MINUTES
KEIZER CITY COUNCIL
Monday, October 20, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:01 p.m. Roll Call was taken as follows:

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

Absent
Al Miller, Councilor

Staff:
Wally Mull, City Manager
John Morgan, Community Development Director
Rob Kissler, Public Works Director
Susan Gahlsdorf, Finance Director
Pat Bowe, Acting Police Chief
Dianne Hunt, Human Resources Officer

PUBLIC TESTIMONY

Presenting testimony to the Council was:

Cynthia Vannoy, 683 Faymar Drive NE, Keizer, spoke in her capacity as secretary-treasurer of KNAG. Ms. Vannoy explained that KNAG was originally created, over two years ago, to combine forces between the various neighborhood associations. One of its established goals was to obtain an IRS group exemption for all of the associations. To date, the organization has not received its 501 (C) (3) status from the IRS.

Ms. Vannoy commented on the failure of past KNAG leadership to pursue the exemption status. It was her understanding that documentation regarding the application was now in the hands of City Hall. She had not received a copy of same.

FMAGIC

Ms. Vannoy distributed copies of a letter KNAG received from the IRS listing documentation/information it must receive from KNAG prior to granting the exemption. Ms. Vannoy called attention to the November 6 deadline for submitting the information. She noted that formal recognition by the City Council is necessary in order to qualify. She expected that KNAG would come before the Council on November 3 asking for formal recognition of its existence.

Ms. Vannoy responded to questions from the Council about why KNAG was organized, and what function and authority it has. She saw it as functioning much like the Main Community Policing Committee; allowing a single source for the receipt and distribution of information to the various neighborhood associations. Ms. Vannoy also answered questions about the need for the exemption status. She pointed out that the 501 (c) (3) status would exempt them from paying federal taxes, allow contributors to write-off donations, and allow them to apply for grants.

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

COMMITTEE REPORTS

a. Five-Year Service Awards

Lt. Bowe introduced Officer J. R. Baker and Officer David LeDay and presented each with a five-year service award plaque.

Mayor Koho thanked the officers for their continued service with the City.

b. Clear Lake Neighborhood Association Annual Report

Community Development Director Morgan had just become aware that proper Board action was not taken in forwarding the report to Council. He recommended that the agenda item be deferred to a later date.

After hearing comments from the Council on the form and content of the written Annual Report as it was presented, Mayor Koho deferred it to a November meeting.

c. Volunteer Coordinating Committee Appointment

Councilor Keller advised Council of the resignation of Kim Carter from the Volunteer Coordinating Committee. He put forward the name of Norm Cobb to fill the vacancy created by Ms. Carter's resignation.

Councilor Keller moved that Council approve the nomination of Norm Cobb to the Volunteer Coordinating Committee. Mayor Koho seconded the Motion.

The Motion carried unanimously by those members present as follows:

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

d. Council Liaison Reports

Planning Commission - Councilor Keller deferred to Community Development Director Morgan to give the report.

Mr. Morgan reported that the Planning Commission, at its last meeting, continued deliberation on the Development Code and reached a general consensus on each of several revisions. They asked to review a revised final draft in November before sending the Code on to Council for public hearings.

Mr. Morgan responded to questions from the Council. He confirmed that neighborhood associations had been given opportunity to comment on the proposed Code draft over the course of its assembly, and at the Planning Commission public hearing. He also confirmed that the Hearings Officer had looked at, and provided input on the procedural elements in the Code.

Councilor Beach suggested that Mr. Morgan have the Planning Commission, in its final review, look at regulating against substantial excavation and the cutting of trees prior to issuance of a final permit.

Claggett Creek Task Force - Mayor Koho had been unable to attend the last meeting. He deferred to Chair Derek Hernandez to give the report.

Mr. Hernandez reported that the Task Force has been looking into forming a watershed council. At the meeting, Gary Miller, a member of the Task Force, presented a set of "best management practices." The Task Force would like to see the Planning Commission incorporate them into the Code to lessen any future impact caused by new development.

Mr. Hernandez noted that the Task Force also discussed the results of the September "clean up" event.

Community Policing Committee - Councilor Meier requested that her report be deferred to item 7 a. later in tonight's agenda.

Parks Advisory Board - In Councilor Miller's absence, there was no report.

OTHER BUSINESS

New Business

Councilor Keller had just today learned of a problem at the south end of town wherein a newly installed radio antenna was creating "bleed-over" in the phones of neighboring residents. He asked Mr. Morgan if the City had any regulation in place to deal with the problem. Mr. Morgan answered that the City does not; complainants are referred to the FCC.

At Councilor Keller's request, Mr. Morgan agreed to have the Planning Commission look at establishing in the Development Code, a standard for no RF interference.

Councilor Meier noted that the McNary High School students have submitted an application for a variance to put up a couple signs inside the football field. Although the signs will hang from the stadium cover, they will face the football field, not Lockhaven Drive.

<u>Councilor Meier moved that the City waive the variance application fee of $200. Mayor Koho seconded the Motion.</u>

<u>The Motion carried unanimously by those members present as follows:</u>

<u>AYES:</u> Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Miller (1)

City Manager Mull advised that a public hearing will be set for November 12 at 4:00 p.m. in the Council Chambers to receive public input in adopting the new FEMA 100-year flood plain map. The new map will affect the Country Glen, Lazy Creek area. Staff will be sending out press releases, and will notify the people that are affected in both of those subdivisions.

City Manager Mull reported on the status of the Keizer Heritage renovation project. He noted that the interior building plans are currently in the Marion County permit system, with hopes of going to bid on the project in the near future. They would like to have occupancy sometime in January.

Lieutenant Bowe reported that the DARE program received a check for $640 from Jim Warner and his colleagues. The funds represented a percentage of the proceeds they received at their back examination booth at the Fair.

Lieutenant Bowe reported that the Police Department is working to come up with a suspect in connection with the October 7, Wells Fargo Bank robbery. It is believed there may be a connection with a robbery the same day in West Salem. A suspect has been developed for a bank robbery that took place in Keizer last April, and the FBI is working on the case.

Community Development Director Morgan referred back to the KNAG tax exemption issue. He noted that he and KNAG President Jacque Moir met today and discussed how to go about getting the group on track. Mr. Morgan and City Attorney Johnson will help with some of the exemption filing issues. Mr. Morgan noted that he just received from former Secretary-Treasurer Jim Warner a copy of all the filing materials, so they expect to move forward with the application very soon.

A second issue brought up by Mr. Morgan was the Salem/Keizer entryway sign. Keizer has been pursuing with Salem the idea of making changes to the structure to lessen the damage if and when another accident occurs. Mr.

Morgan went on to describe proposed changes which include the use of pea gravel ground cover to dissipate a vehicle's energy before it reaches the structure. He also commented on proposed measures that would improve visibility. Mr. Morgan noted that Salem preliminarily agreed to the changes, however, he had not yet discussed them with the benefactor.

Mr. Morgan responded to questions about additional lighting, landscape improvements, and on-going maintenance. He noted that staff is working on coordinating efforts to accomplish the proposed changes.

Old Business Report

- **Multi-Purpose Skate park Status Report**
- **City of Keizer 15th Anniversary Celebration**
- **Keizer Baseball Stadium Fund - Revenue/Expenditure Report**

Councilor McGee requested that City Manager Mull clarify some aspects of the **Keizer Baseball Stadium Fund** written report that might be misinterpreted.

Mr. Mull explained that the spread sheet represented an operational revenue versus expenditure report for the period January through September 1997. He noted that staff will be following up the report in the next few weeks with a complete breakdown on the budget including construction costs, the debt service and everything associated with the baseball stadium.

Councilor McGee requested that City Manager Mull elaborate on what is planned for the **City of Keizer 15th Anniversary Celebration.**

Mr. Mull commented on plans underway for the City Hall open house scheduled for November 3 from 5:00 to 7:00 p.m.

PUBLIC HEARINGS

a. Bonneville Street Vacation (Continued from October 6, 1997)

Mayor Koho reopened the public hearing.

Community Development Director Morgan pointed out on a map the location of Bonneville Street, a right-of-way in the southeast portion of Keizer that generally is parallel to and between Claggett Creek and Verda Lane. It connects existing streets to the west via extensions of Seeburg and

Alder Streets. Mr. Morgan noted that the vacation area is being referred to as Bonneville Street, but also includes the extensions of Seeburg and Alder. He noted that the rights-of-way are decades old and have never been improved with any street development. No utilities are located within the alignments.

Mr. Morgan noted that the area through which Bonneville Street passes is vacant, but proposed for development by Staats Corporation in accordance with the Single-Family Zone. He explained how the proposed vacation involves reconfiguring the rights-of-way so that they meet both the City's and developer's needs. It will allow for a better housing lay out, and will create a better alignment for Alder Street in the event it is extended to Verda at some time in the future. Staff is proposing that Bonneville Street be vacated to the property owners, and, in exchange, the property owner will dedicate the Alder Street right-of-way. Mr. Morgan emphasized that the proposed vacation is not necessary to develop the property, as the platted streets can be improved and used to serve future housing.

Mr. Morgan briefly commented on how the proposed manufactured home park development will be accessed by way of Seeburg Lane if the street vacation is approved.

Staff recommended that Council receive testimony, close the public hearing, and direct staff to prepare an order approving the vacation with the condition that the Alder Street right-of-way be dedicated.

Councilor Meier asked if there was any reason why the developer should not take some responsibility in building the road. Mr. Morgan explained how the existing Development Code allows a manufactured home park in a Single-Family Zone with virtually no discretionary authority over approval. In the revised Code, the Planning Commission is recommending that manufactured home parks be conditional uses in a Single-Family Zone, allowing for a degree of discretionary review. He acknowledged that a single-family dwelling development would require a discretionary review process.

Mr. Morgan responded to questions about access to the proposed manufactured home park and street circulation within the park. He reiterated that access would be by way of Seeburg; the portion of the Seeburg right-of-way proposed for vacation lies within the proposed development. By law, the City has no control over street circulation within the park. Mr. Morgan noted that they are also not required to do improvements externally. Although the developer has indicated they will pave Seeburg which is now a gravel street, they are not required to do so.

Mr. Morgan commented on the disadvantages of keeping the current Alder Street alignment. He acknowledged that the proposed agreement would give the developer greater land square footage, but, noted that the developer's design using the existing right-of-way allows one additional lot within their development. Staff believed the proposed exchange represented the best option for the City.

There was no public testimony to come before the Council.

Mayor Koho closed the public hearing.

<u>Mayor Koho moved to direct staff to bring back an Ordinance vacating Bonneville Street and portions of Seeburg and Alder, along with the necessary documentation to provide for the new Alder Street right-of-way as proposed. Councilor Beach seconded the Motion.</u>

<u>The Motion carried unanimously by those members present as follows:</u>

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

b. Subdivision Appeal Case No. 97-04 - Derek L. Brown & Association

Mayor Koho opened the public hearing.

Shannon Johnson, City Attorney announced the applicable criteria for this case is cited in the Keizer Zoning Ordinance sections 8.30, 8.20, 36.03 and 18.09(a). He inquired of any objections to the waiving of the criteria. Being none, the reading of the applicable criteria was waived. Mr. Johnson reviewed the procedures that will be followed for this hearing. Furthermore there were not any defective notice or conflict of interest issues raised.

John Morgan, Community Development Director reported this is a complex land use case that involves the appeal of the Zoning Administrator's original approval of a conditional use application, the Hearings Officer sustaining the appeal thereby denying the application, and both the applicant and the opponents appealing the case to the City Council. He indicated this is a conditional use to create a 13 space manufactured home par within the UT (Urban Transitional) zone on property located between Wheatland and O'Neill Roads at the south end of Timothy Lane. Indicating this development on a map of the area, Mr. Morgan stated this park is an expansion of a 90-space park previously approved and now under construction.

Mr. Morgan reviewed the Hearings Officer's decision which found the appellants did not meet a burden of proving the criteria was met in all cases, except one. Therefore he rejected all arguments except the finding that the applicant had not shown there was adequate fire flow to serve this development. This was the basis for the denial of the application, and thus the appeal by the applicant. In addition, an appeal was filed by the opponent based on the Hearings Officer erring in finding that the other points raised at the hearing were without merit.

Mr. Morgan advised the Council there have been three items submitted for the record this evening; a letter with photo exhibits by Mr. and Mrs. Alleman who are in opposition of this matter, an analysis from Multi-Tech Engineering on behalf of the applicant reviewing the criteria and rebuttal and a letter from Joel Stein of the Keizer Fire District.

Mr. Morgan believed the criteria have been met for approval of this conditional use. He requested the hearing be opened, testimony received, and direction be provided to staff for preparation of an order to be considered on November 3, 1997. In addition, he requested the hearing remain open to allow additional written testimony to be entered into the record.

Addressing an issue raised in the memorandum submitted by Shannon Johnson, City Attorney, Mayor Koho requested a determination of whether this hearing should be held de novo. Mayor Koho expressed his desire to hear this case in the same fashion, as a de novo hearing, as other land use cases have been heard previously. He believed the Council should be consistent in all cases.

Mayor Koho moved to hear this case and all other similar land uses cases in this category as de novo.

The motion died for a lack of a second.

Councilor McGee stated he is in favor of hearing this specific case as de novo, however he was not sure this should be the protocol for all cases in the future. Each should be determined on its own merit.

Councilor Keller indicated due to the ongoing negotiations between the parties, he would suggest only dealing with the issue the hearings officer declined to approve.

Supporting Councilor Keller's position, Councilor Whalen noted the appeal was filed based upon the hearings officer's denial of the case due to the fire flow issue. He believed the testimony should be limited to this issue only.

Mayor Koho pointed out there were two appeals filed in this case; the applicants and the opponents. Both are different and therefore the hearing cannot be limited only to the fire flow issue.

Councilor McGee moved to proceed with a de novo hearing on this matter tonight.

The motion failed for a lack of a second.

Councilor McGee moved that the proceedings tonight will be de novo and will be de novo in the future unless a public decision is made to the contrary. Mayor Koho seconded the motion.

Mayor Koho reviewed the procedure for the hearing and announced all time limits will be enforced.

The motion passed as follows:

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

Presenting testimony to the Council were:

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, Salem, Oregon 97302 indicated he is representing the applicant, Derek Brown and Associates who are developing the Berkshire Mobile Home Park. He pointed out this is the second phase of a manufactured home park located within the UT (Urban Transitional) zone. The first phase, which includes 90 spaces, is presently under construction. This application for a second phase that includes 13 spaces, in which one space contains an existing residence.

Mr. Grenz submitted a memorandum addressing the criteria as set forth in chapter 8, chapter 23 and chapter 36 of the Keizer Zoning Ordinance. This packet also contains a copy of the site plan, information regarding drainage, and a letter addressed to Mr. Joel Stein of the Keizer Fire District.

In summarizing this packet of information, Mr. Grenz pointed out the conditional use criteria for the UT (Urban Transitional) zone is addressed as follows:

- The use will not increase traffic beyond the capacity of the existing roads. The access to this development will be to Wheatland Road, a collector street not Timothy Lane. Therefore no impact will be generated from this development.

- The site plan shows there will not be any significant unused portion of the property. All the property which is presently owned will be developed by the applicant.

- The development will utilize existing or extended urban services in the area. Water services will be extended from Wheatland Road. This project is part of the Northwest Keizer Drainage Basin and development of a new storm drain facility from Clearlake to this upper area is currently under construction.

- This use meets all the criteria spelled out in the RS zone, which is the most restrictive zone allowed under the Comp Plan designation.

Continuing with the information packet, Mr. Grenz addressed the conditional use criteria as listed in section 8.30 of the Keizer Zoning Ordinance:

- The use is listed as a conditional use in the UT (Urban Transitional) zone.

- The parcel is suitable for the proposed use as shown in the site plan attached to the information packet.

- The proposed use will not materially alter the character of the surrounding area because the development of this site as a manufactured home park has not prohibited developing surrounding properties. Currently surrounding properties are being developed that include a 32 lot single family development on the north boundary of phase one, a 57 lot single family project on southern portion of phase one, and a proposed 52 lot development to the south. Each of these developers were aware of the plans for the manufactured home park and none are being negatively affected.

- There will not be any impacts on existing solar or wind energy systems.

- In regards to public facilities, streets will not be impacted with access only to Wheatland Road. An eight-inch sanitary sewer line has been constructed through this site and extended to the west, which is capable of servicing 40 acres. Water service will be received from the new system recently completed within the Bower Place subdivision, Pinehurst Estates, and Berkshire Phase One. This will provide adequate fire flows to the area. The drainage system presently being constructed and the construction of a detention basis on site, will adequately address any drainage issues.

In conclusion, Mr. Grenz indicated the information packet addresses the compliance with section 14.30 of the Keizer Zoning Ordinance relating to low density mobile home parks, the issue of a lot line adjustment, and a soil information report referring to the lack of wetland in the area.

In response to a question from Councilor Beach, Mr. Grenz explained Keizer Fire District and Marion County Fire District One require all residential developments to have a minimum of 1000 gallons per minute fire. When this amount is delivered, the residual pressure remaining on the hydrant should be no less than 20 pounds per square inch. Mr.

Grenz pointed out the pressure in normal cases ranges from 40 to 50 pounds per square inch. Based upon calculations derived from the Keizer Fire District and future water line additions, Mr. Grenz believes there will be adequate fire flow for this area.

Norm Hill, Attorney at Law, 1114 12th Street SE, Salem, Oregon 97302, indicated he is the attomey representing the opponents and in this conditional use appeal, there are a few critical issues the residents of Timothy Lane would like to have addressed. Mr. Hill pointed out the existing neighborhood has accepted this area is changing and will be developed, however they are concemed their properties will suffer serious adverse consequences. The issues of concem are access, storm drainage, need of lot line adjustments, and the impact to the land.

Mr. Hill noted the residents believe Timothy Lane cannot provide for additional traffic and therefore were pleased to hear the access will be on Wheatland Road.

Mr. Hill pointed out that with all of the development in this area, the residents are worried about the decrease in the storm drainage capacity. They would like some assurances that new development will not cause them to become the retention area for the over flow of drainage. The hearings officer decision, even though it denied the conditional use, noted that chapter 14 of the Keizer Zoning Ordinance (manufactured home parks), does not apply to this conditional use application. Mr. Hill stated this section specifically points out storm drainage for manufactured home parks must be sufficient to handle the water that is generated up stream. The residents believe the drainage pattem moves westerly and linger on this potential site. This problem is compounded if this area is raised and causes the water to move to their properties. Mr. Hill concluded this area will not become a manufactured home subdivision but a manufactured home park, which will not be rezoned as single family residential. Therefore all of the chapter 14 requirements will not apply. He requested the City should include a condition to require the developer to comply with all of the drainage issues as outlined in chapter 14.

Mr. Hill explained this development is occurring on three parcels, originally owned by Mr. Woods, which have remained separate and distinct parcels. He believed a formal land use process should be initiated to create one single parcel removing the lot lines. Mr. Hill envisioned potential legal problems in relation to separate parcels and density requirements.

The final issue of concern is the impact on the land itself. Mr. Hill believed the criteria outlined as outlined in chapter 8, must find that the conditional use will not materially alter the neighborhood. He perceives this development will impact the neighborhood. Mr. Hill supported the suggested staff conditions in regards to creating a buffer between this development and the neighborhood should be strengthened to surround the entire perimeter. There is room to create this buffer using the City's right of way area.

Mr. Hill requested the record remain open for seven (7) days to respond to the testimony submitted by the applicant. In addition, he requested all evidence and arguments presented during the previous hearing before the hearings officer be entered into the record at this time.

In response to a question from Councilor Keller, Mr. Hill believes by allowing the parcels to remain separate and distinct, it could cause legal issues for the property owners as well as the residents of the manufactured home park. The lots should be combined through a land use process to make it one large single parcel.

Mr. Hill reiterated the storm drainage issues must be addressed to assure the residents there will not be future impacts. The plans submitted by Mr. Grenz only address this conditional use application and do not indicate what the other potential changes in the land will bring forth in regards to drainage. By brining infill to this development, the storm water may remain on the existing properties. Mr. Hill noted the house that will remain on the property has been known to have flooding problems over the years.

Ken Dawson, 7890 Timothy Lane, Keizer indicated he has lived in this area for ten years and he is very concerned with the access and drainage problems this development might deliver. He noted the water pools around Timothy Lane therefore disagreeing with the assumption the water drains away from Timothy Lane.

Mr. Dawson also expressed his concern that the trunk lines for sewer and water are bypassing Timothy Lane which may cause increased costs for connection in the future. He has no desire to develop his property at this time, however these costs are a future concern. Mr. Hill also expressed his concern that a manufactured home park might decrease the value of his property and cause an effect on his lifestyle.

In rebuttal, **Mark Grenz** understood the public works staff would thoroughly review the adequacy of the storm drainage system irregardless of whether chapter 14 applied or not. He acknowledges this is a significant issue and will develop a storm drainage system that works best for this development and surrounding area. Mr. Grenz has researched the elevation and topography of the area in order to create this storm drainage plan. Furthermore, Mr. Grenz stated the developer is planning on constructing a fence and providing landscaping which will create a visual buffer between the residents and the development.

In regards to the lot line adjustment, Mr. Grenz referred to section 17.401 of the Keizer Zoning Ordinance which requires the intended structure to be located on an individual lot, which a manufactured home park may be considered a single structure on a single parcel. In addition, the section goes on to note that a structure may be placed on two or more lots under single ownership, as is the situation in this case, and will be considered as a single lot under this ordinance. Based upon this, Mr. Grenz does not feel it is necessary to initiate a land use process to combine the three parcels as requested by Mr. Hill.

Responding to a scenario suggested by Mayor Koho, Mr. Grenz noted the developer is not opposed to proceeding with the lot line adjustment, it is just another step that he feels is not necessary. However, if the staff imposed this as a condition of approval, the developer would comply.

Mr. Grenz explained based upon his investigation and research on the elevations of the area, all information points to the drainage running away from the site. However, if the public works staff deems this is incorrect, the developer will revise the plan and bring the drain line to the end of Timothy Lane. Mr. Grenz believes this will not be necessary but will be willing to comply.

In response to a question from Councilor Beach, Mr. Grenz indicated the remaining residence will be incorporated into the park. It may be a caretaker home or used for other purposes, however it will remain on a space in the ark and not be sold separately.

Referring to the storm drainage plan, Mr. Grenz indicated the Alleman property is a part of the drainage plan. The topography in the area indicates the elevations are lower and the water should flow away from Timothy Lane. Again, Mr. Grenz reiterated if public works feels this is not adequate, he will revise the plan to make sure he has not created a plan that will be detrimental to surrounding residents.

Responding to an inquiry by Councilor Whalen, Rob Kissler, Public Works Director indicated the plans submitted by Mr. Grenz will be thoroughly reviewed as is the case in all land use actions. As of this date, Mr. Kissler noted he has not seen the actual plans for this development, however he is comfortable with the Berkshire Estates phase I storm drainage system. He believes this will be an extension of that plan and should be adequate, however they will e fully reviewed by staff.

Responding to the issues discussed, **Norm Hill**, voiced his concern that staff has not reviewed the drainage plans to date. He needs assurance this plan is adequate and will not cause problems for the surrounding property owners. Mr. Hill indicated this process is the only area where the citizens can intervene in the planning process to make sure this development does not impact their neighborhood. Therefore, it is essential the Council impose conditions of approval which protect the citizens.

In reference to the lot line adjustment, the issue is in regards to the density requirements not lot ownership. Under section 17.05 of the zoning ordinance it states only one dwelling unit per lot is allowed. By not rezoning or creating a single parcel, this development violates this section. In addition, Mr. Hill is concerned with potential legal issues which may arise if these three parcels are not combined. Now is the time to implement the land use process for this lot combination. Mr. Hill announced he is raising this concern on behalf of the citizens on Timothy Lane and other citizens in Keizer to make sure all conditions are met and this area is developed correctly. He does not believe the developer should be allowed to take a short cut in the process.

Shannon Johnson, City Attorney announced the 120-day limit expires tomorrow, however the applicant has agreed to extend this for 2 weeks. He requested the Council provide direction on preparation of the Order.

Councilor Meier requested Mr. Johnson review the lot line adjustment issue prior to next meeting.

Councilor Keller asked that the storm drainage plan be reviewed by the public works staff prior to the next meeting to assure it is adequate for this area.

In addition, Mayor Koho request the staff review the applicant's fencing and landscaping plans to assure they meet d the needs of the opponents.

Mayor Koho announced the record will remain open for seven (7) days for submission of written testimony only.

Mayor Koho continued the hearing until Monday, November 3, 1997 at 7:00 p.m.

ADMINISTRATIVE ACTION

a. RESOLUTION - **Reestablishing Community Policing Committee**

City Manager Mull deferred to Community Services Coordinator Jodi Sherwood, and Craig Campbell, chair of the Ad-hoc Community Policing Committee, to present the report.

Ms. Sherwood explained that the proposed resolution reestablishing the Community Policing Committee would repeal Resolution 97-980. That resolution was adopted in August to allow the Ad-hoc Committee to work on its current structure and improve the scope of the committee. Ms. Sherwood noted that the proposed resolution was the result of review by committee members, department personnel, and City Council members. City Attorney Johnson has reviewed and approved the current language.

Craig Campbell, 6736 Fenwick Court, Keizer, commented on how the proposed resolution differed from the previous one. He noted that the new resolution speaks more to the committee's mission, values, and function. It puts emphasis on communication and partnershipping with the City, Police

Department, and members of the community. Mr. Campbell noted that the resolution sets out the structure of the Main Committee, but does not define district committees, allowing for fluctuation in the future.

Under the section of the resolution providing for "Officers," Mayor Koho suggested adding language at the end of the sentence: "neither of whom shall be Keizer Police Department employees."

Under "Elections," Councilor McGee referred to the subparagraph dealing with "Vacancies." He wondered if the intent was to hold an election to fill a vacant Chair position rather than having the Vice Chair automatically succeed. Mr. Campbell indicated that it was; should the Vice Chair be elected Chair, a new Vice Chair would be elected.

Councilor Keller indicated his appreciation for all the hard work that went into developing the document. He believed it embodied all the elements brought up and discussed during the review period.

Councilor Keller moved a Resolution Reestablishing Community Policing Committees; Repealing Resolution R97-980, as amended to include language under "Officers": "neither of whom shall be Keizer Police Department employees." Mayor Koho seconded the Motion.

Councilor McGee believed that language in the resolution indicating a three-way partnership; the Police Department, the City Government and the Community, gave the impression of three separate entities. He proposed using a slash (/) between Police Department and City Government rather than a comma.

Councilor Keller accepted as a friendly amendment to his motion, Councilor McGee's proposal to change language, throughout the document, from the Police Department, the City Government, and the Community, to Police Department/City Government and the Community. After confirming with Mr. Campbell that the friendly amendment was acceptable, though perhaps not preferable, Mayor Koho indicated his acceptance as the Motion's second.

Also accepted by the maker of the motion and second was a suggestion from Councilor McGee to delete the word "safe" as it appears under the "values" section, as follows:

"... the ability to try new and non-traditional approaches to problem solving, in addition to those that are ~~safe~~, proven and traditional to address community concerns."

Finally, Councilor McGee questioned language dealing with "empowerment" of employees. After discussion, no additional changes were made.

The Motion, including the agreed-upon friendly amendments, carried unanimously by those members present as follows:

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

b. RESOLUTION - Amending Salary Range Structure (Amendment for Community Services Coordinator and Administrative Assistant)

Human Resources Officer Hunt presented the staff report. Ms. Hunt explained that the proposed resolution amends the salary range for the remaining two positions that were withheld when Council approved the Salary Range Structure on August 4. After listening to Council's concerns, the concerns of citizens, and talking with the employees who currently hold the Community Services Coordinator and Administrative Assistant positions, the job descriptions were revised and the positions were re-evaluated. Staff recommended that Council amend the compensation resolution to reflect the appropriate salary ranges for the two positions.

Mayor Koho moved a Resolution Amending the New Salary Range Structure Effective July 1, 1997. Councilor Keller seconded the Motion.

The Motion carried unanimously by those members present as follows:

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

c. Hotel/Motel Tax Issue

Finance Director Gahlsdorf presented the staff report. Ms. Gahlsdorf recalled Council's direction to staff to proceed with a study on developing a hotel/motel tax. Her report presented the results of the study. Included was a summary of interviews conducted with members of the community as well as other interested parties.

Ms. Gahlsdorf noted that staff looked into the tax amount imposed by other Oregon cities and how they are using the revenues. Then, staff developed various scenarios identifying anticipated annual revenues from a TOT levy. Finally, staff developed a recommendation for the allocation of TOT revenues. It included a percentage distribution for various services and programs totaling 55%, with the remaining 45% proposed to be used to promote recreation and the community. Staff recommended that Council discuss alternatives and provide direction to staff on preparing a draft ordinance for consideration at a public hearing.

Mayor Koho indicated support for a transient occupancy tax. He suggested that rather than getting into a detailed discussion of where to earmark all the funds, Council, for now, pick a percentage appropriate for a tax. He agreed that some should go to the operators for a collection fee, and a percentage should go to the Fire District, but beyond that the rest should be left for a future decision.

Councilor Keller was also supportive of the tax. He liked the allocation proposal presented by staff, and pointed out that they would be the ones administering the program.

Councilor Meier supported imposing the tax, but had concerns with doling out small amounts to so many different people and programs. She believed it would be better to allocate larger amounts for big issues, but agreed that the distribution could be worked out at a later time.

Councilor Whalen indicated that he would like to move forward in giving direction to implement the TOT, and work out the details later. He, however, indicated a strong interest in making sure the funds are dedicated to ensure that a good use is made of the resource.

Councilor McGee registered his continued dislike for the tax. He believed suggesting that it would go to promote tourism was totally unreasonable in Keizer. He conceded that the TOT would pass even without his support, and indicated that when the issue of distribution is discussed, he will push for some to go to the Fire District and the remainder to the

General Fund.

Councilor Beach indicated support for a 6% TOT, to be consistent with most other Oregon entities. He also agreed with designating 5% of the revenue as the operator's collection fee. With regard to distribution of the balance, he felt that it should be left open until the budget process.

Mayor Koho invited **Paul Wittenberg**, owner of the under construction Wittenberg Hotel, to responded to the proposal to allocate 5% of the TOT to compensate a hotel operator for the costs of collecting the tax. Being new to the hotel business, Mr. Wittenberg was unsure what the cost would be to administrate collecting the tax. Finance Director Gahlsdorf was called upon for comment. She indicated that she was advised by the Oregon Lodging Association that a five percent operator fee was standard.

Councilor McGee asked for a response from the City Attorney as to whether Mr. Wittenberg would become an agent of the City of Keizer for collecting the tax if the tax proposal is passed. City Attorney Johnson was unsure but suspected it would be similar to the utilities franchise fee. Sensing that Council would direct staff to bring the issue back on a future agenda, City Attorney Johnson requested a little extra time to double check the Measure 50 requirements to be certain imposing the tax would not require a vote of the people.

Mayor Koho, with Council's concurrence, directed staff to bring back, when the City Attorney has had opportunity to answer the legal questions, the necessary documentation to impose a six percent transient occupancy tax, leaving at least one blank left in for an amount to be earmarked for the Fire District and some flexibility for additional earmarking by the Council.

d. RESOLUTION - Keizer Housing Rehabilitation Program - Refinancing Policy

Due to a possible conflict of interest, Mayor Koho indicated that he would not participate in the discussion or vote on the issue.

Community Development Director Morgan noted that over the last two years, 28 rehab projects have been financed through the housing rehab program. Some of the City's clients are now interested in taking advantage of lower interest rates by refinancing their mortgages. A situation has arisen with refinancing involving requests for the City to subordinate its position. Mr. Morgan noted that the proposed resolution establishes a policy for the subordination of housing rehabilitation loans.

In providing further detail, Mr. Morgan gave an overview of situations where subordination might be requested, and the implications if the City were to agree to subordinate. He noted that staff researched the policies of other cities and found a broad variety of approaches, from absolute refusal to approve any new financing to having no position on refinancing. Staff believed the most realistic approach, found in several of the cities, would be to allow refinancing resulting in the City being in a second position as long as the 80% loan to value ratio is maintained. Mr. Morgan noted that the proposed policy is consistent with the philosophy and criteria used to evaluate and approve loans in the first place. He pointed out that a cost-recovery clause is built into the proposed policy.

A discussion followed regarding the original intent of the program. It was the feeling that even though the proposed policy included a safeguard against the currently popular "beyond value" financing, the intent of the program was to recirculate the dollars and allow more property owners to make improvements to their homes. There was strong opposition to doing anything that would lessen the City's position.

After further discussion, it was the consensus to continue under the current policy, and to reject the proposed resolution establishing a policy for the subordination of housing rehabilitation loans.

CONSENT CALENDAR

The consent calendar consisted of the following:

a. <u>RESOLUTION</u> - Deed to Reserve Strip - Springtime Court

b. <u>RESOLUTION</u> - Designating Portion of Delight Street N as <u>NO PARKING</u>

Councilor Keller pulled item "b" from the consent calendar. Councilor McGee also requested that item "b" be pulled.

<u>Mayor Koho moved for approval of the remaining item on</u>

the consent calendar. Councilor Beach seconded the Motion.

The Motion carried unanimously by those members present as follows:

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

item "b"

With regard to background information provided in the staff report, Councilor McGee questioned the authority for a comment that a parking problem had existed adjacent to Cummings Elementary School since 1953. City Manager Mull had personal knowledge of the problem, being a second grade student at the newly constructed school in 1953.

Councilor Keller asked what contingency plans were in place to handle the traffic, and if there would be monitoring to be sure the transition occurs smoothly.

Mr. Mull noted that in addition to meeting with the principal at Cummings School and the LSAC committee, he and Councilor Meier had worked all summer to put a plan together. He described improvements that will be put in place including the provision for a designated area for parents to pickup their children after school. He also commented on striping and signage that will be done to direct the flow of traffic. The school will send out flyers to all the kids so that everyone will be aware of the new policies that will be in effect. The Police Department will do the monitoring.

Councilor Keller moved a Resolution Designating a Portion of Delight Street North as a "No Parking" Zone. Councilor McGee seconded the Motion.

The Motion carried unanimously by those members present as follows:

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

ABSENT: Miller (1)

WRITTEN COMMUNICATIONS

There were no written communications to come before the Council.

AGENDA INPUT

City Manager Mull requested that Council members join staff tomorrow on a field trip to the proposed FEMA bridge location. The group will meet at the McNary Golf Course parking lot at 4:00 p.m. Engineering staff will explain elevations, and the flow, rise and fall of the water if the bridge goes in. Mr. Mull believed the information would give the Council a better understanding of what is proposed before proceeding with the contract on the grant for the bridge. Mayor Koho indicated that he would be unable to attend because of another meeting he had scheduled. Councilor McGee encouraged Mr. Mull to follow up on inviting a representative from the McNary Homeowners Association.

Mayor Koho reminded Council members of the November 3 Fifteenth Anniversary Celebration, and the November 12 FEMA Hearing

ADJOURNMENT

The meeting was adjourned at 10:03 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #2 - Dawn Meier

Councilor #4 - Carl Beach

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

June 1st, 1998