MINUTES
KEIZER CITY COUNCIL
Monday, October 21, 1996
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Dennis Koho called the regular meeting to order at 7:02 p.m. Roll call was taken as follows:

Present:
Dennis Koho, Mayor
Jerry McGee, Council President
Carl Beach, Councilor
Jim Keller, Councilor
Al Miller, Councilor
Bob Newton, Councilor
Jerry Watson, Councilor

Staff:
Dotty Tryk, City Manager
John Morgan, Community Development Director
Lt. Pat Bowe, Keizer Police Department
Kim Krause, Finance Officer
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
John Lien, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Addressing the Council were:

Greg Lamb, Gubser Neighborhood Association Chair, 2323 Latona NE, Keizer indicated at the last meeting of the Gubser Neighborhood Association questions were raised regarding the status of the sale of property at Trail and Manzanita. He believed this transaction had fallen through and requested a public hearing be scheduled to discuss other potential uses for this property.

John Morgan, Community Development Director noted Mr. VanCleave recently submitted a design plan for this property and feedback was given to the designer for the gas station-convenience store being proposed.

Councilor Watson believed this project was dead and due to the number of months that have passed. He questioned if the past action should be reconsidered and the property be designated for public use.

FMAGIC

Mr. Morgan indicated the plan for this property is subject to a conditional use and would be reviewed by the City Council.

Councilor Miller pointed out a timeline was not placed on the development of this property by Mr. VanCleave. He suggested an update be presented to the Council at the next meeting.

Councilor McGee agreed a land use process can be a lengthy item, however he supported placing a timeline for a report or plan presentation to the Council.

Councilor Watson reiterated his objection to the previous decision made by the Council on this parcel of property. He believes the adjacent property owner has not complied with the Council's request and requested the negotiations be terminated at this time.

Councilor Keller supported placing a timeline on the project.

Councilor McGee moved to give the interested party one month (November 18, 1996 meeting) to present a proposal to the Council. Councilor Miller seconded the Motion.

Councilor Watson pointed out the proposal has already been submitted.

Dotty Tryk, City Manager indicated the Council previously authorized the sale of this property to Mr. VanCleave pending the submission of a specific design that would protect the neighborhood and traffic.

Responding to a question from Councilor Watson, City Manager Tryk understood the design proposal was submitted by Mr. VanCleave not another individual.

The Council agreed the proposal should be from Mr. VanCleave and not another developer.

The Motion passed as follows:

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

There was no further public testimony to come before the Council.

COMMITTEE REPORTS

TRAFFIC SAFETY COMMISSION

Paul Gorlinsky, Traffic Safety Commission Chair reported the Traffic safety commission distributed a copy of the Commission's goal and objectives. The objectives include:

- Development of a Program to Identify Traffic Problems
- Review Current ADA Status in Keizer and make Recommendations
- Improve City Staff Feedback
- Develop Education Program
- Improve Visibility to the Council

In addition, an article has been prepared by a member of the Commission for publication in the Keizertimes. Mr. Gorlinsky advised a mini grant is being prepared to assist in targeting adult bike riders in wearing helmets. In addition, the Keizer Police have been asked to issue citations for bike lane violations to promote safety for bike riders in Keizer. Mr. Gorlinsky also reported the Traffic Safety Commission requested and the Oregon Department of Transportation approved a reduction in speed along north River Road near the Meadows subdivision.

Mayor Koho thanked Mr. Gorlinsky and the Traffic Safety Commission for their work.

PUBLIC HEARINGS

COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE/CONDITIONAL USE (BASEBALL STADIUM SITE)

Mayor Koho opened the public hearing.

John Morgan, Community Development Director indicated this is a legislative amendment involving three different land use actions for property located on Radiant Drive immediately north of Tepper Lane; a change in the Comprehensive Plan from a current designation of GI (General Industrial) to C (Civic), a zone change from UT (Urban Transition) to P (Public) and a conditional use permit to allow development of a commercial sports facility. The changes will allow construction of a 4400 seat multi-purpose stadium designed primarily to house professional baseball.

Mr. Morgan reported the Keizer Planning Commission reviewed the proposed changes on October 9, 1996 and unanimously passed the following recommendations:

- The Planning Commission recommends to the City Council that they change the Comprehensive Plan designation to Civic and rezone the land as Public, and that they not change the Chemawa Activity Center draft plan at this time.

- The Planning Commission recommends to the City Council that they approve the Conditional Use for a commercial sports facility.
- The Planning Commission recommends to the City Council that an event traffic management plan be developed and approved by the City Manager and Oregon Department of Transportation before building permits are issued, and that such plan shall include the closing of Tepper Lane at the railroad tracks before, during, and after events, except for emergency vehicles.

Mr. Morgan pointed out the findings and conclusions for each of the requested land use change criteria are outlined in the staff report. He recommended the hearing be conducted and continued until November 4, 1996. At this time staff will return with the appropriate documents for Council approval. In addition, Mr. Morgan recommended the Council attach conditions of approval on the conditional use permit which include the building permit and site development shall conform to the proposed site plan, a traffic management plan be developed and approved and final approval of the conditional use is subject to approval of the Comprehensive Plan Map Amendment and Zone Change.

In response to an inquiry from Councilor Watson, Mr. Morgan noted the final plan shows approximately 1500 parking spaces. He indicated a final site plan will be attached to the conditional use since one of the recommended conditions of approval is final review by the City.

Presenting testimony to the Council were:

Dorothy Cofield, 12725 SW 66th Avenue, Portland 97223 pointed out as a representative of the property owners of tax lots 3800, 3900, and 4000 (Valish and Deleeuw), she is concerned with the timing of these land use actions. The City and property owners are in the middle of purchase negotiations and if these negotiations fail, the property owners will be stuck with land that is zoned public. In the end, this could be considered a temporary taking of the property.

Ms. Cofield noted neither she or her clients are opposed to the zone change or Comprehensive Plan change recommendations, however she requested this action be delayed until final negotiations are reached with the property owners or the condemnation process is filed. Furthermore, she requested the record be kept open in order to submit a response in writing.

Councilor Miller reiterated a majority of the Council has committed to this project and the condemnation process has been initiated. He believed the negotiations should be concluded soon and feels it would be appropriate to move forward with adoption on the 4th of November.

In response, Ms. Cofield noted that if the zone change and plan amendment is approved, and then the proposals fall through, there is no guarantee on the timeline necessary to change the designations back.

Mr. Morgan pointed out zoning must be in place prior to the issuance of a building permit in December.

Greg Lamb, Gubser Neighborhood Association President, 2323 Latona Drive NE, Keizer reported at a recent Association meeting a concern was raised regarding the potential traffic and parking congestion that may occur to avoid paying for parking at the stadium. He suggested creation of an Ordinance which would provide a permit parking process for streets near the stadium.

Councilor Watson indicated his support for this option, however he hoped the City would move towards permanent blockage of Tepper Lane at the railroad tracks.

Councilor Newton requested the Gubser Neighborhood Association consider alternatives to the permanent blocking of Tepper Lane. He indicated it would be helpful to have input prior to the discussion and final decision on this issue.

Mr. Lamb responded even if Tepper Lane was permanently blocked, there will still be a walk through and parking problems. In addition, he noted the Miracle of Christmas event draws a large number of vehicles which Tepper Lane is necessary for an alternative exit route.

Allen Marshall, 2041 SW 58th Street, Portland announced he is a real estate broker representing the owners of Labish Stables. He agreed with the testimony presented by Ms. Cofield that this land use action is premature.

There was no other testimony to come before the Council.

Mayor Koho recessed the hearing until Monday, November 4, 1996 at 7:00 p.m.

Mayor Koho moved to adopt the staff recommendation as presented. Councilor Beach seconded the Motion.

Councilor McGee requested the findings and conclusions on page 4 be revised with neutral language.

In response to a question from Councilor Miller, Mr. Morgan pointed out the staff recommendation does not address the inclusion of the stadium in the Chemawa Activity Center plan.

The Motion passed as follows:

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

HIDDEN CREEK PHASE IV STREET LIGHTING DISTRICT

Mayor Koho opened the public hearing.

Dotty Tryk, City Manager reported the developer of the Hidden Creek Phase IV subdivision filed a petition to form a street lighting district in July, 1996. In September, the Council approved an engineer's report. Notice of this hearing has been distributed and there have not been any remonstrances received at this time.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved a Resolution Forming the Hidden Creek Estates Phase IV Street Lighting Local Improvement District. Councilor Newton seconded the Motion.

The Motion passed as follows:

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

Councilor Keller moved an Ordinance Spreading Assessments to Hidden Creek Estates Phase IV Street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The Motion passed as follows:

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

ADMINISTRATIVE ACTION

ORDINANCE - AMENDMENTS TO ZONING ORDINANCE RESTRICTING AUTOMOTIVE RELATED USES IN RIVER/CHEMAWA ROAD AREA

Mayor Koho moved on second reading a bill for an Ordinance Amending the Keizer Zoning Ordinance to Restrict Automotive Related Uses in the River Road and Chemawa Road area; and declaring an Emergency (Amending Ordinance No. 87-078). Councilor Beach seconded the Motion.

In response to a question from Councilor Keller, John Morgan, Community Development Director indicated the revisions to the entire development code should be before the Planning Commission in November of December for a public hearing. Then it will be forwarded to the Council for review and a public hearing.

Councilor Newton indicated his reluctance to include the emergency clause in this Ordinance. He believes the emergency clause should be used only in extreme emergency cases.

Councilor Watson noted the emergency language in this Ordinance has a positive effect.

The Motion passed as follows:

AYES: Beach, Koho, McGee, Miller, and Watson (5)
NAYS: Keller and Newton (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

RESOLUTION - SEWER REIMBURSEMENT AGREEMENT

Shannon Johnson, City Attorney reported two new subdivisions are scheduled to be developed in the northern portion of the City; Leewood Meadows and Waterford subdivision. In order to develop these subdivisions an extension of the sanitary sewer line is necessary. Since the land to the north of these subdivisions will be developed in the future, an agreement has been drafted for these developers to bear the costs of constructing an oversized line to provide future additional service. This is similar to a previous agreement with Reimann and Associates when the Meadows and Keizer Prairie were developed. The agreement provides for reimbursement through future system development charges. Mr. Johnson pointed out the City Engineer will approve the costs and plans for the construction of an oversized sewer line.

In response to a concern from Councilor Watson, Mr. Johnson indicated the accounting and reimbursement process has been successful with the previous agreement. Furthermore, there is no legal obligation for the City to take action for actual collection.

Wally Mull, Public Works Director confirmed the previous agreement with Mr. Reimann has gone smoothly. The collection of fees is a part of the subdivision approval and permit process. He does not anticipate any problems with entering a second agreement of this type.

<u>Councilor Keller moved a Resolution Authorizing the City Manager to Enter a Sanitary Sewer Reimbursement Agreement with Piculell & Chimento, an Oregon General Partnership and Benchmark Land Company-Leewood Meadows, L.L.C. Mayor Koho seconded the Motion.</u>

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

<u>AYES</u>: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
<u>NAYS</u>: None (0)
<u>ABSTENTIONS</u>: None (0)
<u>ABSENT</u>: None (0)

CONSENT CALENDAR

The consent calendar consisted of the following:

a. Approval of September 16, 1996 Regular Session Minutes

Councilor McGee pointed out on page 20 of the September 16 minutes it should read.....*Councilor McGee mentioned that <u>Councilor Newton</u> did the first plan the City.....* rather than Sergeant Miranda.

<u>Councilor Keller moved for approval of the item on the consent calendar with the correction made by Councilor McGee. Councilor Newton seconded the Motion.</u>

The Motion passed as follows:

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

OTHER BUSINESS

**Mayor Koho announced his intent to create an Economic Development Commission to focus on the types of activities which are designed to promote business in Keizer.

Councilor McGee requested this item be delayed and scheduled for an upcoming agenda item.

In response to a question from Councilor Watson, Mayor Koho indicated there will be a member of the commission nominated by each of the Council members, however additional members may be added. In addition the Council President will serve as the Council liaison.

Councilor Keller asked staff determine if there will be any financial impacts to the development of this Commission.

Councilor Watson requested an updated list of all committees, the members, which are appointed by the Mayor and each of their missions.

**Councilor Miller moved to suspend the rules in order to discuss the memorandum of John Morgan regarding the Stadium Site and the Chemawa Activity Center. Councilor Newton seconded the Motion.

The Motion passed as follows:

AYES: Beach, Koho, Miller, Newton and Watson (5)
NAYS: Keller and McGee (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

Councilor Miller moved to not include the stadium site in the Chemawa Activity Center Plan. Councilor Newton seconded the Motion.

Councilor Miller believed including the stadium site in the Chemawa Activity Center Plan places the project in jeopardy. In addition, this area was not included in the previous draft plan.

Councilor McGee pointed out there is no compelling reason to move forward on this issue tonight. He would like additional time to study and investigate this action.

In response to a question from Councilor Watson, John Morgan Community Development Director pointed out the reason the Planning Commission recommended to leave this area in the draft plan was if the property was zoned public and needed to be changed to another designation, it would save process time and resources. In addition, Mr. Morgan pointed out the Oregon Department of Transportation suggested to exclude the site from the plan which would not include it in the transportation study being completed.

Councilor Newton confirmed the stadium site would continue to be a part of the proposed urban renewal district boundary. He added by it would then not jeopardize the entire Chemawa Activity Center plan if the stadium site was removed.

Mr. Morgan clarified this are is not included in the adopted Chemawa Activity Center plan, only the draft of the revised Chemawa Activity Center plan.

Mayor Koho believed it would make sense to remove this area from the draft plan since there are specific plans for this area.

Councilor McGee voiced his concern into rushing into a decision at this time. He requested this item be discussed at the November 4, 1996 meeting.

Councilor Watson concurred to delay a final decision on this issue until more details are presented.

<u>Councilor McGee moved to table this item until the November 4, 1996 meeting. Councilor Watson seconded the Motion.</u>

Councilor Miller pointed out this issue was discussed at a previous meeting, staff has recommended it not be included, as well as a recommendation from the Oregon Department of Transportation on this issue. He believes a final decision needs to be made on this issue to move forward.

<u>The Motion to table failed as follows</u>:

<u>AYES</u>: Keller, McGee and Watson (3)
<u>NAYS</u>: Beach, Koho, Miller and Newton (4)
<u>ABSTENTIONS</u>: None (0)
<u>ABSENT</u>: None (0)

The Main Motion passed as follows:

AYES: Beach, Koho, Miller and Newton (4)
NAYS: Keller, McGee and Watson (3)
ABSTENTIONS: None (0)
ABSENT: None (0)

**Councilor Beach requested additional clarification on the Final Action sheet of the October 14, 1996 City Council meeting, in particular the wording of the motion regarding the baseball stadium lease.

Mayor Koho pointed out this document is not considered the official minutes.

Councilor Watson suggested all of the staff reports, minutes, and audio tapes be collected and kept together for a detailed legislative history on this issue.

Councilor Keller noted his understanding of the cap for this project voted upon is different than Councilor Watson's understanding. He requested further discussions on this issue after the final minutes are prepared for this meeting.

**Councilor Newton requested an update of the undergrounding project on River Road.

Mr. Morgan indicated the lines have been taken down from St. Edwards Church north, however the cable company needs to also remove some lines. Portland General Electric will be installing the new street lights near the River and Chemawa Roads intersection.

** Councilor Newton also suggested a potential budget committee meeting schedule be created in case of a failure of the upcoming tax base.

** In addition, Councilor Newton requested a meeting of the newly created Library Task Force be scheduled in the near future. The agenda should include selection of a chair, identification of the previously studied options and creation of new options.

Councilor McGee also requested an evaluation of the bookmobile services be included in their discussions.

** In response to an inquiry from Councilor Miller, City Manager Tryk indicated the Army Corp of Engineers is scheduled to discuss and proceed with a study of the dike. Their new fiscal year began on October 1 and this was to be one of their priorities for the new year.

** Mayor Koho indicated his recent property tax bill showed a slight increase despite the passage of several outside tax measures. He hoped this would show the citizens of Keizer the value of their city services.

** John Morgan, Community Development Director updated the Council on the proposed property improvement at the corner of Lockhaven and River Road. In addition, he reported the transit district, City staff and the manager of the Bi-Mart store have worked out a proposal for a major transit stop. This item should be reviewed by the River Road Redevelopment Board and the Urban Renewal Agency in December.

**Wally Mull, Public Works Director reported the clean up of Labish Ditch should take place in the next few weeks. In addition, he wished to extend his thanks to the residents of Lockhaven Drive and the citizens of Keizer for their patience in enduring the recent construction project.

** Mr. Mull announced the fall leaf haul will take place on Saturday, December 7, 1996 at McNary High School.

WRITTEN COMMUNICATION

Councilor Keller pointed out the receipt of a letter from the Keizer Chamber of Commerce Board supporting the upcoming tax base.

Mayor Koho noted the receipt of a letter from the Salem City Council inviting representatives of Keizer to attend the ribbon cutting ceremony on Saturday, October 26 at Riverfront Park. Councilor Newton announced he could attend.

There was no further written communication to come before the Council.

EXECUTIVE SESSION

The Council adjourned to Executive Session at 8:40 p.m. under ORS 192.660(1)(e) - Real Property Transactions.

The Executive Session was adjourned at 9:20 p.m.

Mayor Koho announced there was no action necessary due to the discussion of the executive session.

AGENDA INPUT Mayor Koho noted the items listed under agenda input.

ADJOURNMENT The meeting was adjourned at 9:21 p.m.

Tracy L. Davis
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Jerry Watson

Councilor #4 - Carl Beach

Councilor #2 - Bob Newton

Councilor #5 - Al Miller

Councilor # 3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

November 18, 1996