution was a spur ditch across the area to collect the water to make it flow into the main ditch.

Mayor Koho thanked Ms. Daniel for the ideas and said the Council will consider them in an upcoming meeting. Ms. Daniel hoped to have additional ideas. She also asked about the possibility of citizen involvement. Mayor Koho stated citizens will be included in the decision making. At present, a proposal has been received from an engineering firm. Testimony has been taken and the Council will be discussing a more narrow set of options in the future.

There was no further public testimony.

COMMITTEE REPORTS

CLAGGETT CREEK NEIGHBORHOOD ASSOCIATION

Cynthia Vannoy, 683 Faymar Drive, Keizer, President of the Claggett Creek Neighborhood Association, gave the Association's first annual report. She stated the organization was first recognized on April 3, 1995. In February 1996, as well as several times since, parts of the neighborhood were flooded. Association members worked diligently to assure the safety and security of their neighbors. No meetings were held during that period.

In February 1997, Ms. Vannoy stated she was elected president of the Association. Since then, non-profit status was received, goals have been set, and minutes have been filed. Meetings are held monthly and newsletters are distributed to homes in the area. Ms. Vannoy thanked specific City staff for their assistance in answering her questions. She noted the Association has many future plans, including a skateboard park, a lighting district, and flood control.

Councilor McGee moved to accept the annual report and extend the recognition of the Claggett Creek-Central Keizer Neighborhood Association for another year. Mayor Koho seconded the Motion.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

COUNCIL LIAISON REPORTS

Councilor Miller reported on the May 13 **Parks Advisory Board** meeting agenda items. A play structure has been ordered for Willamette Manor Park and should be in place by late June. An Eagle Scout project by Jared White resulted in the construction of a drinking fountain at Pleasantview Park. The Northview park irrigation system has been completed. Finally, Councilor Miller reported spraying is being done to control crane flies in some of the parks.

The River Road Redevelopment Board report was given by Councilor Beach. He said the most recent meeting was a brainstorming meeting, including Strategic Planning for the future. The board's name has been changed to Keizer Urban Renewal Board (KURB) to better reflect their mission. Phase one of the River Road process has been completed and phase two is in process. The Board also discussed the Cherry Avenue corridor and their role in the Chemawa Activity Center growth.

Councilor Beach continued by highlighting the development update as given by Mr. Morgan at the meeting. One topic of discussion was the Unocal site at Chemawa and River road, with plans for making it a city focal point. The Chamber of Commerce representatives will be creating a possible hotel/motel tax suggestion for discussion in the future. The Chamber Merchant Committee has been responsible for the placement of seasonal city banners.

Willow Lake Treatment Plant offered a seminar on waste water, which included a tour of the Woodburn plant to view poplar trees used as a filter for treated water. The trip also consisted of a visit to the Jackson Bottom treatment plant in Hillsboro to examine a larger facility. Councilor Beach noted his hope that expansion of Willow Lake could occur in Polk County so that Keizer land adjacent to the plant might be developed.

Mayor Koho reported Mike Kirby was elected chair of the **Traffic Safety Commission** at the last meeting. A web site has been prepared to be connected to the City's site. A member of the Bikeways Committee attended the meeting to continue a good relationship between the two groups. The Mayor noted the Council may be asked, by the Commission, in the near future, to address a safety issue regarding the lack of sidewalks on Chemawa Road.

The Community Policing group received a report from Jodi Sherwood on the recent grant awarded to the Police Department, reported Councilor Meier. She said that the equipment, at the end of the year long grant, can be used for all the districts. The committee is developing new resolutions for the Community Policing structure and responsibility. A draft will be dispersed to the Council. Evaluations concerning truancy and curfew ordinances are being

reviewed. Councilor Meier stated Councilors had received a report from the ad hoc committee on the communication plan between Community Policing and the Council. She introduced Craig Campbell, the chair of the committee, to discuss the report.

Craig Campbell, 6736 Fenwick Court, Keizer N, Community Policing Chair, spoke briefly to the Council regarding the report. In an aside comment, he thanked the Council, Mr. Mull and Police staff for returning officers to the Community Policing meetings. He stated the plan is a more formal method of keeping communication lines open between the Council and Community Policing.

The first item regarded budget input and Mr. Campbell explained how the Community Policing group would communicate three times with the Council on issues having budgetary impact. The Police chief and the Community Policing chair will attend a Council meeting monthly, for reporting. In addition, an annual report will be given, including goals and strategy.

Mr. Campbell said that for informal communications, the Council liaison, Councilor Meier, will be used. Contacts can also be made with the Community Policing Chair. Formal recommendations will be made in writing to the Police Chief who will forward the information through the channels to the Council. Mr. Campbell said agendas and minutes will be provided to Councilors.

Unresolved issues included whether Councilors should serve as formal liaisons and a recommendation will be offered later. Also the role of the Council liaison needs to be determined, as well as redrafting of the Community Policy resolutions.

Councilor Meier reported the new communication structure is working, noting the memorandum in the Council packet. She stated the issue of whether Councilors should attend district meetings as designated liaisons is still to be decided, probably at a work session. Mr. Campbell said the Committee recommended a Councilor be appointed to attend but not to act as liaison at district meetings. He highlighted the importance of having a formal liaison at the main committee meetings. Councilor Meier spoke of her increased comfort level serving as a Council liaison to the group.

Mayor Koho said his initial response was positive toward Councilor Meier's involvement. He wanted both the Council and the Committee to receive needed communication. Councilor Beach felt the appropriate position as a Council liaison would be to be a resource, but not vote. Councilor Meier said more discussion will take place at the work session. Councilor Keller expressed his appreciation for the minutes included in the packet.

OTHER BUSINESS

Councilor Keller stated that at the last Council Management meeting, he had brought up the possibility of continuing the present Co-City Manager arrangement. He had requested additional discussion and information from Mr. Mull and Mr. Morgan. At this point, Councilor Keller wished to know if the Council would like to continue looking at the possibility.

Councilor McGee believed the Co-managership was a unique approach and the arrangement has worked even better than he expected. He would like to have the Management committee continue exploration of the concept, realizing details would need to be addressed. Councilor McGee did think a time limit for the partnership would be best.

Despite Councilor Miller stating he had reservations and concerns, he accepted the idea of the Management committee exploring the proposal. At this point, he was opposed to the concept.

Councilor Beach shared Councilor McGee's belief in the uniqueness of the arrangement. He had initially been opposed because of the heavy load for both staff persons, but had since been pleased with the results. He was in favor of continued exploration, although noting details would need to be finalized.

Mayor Koho felt since the current setup was working, further discussion should take place before the recruiting begins. He would like the Management committee to return a proposal to the Council. Councilor Meier was originally in favor of the concept for the interim. She would like to look at a formal proposal but wanted to be assured that both staff members were very comfortable with the idea.

Councilor Whalen believed the Co-Manager setup has been beneficial to the community and the Council. He wanted the opportunity to flesh out the details.

The Council agreed by consensus to explore this possibility by further discussing it at the management committee meeting scheduled on Wednesday.

John Morgan, Community Development Director reminded the Council of the June 4, 1997 Planning Commission meeting on the subject of bicycle transportation issues. Sixty five members of various City committees and individual citizens have been invited to share their plans, dreams, etc. for biking in Keizer. He encouraged the Council to attend and said the issue will be before them in approximately 8 months.

Lieutenant Bowe informed the Council that the 11th Annual Law Enforcement Torch Run will be held on Thursday, June 5th through Keizer. Nine runners from the Keizer Department will be taking part. He said the goal for the Department is to be included as a sponsor next year which requires sale of $1200 worth of merchandise. The run benefits Special Olympics.

OLD BUSINESS

Councilor Beach alerted the Council to an information sheet in the Council packet on utility billing procedures. He mentioned previous testimony received by the Council in regard to the billing dates and their relationship to the Social Security timeline. He suggested changing the City billing date to assist persons who receive income checks the first of the month. He believed unnecessary mailings, phone call and frustration could be alleviated.

Councilor Miller suggested the City staff might return to the Council with different ideas to accomplish the goal. One of his ideas would be to change the date disconnect notices are mailed, which would give 6 weeks total notice. Mayor Koho believed having staff report would be the best way to handle the issue.

Councilor Keller also reminded staff of the issue raised regarding the notification process for rental owners. Councilor Meier agreed with the need for work on the rental issue. She did not have any problem with the present dates, believing plenty of time was allowed for payment. Councilor Whalen concurred with Councilor Meier, noting 37 days pass before a billing notice is received.

Councilor Miller added that part of his suggestion related to saving the City money by delaying the notice expense. Mr. Mull said citizens tend to do the same action each month, both paying and not paying. He did say the rental notification is difficult but at present the City is abiding by all the state laws. Staff will return a proposal to the Council.

Councilor Meier asked for additional reporting on the work done by the Council Management Committee. Mayor Koho suggested Councilor Keller provide a regular report under Committee reports. Councilor Keller commented that most items discussed are originated by Councilors, generally confirming motion in the direction the Council desires.

All three proposals include a 4.9% rate adjustment over-all. The second proposal adds $.15 for the city clean-up to residential and multi-family rates. The final proposal also adds $4.70 for yard debris/scrap paper collection to begin six months later. Mr. Morgan noted both commercial and multi-family sites have specific ramifications.

Mr. Morgan recommended the Council conduct and close the hearing, deliberate on testimony received and make a decision regarding the options or reject them all.

Testifying before the Council were:

Jacqueline Moir, 6745 McLeod Lane NE, Keizer spoke in favor of the yard debris pickup. For her personal situation, it would be a positive addition. She believed the future will bring even greater need for this service.

Cyril Jarvis, 2128 Flagstone Court, Keizer, stated he had previously written a letter on this issue. He said all his yard debris is either recycled or taken to the Transfer station. He believed the yard debris service should not be required for those who will not use it, although proposal 1 or 2 would be acceptable to him. If proposal 3 was selected, he wanted a opportunity for the community to vote. Mr. Jarvis asked if service under proposal 1 would be optional.

Mayor Koho clarified garbage service is optional and will continue to be so under any of the new proposals. He said a 20 gallon can under the new proposal will cost $8.60 while a 32 gallon cart will be $10.25 per month. He asked Mr. Jarvis if a 20 gallon can would be sufficient for his needs. Mr. Jarvis believed he would need the 32 gallon cart. Mayor Koho pointed out the 20 gallon can would be a new option and a savings for him personally.

Councilor Beach asked for clarification since he did not believe the proposals offered were optional. He understood if a 32 gallon can was used and proposal 3 was approved, the resident must pay for the yard debris charge. Mr. Jarvis believed if proposal 3 was selected, citizens should be allowed to vote. Councilor Beach mentioned the proposal also deals with the limited availability at the Burn plant. Mr. Jarvis had understood the Burn plant was created for Marion County residents first but now waste is being accepted from other counties.

Jim Sears, Director of Marion County Solid Waste, stated his support for the proposals before the Council, especially number 3. His position provides for waste disposal for the 20 Marion county cities. He said yard waste makes up 18% of the waste stream, while 10% of residential waste is mixed waste paper, equalling almost 30% of residential waste at the waste energy plant.

Mr. Sears explained that 40% additional capacity was originally built into the waste energy plant. Since the building in 1986, the additional capacity has been used and, other than medical waste, solid waste is not being imported from outside Marion County.

Mr. Sears stated cities have been mandated by the state to recover 50% waste by the year 2000. Marion County is currently at a 29% recovery rate and with the removal of yard debris and mixed waste paper, the goal will be much closer. In their next session, the legislature will be dealing with repercussions for not meeting the mandate. A side benefit of proposal 3, stated Mr. Sears, will hopefully be the reduction of back yard burning.

Mayor Koho questioned whether the mixed waste, or junk mail, would be part of the yard debris program. Mr. Sears answered that would be part of the curb recycling package.

Councilor Meier asked if the recent newspaper article was accurate regarding medical waste disposal. Mr. Sears did not believe so and was willing to answer questions to clear up any inaccuracies. Councilor Meier quoted from the article which stated that medical waste was burned and then shipped to the land fills.

Mr. Sears said the Advisory Council will be dealing with the definition of diversion. His idea was that as long as waste is being imported on a monthly basis, in-county waste is not being displaced. At this point, more waste from out-of-county, 300-400 tons monthly, is accepted than medical waste, 30 tons. Mr. Sears stated that about 20,000 tons yearly is being diverted to land fills out-of-county. About 150,000 tons is incinerated monthly and 30 of these would be medical waste.

Councilor Meier quoted the article which stated Mr. Sears would like to increase the share. He said his proposal would be to keep the status quo of 30 tons per month. Since the medical waste program began in 1990 the amount has decreased from 175 tons monthly.

Councilor McGee pointed out that one advantage for the acceptance of medical waste is the increased income received. He believed the prudent burning of outside medical waste was a good business decision.

Councilor Keller stated his pleasure with the amount of knowledge Keizer citizens have regarding the proposals. One of the most common concerns voiced related to the opportunity to opt out of the yard waste program by using a 20 gallon container. He said people perceive that is not a realistic size. Since an insert will be used to make the 32 gallon container into a smaller size, Councilor Keller asked if there would be an opportunity for residents to take time to get accustomed to the size.

Mr. Sears said, from his perspective, the goal is to remove the waste from the waste stream. He said his fear is people will not want to make the change. He did believe when the containers are delivered, people will figure out how to use them. A waste reduction

of 30% would result in a 20 gallon container. He suggested asking the haulers if a phase-in would work but his goal was having the full program implemented. Councilor Keller believed, given a time line, residents could learn to use a 20 gallon can.

Councilor Miller questioned whether the County was actually the recipient of the additional income from the acceptance of medical waste. Mr. Sears said acceptance of medical waste was approved with the condition that extra income be of benefit to the community. The vehicle chosen was a recycling grants program. Some outcomes of the program have been creation of a Master Recycler program, two teachers hired to teach in the schools and beginning of school recycling programs. Councilor Miller clarified that no money was directly received by the City of Keizer. Mr. Sears stated that was so.

Councilor Miller asked about a specific fund, accumulated in excess of operating costs, with a stated purpose that remains unused to this point. Mr. Sears explained when the last rate increase took place in 1992, money began to be set aside since a proposal has not been approved. The money is waiting for DEQ's final approval or request to correct a problem at the plant. Councilor Miller remembered the fund was continually increasing and totals over a million dollars. Mr. Sears said it was set up to be 5 million dollars over a 5 year period. At present, 20 million dollars is in the fund, but reserves and future improvements are anticipated expenses from the account.

Councilor Miller clarified the fund was originally to address the contaminated water problem in the north county. Mr. Sears said funds are being collected to deal with future requirements as well. Councilor Miller asked if when the issue was resolved, the rate be dropped by $5.00 a ton. Mr. Sears was uncertain. He said projections were made over 20 years. If a rate increase is needed 3 years down the road, the charge would probably not be dropped.

Councilor Whalen asked about the relationship between the local haulers and expenses for the burn plant. He wanted to know if all the communities pay their fair share. Mr. Sears said yes. A tipping fee has been set for the burn plant and the haulers pass that on to their customers. Mayor Koho commented that approval of no rate increase would affect the profit margin of the local haulers and Mr. Sears concurred.

Councilor Beach asked about the mandated date for reduction of the waste stream. Mr. Sears gave several dates, stating the next one is the statewide goal of 50% reduction by the year 2000. He believed the issue of the goals would be addressed between now and the 1999 Legislative Session. In answer, Mr. Sears said if no further action is taken, the goal will not be met.

Greg Lamb, 2323 Latona Drive, President of Gubser Neighborhood Association, Keizer, stated he had received calls from concerned citizens on this issue. Several of those were from elderly individuals who refused to be forced to pay for services they would not use. They suggested garbage haulers could charge for special options if other citizens desire them but the total community should not be required to pay. Mr. Lamb reiterated the strength of the citizen's concerns on the use of mandatory city-wide programs. He mentioned recent negative publicity received by the City.

Mr. Lamb, continued, saying he understood the state goal but believed the increase of ballot initiatives might relate to state government ignoring the voter's wishes. Although he would personally use option 3, he wanted to strongly relay the opposition of some Gubser residents, especially those with minimal garbage needs.

Mayor Koho related hearing some of the same concerns. He raised a question about the difference between this issue and other issues, such as animal control and parks, where not all people utilize the service they fund. He wondered why this service should require a citizen vote.

Mr. Lamb said most of the funds for animal control come from direct usage fees and many park issues are included in bond measures. He believed the garbage program is suggesting a surcharge. Mayor Koho pointed out line item veto is not used on city, county or state budgets. Citizens pay for the budgets whether they use all the services.

Mayor Koho pointed out again that garbage service is optional. Mr. Lamb related the experience of a family member, living on a farm, who receives the garbage which people do not wish to pay to have removed. As a result, the farm is constantly having to clean up trash. Mr. Lamb also mentioned again negative publicity the City has received and the present lack of citizen trust in City government. He felt the need to serve as a representative for citizens in his Association to the Council.

Estle Harlan, Hauler Representative, 2202 SE Lake Road, Milwaukie, OR 97222, explained the Council packet included three garbage service proposals, all of which are for a fully automated system. She related her personal experience of being able to use a 20 gallon can, even with 7 kids and 6 grandchildren.

Ms. Harlan reviewed the three options. She stated the first proposal included a rate increase of 4.9%, the first since 1992. She pointed out the CPI has increased 20.3%. Efficiency gained from use of the cart system has allowed for the smaller increase request. Ms.

Harlan said both hauling companies are willing to assist either handicapped or elderly who need it. Proposal 1 would be effective September 1.

Continuing, Ms. Harlan stated proposal 2 would also be effective September 1 and would basically add a small charge for the city clean-up which presently is funded in the City budget. Approval of proposal 3 would have two parts effective September 1, with the yard debris/scrap paper component beginning March 1, 1998. The yard debris charge would be $4.20 and the scrap paper option would cost $.50. Ms. Harlan said proposal 1 is desperately needed, while number 2 would be a service to the City and citizens to spread the city clean-up costs.

Speaking about the yard debris proposal, Ms. Harlan characterized that option as a waste reducing service, not a money making project. The Oregon Administrative Rules state yard debris removal must be funded using the same method as other recycling programs, included in the base charge and not as an individual residential option. Initially, yard debris service was envisioned to be a user pay program but environmentalists and recyclers stressed the need for inclusion in the base charge, so the rule was written.

Ms. Harlan referred to the year 2000 goal, saying the more populated counties may actually be required to recycle at higher than the 50% goal level because the less populated counties do not have as much recyclable material. She also stated, the DEQ can force adoption of programs if goals are not reached. Relating to the idea of a city wide vote on the issue, she explained that the state goal must be met, thus voting would have little effect but to increase voter frustration. Ms. Harlan said the Council must make the final decision

Councilor Whalen commented on Keizer's good fortune in having two haulers who are active members of the community with a sense of responsibility to the City. His goal is to make the issue as painless as possible. He suggested a threshold of opting out from the yard debris program be use of a 32 gallon container as opposed to the proposed 20 gallon size. He asked about the possibility and the effect to the rates.

Ms. Harlan said the program would be almost meaningless since so many citizens would be able to opt out at the 32 gallon level. Since this would be an alternative plan with many exemptions, she did not believe the DEQ would be positive about approval.

Continuing with his questions, Councilor Whalen noted that the majority of the containers on his street are 90 gallon containers. He wondered what percentage of people would begin to downsize as an alternative to using the yard debris program. Along those same

lines, he asked the percentage of people using each size and extra bags.

Ms. Harlan said the numbers would have to be figured, but downsizing was expected since the 90 gallon containers would be used only for yard debris if the program is approved. Regular garbage would use a 64 gallon size. She thought the removal of yard debris and scrap paper would result in a significant decrease of garbage. She also noted the yard debris program initiation is nine months away which would allow for education and training. In answer to Councilor Meier, Ms. Harlan explained the can sizes.

Councilor Keller asked for clarification about which size actually is most used. He said his preference was to give the public an opportunity to downsize but offer the option to opt out with the use of the 32 gallon container. Ms. Harlan answered that roll carts presently make up 51% of the containers while the remaining 49% are 32 gallon size. With those statistics, half the residents would be exempt under a 32 gallon proposal for opting out. She did not believe a program could be created with such a large exempt population.

Mayor Koho asked a clarifying question about those using 32 gallons paying the additional fee for yard debris service. Ms. Harlan said the assumption is that many people choosing the 20 gallon can will still want the yard debris program. The Mayor stated the Council was trying to address those citizens who did not want one. Ms. Harlan gave examples of cities and counties that did not allow exemptions or required annual exemption reviews.

In answer to a question by Councilor Keller, Ms. Harlan reiterated the program would be difficult to administer with a 32 gallon option. Councilor Keller commented on information that a large amount of present trash is yard debris, yet only 51% of the residences use 90 gallon containers. Ms. Harlan said that those residents using 32 gallon cans also include yard debris.

Mayor Koho stated that the best part of the program is the scrap paper program. He asked if scrap paper could be recycled without the yard debris program. After discussion with the haulers, Ms. Harlan said that option could be done and could begin on September 1, 1997.

Councilor Meier asked where the scrap paper would be placed. Ms. Harlan said the scrap paper would need to be separated and placed in the red recycling container. Councilor Miller asked why there would be an additional charge if residents presently have the recycling containers. Ms. Harlan explained the fee would pay for the program to collect scrap paper and fees to dispose of it. When additional material is added to the recycling program, time is

required to empty the item. She also said the volume of all recyclables usually increase.

Mayor Koho closed the public hearing.

Shannon Johnson, City Attorney, suggested the Council use the procedure of preparing an appropriate order to be discussed at a later date.

Councilor Whalen moved to direct staff to prepare the appropriate order approving the 4.9% overall rate adjustment, $0.15 for city clean-up added to residential and multi-family rates, and $0.50 added to rates for scrap paper portion of recycling effective September 1, 1997 and bring order back for Council consideration on June 16, 1997. Council President Keller seconded the Motion.

Councilor Beach suggested a friendly agreement to make the program begin September 1, 1997 which was included in the Motion.

Councilor Miller voiced his plan to vote against the motion. He believed the rate adjustment was justified, although he was uncertain about the logic of removing the city clean-up from the budget. He added his thoughts about testimony received regarding the large amount of yard debris. Since yard debris is not done on a yearly basis, a weekly basis, or in the winter, it does not seem reasonable to have trucks collect year round. He did not believe the quantity would justify the program.

Councilor McGee said since yard debris program was not a part of the motion, he would not discuss the issue, but he did mention Keizer is a young city and the vegetation will be increasing with age. He believed the majority of the citizens had no resistance to the rate increase. He also thought the scrap paper program was a great idea and the city clean-up fee was a more fair way to charge. At present, he noted, only property tax payers are funding the city clean-up which would change to a much wider base with the new fee.

Councilor Keller supported the motion but stated his continued struggle with the yard debris program. He said Marion County has encourage citizens to use mulching mowers and composters which he believes has taken some of the debris out of the waste stream. He had a problem with residents having a large can which is not filled. He also wondered about the effectiveness of Marion County's program.

Mayor Koho supported the motion but would like to see the yard debris program begun. He believed the Council would address the issue later. As he began discussing his ideas, Councilor McGee

stated that yard debris was not in the motion. The Mayor said exclusion of the program was a discussion topic. Councilor Beach called the question.

Councilor Miller stated the size of government is never reduced. He stated he had not heard any comments regarding a reduction in the collected tax base as a result of removing the city clean-up expense. Councilor McGee agreed that was a good point, but did remind him that the sewer surcharge was reduced by the Council in a recent meeting.

The Motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)
NAYS: Miller (1)
ABSTENTIONS: None (0)
ABSENT: None (0)

Councilor McGee said that although the yard debris program did not pass, he believed action will have to be taken soon regarding back yard burning. He thought the community was not presently ready for the program but within the next 3 years, a change must be made. He did not think such a good offer would be made again.

APPEAL OF HEARINGS OFFICER DECISION - APPROVAL OF SUBDIVISION CASE No. 97-03 - REIMANN

Mayor Koho opened the public hearing.

Shannon Johnson, City Attorney requested the reading of the applicable criteria, as outlined in the staff report, be waived at this time. There were no objections raised by any of the parties or members of the audience. In addition, there were no announcements of conflict of interest, ex parte contacts or defective notices in this case.

John Morgan, Community Development Director reported this is an appeal of the hearings officer's approval of a subdivision located on the east side of Wheatland Road in the Clear Lake area, which is a division of 12.07 acres into 57 lots. The applicant in this case is Reimann and Associates. Mr. Morgan noted this is one of several new developments in this area. The applicant has met all the criteria for development in the zone, however the issue of the appeal brought forth by an adjacent property owner is the hookup of the sewer lines. Mr. Morgan pointed out the standard conditions of approval for sewer issues are: requiring the applicant to obtain sewer permits, connection to existing sewers will be the responsibility of the developer, and sewers shall be constructed through the development as a system that will provide public sewer service to adjacent property. Mr. Morgan indicated there is nothing specific in the conditions of approval that require the actual location or direction of the sewer line. These issues are covered through the design process and discussions with the city engineering staff.

Mr. Morgan stated the issue of the appeal brought forth by adjacent property developer, Derek Brown pertains to obligating Mr. Reimann to hook up to his sewer line as opposed to connections on Wheatland Road.

Mr. Johnson confirmed there is not a reimbursement agreement in effect with Mr. Brown at this time.

Ken Sherman Jr., 687 Court Street, Salem announced he is the attorney representing the applicant, Mr. Reimann, on this matter. Mr. Sherman pointed out this is a 12.09 parcel of property, owned by Jack Yarbrough, located in the 7600 block of Wheatland Road. Mr. Reimann is attempting to divide this parcel into 57 single family lots ranging from 5562 to 8529 square feet with an average density of 4.91 units per acre. Mr. Sherman requested the testimony and evidence presented at the February 25, 1997 hearing before the Keizer Hearing's Officer be made part of this proceeding.

Mr. Sherman pointed out the first objection to the appeal is the violation of an oral agreement made on March 5, 1997 between Mr. Reimann and Mr. Brown. Mr. Sherman presented a memorandum from Mark Grenz, Multi-Tech Engineering, (exhibit a) outlining the conversation and oral agreement of this date. He noted the parties in this matter had agreed not to appeal the subdivision approvals in each of their cases.

Citing his second objection, Mr. Sherman indicated the appeal is invalid due to the time the appeal was filed. Mr. Sherman reviewed the Section VIII of the city's Subdivision and Partitioning Ordinance, providing that Hearings Officer decisions in subdivision cases may be appealed to the City Council as provided in the zone code on a zone change. This section states an appeal of the hearings officer decision on a zone change is final unless it is appealed to the City Council within 10 days of the date it was issued. Mr. Sherman pointed out the decision was issued on April 8, 1997, therefore the appeal period expired on April 18, 1997. Mr. Robert Simon, attorney for Mr. Brown, filed the appeal on May 27, 1997. The appeal was filed using sections 4.13(d) and (g) of the zoning ordinance as the guidelines. Mr. Sherman pointed out there seems to be some conflict with the content of these sections, however he feels section 4.11 (a) overrides the other section.

In discussing this issue with Mr. Johnson, Keizer City Attorney, it was agreed the analysis of the two sections indicate the filing period for the appeal is ten days, however there was an error by the City in not providing Mr. Simon with a copy of the hearings officer decision in a timely manner. Mr. Sherman recommended amending section 4.11(a) to be reviewed and possibly amended to give reasonable opportunity for citizen involvement. In conclusion, Mr. Sherman requested this matter not be dismissed on the lateness of the

appeal filing. In regards to the appeal, Mr. Sherman requested the Council hear the appeal and then deny it based on the lack of merit.

Mr. Sherman explained this appeal is frivolous due to the fact that Mr. Brown nor his attorney did not participate or provide oral testimony during the hearing, only submitted a letter. Mr. Sherman distributed a copy of this letter (exhibit b) which requests the hearings officer to place conditions on the approval of the subdivision. One of the requested conditions states the applicant shall be required to commit to a sanitary sewer connection at the Wheatland Road pump station. However, the letter of appeal is based on the request the applicant be required to the connect to the gravity sewer line which has been constructed by Mr. Brown at his own cost. This contradicts the previous request, in which the hearings officer granted, to commit to a sanitary sewer connection at the Wheatland Road pump station. Mr. Sherman believes this is an abuse of the land use process.

Furthermore, Mr. Sherman pointed out the appeal notice also is a mis-statement of fact. The gravity sewer line constructed by Mr. Brown, and indicated on a map attached to Mr. Brown's appeal notice, does not exist in entirety. Mr. Sherman questioned how Mr. Reimann can be required to hook up to this sewer line if it does not exist.

In discussing this development with the City Engineer as it relates to the City's master sewer plan, Mr. Sherman pointed out by allowing these interim arrangements (Mr. Brown's eight-inch sewer line and Mr. Reimann's temporary hook-up to the Wheatland pump station) development of these north properties can occur. This would generate significant system development charges which can be used for the permanent sewer line construction as indicated in the master plan.

In regards to Mr. Simon's notice of appeal, Mr. Sherman indicated Mr. Reimann's development plans show hooking into the existing gravity line on Wheatland Road and running from that point south down to the pump station. In addition, section VI(3) of the subdivision ordinance states a partial development on a planned scale may utilize temporary methods of providing sewage disposal and water supplies may be authorized. This authorization by the City was granted upon the condition that the development be hooked up to the trunk line when it is built. Furthermore, the most significant shortcoming of Mr. Simon's argument that Mr. Reimann is deviating from the sewer master plan, is that Mr. Brown will not be able to use the permanent eight-inch sewer line he supposedly built.

Mr. Sherman believed Mr. Brown's appeal is based upon an attempt to get financial reimbursement from Mr. Reimann if the City requires the connection to his sewer line. However, Mr. Brown's sewer line

is not a reimbursable line as defined in the sewer master plan. This is evident in the letter (exhibit c) sent to Mr. Brown's engineer, Mark Grenz on November 14, 1996. Also, the notice of appeal contains an additional inaccurate statement in regards to the proper grading of Mr. Reimann's development. Mr. Sherman pointed out there would not be any way for Mr. Brown's line to service the westerly portion of Mr. Reimann's development.

In summary, Mr. Sherman believed the appeal is in breach of an agreement between the applicant and the appellant; the appeal was not timely filed; it is frivolous in asking for an overturn of the ordered condition, when in fact the condition was requested by Mr. Brown; it is based upon incorrect information that Mr. Brown's sewer line is in place and ready to be hooked up to; and it maintains the City has no flexibility to approve temporary arrangements.

Robert Simon, 712 Main Street, Oregon City announced he is the attorney for the appellant, Mr. Derek Brown. He suggested that Mr. Reimann connect to Mr. Brown's eight-inch sewer gravity feed line to service his property or Mr. Reimann disclose to the purchasers of his lots that he has a temporary sewer facility. Mr. Simon explained that the misstatement regarding the completion of the sewer line in the notice of appeal was not intentional. Mr. Brown pointed out the hearing's officer approved an authorized sewer system for Mr. Reimann, however he did not indicate which direction it should go.

Furthermore, the approval was to a temporary facility on Wheatland road. Mr. Simon explained the application in a land use matter may be considered part of the approval process, and therefore the map submitted by Mr. Reimann shows the lines going to the Wheatland road pump station. Mr. Simon believes this was done fictitiously, so the initial letter of appeal asked for clarification and commitment on the direction. This information would clarify the amount of capacity available at the pump station.

Mr. Simon explained a denial of a request for an adjacent property developer to hook up to the temporary pump station was denied due to the fact it was for a mobile home park. Mr. Brown also will be developing a mobile home park in the future in this area and would like to hook up to the pump station. Mr. Simon questioned the approval process indicating who is allowed to utilize the extra capacity and hook up to a temporary pump station. Mr. Brown reiterated the notice of appeal only asked for clarification and did not misrepresent the facts.

Mr. Simon explained that Mark Grenz of Multi-Tech Engineering is responsible for approximately 80% of the engineering in this area. Due to a earlier dispute between the developers, Mr. Grenz expressed his consideration of resigning from this case. This delayed the engineering plans being submitted to the City for the

completion of the eight-inch sewer line on Mr. Brown's property. Mr. Simon believes there is no difference between actually having the line in the ground and having the plans submitted to the City Engineer and being bonded to go forth. However, due to the possible resignation of Mr. Grenz, the plans were not completed and submitted. Mr. Simon disclosed this sewer line can serve the easterly half of Mr. Reimann's 57-unit development.

Mr. Simon noted the eight-inch gravity sewer line works because of the topography. Mr. Brown will spend approximately $250,000 to bring in this sewer line to facilitate the master sewer plan, ahead of schedule. Mr. Simon hoped Mr. Reimann would hook up to this line and pay for this privilege to do so. By participating in the cost of this line, it will ultimately reduce the costs to the consumer and provide affordable housing for those moving to Keizer. Mr. Simon reiterated his request for the City to order Mr. Reimann to hook up to his sewer line or to disclose to the buyers of his lots the sewer system is a temporary facility.

Responding to a question from Mayor Koho, Mr. Simon confirmed his misstatement in the letter of appeal requesting Mr. Reimann be ordered to connect to the ***existing*** line. The line did not exist at that time.

Mr. Simon believed the appeal was filed timely. As an appellant and a participant in the previous hearing, they are entitled to a notice of the decision according to the zoning ordinance and state statute. Mr. Simon noted the notice of decision was personally received from the City Planner and the notice of appeal was filed within 10 days of that date.

In response to questions from Councilor Miller, Mr. Simon noted he had not reviewed the exhibits submitted, except exhibit b, until this evening. Furthermore, he has not had an opportunity to discuss the meeting of March 5, 1997 held in Mr. Grenz's office with his client. Mr. Simon confirmed he did not attend this meeting with his client.

Councilor Whalen questioned the process and documentation of the plans for the sewer line construction up until Mr. Grenz's resignation a week ago. Mr. Simon replied the process is very cooperative between Mr. Grenz and the City Engineer and the review of the plans would be expedited and Mr. Brown acquire the performance bond. During a meeting with City staff on May 13th, he was informed it would be two weeks before having the final plans completed so the performance bond for improvement could be obtained and submitted. Mr. Brown anticipated at the time of this hearing, the plans would have been submitted and the performance bond obtained so there would be no issue regarding the construction of the sewer line. Mr. Brown voiced his uncertainty if Mr. Grenz has completed the plans.

Mr. Simon indicated the method of reimbursement would be a hook up charge per dwelling under a pro rata formula.

Councilor Whalen questioned the hearings officer report and the exhibits which states this is not a reimbursable expense.

Mr. Simon stated if Mr. Reimann is allowed to go to the temporary facility on Wheatland road, then there is not an opportunity to discuss utilizing Mr. Brown's sewer line and potential reimbursement. Mr. Simon apologized for his misstatement of facts regarding the existence of the sewer line in the notice of appeal and asked that this not be held against his client. He indicated $90,000 has been spent for easements and a portion of the line has been constructed on the west side, therefore it is unfair to say that the line does not exist.

In response to an inquiry from Councilor Whalen, Wally Mull, Public Works Director, reported the Wheatland road system was designed to be a gravity system eventually. Upon completion of the master sewer plan in the Clear Lake area, these temporary stations will be removed.

In clarification of the initial request for Mr. Reimann to commit to a sanitary sewer connection at the Wheatland Road pump station and Mr. Sherman's testimony that this was his intention, Mr. Simon stated it is a misstatement to indicate this was a requirement of the Hearing's Officer decision. It only states that he will be required to hook up to an appropriate sanitary sewer system. This does not require him to go one direction or another. Mr. Simon explained there was not an initial concern of who would hook up to Mr. Brown's line, only a concern of who would be allowed to use the excess capacity discovered at the Wheatland road station. If there was excess, he hoped to be able to use it. Mr. Simon explained it would be less costly to move towards the street than to build the sewer line.

Mr. Mull explained a request to the City Engineer would be appropriate to determine the actual capacity at the pump station. This has been done on previous occasions at the expense of the developer.

Mr. Simon indicated in the initial packet to the Hearings Officer, a letter was included from Bill Peterson, City Engineer asking if Mr. Reimann and Mr. Brown would agree to jointly pay for a capacity analysis. Mr. Reimann did not agree to pay his portion, therefore this was not completed.

Councilor Keller considered this a gamble to go forward with the construction of the sewer line rather than pursuing the analysis.

Mr. Simon confirmed the sewer line was planned and constructed prior to the knowledge that there was capacity at the pump station. He believed a commitment to construct the line was made in the winter of 1996 and there was no intention to pursue reimbursement from Mr. Reimann. Mr. Simon explained the sewer line was developed to create a greater capacity by using depth and distance. All of the calculations were prepared by Mr. Grenz prior to the construction of the sewer lines and are included in the packet

In response to a concern voiced by Councilor Miller, Mr. Simon indicated Mr. Reimann has not indicated a direction for the connection of a sewer system for his development. The reason for the appeal is for a request for a commitment to hook up to the pipe constructed by Mr. Brown or for a declaration to the purchasers of the Reimann parcels that the sewer system is temporary. The answer to these questions will provide information for the completion of Mr. Brown's developments. In addition, this will provide further information on the actual capacity of the pump station and the possibility of utilizing this capacity for Mr. Brown's mobile home park.

Derek Brown, 13620 SW Beef Bend Road #78, Tigard, Oregon indicated he is the appellant in this matter and clarified the location and direction of the sewer line on the map. He noted this sewer line location has been approved by Salem and Keizer. Mr. Brown believes it would make sense for Mr. Reimann to hook up to this line, therefore avoiding a temporary situation which may become a liability issue.

Mr. Brown explained many developers have been denied access to the temporary pump station over the years. He believed there has been preferential treatment given to certain developers. Some developers have been required to do additional off site work that is not required for all developers. Mr. Brown noted he has been successful in determining how this sewer line could be constructed and obtaining easements for this line. Mr. Brown did not plan any deception only a solution to service this area with a permanent gravity flow sewer line.

In response to a question from Councilor Meier, **Bill Peterson, City Engineer** explained other developers have been apprised of the sewer situation in this area. Mr. Peterson confirmed he has had correspondence from Mr. Brown clarifying his direction on the sewer issues beginning in September 1996. This was prior to any indication of the applicants potential development.

Responding to a statement made by Councilor Whalen, Mr. Brown indicated he is not appealing the subdivision plan only the way the services are being provided to the subdivision.

In rebuttal to the testimony, **Mr. Sherman** pointed out the letter of appeal is dated May 23, 1997 and Mr. Grenz letter indicating he must step aside due to the filing of the appeal is also dated May 23, 1997. Mr. Sherman questioned how the appeal letter could be drafted stating the line had been constructed. Therefore there is no connection between Mr. Grenz's resignation and the delay in the design of the line.

Furthermore, Mr. Reimann and Mr. Brown are both developers and realize time is money. Mr. Reimann cannot control the receipt of permits for extension of the sewer line and therefore does not wish to depend on Mr. Brown's completion timeline. This may delay Mr. Reimann's subdivision development for a number of years. In regards to the reimbursement, there is no policy in effect that allows this. In regards to Mr. Brown's request for commitment by Mr. Reimann on the sewer issue, Mr. Sherman indicated Mr. Reimann has always planned on hooking up to the Wheatland Road pump station and if the Council wishes to impose this specific condition, there would be no objection.

Mr. Sherman pointed out the initial notice of hearing issued by the City erroneously stated the hearing would be held on March 2, 1997 rather than June 2, 1997 and therefore would request the hearing be continued and the record remain open until June 16, 1997 for additional notice to be distributed.

Mayor Koho continued the hearing until June 16, 1997 at 7:00 p.m.

ADMINISTRATIVE ACTION
ORDER - CONDITIONAL USE - CASE NO. 96-7 CITY OF KEIZER RESERVOIR

Mayor Koho moved the City of Keizer Reservoir order to be considered at this point.

Councilor Whalen moved an Order in the Matter of the Application of the City of Keizer for a Conditional Use Permit to Place a 1.5 Million Gallon Underground Water Reservoir on Property Located at 2005 Wiessner Drive NE, Keizer (Conditional Use Case No. 96-07). Councilor McGee seconded the motion.

Councilor Beach said he did not hear the term used to include the fact that a concrete tank will be used. Councilor Whalen stated the motion included the wording "appropriate facility" which would leave the decision up to the City staff.

Mr. Johnson said he and Mr. Mull had prepared appropriate language. Mr. Mull used the staff report to clarify the issue. In Exhibit E, he recommended the addition of the words "a max" in the opening paragraph. He also suggested number 1 include "with the exception that reservoir be placed completely underground." On number 4, an addition of "or any further engineer reports specific to

the underground reservoir" be made. On the order, Mr. Mull suggested the addition of the word "underground", prior to water reservoir.

Councilors Whalen and McGee accepted a change in the Motion to include those changes.

The motion, as changed, read:
Councilor Whalen moved an Order in the Matter of the Application of the City of Keizer for a Conditional Use Permit to Place a 1.5 Million Gallon Underground Water Reservoir on Property Located at 2005 Wiessner Drive NE, Keizer (Conditional Use Case No. 96-07) with the suggested amendments of Mr. Mull. Councilor McGee seconded the motion.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

PUBLIC HEARINGS (CONTINUED) AMENDMENT TO PUD/CONDITIONAL USE/ FLOODPLAIN DEVELOPMENT - CASE NO. 93-02 (STAATS LAKE)

The staff report was given by Mr. Morgan who directed the Council's attention to the map on the wall. He said the application was to change the PUD on the Staats Lake Master plan which was based on large lots on the commercial side of the property. Since the Council had approved the plan initially, he said it was appropriate for them to amend it. He pointed a long, large lot that would be divided into 12 small lots. The change would allow the town homes to be individually sold rather than remaining in single ownership. Mr. Morgan said the second issue relates to the division of another commercial lot into five lots with four water front commercial lots.

Mr. Morgan recommended approval since the character of the plan would not be changed.

Presenting testimony to the Council were:

Steve Ward, Wes Tech Engineering, 3841 Fairview Industrial Dr., Salem, OR 97302, spoke as a representative of Bob Krohn on this phase of the Inland Shores project. He concurred with the staff report.

Councilor Meier noted that during her employment at the School District, she had made a response to the issue which was not included in the report. She was assured that was not a conflict of interest for her present role as Councilor.

Councilor Whalen asked about the water lot created for a house boat. Mr. Morgan said the property is still real estate, whether on

land or on water. The area is being carved off so the water's surface will not be owned by the Owner's Association but can be managed separately.

Councilor Miller felt the action could be significant. He spoke of his previous objection to house boats on the lake when the Master plan was originally discussed. He was still opposed, giving the possibility of a contamination issue resulting from a broken sewer line. He did not believe a satisfactory answer had been given for the outcome of such an incident. If house boats were included in the plan, he was opposed.

Mr. Morgan said the plan development approval included the conception of 48 house boats. The land division considered tonight would be an enabling action. Mr. Morgan also stated staff was aware of the sewer issue, as well as building codes. The Planning Department has been collecting building codes from other cities so standards might be developed.

Councilor Miller was concerned that the years of work on this issue had not resulted in safeguards and payment policies. He was opposed to house boats until the standards are created. Councilor Miller asked if approval of the land division meant a permit for siting a house boat could take place. He also wanted to know the controls in place for house boats.

Mr. Morgan said no regulatory process is in place to consider an application. Councilor McGee asked if the land division furthers the house boat concept. Mr. Morgan said the concept would definitely be furthered but this would not be the last stage to create the appropriate regulatory environment for house boats to occur. Code requirements dealing with fire, life, safety and sanitation have not been addressed.

Councilor McGee asked if the house boat issue could be removed from the land division question at hand. Mr. Morgan said doing so would require another regulatory step or repeating the same process. Councilor McGee stated his interest in not forcing unnecessary steps but believed this issue needed to be clear. He agreed that Councilor Miller's concerns were valid. Despite the wonderful plan the City needs to address the concerns raised before approval.

Mayor Koho asked Mr. Ward if house boats were to be constructed prior to the resolution of water and sewer issues. Mr. Ward said the house boats were already approved. Without any land use action, a proposal for house boats could come before staff. He suggested Chapter 28 of the Marine Laws is being used by the City of Portland, and adopted as their standard. House boats in Portland are located on water leases from the State of Oregon, not a

separate tax lot.

Mr. Ward said the developer could lease the water in this situation but the land division makes the property more valuable. House boats will be limited to 22 house boats instead of the original 48. He suggested an alternative tonight might be approval of the division with the condition that the developer would not return for building permit approval for at least six months. This would allow the Council time to adopt the standards from the Oregon Marine Board.

Councilor McGee asked if the same standards apply to non-moving bodies of water. Mr. Ward stated yes.

Councilor Miller asked if it would be agreeable to have no application take place until the Council adopts standards. Mr. Ward would like to have the Council make a commitment. Regulations are already in place and they would be controlled by the Marine Board. He did not wish the process to take longer than six months since the house boats will follow town house construction.

Mr. Ward said his other option would be to pull the lot out and give the owner a land lease. He reminded the Council approval of the house boats had already taken place. Without the house boats, the minimum number of required housing units would not be met.

Bob Krohn, P.O. Box 20656, Keizer, the proposed developer, said the issue being considered is a land use one, while the house boat concerns are building permit issues. He said the proposal creates a legally defined parcel, but does not grant permission or approval from a building code standard to construct units. Construction would occur after adoptions of the Marine Board's standards which is a separate issue.

Mr. Krohn explained that the creation and adoption of Chapter 28 included DEQ, the Fire Marshall's office, and the building codes division. The process took about two years. Water contamination was a concern of DEQ which the document addressed, at length. He suggested the Council might take a separate action to adopt the body of code.

Councilor McGee asked staff is six months was a reasonable time. Mr. Morgan said staff had not begun review but six months should be reasonable. Also, Councilor McGee spoke about his opposition to the project previously and presently.

Mayor Koho closed the Public Hearing.

Council President Keller moved to direct staff to prepare an Order approving PUD 97-01 subject to the conditions of approval found in the detailed staff report including the provisions that all conditions of approval of CU/PUD/FP Case No. 93-02 still apply and that the Order should be returned for Council consideration on June 16, 1997. In addition the staff shall prepare and adopt appropriate codes for floating structures within 6 months. Mayor Koho seconded the Motion.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

ADMINISTRATIVE ACTION (CONTINUED) ORDINANCE - COMP PLAN AMENDMENT/ZONE CHANGE - CASE NO. 97-02 (McCAWLEY)

Mr. Morgan explained this matter was before the Council for hearing previously and based on Council direction, an Ordinance has been prepared for adoption.

Councilor Meier moved a bill for an Ordinance in the Matter of the Application of Crystal McCawley for a Comprehensive Plan Change from Commercial (C) to Low Density Residential (LDR) and a zone change from Commercial Retail (CR) to Single Family Residential (RS) for a 0.28 acre parcel located at 669 Faymar Drive NE, Keizer, Oregon (Case No. CP/ZC/97-02). Councilor Whalen seconded the motion.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

ORDINANCE - COMP PLAN AMENDMENT/ZONE CHANGE/ SUBDIVISION CASE NO. 96-05 - SPECIAL POLICY AREA

Councilor Whalen disqualified himself from any discussion and voting due to potential conflict of interest on this matter.

Mr. Morgan said the matter appeared before the Council tonight at their request with no additional staff report.

Mayor Koho continued this matter until Monday, June 16, 1997.

CONSENT CALENDAR

The consent calendar consisted of the following:

a. RESOLUTION - Bike Path Enhancement Program Project Agreement

b. MOTION - Awarding Bid to Cherry City Electric for Claggett/River Road Signal

Council President Keller moved for approval of the items on the consent calendar. Mayor Koho seconded the Motion.

The motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

WRITTEN COMMUNICATION

There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho asked for a date to be set for discussion of flood issues.

He also asked the length of time required for the wetland inventory discussion. Mr. Morgan believed an hour would be required. The Mayor polled the Council to see if they wished to consider the flood issues during an extension of the work session on Monday. Councilor Keller questioned whether additional information would be available at that time. Mr. Mull did not believe the report from City staff would be complete. He had hoped to contact additional consultants as well. Councilor Miller requested the items from Beth Daniel, received in this meeting, be included with consultant talks. Mayor Koho suggested a timeline be created on Monday for the item.

Councilor Keller also asked the Council consider the City Manager proposal at Monday's meeting. Mayor Koho requested the Urban Renewal and Budget meetings on June 23 be scheduled for earlier times. The Council decided upon 4:00 p.m. and 4:30 p.m., respectively.

ADJOURNMENT The meeting was adjourned at 11:42 p.m.

Tracy L. Davis
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Councilor # 3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

September 2, 1997