MINUTES

KEIZER CITY COUNCIL
Monday, November 6, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Council President Christopher called the regular meeting to order at 7:02 p.m. Roll Call was taken as follows:

Present:
Lore Christopher, Council President
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
Richard Walsh, Councilor
J. L. Wilson, Councilor

Absent:
Bob Newton, Mayor

Staff:
Chris Eppley, City Manager
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Francis Kessler, Superintendent Willow Lake Wastewater Treatment Plant- supplied a Power Point presentation regarding the natural treatment process for wastewater. Mr. Kessler reported that this project was being undertaken as an outgrowth of the 1996 Master Plan to make determinations on the types of growth, which needs to take place at the treatment plant to meet the growing needs of the city. He addressed some of the responsibilities that would be required by various entities through the Clean Water Act and how the NRS (Natural Reclamation System) Demonstration Project could possibly assist ratepayers, area farmers and wetlands in the area of the treatment plant. Mr. Kessler went through examples of how farms and wetlands had been used for the natural treatment process for water and how they would like to continue with community outreach and education pertaining to this topic.

Mr. Kessler answered questions from the Council regarding the treatment of effluent.

Council President Christopher thanked Mr. Kessler for his presentation.

MAGNET (Marion County Area Gang and Narcotics Enforcement Team)
Chief Adams introduced Ed Boyd, Salem Police Department, Dave Okada, Marion County Sheriff's Office and Gina Taylor to provide a presentation regarding MAGNET.

The group explained the organization, how it began and some of the areas it would be covering. Mr. Boyd reviewed statistics pertaining to narcotics and gang activity over the past ten years and the role MAGNET would play in countering these illegal activities. Mr. Okada explained the coordinated efforts between public safety agencies to meet the goals of the MAGNET organization and requested the support of the City Council in the form of ideas, political support and financial aid.

Council President Christopher thanked the group for their presentation.

COMMITTEE REPORTS

a. Neighborhood Response Effort Presentation (Youth Compact)
Jan Calvin and Angie Jones, Community services Department from the City of Salem- provided a brief presentation in the form of a video regarding the Neighborhood Response Effort as it related to Gang Intervention Project and some of the projects the group had accomplished through this service.

Ms. Calvin answered questions from the Council.

Council President Christopher thanked Ms. Jones for her presentation and requested a recess of the Council meeting at 8:30 p.m.

The meeting reconvened at 8:40 p.m.

EVAK
Councilor Moir noted that the November 18th exercise would be postponed until after the first of the year. She also shared that EVAK member, Karen Monk had been asked to teach a class on getting volunteers involved at the Oregon Emergency Management Meeting.

Willamette Valley Livability Forum
Councilor Walsh shared he had attended this meeting and would supply a summary at the next Council meeting.

OTHER BUSINESS

a. New Business
Councilor Keller noted that once the application from Monterey Development was received he would propose that the application be called up to the City Council for the public hearing. He noted the complex issues that were discussed and the caveat that was added to the proposal showing the option of another roadway going to Windsor Island Road.

<u>Councilor Keller moved for suspension of the rules to discuss this issue. Councilor Moir seconded the Motion.</u>

<u>The motion passed unanimously as follows:</u>

<u>AYES:</u> Christopher, Keller, McGee, Moir, Walsh and Wilson (6)
<u>NAYS:</u> None (0)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> Newton (1)

<u>Councilor Keller moved that when the Monterey Development Application is submitted regarding Comp Plan/Zone Change Case # 00-51 that it be scheduled for hearing before the City Council. Councilor McGee seconded the Motion.</u>

<u>The motion passed as follows:</u>

<u>AYES:</u> Christopher, Keller, McGee, Moir, Walsh and Wilson (6)
<u>NAYS:</u> None (0)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> Newton (1)

Public Works Projects
Public Works Director, Rob Kissler shared budgeted projects that would be started next spring that included improvements to the S-curve on Verda Lane, Alder Street improvements inside and outside of the urban renewal boundary to provide better pedestrian access to the new school.

Responding to questions, Mr. Kissler noted the River Wall was nearing completion with one property and two headwalls to pour.

Mr. Kissler shared he had attended a FEMA Program and had received positive comments regarding the possible revision of the FEMA map pertaining to the property behind the River Wall.

Senior Planner, Maria Meier noted that planning applications are now available on the city's web site.

b. Old Business

- **Swingwood Court Foot Bridge**

Public Works Director, Rob Kissler provided options as requested by the Council pertaining to the replacement of the Swingwood Court Foot Bridge. The options are as follow:

Option One: Build a wooden bridge at the end of Swingwood at the same location and elevation as the destroyed culvert. The cost of the structure would be approximately $15,000. Staff would not recommend this option as it would not meet the current development code and flood ordinance as required by FEMA and could create a damning effect upstream during high water events.

Option Two: Build a bridge at the same location, but elevate the structure higher than the old culvert. The City would then meet the necessary FEMA and Development Code criteria with this structure. Estimated cost of this option is $80,000 to $100,000. Staff would not recommend this option because of the cost, limited service area and the Federal ADA requirements.

Option Three: Build a permanent bridge over Labish Ditch at the south end of the new Hidden Creek Park. This structure would provide better conductivity to Country Glen and Hidden Creek Subdivisions as well as the Gubser School area. The estimated cost of this option is approximately $100,000-$150,000 and Mr. Kissler noted ODOT grants might be available to offset some of the costs of the bridge. Staff recommended this option since it would service a larger area and provide better neighborhood conductivity.

Responding to questions Mr. Kissler indicated that the west side of Labish ditch is within the urban renewal district. He indicated the construction of the bridge would offer an additional option to allow children safe access to schools thus reducing the amount of traffic along Manzanita and River Road. He felt prioritizing this project should take place during the budget process.

Councilor Walsh expressed interest in the school district working with the city on funding this project since it presented the possibility of reducing busing costs to the district. Mr. Kissler indicated he would address this with the school district.

Councilor McGee agreed with Mr. Kissler's comments pertaining to option three and taking this through the budgetary process.

City Manager Performance Evaluation

Council President Christopher noted that comments from the Council should have been forwarded to City Manager Eppley by November 1st. She also requested that Mr. Eppley add his personal goals for the year to be submitted to the Council by November 13, 2000. The Council would meet in Executive Session November 27th to review the evaluation with Mr. Eppley.

Budget Process

City Manager Eppley reported that the first meeting of the Budget Committee would be scheduled for November 29th at 5:30 p.m.

Traffic Concern Issues

City Manager Eppley spoke with Chuck Baker regarding the new development near Baker's Square and the traffic concerns that were addressed before the Council. Mr. Baker was agreeable to have a traffic hump placed on the back entrance of his property and to allow signage stating "No Trucks" to be installed at the expense of the city.

Fernwood Park

City Manager Eppley indicated all the responses that he had received from the neighbors in the area of Fernwood Park were in favor of the city vacating the park and selling the property then placing those funds back into the parks fund.

PUBLIC HEARINGS

a. Comp Plan/Zone Change/Subdivision Case No. 00-56 (Pro-Construct)

City Attorney Shannon Johnson supplied the legal procedure for the case and read the applicable criteria requesting a waiving of the reading of the criteria. With no objections heard he deemed this to be waived. Mr. Johnson stated that testimony and evidence must be directed towards the criteria.

Senior Planner Maria Meier reported that the subject property was located north of Bowden Lane North and west of Golden Lane North containing 14.97 acres designated a special policy area.

Ms. Meier shared that the applicant was requesting approval of a Comprehensive Plan Map Amendment and Zone Change to establish the Low Density Residential Designation and the Single Family Residential zone on the subject property. She supplied background of the Special Dual Interest Agreement (SPA) noting that the subject property is outside the influence of the facilities odor plume and no longer subject to the restrictions of the SPA.

Agency Comments were requested from the joint participants of the Dual Interest Area Agreement for the Willow Lake Treatment Plan Area and those comments were listed in the staff report. Ms. Meier reviewed findings and conclusions of the staff report and recommended that a public hearing be held and that Council review and approve the application with the conditions identified in the staff report.

Councilor Keller requested language is added to the agreement indicating that the agreement is completed within the 180-day frame.

City Attorney Johnson stated that this information would only bind that applicant although it could still implicate impacts in the future.

Mr. Johnson requested anyone with notice issues or exparte contact to make the Council aware of that at this time.

Councilor Moir disclosed an exparte contact with Garry Whalen to obtain background information and Resolution R98-1084 of which she provided a copy to the Council.

Mr. Johnson responded to questions from Councilor Moir regarding the last paragraph in Resolution R98-1084, pertaining to SDC fees. He felt there was a question of interpretation involved with the wording in the resolution and whether it would apply to this case. He provided his recollection of Council's intent of the resolution and how LUBA's decision on this case reversed any decision previously made by the Council.

City Manager Eppley interjected that the Council had the option to reduce the SDC fees to whatever they felt was appropriate.

Mr. Johnson further addressed the history of LUBA's decision and that LUBA had taken no direction regarding the development portion of the application.

With no further input Councilor President Christopher opened the public hearing.

Mark Shipman, Attorney for Pro-Construct LLC, 250 Church Street #300, Salem- agreed with the staff report submitted by the Senior Planner and shared that Marion County had issued a "no comment" for their reply. He urged the Council to approve the three applications with the conditions as outlined.

Responding to questions Mr. Shipman indicated his concern for adding the 180-days for the completion of the agreement would be that if the application were appealed to LUBA it would halt the process again. He suggested adding this information as a finding.

Councilor Keller expressed his concern without timelines being put in place that "foot dragging" would continue while Salem works out verbiage in the agreement.

Mr. Shipman indicated he would be happy to work with staff to work out the details of the agreement. He also suggested a letter send under separate cover addressing the importance of completing the agreement within 180-days.

Councilor McGee disagreed with submitting an additional letter to Salem.

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE- acting as the representative for the applicants Mr. Grenz furnished photos in the area near lot 45 providing assurances that the homes would have the appropriate setbacks from the roadway.

Responding to questions Mr. Shipman agreed with City Manager Eppley's comments regarding the Council's right to determine the SDC's for the property in discussion.

Ed Parker, 5325 Willow Leaf Street, Keizer- lives next to lot 45. Expressed concern with the increased amount of traffic that would be brought into the subdivision and the safety of children in the area. He asked that an additional entrance into the subdivision be made to assist with the added traffic.

City Engineer, Bill Peterson noted that previous maps had indicated an access further to the north of the subdivision, but since the original application Keizer Sand and Gravel applied to place a major roadway within a block of the original access point. Because of the amount of truck traffic that would be generated it was felt that moving the access road to the north would allow for better safety. This would increase the vehicle traffic on Willow Leaf, although the increase would be well below the threshold for vehicle traffic on residential streets as written in the Comprehensive Plan.

Joe Marx, 1093 Bowden Lane, Keizer- requested that a six-foot security fence be built between lots two, three, four and five to keep kids out of that area. He noted a six-foot fence was placed along Bowden Lane and this does act as a deterrent to keep kids off his property.

Wayne Moss, 1494 Golden Lane North, Keizer- expressed concern with the amount of traffic that would be added with the addition of the subdivision with only one entrance in and out on Golden Lane North. Mr. Moss stressed the importance of the children's safety in the area from the additional vehicle traffic.

Judy Smith, 1211 Mandarin Street, Keizer- spoke as crossing guard for Keizer Elementary at Lockhaven Road. She expressed worry with the lack of sidewalks on Windsor Island Road for the children to use when walking to school. She also noted the absence of parks in that area for children to play. She urged an audit of the traffic in the area to initiate traffic control devices.

Senior Planner, Maria Meier noted for Council's consideration that the map extension of Golden Lane was marked at 23 feet on each side but should be marked at 24 feet to accommodate a 48 foot through street.

Mark Grenz, Multi-Tech Engineering- noted their intent was for all the streets to have the 48-foot widths. Mr. Grenz requested that the fence that Mr. Marx was addressing not be placed as a condition, but something which they would address with him prior to the occupancy of the homes. He gave the example of Country Glen Drive as an example of single access subdivision that functions well getting traffic in and out of the subdivision.

Councilor McGee addressed the issue of the fencing. He felt it would be important for this to be included in the condition to keep the fencing material uniform and to possibly prevent problems in the future.

With no additional testimony Council President Christopher closed the public hearing.

Councilor Keller moved to direct staff to come back with an ordinance approving the Comprehensive Plan/Zone Change/Subdivision Case No. 00-56 (Pro-Construct) amending page 25 first paragraph freezing the sewer acreage charge pursuant to the supplemental staff report with the easement waivers. Councilor Moir seconded the Motion.

Councilor McGee moved a friendly amendment adding the condition of approval of the addition of a six-foot wooden fence to be placed on lots two, three, four and five. Councilor Keller accepted the friendly amendment.

Councilor Walsh did not think the provision of the fence was necessary as a condition of approval.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

ADMINISTRATIVE ACTION

a. RESOLUTION- Initiation of Vacation of Right-of-Way/Walkway near Janet Avenue/Chemawa Road

City Attorney Shannon Johnson reported that during the development of the new commercial retail building between Baker Square and the Keizer Mower and Saw shop, City staff became aware of an unused six-foot right-of-way. Mr. Johnson noted that it might be appropriate to visit the issue of vacating the walkway if it appeared that the public interest would not be prejudiced by such a vacation.

Mr. Johnson went on to state that the vacation statutes indicate that in this case the vacated right-of-way would vest in the adjoining property owners. (i.e. Bakers Square owners and the owners of the adjoining new building)

Councilor Keller moved a Resolution Initiating Vacation Process for Right-of-Way (Walkway) Between Janet Avenue and Chemawa Road North. Councilor McGee seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

b. RESOLUTION- Initiation of Vacation for property near Lockhaven/Trail Avenue

City Attorney, Shannon Johnson reported that Clyde and Cindy Aspinwall approached the City and requested that the City consider initiating the vacation process for an unused portion of Trail Avenue right-of-way.

Mr. Johnson noted that Mr. Aspinwall had attempted to accomplish the vacation through the petition process, but was unable to do so when an abutting property owner refused to give their consent therefore he was requesting that the City initiate the vacation process.

Mr. Johnson reminded the Council that his firm had represented the Aspinwall's in the past and indicated that if the Council were comfortable with this he would prepare consent forms addressing this issue.

Mr. Johnson also addressed the cost of the vacation process and since this was not a City driven process he had included in the resolution that the Aspinwall's would cover fees incurred in this process.

Councilor McGee moved to direct that the City Attorney proceed with the wavier provision to be signed by all parties involved. Councilor Moir seconded the Motion.

Responding to questions Mr. Johnson noted that the consent form could be signed by City Manager for the Council.

Councilor Walsh expressed concerns with Mr. Johnson acting a Council for the City and the Aspinwall's in this case.

After further discussion Councilor McGee removed his motion from the table.

Councilor McGee moved in the Matter of the Initiation of Vacation Proceedings for Unused Trail Avenue Right-of-Way Adjacent to Lockhaven Drive that the City Obtain Independent Legal Council to Represent the City in this Matter. Councilor Keller seconded the Motion.

Mr. Johnson offered to arraign the representation for the City.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir and Walsh (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton and Wilson (left the room during the vote) (2)

Councilor Keller moved a Resolution Initiating Vacation Process for a Portion of Trail Avenue Right-of-Way Adjacent to Lockhaven Drive. Councilor Moir seconded the Motion.

Councilor Walsh expressed concern regarding possible litigation issues from the property owner that did not wish to turn over the right-of-way.

Mr. Johnson noted he had directed Mr. Aspinwall to seek advice from an attorney and the Title Company regarding these issues and obtain a title policy if he attempted to sell the property in the future.

Councilor Walsh continued to express concerns regarding the issue. He requested assurances if this property was vacated to Mr. Aspinwall that the City would not later become involved in legal issues.

Mr. Johnson noted the Council could come back at the public hearing if Council felt that there was a risk regarding vacating this property.

The motion passed as follows:

AYES: Christopher, Keller, McGee, Moir and Wilson (5)
NAYS: Walsh (1)

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

c. RESOLUTION- Initiation of Vacation of Right-of Way near Radiant Drive

Responding to questions, Mr. Johnson noted that the process would be vacating the right-of-way to the City and did not feel the issue had anything to do with taxes.

Councilor Keller moved a Resolution Initiating Vacation Process for a Portion of the Old Radiant Drive Right-of-Way. Councilor McGee seconded the Motion.

Public Works Director, Rob Kissler indicated that it would be a good opportunity to dedicate the new public right-of-way, which runs along Radiant Drive along the freeway.

Mr. Johnson noted he would like to consider this further before moving forward with Mr. Kissler's suggestion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

d. RESOLUTION- Authorizing the City Manager to Enter Intergovernmental Agreement for Marion County Area Gang and Narcotics Enforcement Task Force (MAGNET)

Chief Marc Adams reported that the Council was supplied with a presentation on the newly formed Marion County Area Gang and Narcotics Enforcement Task Force. Chief Adams indicated that as a member of this interagency task force the Keizer Police Department would agree to provide one police officer to this team as long as the City would participate in the program.

Chief Adams recommended that the Council pass the Resolution.

Councilor Keller moved a Resolution Authorizing the City Manager to Enter into Intergovernmental Agreement for Marion County Area Gang and Narcotics Enforcement (MAGNET) Task Force. Councilor Moir seconded the Motion.

Councilor Keller hoped during future budget proceedings that the Council would consider the resources that are gained by this intergovernmental agreement and to see that the agreement continues.

City Manager Eppley felt this agreement was an excellent opportunity to meet previous Council and Budget Committee Goals pertaining to narcotics related issues.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

CONSENT CALENDAR

a. RESOLUTION- Approving Engineer Report for the Vineyards North Phase 2 Street Lighting District

b. RESOLUTION-Approving Engineer Report for Hidden Creek Estates Phase 5 Street Lighting District

c. RESOLUTION- Initiating Westmore East Street Lighting District

d. RESOLUTION-Initiating Shady Addition Phase 1 & 2 Street Lighting District

e. RESOLUTION- Transferring Contingency in Parks Improvement Fund (Keizer Little League Restrooms)

f. Approval of Miracle of Christmas Noise Variance

g. Approval of October 9, 2000 Special Session Minutes

h. Approval of October 16, 2000 Regular Session Minutes

i. Approval of October 23, 2000 Special Minutes

Councilor Moir pulled item "f" from the Consent Calendar.

Councilor Keller moved for Approval of the Consent Calendar with the exception of item "f". Councilor Moir seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

Councilor Moir requested a change in the dates of the noise variance to reflect the Miracle of Lights Christmas Display would run from Friday, December 1, 2000 through Tuesday, December 26, 2000.

Councilor Moir moved to approve the Miracle of Christmas Noise Variance with the Amended Dates. Councilor Walsh seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

WRITTEN COMMUNICATIONS

Council President Christopher noted on November 8th that Habitat for Humanity was holding a breakfast at Mission Mill at 8:00 a.m.

AGENDA INPUT

November 13, 2000
5:30 p.m. City Council/Urban Renewal Agency Work Session

- Curb Side Yard Debris Program Presentation
- Realignment/Improvements to Radiant Drive

November 20, 2000
6:00 p.m. Urban Renewal Agency Meeting

- River Road/Chemawa Road Property Public Hearing

7:00 p.m. City Council Regular Session

- Parks System Development Charge Methodology Public Hearing
- Initiation of Vacation for Fernwood Park
- City of Keizer Legal Services Agreement

December 4, 2000
7:00 p.m. City Council Regular Session

- Library Task Force Report

Council President Christopher noted the agenda items.

Mr. Kissler indicated on December 4th agenda he would like to add a Lot Line Adjustment along Hidden Creek Park which would increase the size of the park.

ADJOURNMENT

Council President Christopher adjourned the meeting at 10:45 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

absent
Bob Newton

COUNCIL MEMBERS:

Councilor #1 - J. L. Wilson

Councilor #2 - Lore Christopher

Councilor #3 - Jim Keller

Councilor #4 - Jacque Moir

Councilor #5 - Richard Walsh

Councilor #6 - Jerry McGee

Minutes approved:
November 20, 2000