

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:00 pm.

Councilors Present: Nemlowill, Herzig, Warr, Price, Mayor LaMear

Councilors Excused: None

Staff Present: City Manager Estes, Police Chief Johnston, Community Development Director Cronin, Planner Ferber, Special Projects Planner Johnson, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Library Director Tucker, Public Works Director Cook, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

Mayor LaMear noted that at 6:00 pm, City Council held a reception for the 145 volunteer members in the City and acknowledged the commissioners in the audience.

REPORTS OF COUNCILORS

Item 3(a): Councilor Nemlowill reported that she was thankful to the Mayor, Councilors, staff, and board and commission volunteers for a great year. Prior to the meeting, she asked some of the department heads to tell her their greatest accomplishment in 2015. City Manager Estes had said getting fully staffed was no small feat. The Parks and Recreation Department has made a 180 degree turn on deferred maintenance. Two sections of the Riverfront Vision Plan were implemented. The Fire Department has a new fire engine and will receive a new ladder truck soon. The Police Department established a strong and positive presence in the community. The CSO project has progressed and the City is exploring sites for a new library. Astoria is also earning carbon credits for its trees. All of this work has been a team effort and she thanked everyone involved.

Item 3(b): Councilor Herzig reported that as he reads through the minutes of each board and commission, he has noticed the time and thought put into their decisions. He thanked the volunteers for giving up their time and committing to their responsibilities. The library had a successful after hours program on Friday, December 18. The concert hall held their traditional holiday concert, which was a great use of public space. The Astoria Warming Center has been open for 20 nights since it first opened on November 19. So far this winter, the center has received 45 men and 11 women. Some of the guests have been veterans, pregnant women, mentally ill, and women escaping domestic violence. He believed the center would be open through Christmas Day because the weather is so severe. The warming center is an incredible community project and he thanked the volunteers and donors for their support. There are no other warming shelters in Clatsop County and he was glad to be part of it.

Item 3(c): Councilor Price reported she was thankful to her fellow Councilors. It has been great to get to know and work with each one. She enjoyed the year and was looking forward to the next three years. City Council has laid a lot of good ground work in 2015 and she expected something spectacular in 2016.

Item 3(d): Councilor Warr had no reports.

Item 3(e): Mayor LaMear reported that she participated in the Fire Department's Christmas Food Parade. A lot of food was collected and she enjoyed the event. The City held a reception for the students from Waldorf, Germany. It was wonderful to meet all of the students. She read a letter she wrote in support of the Astoria Armory's Oregon Community Foundation grant application.

CHANGES TO AGENDA

City Manager Estes requested the addition of the following items:

- Item 7(c): Astoria Senior Center Lease Agreement
- Item 7(d): Division of State Lands Extension to the Proposed Rule Change Comment Period
- Item 7(e): Uppertown Slide Area Development Proposal

The agenda was approved with changes.

PRESENTATIONS

Item 5(a): Astoria-Megler Bridge 50th Anniversary Celebration – Mac Burns

Mac Burns, Executive Director of the Clatsop County Historical Society, will brief the City Council regarding the plans for the Astoria-Megler Bridge 50th Anniversary Celebration. As plans are developing, it is important to have the project endorsed by the City. A budget for the celebration is included and it has been requested that \$9,500 be provided. It would be appropriate to use Promote Astoria Funds for this event.

Mac Burns, 960 Franklin Avenue, Astoria, gave a presentation on plans for the Astoria-Megler Bridge 50th Anniversary Celebration, which was included in the agenda packet. The presentation included the history of the bridge, the bridge's importance to Astoria, a budget for the celebration, and a request for \$9,500 from the Promote Astoria Fund for the celebration event.

Councilor Warr believed Council should fully support the request and asked if the City had enough money. City Manager Estes confirmed the Promote Astoria Fund could accommodate the request.

Councilor Herzig said he appreciated the Historical Society taking responsibility for the event, but he was unsure who owned the bridge. Therefore, he was unsure who should be leading the celebration. Several years ago, the City gave the Historical Society \$10,000 for the Ghadar event, but never received a full financial report. He asked if the Historical Society would provide a full financial report on how the \$9,500 was spent on the event.

Mr. Burns replied, of course. He believed he had sent a financial report on the Ghadar event to John Snyder, who worked in the City's Finance Department at the time. He apologized that City Council never received a copy of the report.

Bill Johnson said Oregon Department of Transportation (ODOT) is very grateful to the Historical Society and the City for supporting the event. ODOT would have held some commemoration of the 50th anniversary of the bridge, but it would not have been as elaborate as what the Historical Society has proposed. The event will be a community event as much as it is an ODOT event. ODOT will be assisting and coordinating to make the event happen. The bridge is owned collectively by the State of Oregon and the State of Washington. Maintenance costs exceed the original construction costs. He confirmed that a ten-year restoration project on the bridge was currently ongoing. Restoration costs will be between \$80 million and \$100 million, which is about as much as the bridge cost to build in 1964.

Councilor Herzig said Sara Meyer had shown a slideshow on the construction of the bridge at the Senior Center. He asked if any other entities were helping fund the event.

Mr. Burns said he only presented a budget for the funds being requested of Astoria. He believed groups like the Chamber of Commerce, ODOT, and Regatta would contribute. The ODOT historian will give a presentation. The Chamber has embraced this event as the theme for their annual meeting in January and the event will be the centerpiece of the Regatta's theme for the year.

Councilor Price said she wanted the City to limit disbursements from the Promote Astoria Fund to the Budget Committee's regular process. However, this event is a good example of a good exception. She agreed other entities would contribute to the event after the first of the year. If the event works out, she would like a celebration of the end of ferry service during celebration of the opening of the bridge. She is part of a group that is interested in bringing back one of the original ferries.

Councilor Nemlowill said she appreciated that Mr. Burns and the Historical Society took on this project. She did not believe the City's investment in this event would be large compared to the benefits it would provide. This is a very appropriate use of Promote Astoria Funds.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price, to approve the request by the Clatsop County Historical Society for \$9,500 of Promote Astoria Funds for the Astoria-Megler Bridge 50th Anniversary Celebration. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

City Manager Estes added that Astoria's Sister City Committee planned to host guests from Waldorf during the event.

Item 5(b): Parks Master Plan Progress and Community Feedback – Ian Sisson

In May of 2015, the Astoria City Council adopted "develop a city parks master plan" as a goal for the 2015-16 Fiscal Year budget. The Parks and Recreation Department is in the process of preparing a Comprehensive Master Plan, with the assistance of RARE AmeriCorps participant Ian Sisson. The plan will establish short and long-term priorities for the Parks and Recreation Department's parks, facilities, operations, and program offerings. Ian will update the Council on the first phase of the project, community engagement and information collection, which will continue through January 2016. The next phase of the project will analyze the information collected, assess the Parks and Recreation Department's level of service, and develop an initial set of recommendations for the Parks and Recreation Comprehensive Master Plan.

Ian Sisson, 1263 Commercial, Astoria, gave an update on the first phase of the master planning process for the Parks Master Plan, noting staff has hosted several public engagement activities, including an online survey that is still ongoing. Initial recommendations are being identified and will be refined in the spring. The survey is on the City's website and 473 responses have been collected so far. The survey will remain open through January 1, 2016, with a \$50 punch pass being raffled off each day to participants who provide a valid email address. He presented the survey responses collected to date as follows:

- Most Visited Parks – The Column, Tapiola, Fred Lindstrom, Shively, and Young's River
- Least Visited Parks – The Customs House, Birch Field, the Doughboy Monument, Tidal Rock, and People's Park
- Priorities if you were Parks Director – Maintenance, trails and natural areas, playgrounds, fitness facilities and programs, and youth programs
- Most Utilized Programs and Services – Swimming lessons, memberships and punch passes, youth sports leagues, runs and walks, and special events
- Beers to Your Health was a community engagement event to discuss the history and future planning of six parks. The tour of parks and park facilities highlighted the vastness of the park system operated and maintained with limited staff. Most of the 23 attendees were Citizen Advisory Committee and Park Board members, but the tour was open to the public. He showed a video that was recorded during the tour. Other community outreach events included a survey at Monster Bash and two community input sessions. Collectively, about 700 people have participated in the community outreach events to date. The next community outreach effort will be meeting with focus groups that can provide targeted feedback. Those meetings will be scheduled for January. More public events will be held late winter and early spring, where initial recommendations will be announced so they can be refined. This initial phase of the planning process has resulted in an inventory and existing conditions report, currently still a rough draft. Each park, trail, and facility has been identified on a fact sheet. The report will be refined and included in the final master plan document. The next phase, the development phase, will result in a level of service analysis and a draft of initial recommendations. The next Citizens Advisory Committee meeting will be on January 28 at 8:00 am at the Astoria Recreation Center. He would give City Council another update in February.

Mayor LaMear thanked Mr. Sisson for all of his work, adding the fact sheets for each trail and facility provide very useful information.

Councilor Nemlowill said she has been proud of this process, which has included a lot of community outreach. She thanked Mr. Sisson and Director Cosby. The City is getting a lot for the \$30,000 spent on this process. A consultant would have cost a lot more and it was great to work with an AmeriCorps RARE volunteer.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 11/16/15**
- 6(b) Boards and Commission Minutes
 - (1) Library Board Meeting of 4/15/14
- 6(c) Request for Proposals (RFP) for Audit Services (Finance)

- 6(d) Authorization to Award Contract for Astoria Aquatic Center Sand Filter Media Replacement and Lateral Repair (Parks)**
- 6(e) 2015 Street End Bridge Repair Project – Construction Contract Award (Public Works)**
- 6(f) Heritage Square EPA Grant – AMEC Contract Amendment (Public Works)
- 6(g) Authorization to Enter into a Lease Agreement with the Astoria School District (Parks)**

Councilor Herzig and Mayor LaMear requested Items 6(a), (d), (e), and (g) be removed for further discussion.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill, to approve Items 6 (b), (c), and (f) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 6(a): City Council Minutes of 11/16/15

Councilor Herzig noted that traffic consultant Chris Maciejewski's name had been misspelled throughout the minutes. He suggested the transcription company be given the names of consultants and other speakers.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill, to approve City Council Minutes 11/16/15 as amended. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 6(d): Authorization to Award Contract for Astoria Aquatic Center Sand Filter Media Replacement and Lateral Repair (Parks)

Mayor LaMear said the memorandum did not mention how long the pool would be closed during this repair work. Director Cosby explained that each filter would take about two or three hours. All of the work would be done within one day, during which time each of the four pools would be closed for two or three hours. The kiddie pool and hot tub would be done first and the lap pool and recreation pool would be done in the middle of the day when the Aquatic Center is slower.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Herzig, to award a contract for the Astoria Aquatic Center sand filter media replacement and lateral repair. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 6(e): 2015 Street End Bridge Repair Project – Construction Contract Award (Public Works)

Mayor LaMear believed it was important for citizens to be aware of the \$8.2 million ODOT grant Astoria has received for this project.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill, to award a construction contract for the 2015 Street End Bridge Repair Project. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 6(g): Authorization to Enter into a Lease Agreement with the Astoria Senior Center (Parks)

City Manager Estes noted a typographical error in the synopsis memorandum. The lease is between the Senior Center, operated by the Parks and Recreation Department and the Astoria School District for the operation of Port of Play and Li'l Sprouts at Gray School, so the memorandum should have stated "Astoria School District".

Mayor LaMear asked why the rent was less in 2015 than it was in 2014. Director Cosby said originally the rent was going to increase by several thousand dollars in 2015. However, continued discussions with the school district revealed the Parks Department's limited resources and the facility's benefit to the community. Therefore, the school district was willing to reduce the rate.

Mayor LaMear commented that does not happen very often.

Councilor Herzig stated City Council has been told the lease with the school district expired in June 2014. Adopting a payment for the 2015 calendar year will leave a six-month gap. He wanted to know what happened

between June 2014 and now. City Manager Estes explained that the school district bills the City annually for the lease payments. The bill for Gray School was received right after the end of fiscal year 2014-2015. At this time, the school district discovered the lease had expired, so the Parks and school district staffs began renegotiating the lease. As a result, two lease payments will be made this fiscal year, one for 2015 and one for 2016.

Councilor Herzig clarified he was asking about the period between June 2014 when the lease expired and the end of 2014. He asked how the payment was made during this time. City Manager Estes said the last payment to the school district was made in June 2014. The following year, the bill was sent later, in July, when the school district realized the lease had not been approved. Therefore, the lease needs to be readopted and the payment for 2015 authorized.

Councilor Herzig understood the City was being asked to pay by the calendar year, but negotiates with the school district by the fiscal year. The lease expired in June 2014 and Council is now considering the calendar year for 2015, which leaves half of 2014 unaccounted for. City Manager Estes stated the City is billed one time each year. The payment should be made one time each fiscal year. The school district usually bills the City in June each year, but for fiscal year 2014-2015, the City was billed in July. When the City was billed in July, the school district discovered the lease had expired. The school district has not received their payment yet because Council must approve a new lease first. Once the lease is approved, staff can make the payment for the bill that should have been sent in June. In the future, the Parks Department will make sure the school district submits the bill before the end of each fiscal year. The repercussions of this situation will result in two lease payments in this fiscal year.

Councilor Herzig explained he wanted to know if the City was leasing the facility by the fiscal year or the calendar year. There are still six months the City cannot account for. He thanked Director Cosby for negotiating the lower rent for the next year.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price, to authorize the lease agreement with the Astoria School District. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 7(a): Resolution Adopting Public Works Department Engineering Design Standards (Public Works)

The Public Works Department, with assistance from the firm Plangineering, recently finalized the Engineering Design Standards. The intent of the document is to provide a consistent approach for design professionals to use when designing and implementing public infrastructure improvements or related facilities. Completion and adoption of these standards is anticipated to increase efficiency, reduce staff time associated with development review, and reduce the overall coordination efforts between design consultants and staff. Assistant City Engineer Nathan Crater will provide Council with a brief presentation and will answer any questions that are raised. It is recommended that Council approve the resolution adopting the Public Works Department Engineering Design Standards, and designate authority for interpretation or updates to the City Engineer.

Assistant City Engineer Nathan Crater presented an overview of the Public Works Department Engineering Design Standards, which were included in the agenda packet. He briefly discussed the intent of the standards, explained how the standards were developed, and noted the benefits of adopting the standards.

Councilor Price asked why City Council needed to adopt the design standards. City Manager Estes explained that adopting the standards as a resolution allows the City to enforce the standards. Staff cannot implement new laws or policies. Engineer Crater added that adopting these standards through a resolution is a common method of formalizing the document, which is similar to a comprehensive plan or development code.

Councilor Nemlowill said making development in the city more efficient seems like a good goal. Staff's recommendation and the credibility of the process for creating the standards gave her the confidence to approve the standards.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to approve the resolution adopting the Public Works Department Engineering Design Standards, and designate authority for interpretation

or updates to the City Engineer. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(b): Consideration of Continuance of Appeals AP15-01, AP15-02, AP15-03 by Ron Zilli of the Verizon Permits WCF15-03, V15-03, NC15-03 (Community Development)

Ron Zilli filed appeals on the Planning Commission and Historic Landmarks Commission permits concerning construction of a wireless communication facility tower in Shively Park. A public hearing was scheduled for December 7, 2015. At that meeting, the City Council continued the hearings to the January 4, 2016 City Council meeting at the request of Verizon due to the holidays. Verizon hired a firm to complete new photographic simulations. Due to the holidays and the time involved in preparing the simulations, Verizon was unable to provide the documents to staff in time for the January 4 City Council meeting. Therefore, Verizon has requested that the public hearings on the three appeals be continued to the January 19 City Council meeting. Both Verizon and Mr. Zilli have requested that the City Council consider the request for a continuance at their December 21 meeting rather than wait until the night of the hearing to make a decision. It would be in order for the Council to consider the request for a continuance and, if a continuance is granted, announce the date and time of the new hearing date.

City Manager Estes noted that a Verizon representative and Mr. Zilli wanted to make a statement to City Council.

Ron Zilli stated he preferred to speak after Verizon because Verizon's comments would help him understand the nature of their request.

Mike Connors, 520 SW Indian Hill Street, Portland, said this was Verizon's second request for a continuance. The first request was made because City staff asked for additional information to be submitted into the public record in response to a meeting they had with the Appellant. Verizon was not prepared to do the work in time for the hearing, so they requested a continuance to January 4, 2016. Verizon had hired a new company to prepare the photo simulations requested by staff. This company uses a much more sophisticated process that includes 3-D modeling and a balloon test. The balloon will be raised to the height of the proposed tower to create the simulation. On Verizon's first attempt to conduct a balloon test, windy conditions led the consultant to delay the test. Verizon could have all of the requested information ready by January 4. However, staff wants the opportunity to review the information prior to the hearing so they can prepare a staff report and comments. Verizon is not in a position to provide the new information by staff's due date. Therefore, Verizon is asking for a continuance, which is in the best interest of all parties. A continuance will allow Verizon to finalize their information and give staff and Mr. Zilli the opportunity to review it in advance of the hearing.

Councilor Herzig confirmed Mr. Zilli would have the opportunity to review the information before January 19.

Ron Zilli, 1444 16th Street, Astoria, asked City Council to consider the citizen's perspective of the process. When the hearings for the permits were advertised, citizens only had a few short weeks to read the staff report, understand the project, and make comments to the Planning Commission and Historic Landmarks Commission. When the Applicant submitted their application to the City for their project, it was their responsibility to submit a complete and accurate assessment of their work and prepared plans. After the hearings, he only had 15 days to file an appeal, which required him to look through the Development Code to determine Findings of Fact. January 4 is approximately three months from the date he filed the appeals. He asked City Council to consider that the Applicant has been given much more time to prepare for a hearing than he was given to understand and appeal the project. He wanted the hearing to be conducted on January 4. The City has 120 days to make a decision on an application, which began on August 4 when the application was submitted. It is important to be aware of where the process is within that timeline and what the Applicant's intentions are. The time taken by the Applicant has worked against the clock. If the City does not take action within 120 days, the application is automatically approved.

Planner Johnson confirmed that State law requires the City to make a decision on all applications within 120 days. However, Oregon Revised Statutes allows extensions to the 120-day time limit. No City Council or government can force an extension, but the Applicant has the right to request an extension. The Applicant can grant the City an extension of up to 245 days beyond the original 120, which totals one full year. She presented a signed application from Verizon extending the time limit for all three applications to March 8, 2016. Verizon wanted to extend the time beyond January in case City Council wanted additional time to consider the request.

She confirmed the original 120 day time period expired in December. A first extension was granted to January 20 and the second extension expired on March 8.

Councilor Nemlowill asked if Mr. Zilli had any comments in response to Mr. Connors or Planner Johnson.

Mr. Zilli said the information about the extension was important because there is the potential for an additional process after the appeals hearings. The extension allows time for subsequent processes if they are necessary.

Mayor LaMear confirmed there were no public comments.

Councilor Price asked what other items would be on the January 19th agenda. City Manager Estes said the only item that had been scheduled for the January 19th meeting so far was a work session on Heritage Square.

Councilor Herzig understood Chief Johnston and Director Cosby have devoted a lot of time to these hearings. If staff wants more time to review the additional information submitted by Verizon, City Council should give them the time. It is frustrating to continue putting off a decision, but staff has invested a lot to the entire project.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr to continue Appeals AP15-01, AP15-02, AP15-03 by Ron Zilli to the January 19, 2016 City Council meeting. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(c): Astoria Senior Center Lease Agreement (Parks) (Added Item)

City Manager Estes said the renovation of the Senior Center would be complete shortly after the New Year. Director Cosby has been working with Senior Center to establish a 5-year lease. The final lease agreement has been submitted to City Council for review. Staff had intended to submit the lease agreement with the agenda packet. However, staff needed to more time to make sure the lease satisfied the requirements of the Community Development Block Grant that funded the renovation. The State of Oregon's comments were just received on Friday, December 18th. The Senior Center would like the lease approved before taking possession in January. Staff recommends approval of the lease agreement with the Astoria Senior Center.

Councilor Herzig said Larry Miller has done a great job of keeping the Senior Center motivated throughout this project. The Senior Center hosted a Christmas dinner at the American Legion and it has been great to see the interest, support, and enthusiasm continue for so long.

Councilor Nemlowill said she wished the information had been included in the agenda packet so she could review the lease. She asked why the rent decreased each year from \$5,000 in 2016 to \$1,000 five years later. City Manager Estes explained that the renovation was completed with the intent to transfer ownership of the Senior Center facility from the City of Astoria to the Senior Center at some point. When the grant was secured, staff and the Senior Center discussed structuring the lease to reduce the amount of City financial support over time. This structure will help the Senior Center become self-sufficient over the long term. In addition to paying rent that decreases by \$1,000 each year, the City will pay water expenses only for the first two years of the lease. Director Cosby added that the Parks and Recreation Department currently pays for electric, water, sewer, natural gas, garbage collection, maintenance and repair costs. With this lease, the City will no longer provide financial support, except two years of water and sewer payments. City Manager Estes noted that the City had been spending more than \$5,000 each year on the Senior Center, so this lease will result in an immediate reduction of expenses.

Councilor Herzig explained that the lease is for five years because the grant funds five years of operating expenses. At the end of the five-year period, the grant funding will cease and the City and Senior Center will decide if the Senior Center is ready to take ownership of the facility. The grant has strict requirements for what the Senior Center must offer the community.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to approve the lease agreement with the Astoria Senior Center. Motion carried 4 to 0 to 1. Ayes: Councilors Price, Warr, Herzig, and Mayor LaMear; Nays: None. Abstentions: Councilor Nemlowill

Item 7(d): Division of State Lands Extension to the Proposed Rule Change Comment Period (City Council) (Added Item)

City Manager Estes said the Division of State Lands (DSL) held a hearing the previous week at the Judge Boyington Building regarding amendments to land lease policies. The DSL leases submerged properties and properties that were submerged at one time. Waterfront property owners and citizens became aware of the hearing the day it was scheduled. Councilor Price had attended a portion of the meeting that included a discussion indicating the public wanted a longer comment period, which is scheduled to end on December 31, 2015. Councilor Price has requested the City send a letter to the DSL requesting a 60-day extension to the comment period. He believed the State was willing to grant an extension, but has not yet made a decision.

Councilor Price believed the hearings officer could have granted an extension at the hearing, but he was looking for public comment. She understood that everyone at the meeting had heard about the hearing earlier that day after reading a Facebook post by Floyd Holcomb. Mr. Holcomb was the only local landowner who received a notice about the hearing. More time to review basic administrative rules would be good.

Councilor Warr asked if the DSL was considering taking ownership of the lands that were submerged at one time.

Councilor Price said she did not believe so. She understood the intent was to clean up their process administratively. The only previously submerged lands affected are lands considered historically submerged, which are lands that were submerged prior to May 1963. The proposed changes were not quite clear to her because she does not own land. However, all of the landowners in attendance wanted more time to review the changes. This formal request for an extension would do landowners a favor.

Councilor Warr said several years ago, the DSL claimed ownership of all historically submerged lands, which would include all of Downtown Astoria. He believed this issue had been settled long ago. City Manager Estes explained that the DSL's Astoria Act provides a different set of rules for Astoria.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to request an extension to the Division of State Lands Proposed Rule Comment Period. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(e): Uppertown Slide Area Development Proposal (Public Works) (Added Item)

City Manager Estes explained that staff is concerned about possible development of an area to the south of Safeway.

Engineer Crater said a developer has contacted the City about the property southwest of Safeway, which was previously associated with the Uppertown slide. City Codes and Ordinances provide guidance on the development of geologically challenged areas. However, staff believes the rules in place may not adequately address the development of a site directly associated with a recent slide. Staff has been considering more comprehensive methods of protecting the city and the public when development is proposed.

City Manager Estes noted the property is currently owned by Clatsop Community Action (CCA) and he has discussed potential sale of the property with Elaine Bruce. The CCA is being charged property tax by the County even though they are a non-profit, which is a financial burden to the organization. He told Ms. Bruce the City could work with CCA to address the tax issue and consider other ownership options.

City Attorney Henningsgaard said the developer has backed away from plans that previously seemed urgent. Therefore, the issue is no longer a problem. However, his review of the Code demonstrated that the City has very few resources to protect the city when a developer wants to build on property that staff believes is dangerous. Protective devices could include bonding requirements and requiring developers to reimburse the City for desiccation processes in or near identified slide areas. This particular incident spurred thoughts that the City should consider a landslide overlay zone or implementation of safeguards.

Councilor Herzig understood that if the land was sold to the developer now, the City has very few legal means of restricting development on a dangerous site. City Attorney Henningsgaard added that if the developer provided a geotechnical report that recommended development, the City could not prevent it even if staff and City Engineers disagreed with the report. It is important to address this issue. He confirmed for Councilor Herzig that staff did not want to block development, just protect citizens when development occurs.

City Manager Estes explained that staff would continue to work with CCA and the potential buyer of their property. The potential buyer does not want to get into a complicated situation with the City. However, CCA needs to resolve the tax issue on the property. Staff will also consider ways to incorporate safeguards in the development of slide prone areas.

City Attorney Henningsgaard noted this item was added to the agenda because of the possibility that staff would need to request a moratorium requiring immediate action by the City. However, the parties involved have backed off. Staff will proceed with developing recommendations for some helpful devices if Council believes it is a good idea to do so.

Mayor LaMear believed safeguards were necessary. She thanked staff for their work and said it was important to satisfy CCA.

Councilor Herzig said when the slide area was disrupted, houses slid as well. Development of this property would be extremely dangerous.


NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

There was none.

ADJOURNMENT

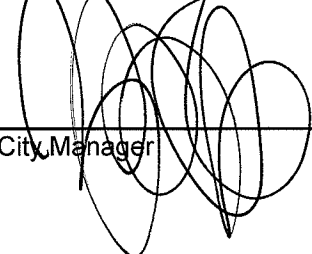
There being no further business, the meeting was adjourned at 8:28 pm to convene the Astoria Development Commission meeting.

ATTEST:



Finance Director

APPROVED:



City Manager