

CITY COUNCIL AGENDA PACKET

MONDAY, OCTOBER 19, 1998

- 7:00 P.M. CITY COUNCIL
MEETING

Please contact Wally Mull, City Manager if you have any questions or need additional information regarding any of the staff reports or issues contained on the agenda.

CITY OF KEIZER MISSION STATEMENT

**KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES TO
THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION**

A G E N D A

KEIZER CITY COUNCIL

Monday, October 19, 1998

7:00 p.m.

**Robert L. Simon Council Chambers
Keizer City Hall, Keizer, Oregon 97303**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on matters not scheduled for public hearing or listed on the agenda.

4. COMMITTEE REPORTS

- a. Council Liaison Reports
 - Community Policing Committee – Councilor Whalen
 - Parks Advisory Board – Councilor Christopher
 - Planning Commission – Council President Keller

5. OTHER BUSINESS

This time is provided to allow the Mayor, Council members or staff an opportunity to bring new or old matters before the Council which are not on tonight's agenda.

- a. New Business
- b. Old Business

6. PUBLIC HEARINGS

- a. RESOLUTION – Forming the Wittenberg Lane Street Lighting Local Improvement District
ORDINANCE – Spreading Assessments to Wittenberg Lane Street Lighting District (continued from September 21, 1998)

7. ADMINISTRATIVE ACTION

- a. RESOLUTION – Adopting New Methodology Used to Establish the Sanitary Sewer Wastewater Collection and Transmission System Development Charge Improvement Fee
RESOLUTION – Establishing the New System Development Charge Improvement Fee for the Keizer Sanitary Sewer Waste Water Collection and Transmission System

8. **CONSENT CALENDAR**

- a. **RESOLUTION** – Designating Checking Account Signers for the City of Keizer
- b. Approval of December 1, 1997 Regular Session Minutes
- c. Approval of December 15, 1997 Regular Session Minutes
- d. Approval of January 5, 1998 Regular Session Minutes
- e. Approval of January 20, 1998 Regular Session Minutes
- f. Approval of February 2, 1998 Regular Session Minutes
- g. Approval of February 17, 1998 Regular Session Minutes
- h. Approval of April 6, 1998 Regular Session Minutes
- i. Approval of April 20, 1998 Regular Session Minutes
- j. Approval of September 21, 1998 Regular Session Minutes
- k. Approval of October 5, 1998 Regular Session Minutes

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications and petitions.

10. **AGENDA INPUT**

November 2, 1998

- 7:00 p.m. City Council Meeting
 - Garbage Collection Rate Amendment

November 9, 1998

- 5:30 p.m. City Council Work Session
 - McNary Estates Wetland Mitigation

November 16, 1998

- 7:00 p.m. City Council Meeting
 - Appeal of Hearings Officer Decision – Lent
 - Development Code Text Amendment – Motor Homes in Public Zone

November 23, 1998

- 5:30 p.m. City Council Work Session
 - 1999 Goal Setting Session

11. **ADJOURN**



October 19, 1998

AGENDA ITEM 6a

WITTENBERG LANE STREET LIGHTING DISTRICT

COUNCIL MEETING: October 19, 1998

AGENDA ITEM NUMBER: 6a

TO: MAYOR KOHO AND CITY COUNCILOR MEMBERS

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER



SUBJECT: WITTENBERG LANE STREET LIGHTING LOCAL IMPROVEMENT
DISTRICT

BACKGROUND:

In April, 1998 Paul Wittenberg filed a petition to create a lighting district to install street lights along Wittenberg Lane. The Council initiated the district on April 20, 1998 and approved an Engineer's report on July 6, 1998. The report recommends the installation of seven standard street lights along Wittenberg Lane. A public hearing on this issue was opened on August 17th and has been continued several times to allow Mr. Wittenberg to work with Portland General Electric on the upgrade of the lighting.

The attached Ordinance reflects the cost of the standard lighting used in all other street lighting districts in Keizer.

RECOMMENDATION:

It is recommended the Council reopen the hearing, allow any testimony, and close the public hearing. It is further recommended the Council adopt the Resolution Forming the Wittenberg Lane Street Lighting Local Improvement District and the Ordinance Spreading Assessments to the District.

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1 BILL NO. _____

ORDINANCE NO. 98- _____

2
3 A BILL FOR

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5 AN ORDINANCE SPREADING ASSESSMENTS TO
6 WITTENBERG LANE STREET LIGHTING LOCAL
7 IMPROVEMENT DISTRICT
8

9
10 Section 1. FINDINGS. The City Council of the City of Keizer makes the following
11 findings:

12 a. The City Council did heretofore declare its intention to install street lights to
13 serve an area known as Wittenberg Lane Street Lighting Local Improvement
14 District which is described as follows:

15 Wittenberg Lane - Tax Lot 10600 identified on
16 the assessors map 6 3W 35CD in the City of
17 Keizer, County of Marion, State of Oregon;
18

19 which includes the installation of seven (7) -200-watt high pressure sodium
20 luminaries mounted on four-foot long mast arms attached to 25-foot
21 aluminum poles, located within the subject local improvement district, all in
22 accordance with the City Engineer's Report for Wittenberg Lane Street
23 Lighting Local Improvement District.

24 b. The total initial cost of the Wittenberg Lane Street Lighting Local
25 Improvement District is \$1809.46.

26 c. The per space/lot assessment formula was used for this district.

27 d. The improvements in the district have been or will be constructed as provided
28 in the Engineer's Report.

29 e. Notice was duly mailed to the benefited property owners on July 17, 1998.

30 f. A meeting of the City Council was held at the time and place fixed by public
31 notice for the purpose of considering any such written objections to the
32 proposed assessments.

1 g. No written objections to the proposed assessments were filed.

2 h. The Council has considered the matter and determined that construction of
3 said improvements was and is of material benefit to the City, and all the
4 property to be assessed therefore will be specially benefited by the
5 improvements in the amounts shown on the assessment roll.

6 NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

7 Section 2. ASSESSMENTS.

8 a. First Annual Assessment. It is hereby determined that the share of the cost
9 of the improvements for the Wittenberg Lane Street Lighting Local
10 Improvement District for each parcel and property benefited thereby for the
11 first annual assessment is the amount set opposite the description of each
12 piece or parcel of land as described in Wittenberg Lane Street Lighting
13 District Assessment Roll as set forth in Exhibit "A" attached, and that each
14 piece or parcel of land benefited by the improvements, to the full extent of the
15 amount so set opposite such piece or parcel and that the respective amounts
16 represent the proportionate benefits of said improvements to said respective
17 parcels of property, and the Council does hereby declare that each of the
18 parcels of property described in Wittenberg Lane Street Lighting District Roll
19 as set forth in Exhibit "A" attached is hereby assessed the first annual
20 assessment amount set opposite each respective description.

21 i. Summary of first annual assessment costs for formation of the lighting
22 district to serve the area known as "Wittenberg Lane Street Lighting
23 Local Improvement District":

24	7 - Poles and 200 Watt Luminaries	\$1654.80
25	Engineering Costs	\$14.00
26	Administrative Fee @ 8.5%	<u>\$140.66</u>
27	Total Assessments	\$1809.46

1
2 ii. The Recorder of the City of Keizer is hereby directed to send a notice
3 of first annual assessment to each owner of assessed property by mail
4 within ten (10) days after this Ordinance levying the first annual
5 installments is passed. The notice shall include information that an
6 application to make installment payments may be filed with the City if
7 the assessment is collected directly from the property owner and not
8 pursuant to ORS 223.866.

9 b. Second and Subsequent Annual Assessments. After a municipal lighting
10 district has been formed in accordance with City of Keizer Ordinance 94-278,
11 the second and subsequent annual assessments shall be spread by
12 Resolution which may include changes in the mode of collecting the
13 assessment. The method of assessment and notification for subsequent
14 annual assessments shall be determined in accordance with City of Keizer
15 Ordinance 94-278.

16 c. Mode of Collecting Assessments. Assessments for Wittenberg Lane Street
17 Lighting Local Improvement District shall be collected pursuant to ORS
18 223.866.

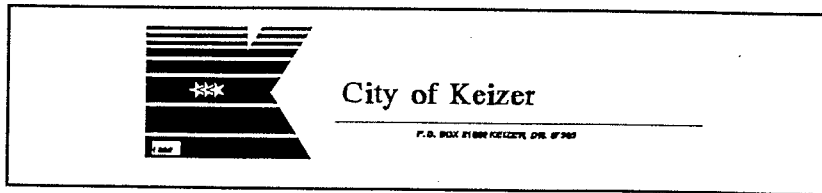
19 d. Lien on Property. The assessment shall be entered as a lien against the
20 benefited property in the City Lien Docket.

21
22 PASSED this _____ day of _____, 1998.

23
24 SIGNED this _____ day of _____, 1998.

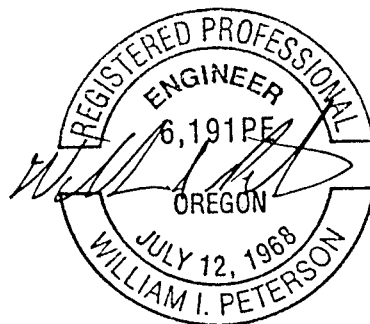
25
26 _____
27 Mayor

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29 _____
30 City Recorder



ENGINEER'S REPORT
FOR
WITTENBERG LANE
STREET LIGHTING DISTRICT

For City Council Action July 6, 1998



Renew date: December 31, 1998

PREPARED BY:
William I. Peterson
Engineering Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303

Date: June 26, 1998

Project File 98-0565

(503) 390-7402

*Red
6-29-98*

June 26, 1998

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for Wittenberg Lane

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 98-1031** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefited by the street lights proposed to be installed.

Lighting Plan: The lighting improvements will consist of 7, 200 Watt, high pressure sodium luminaires mounted on 4 foot long mast arms and attached to 30 foot aluminum poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Portland General Electric (PGE) would supply, install and maintain the luminaires, poles and underground or overhead wiring. PGE would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

7 Poles & 200 Watt luminaires @ \$19.70 per month each x 12 mos. =	\$1654.80
Administrative Fee @ 8.5%	140.66
Engineering @ \$14.00/Lot:	<u>14.00</u>
Total Assessment	\$1809.46
(1) Per Lot Assessment (First Year , 1 Lots)	\$1809.46

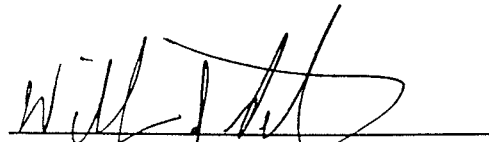
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$1654.80 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefited properties and the first year assessments to be levied against each.

Respectfully submitted,



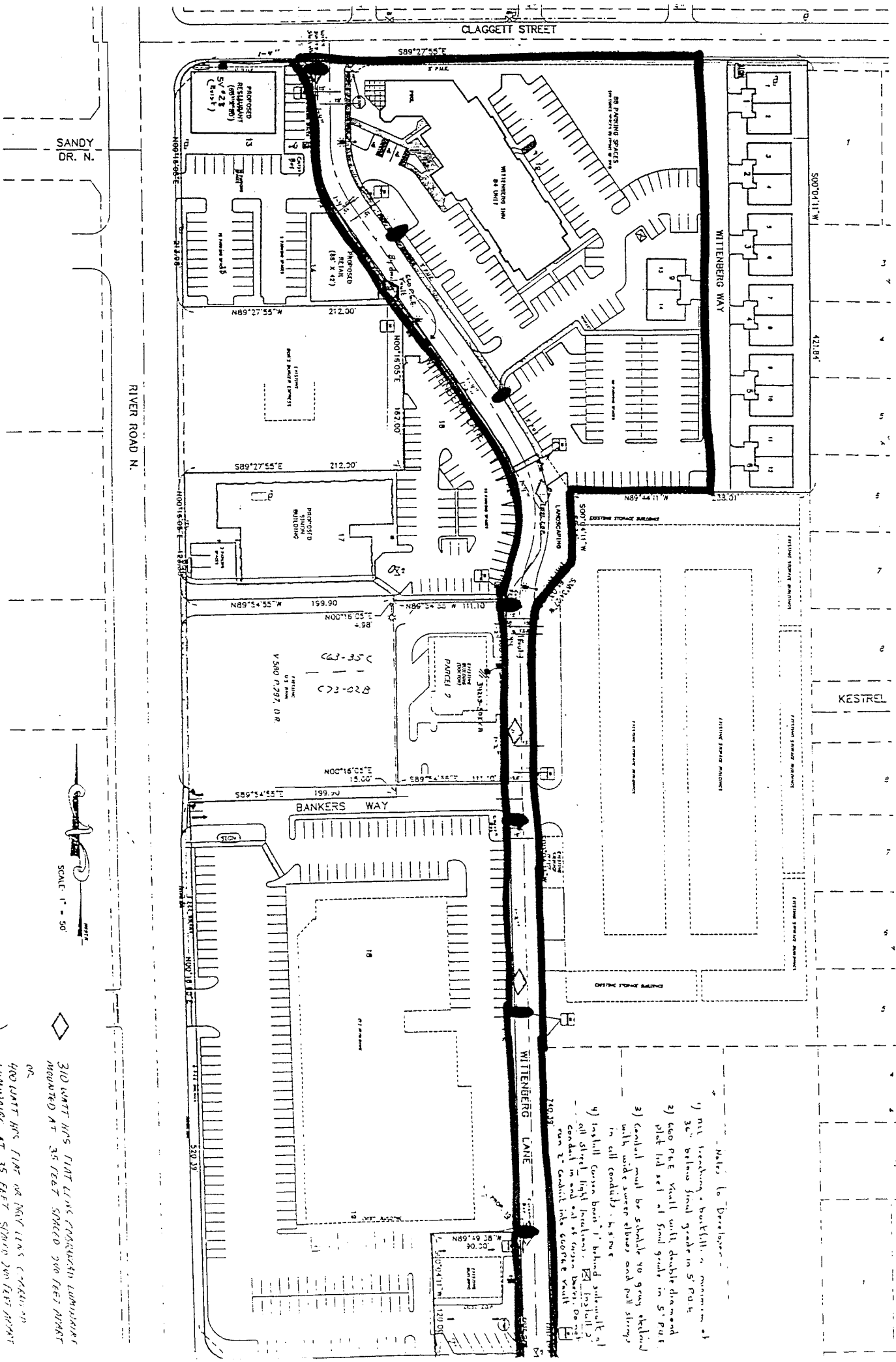
William I. Peterson, PE

PRELIMINARY ASSESSMENT ROLL

WITTENBERG LANE
STREET LIGHTING DISTRICT

*Assessors Map 6 3W 35CD

Tax Lot #	Owners Name and Address	Cost per Lot	Lots	Assessment
10600	TEAM MANAGEMENT CO LTD	\$1809.46	1	\$1809.46
TOTAL ASSESSMENT		\$1809.46		



7-200WATT HPS DROP LEANS COAXIAL-HEAD LUMINAIRES @ 9.03/1000W-CHINA
 MOUNTED AT 30 FEET @ 10.67/1000W - ALUMINUM POLE



310 WATT HPS FLAT LEANS COAXIAL-HEAD LUMINAIRES
 MOUNTED AT 35 FEET SPACED 200 FEET APART

400 WATT HPS FLAT OR BAY LEANS COAXIAL-HEAD LUMINAIRES
 MOUNTED AT 35 FEET SPACED 200 FEET APART

- Notes to Developer -
- 1) All freestanding buildings a minimum of 36" below final grade in 5' PUE
 - 2) 600 PUE Vault with double diamond plate lid set at final grade in 5' PUE
 - 3) Vault must be suitable for grey electrical with wide sweep elbows and pull slings in all conduits. In size
 - 4) Install Green base 1" behind sidewalk at all street light locations. Install 2" conduit in and out of Green base. Do not run 2" conduit into 600PUE vault

7-200WATT HPS FLAT OR BAY LEANS COAXIAL-HEAD LUMINAIRES
 MOUNTED AT 35 FEET SPACED 200 FEET APART



October 19, 1998

AGENDA ITEM 7a

SANITARY SEWER WASTEWATER COLLECTION AND TRANSMISSION SYSTEM

COUNCIL MEETING:_____

AGENDA ITEM NUMBER:_____

TO: MAYOR KOHO AND CITY COUNCILOR MEMBERS

**FROM: WALLY G. MULL
CITY MANAGER**

SUBJECT: SANITARY SEWER SYSTEM DEVELOPMENT CHARGE INCREASE

ISSUE:

Shall the City of Keizer increase acreage system development charges for construction of sanitary sewers?

BACKGROUND:

On September 21, 1998 council held a Public Hearing regarding a sanitary sewer system development charge increase. Providing testimony was Eric Meurer representing the Marion-Polk Building Industry Association. Mr. Meurer indicated his organization was unaware of the proposal and requested additional time.

Mayor Koho closed the public hearing and directed staff to meet with the Marion-Polk Building Industry Association and report back at the October 19, 1998 council meeting.

Staff held a meeting with representatives of the Marion-Polk building Industry Association and their written response is attached along with the previous staff report.

RECOMMENDATION:

Adopt the two enclosed Resolutions in the following order:

- 1) Resolution adopting new methodology.
- 2) Resolution establishing the new system development charge.



MARION-POLK BUILDING INDUSTRY ASSOCIATION

Formerly the Salem Home Builders Association

Bill

385 Taylor St NE
Salem, OR 97303
Phone (503) 399-1500
Fax (503) 399-0651
E-Mail: info@mpbia.com
Website: www.mpbia.com

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VICE PRESIDENT
Bob Hamilton

TREASURER
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Ken Nolan

EXECUTIVE OFFICER
Mike Erdmann

EXECUTIVE VICE PRESIDENT
Eric Meurer

To: Keizer City Council
From: Eric L. Meurer

Eric

I appreciate being given an opportunity to meet with Wally regarding the increase in the development fee. After discussing the matter with Bill Peterson and Wally, we understand that there may not be a better way to assure that the extension of the sewer system takes place, and therefore have no objection to the proposal. Development fees will find their way to the eventual cost of the lots and the houses built on them, and so we all want to limit that effect as much as possible. You have done a good job as a city, trying to be responsive to those issues and we appreciate it. Thanks for the chance to comment.



"Building a Better Community - For Today and Tomorrow"

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R98-_____
3

4 ADOPTING NEW METHODOLOGY USED TO ESTABLISH
5 THE SANITARY SEWER WASTEWATER COLLECTION AND
6 TRANSMISSION SYSTEM DEVELOPMENT CHARGE
7 IMPROVEMENT FEE; **REPEALING RESOLUTION R94-714**

8 WHEREAS, the City has adopted a master plan and plan updates which lists the
9 capital improvements that may be funded with the sanitary sewer wastewater collection
10 and transmission system improvement fee revenues and the estimated cost and timing
11 for each improvement in order to impose a system development charge; and

12 WHEREAS, ORS 223.304(2) requires that system development charge
13 improvement fees shall be established by ordinance or resolution setting forth a
14 methodology that considers the cost of projected capital improvements needed to
15 increase the capacity of the systems to which the fee is related and requires that the
16 methodology for establishing such fees shall be available for public inspection; and

17 WHEREAS, the City Council has held a hearing on this matter to consider the
18 City Engineer's proposed methodology under the hearing requirements set forth at ORS
19 223.304(5); and

20 WHEREAS, it has been more than four (4) years since the Council considered
21 this matter and it is appropriate and necessary to review the methodology to keep the
22 system development charges in line with expected costs;

23 NOW, THEREFORE,

1 BE IT RESOLVED by the City Council of the City of Keizer that the Keizer new
2 sanitary sewer wastewater collection and transmission system development charge
3 improvement fee methodology as set forth in the attached City Engineer's staff report
4 and spread sheet is hereby adopted;

5 BE IT FURTHER RESOLVED that Resolution R94-714 is hereby repealed,
6 except that such Resolution shall remain in force with regard to properties obligated to
7 pay the previous system development charge.

8 PASSED this _____ day of _____, 1998.

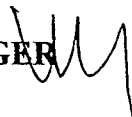
9 SIGNED this _____ day of _____, 1998.

10 _____
11 Mayor

12 _____
13 City Recorder

CITY COUNCIL MEETING: September 21, 1998

AGENDA ITEM NUMBER: 6a

TO: MAYOR KOHO AND COUNCIL MEMBERS
THROUGH: WALLY MULL, CITY MANAGER 
FROM: WILLIAM I. PETERSON, P.E., CITY ENGINEER
SUBJECT: *SANITARY SEWER SYSTEM DEVELOPMENT CHARGE INCREASE*

ISSUE:

Shall the City of Keizer increase acreage system development charges for construction of sanitary sewers?

BACKGROUND:

The Master Sewer Plan Update dated March 22, 1994, recommended the City adopt the levying of assessments to properties benefitted to finance the sanitary sewer collection system. An assessment of \$4,400.00 per acre was adopted. A special assessment was estimated at \$23.04 per front foot to build an equivalent 8 inch sewer along the entire frontage of properties, or portions of properties receiving a direct benefit from the sanitary sewer line, though actual local equivalent costs are charged. It was determined that properties, or portions of properties, within 200 feet of the sanitary sewer line received a direct benefit.

CONCLUSION:

Construction costs have significantly increased since 1994. A new analysis, using current estimated construction costs, indicate the system development charge per acre to serve areas within the City's urban growth boundary should be adjusted to \$7,460.00 per acre. See attached spread sheet and map. In addition, the front foot charge should be set at actual local equivalent costs for the particular line in question. The estimate for local equivalent is \$40.00 per front foot.

RECOMMENDATION:

Adopt the two enclosed Resolutions in the following order:

1. Resolution adopting new methodology.
2. Resolution establishing the new system development charge.

Please let me know if you have any questions. Thank you.

Sanitary Sewer Trunklines to be Built - City of Keizer, Oregon
Work Sheet

(sansewer)
08-30-98

Trunkline	L.F. to be Built	Size	Cost per Foot	Total Est. Construction Cost
36" Line	3,680	36"	\$400.00	\$1,472,000.00
A_13	1,435	10"	\$142.00	\$203,770.00
B_2 & B_3	3,330	12"	\$180.00	\$599,400.00
B_1	270	10"	\$104.00	\$28,080.00
A_9 & A_11	1,580	08"	\$104.00	\$164,320.00
	250	10"	\$142.00	\$35,500.00
A_12	640	08"	\$104.00	\$66,560.00
A_10	710	08"	\$104.00	\$73,840.00
CAC Ext.	5,800	18"	\$202.00	\$1,171,600.00

Trunkline	Total Est. Constr. Costs (\$)	Assess-able length l.f.	Assess-able Costs @ 80 per l.f.	Net Trunk Costs (\$)	Status
36" line	\$1,472,000	0	\$0	\$1,472,000	\$1,472,000
A_13	Completed	450			
A_13	\$203,770	1,435	\$114,800	\$88,970	\$88,970
B_2 & B_3	\$599,400	2,930	\$234,400	\$365,000	\$365,000
B_1	\$28,080	270	\$21,600	\$6,480	\$0
A_9 & A_11	\$164,320	750	\$60,000	\$104,320	\$104,320
	\$35,500	250	\$20,000	\$15,500	\$15,500
A_12	\$66,560	320	\$25,600	\$40,960	\$40,960
A_10	\$73,840	900	\$72,000	\$1,840	\$0
CAC Ext.	\$1,171,600	0	\$0	\$1,171,600	\$1,171,600
sub tot					\$3,258,350

e,s&i .10			\$325,835
a,l&c .15			\$488,753
tot			\$4,072,938
Reimb. Excess Trunk Charges			\$286,000
Total Costs To Be Assessed			\$4,358,938
Less: Acres with Plans Pending paying	\$4,400.00	65	\$286,000
Sub Total			\$4,072,938
Acres Without Sewers		546	
Cost per Acre			\$7,460

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R98-_____

3 ESTABLISHING THE NEW SYSTEM DEVELOPMENT CHARGE
4 IMPROVEMENT FEE FOR THE KEIZER SANITARY SEWER
5 WASTE WATER COLLECTION AND TRANSMISSION SYSTEM;
6 **REPEALING RESOLUTION R94-715**

7 WHEREAS, the City has adopted an ordinance imposing a Keizer sanitary sewer
8 waste water collection and transmission system development charge and has adopted a
9 new resolution establishing the methodology for determining the system development
10 charge improvement fee (Resolution R98-_____);

11 NOW, THEREFORE,

12 BE IT RESOLVED by the City Council of the City of Keizer that based upon
13 adopted methodology, the system development charge improvement acreage fee for the
14 Keizer sanitary sewer waste water collection and transmission system shall be \$7,460.00
15 per acre for those properties so identified by the attached map.

16 BE IT FURTHER RESOLVED that the system development charge improvement
17 front foot fee for the Keizer sanitary sewer waste water collection and transmission
18 system shall be the actual local equivalent front foot cost of the line in question and shall
19 be charged to all properties fronting on the sanitary sewer line, or within two hundred
20 (200) feet of such line.

21 ///

22 ///

1 BE IT FURTHER RESOLVED that Resolution R94-715 is repealed, except that
2 such Resolution shall remain in force with regard to properties obligated to pay the
3 previous system development charge.

4 BE IT FURTHER RESOLVED that this resolution is effective upon its passage,
5 except for properties with land use applications deemed complete as of September 21,
6 1998. Such properties shall be obligated to pay the previous system development
7 charge.

8 PASSED this _____ day of _____, 1998.

9 SIGNED this _____ day of _____, 1998.

10

11

Mayor

12

13

C:\MYFILES\COK\824OCOK.014

City Recorder



October 19, 1998

AGENDA ITEM 8a

RESOLUTION - DESIGNATING CHECKING ACCOUNT
SIGNERS FOR THE CITY OF KEIZER

CITY COUNCIL MEETING: October 19, 1998

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: SUSAN GAHLSDORF 
FINANCE DIRECTOR

SUBJECT: DESIGNATING CHECKING ACCOUNT SIGNERS

BACKGROUND:

In September, 1997 a Resolution was adopted designating checking account signers for the City of Keizer. One additional name, Elsa Palacios has been added to the authorized list of account signers. This addition insures there will be an adequate number of representatives to sign payroll checks and the accounts payable checks.

RECOMMENDATION:

It is recommended the City Council adopt the attached Resolution designating checking account signers for the City of Keizer.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 RESOLUTION NO. R98-_____

3 DESIGNATING CHECKING ACCOUNT SIGNERS
4 (Repeals R97-994)
5

6 BE IT RESOLVED by the City Council of the City of Keizer that
7 Resolution R97-994 is hereby repealed in its entirety and that:

- 8 1. The following individuals are authorized to sign checks on the
9 City's Checking account:

- 10 a. Tracy L. Davis, City Recorder
11 b. Jan Holler, Utility Billing Technician
12 c. Dianne Hunt, Human Resources Officer
13 d. Dennis Koho, Mayor
14 e. Wally G. Mull, City Manager
15 f. Elsa Palacios – Utility Billing Clerk

- 16 2. One signature is required for amounts under \$500.00; two
17 signatures are required for amounts \$500.00 and over.
18

19 DATED this _____ day of _____, 1998.

20 DATED this _____ day of _____, 1998.
21
22

23 _____
24 Mayor
25

26 _____
27 City Recorder



October 19, 1998

AGENDA ITEM 8b

**APPROVAL OF DECEMBER 1, 1997 REGULAR SESSION
MINUTES**

MINUTES
KEIZER CITY COUNCIL
Monday, December 1, 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
Al Miller, Councilor
Garry Whalen, Councilor
Dawn Meier, Councilor

Staff:

Wally Mull, City Manager
Diane Suek, Administrative Assistant-Personnel Officer
Susan Gahlsdorf, Finance Officer
Pat Bowe, Police Lieutenant/Acting Police Chief
John Morgan, Community Development Director
Shannon Johnson, City Attorney
Rob Kissler, Public Works Director
Tracy Davis, City Recorder

PUBLIC TESTIMONY

Presenting testimony to the Council was:

Bob Emmerich, 6188 Crampton Drive, Keizer, spoke in opposition to Council's recent decision to seek an option on the property at the SW corner of River Road and Chemawa Road. Mr. Emmerich shared his concerns about government becoming involved in acquiring or controlling property other than property intended for public use. He believed private development should be allowed to occur in compliance with development code provisions, and without additional controls imposed by the City. He urged the Council to reconsider its action and remove the City and Urban Renewal Agency from the process of acquiring private property intended for private use.

Melissa Williams, 1083 Willow Lake Road N. Keizer, had indicated on the sign-in sheet that she wished to comment regarding the proposed Zoning Ordinance amendment to add conditional use for child foster homes for up to eight children.

Although public hearing on the issue had ended, Mayor Koho allowed for brief comment from Ms. Williams.

As a former foster child, Ms. Williams spoke in support of the foster care program, and urged Council to take action to ensure that every child will have opportunity to live in a safe, structured environment.

There was no other testimony to come before the Council.

COMMITTEE REPORTS

a. Ten-Year Service Award - Sergeant Alan McCowan

Lt. Bowe introduced Sergeant McCowan and presented him with an award in honor of his ten years of service to the Department.

b. Council Liaison Reports

Traffic Safety Commission - Mayor Koho - Mayor Koho had been unable to attend the November meeting of the Traffic Safety Commission.

OTHER BUSINESS

a. New Business

C.O.P. Talk

City Manager Mull directed attention to the fourth issue of *C.O.P. Talk*, published by the Keizer Police Department and distributed throughout the community. He suggested that any feedback on the publication be shared with Jodi Sherwood at the Police Department, or with him.

b. Old business Report

Trail/Manzanita Property

In response to City Manager Mull's memorandum regarding the unchanged status of the Trail/Manzanita property, Councilor

Meier urged that consideration be given to the Gubser's Neighborhood Association's offer to help develop the property into a landscaped area. Assuming the property was not going to be sold, she suggested that the City Manager be given the go-ahead to work with the neighborhood association to put in landscaping. She also proposed changing the zoning so the property could not be sold in the future.

Councilor Miller brought up two concerns: the issue of on-going maintenance; and, whether or not the City should commit to not selling the property at some time in the future.

Councilor Beach recalled previous negotiations between the City and the VanCleave's, owners of the adjoining property, and the change in the offering price based on different appraisals. He believed the City should get an updated commercial appraisal before declining to close a deal with the VanCleave's and turning the property into a park or landscape area.

Councilor Keller recalled that the primary interest of the Gubser Neighborhood Association was to prevent expansion of the gas station and to have something aesthetically pleasing for the neighborhood. He saw no need in the Gubser neighborhood for additional park land. He suggested that rather than rezoning the property to completely preclude its disposition, a better approach would be to make sure the property is zoned in a manner conducive to development appropriate to the neighborhood. He brought to recollection past discussion of putting the property on the market to help offset some costs associated with the stadium.

Mayor Koho indicated that he would like to settle the issue once and for all. He asked that it be scheduled for discussion at the January 5, 1998 meeting. Council directed staff to investigate options for landscaping and maintenance of the property, bring back an updated appraisal of the value of the parcel, possibly zone change, and seek input from the Gubser Neighborhood Association of their commitment to the parcel of land.

Councilor Whalen reported on the November 20 meeting of the Salem Wastewater Treatment Task Force. He provided information to supplement a Wastewater Task Force Report distributed last week by City Recorder Davis. Councilor Whalen reported that the November 20 agenda included discussion of siting of the proposed natural wastewater treatment system. The

task force talked about costs associated with acquisition and development of three potential sites; a site in the Keizer/Marion County area, a site in Polk County, and a site known as the Miller farm, north of the existing treatment plant, within the flood plain.

The preliminary conclusion was that Polk County would appear to be the best siting because of soil conditions, a lesser cost, it's outside the flood plain, and it provides the potential for water to serve the agricultural community. The Keizer site would require extensive lining of clay, it's in the flood plain, and it would remove high quality agricultural acreage from production. The Keizer site would be the most costly siting at this point based on the information they have.

One question left unanswered in the task force's discussion dealt with the appraisal of acreage. The appraisal showed both the Keizer site and the Polk County site as less than 200 acres. In the original master plan they were looking for 400 acres. Councilor Whalen recalled that a site in Washington County used for comparison processes less than what is anticipated here and has only about 600 acres. He suggested that someone on staff investigate why the acreage was cut in half.

Councilor Whalen reported that the task force also talked about efforts to push Salem to address the issue of the leaky sewer system on the customer side.

Councilor Whalen believed it would likely be February, after appraisal of the various properties, before another update would be made available.

Assuming that a portion of one site falls within Keizer's corporate limits, Mayor Koho questioned what right another government would have to exercise eminent domain. City Attorney Johnson was unsure, but indicated that he would look into the issue.

A lively discussion ensued about possible risks to drinking water associated with siting the facility in Polk County, and the possible impact on Keizer if the Keizer site were selected. Although Councilor Whalen knew of no organized group of proponents for the Polk County site, he confirmed that he had been told of the Polk County agricultural community's high level of interest in pursuing the opportunity to get water for additional production.

Councilor Beach, who had also attended the task force meeting, suggested that before taking any strong position, the Council wait for the results of the engineer's study and their recommendation.

Councilor Keller announced that the **Chamber of Commerce Christmas Tree lighting ceremony** will be held on December 6 at 6:30 p.m. The Chamber will host the event which will feature refreshments, and an appearance by Santa Clause.

Councilor McGee recognized Councilor Keller and other members of the Chamber of Commerce for once again launching the holiday season in Keizer by putting up **street lighting and decorations along River Road**.

Mayor Koho requested an **update on the status of the Skateboard Park**. City Manager Mull directed attention to a posted set of plans received by staff today along with the construction budget totaling approximately \$90,000. He noted that Ms. Carlson has received commitments in funds and work in-kind totaling about two-thirds of that amount. The conditional use permit process is expected in January. The issue will be placed on the January 5, 1998 agenda for consideration by the Council.

Councilor McGee made reference to a recent **article in the Statesman Journal regarding improvements in the Keizer Urban Renewal District**. He offered corrections for what he believed to be **three misstatements in the article**. One, with regard to financing of Cherry Avenue improvements, a second regarding financing for the stadium, and the third, regarding responsibility for repayment of the bond debt. Community Development Director Morgan responded to questions about financing for the Cherry Avenue improvement project.

Mayor Koho relayed a second **request from Ken Gierloff that staff review the City Charter, Section (f), and provide clarity on certain issues raised by him at a previous Council meeting**. City Manager Mull indicated that he would follow-up on the request and report back to Council.

Police Lt. Bowe announced that the annual Community Policing Awards ceremony will be held on December 10 at 6:30 p.m. in the auditorium.

Finance Officer Gahlsdorf gave an audit update.

Personnel Officer Hunt gave an update on recruitments for two police officers, six reserves, and one community service officer. She noted that incoming Police Chief Marc Adams will begin work on December 8. Ms. Hunt also informed the Council that the City's receptionist, Tiffany Griffith, would be moving out of state at the end of January. Recruitment for the receptionist position is underway.

Community Development Director Morgan invited Council members to attend the December 3 KURB meeting to get a preview of information that will later come to them on options for financing the infrastructure at the Chemawa Activity Center. The Board will also discuss a Measure 50 requirement for amending the Urban Renewal Plan with regard to renewal district financing techniques.

Mr. Morgan gave an update on the status of the purchase option for the property at the SW corner of River Road/Chemawa Road. He noted that the City is number 3 in line behind two other standing offers.

City Manager Mull offered thanks to all involved in the Chief of Police recruitment. He believed Chief Adams would be an asset not only to the Police Department, but to the whole community.

Mr. Mull reported that the traffic signal at Claggett and River Road should be up and running sometime next week. Since installation was not completed by the November 20 completion date, the contractor is paying damages daily. Audible pedestrian walk signals have been installed at the River Road and Chemawa Road crossing. Audible signals will also be installed at the Claggett Street crossing. Mr. Mull reported that over the next two years, the City will be retrofitting all of the signals in Keizer with audible signals.

Mr. Mull thanked Lt. Pat Bowe for acting as Police Chief for the past five months, and congratulated him for a job well done.

Mr. Mull gave an update on Keizer's application to the Cable Regulatory Commission. It has been approved by the Marion County Commissioners and is next scheduled for consideration by the Salem City Council.

PUBLIC HEARINGS

a. Ming-Yang Restaurant Liquor License Application

Mayor Koho opened the public hearing.

City Manager Mull informed the Council that the Ming-Yang Restaurant is located at 5969 River Road, in the School House Square shopping center. He advised that during the public hearing notification process, as outlined in the liquor license ordinance, no responses were received. An investigation by the Keizer Police Department revealed there was no significant history or events that conflict with the City's ordinance. Mr. Mull recommended the Council endorse the liquor license renewal application for Ming-Yang Restaurant.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Council President Keller moved to recommend approval of the liquor license renewal application for Ming-Yang Restaurant to the Oregon Liquor Control Commission. Councilor Whalen seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. Zone Change/Partition/ PUD Amendment-Case No. 90-09 (Keizer Apartments)

Mayor Koho opened the public hearing.

Shannon Johnson, City Attorney reviewed the applicable criteria and procedures for this hearing. There were no questions or objections raised in regards to notice or potential conflicts.

Mayor Koho announced as a member of the City Council during the initial approval in 1991, he felt there were misrepresentations made by the applicant during the hearings. He noted this may cause bias in his decisions on this matter.

In regards to Mayor Koho's bias in this matter, Mr. Johnson announced objections should be raised during testimony to disqualify Mayor Koho from voting on this issue.

Councilor Meier disclosed her role as an employee of the school district in submitting information on this case in regards to student capacity levels at the area schools.

Mr. Johnson noted this additional knowledge would not pose a conflict of interest based on the lack of financial gain or loss for Councilor Meier. However, he cautioned only the information presented during this hearing should be used to make a decision.

John Morgan, Community Development Director pointed out this is an amendment to a decision made by the City Council in 1991 in regards to a development on a 6.17 parcel on Keizer Road across from Kennedy Elementary School. An apartment complex has been constructed in phase one of the development. Mr. Morgan indicated one of the original zone change conditions was that the property in phase two and three be developed as a planned unit development with 77 condominium units. The applicant has requested this condition be removed and allow for construction of 100 apartments or townhouses. Mr. Morgan summarized the applicable criteria and findings as outlined in the staff report regarding this issue.

Mr. Morgan recommended the Council receive testimony, continue the hearing until December 15, 1997 and direct staff in preparation of an Order in this matter. If the request is approved, he suggested the following conditions of approval be included:

- The applicant shall develop according to the site plan submitted with the application;
- Except as otherwise noted in this decision, development of the site shall substantially comply with the recommendations of the Keizer Public Works Department as outlined in Exhibit "D" of the staff report;
- The conditions of approval shall be the sole responsibility of the applicant.

In addition, Mr. Morgan requested the parks systems development charges be clarified to reflect the expansion of the apartment units. Mr. Johnson explained the previous order reflected a condition that \$100 fee per condominium unit be

paid as a "park acquisition" fee. No indication of payment per apartment unit was mentioned. Since approval of this order in 1991, a system development ordinance has been adopted. He requested the draft order reflect the City's current park system development cost fee of \$200 per apartment unit.

In response to a question from Mayor Koho, Mr. Morgan explained the school district information states their are adequate school facilities for the proposed 100 units.

Providing testimony to the Council were:

Kris Gorsuch, Attorney for the Applicant, 250 Church Street, Salem indicated he has been involved with this project for the last year. He confirmed the criteria for the zone change has been met as outlined by Mr. Morgan in his report. Mr. Gorsuch reaffirmed the development does not exceed the land capacity, exceeds the minimum set back requirements, no variances are being sought, all public facilities are available, and the development complies with the purpose statement of the RM Zone. In addition, Mr. Gorsuch indicated the developer would agree to pay the Park SDC fee at \$200 per apartment unit.

Mr. Gorsuch reiterated the requested amendment adds 23 units to the previously approved 77 units and eliminates the requirement for the planned unit development element. Furthermore, he indicated the applicant is willing to comply with the additional conditions as outlined by Mr. Morgan.

Responding to the potential bias expressed by Mayor Koho, Mr. Gorsuch noted he has no objections to his participation in this matter. He believes the overall development of this project will be a benefit to the neighborhood and City.

In regards to the initial approval of this development in 1991, Mr. Gorsuch explained some of the trees on the site were removed due to disease and others removed based on their location within the right of way. It was not the intention of the developers to defy the site plan as submitted. Mr. Gorsuch indicated the applicant is trying to be a good steward and create a plan that is beneficial to the area and residents.

Mr. Gorsuch explained consideration was given to the impact of school facilities during the approval process in 1991.

Furthermore, the proposed amendment will only increase the impact by an estimated three children. He believes from the current information submitted by the school district there is capacity for these children.

Mayor Koho questioned the school information provided regarding available student capacity when Whiteaker Middle School is presently 291 students above their potential. Councilor Meier pointed out the figures do not include the portable classroom areas.

Addressing an additional concern voiced by Mayor Koho, Mr. Gorsuch indicated the site plan submitted is conclusive and could be attached to the Order of approval.

Responding to a question by Councilor Meier, Mr. Gorsuch confirmed there will be fencing on the north and east borders of the development.

In reference to the removal of trees after the approval in 1991, Mr. Morgan believed there may have been a violation of the state forestry rules and fines were levied.

Councilor Miller expressed his dissatisfaction with the previous actions of the developer in the removal of trees on this parcel. These actions resulted in a lack of credibility and negative feelings, however he understood this should not be an issue in the present matter. Councilor Miller announced this action was the basis for the development of the city tree ordinance.

Mr. Morgan explained the parcel is absent of any trees at this time, therefore there is no violation or guidelines for tree removal. He suggested submission of a tree planing plan as part of the conditions of approval.

Rebecca LaDue-Pellico, 1814 Allendale Way NE, Keizer announced she is testifying as a concerned citizen with the livability aspects of the area, a concerned parent of Salem-Keizer students, and a neighboring homeowner. Ms. LaDue-Pellico noted she was not present at the hearing in 1991, however she has reviewed the testimony. One of the compromises for approval indicated condominium units be constructed thereby causing less impact (approximately eight children) upon the schools. In a recent survey of the units of phase one, Ms.

LaDue-Pellico noted there are six student at Kennedy Elementary, three at Whiteaker Middle School, and two at McNary High School. With less than 50% of the project complete this is approximately a 137% impact to the schools. Ms. LaDue-Pellico expressed her concern with the overcrowding issues the schools are presently facing and overall livability to the community. Ms. LaDue-Pellico requested the Council address the issue of apartments vs. condominium units.

Alex Pellico, 1814 Allendale Way NE, Keizer also noted he is concerned with the impact this development will cause on the livability of the area. He is also concerned with the change from the planned condominium units to an apartment complex. Mr. Pellico believes a condominium unit is more likely to be an owned unit rather than a rental unit and would better maintained.

Another concern raised by Mr. Pellico is the drainage problems near Hasbrook and Allendale. He believed this is due to rain runoff from the storm sewer system under the Salem Parkway. With more development in this area, the flooding effect to the property owners will be substantial. Furthermore, the traffic capacity of Keizer Road will also be increased. He is concerned with the safety of the residents, students and pedestrians in the area. Mr. Pellico also mentioned his concern with the student capacity of the schools in the area and the validity of this hearing. After explanation of the process, Mr. Pellico understood the reason for this hearing.

Peggy Reck, 5181 Hasbrook Street, Keizer inquired if a traffic impact study had been completed on this issue.

Mr. Morgan believed a traffic impact study was not required due to potential low impact 23 units will have to a collector street. Presently there is a capacity of up to 8000 trips per day allocated for Keizer Road.

Ms. Reck expressed her concern with the current traffic problems on Keizer Road.

Chris Anderson, 1912 Petty Grove Court NE, Keizer inquired of the difference between a condominium unit and an apartment unit.

In response, Mr. Morgan explained a condominium unit has discreet lots or individual units of ownership that are legally created. The units presently being constructed in this development are capable of being platted as a planned unit developments.

Verena Wessel, 476 Evans Avenue, Keizer inquired of the current occupancy rate of apartments in Keizer.

Mr. Morgan pointed out this would be considered under a comprehensive plan amendment process. He indicated this area is already designated as medium-high density in the comprehensive plan.

In closing, **Kris Gorsuch**, stated phase two has 44 units and phase three is being requested for 56 units. In regards to the question raised differentiating between apartments and condominiums, Mr. Gorsuch noted there will be no visible appearance differences, only artificial air space. Mr. Gorsuch pointed out that drainage plans will be submitted and approved by the Keizer Public Works Department prior to construction.

In reference to a question raised by Councilor Beach, Mr. Gorsuch indicated the applicant is willing to submit a landscaping/tree plan for the area to enhance the beauty of the site and provide a buffer area.

Mr. Gorsuch explained the deletion of the planned unit development/condominium aspect would not remove a home owner association, only allow all units to be owned by one individual. He believes this will not cause any operation or maintenance differences. Mr. Gorsuch pointed out phase one displays a well maintained area which should provide some assurances on this issue.

Mr. Morgan explained a condominium unit would provide an opportunity to sell the units individually and also a home owners association. There will be no practical or physical change in the development if the planned unit development (condominium) condition is deleted.

Mayor Koho recounted his concern from the previous hearing in 1991 regarding the school capacity issue. He believes the school issue is a public facility issue and is still a concern at this time.

Councilor McGee believes this is a contractual arrangement that was previously made between the City and the developer. He questioned how it can be changed or will be different at this time. Mr. Morgan indicated this is a land-use decision, not a contractual issue and is subject to change. City Attorney Johnson pointed out the conditions are unilaterally imposed by the Council and are not a contractual arrangement. He noted they are not violating the decision of the Council, only requesting a change. A zone change process is being used for this request due to the lack of defined process for amendments.

Councilor Miller noted the public facilities impact should address the impact on the educational system. He requested additional information on the number of bedrooms, rate of rent, current capacity, potential clientele type, style of the units, and the size of units in phase one and two of this development. In addition, he requested staff research the 1991 proposal and outline any differences in the proposed units being requested. Councilor Miller noted an analysis of the impact of the 100 units to the educational system, including the potential use of portable classrooms, should be prepared for review.

Councilor Keller questioned if the capacity is being exceeded, should a moratorium on building be implemented until adequate school facilities are constructed. Mr. Johnson pointed out jurisdictions may not deny a land-use application solely on school capacity questions. Mayor Koho expressed his desire for additional information on this issue.

In addition, Councilor Miller requested staff provide information on the flooding/storm drainage issue raised during testimony.

Councilor Keller pointed out he is not familiar with the information presented in 1991, however he does not believe the issues being raised at this time require additional information. Mayor Koho cited the current overcrowding problems being experienced at the area schools are an issue should be addressed by the school district.

Councilor Whalen pointed out the school overcrowding issue is a downside to the rapid growth of the community, however the applicant in this matter should not be held hostage on an issue that is an overall concern for the entire community.

Mayor Koho recessed the hearing to Monday, December 15, 1997 at 7:00 p.m.

ADMINISTRATIVE ACTION

a. ORDINANCE Amendment to Zoning Ordinance to Add Conditional Use for Child Foster Homes for up to Eight Children (second reading)

City Attorney Johnson presented the staff report. He noted that the changes directed at the November 17 first reading were incorporated into the Ordinance. Mr. Johnson explained changes that were made to Section (i) (6) to clarify the required number of usable parking spaces. City Attorney Johnson acknowledged that absent further changes, a vote could be taken on the motion as stated in the first reading of the Ordinance.

Councilor McGee asked for clarification of the wording in Subsection (7) with regard to required landscaping and visual screening. The section in question read "... shall consist of open space, grass and landscaping, including landscaping for permanent visual screening at least 8 feet wide along the sides and back of the property ...". He wondered if the intent had been to say 8 feet high.

Mr. Morgan confirmed that the wording was correct. It meant that the landscaping space had to be eight feet in width. He agreed that clearer language would be easier to administrate.

In the ensuing discussion, it was agreed that rewording the sentence, as suggested by Councilor Miller, to say "... landscaping area at least eight feet wide ..." would clarify the intent. It was the consensus of the Council to add the change.

For the purpose of the second reading of the ordinance, City Attorney Johnson asked that the exact wording be read. He proposed changing Section 2(i)(7) and Section 3-f(7) to read "... including landscaping area at least eight feet wide for permanent visual screening along the sides and back ...".

Mayor Koho moved a bill for an Ordinance Amending the Keizer Zoning Ordinance at Chapter 23 and Chapter 36 to Allow Child Foster Homes (Six to Eight Children) as a Conditionally Permitted Use in the RS Zone and UT Zone; Amending Ordinance No. 87-078, with the amendment proposed by City Attorney Johnson. Council President Keller seconded the Motion.

Councilor McGee indicated that he would be voting in opposition. He believed the opinion of the West Side Neighborhood Association had been misrepresented when it was indicated that they were withdrawing their objections. He also objected to including in an ordinance a national standard apparently not available for review by staff or the Council.

Mayor Koho called for the vote.

The motion passed as follows:

AYES: Beach, Keller, Koho, and Miller (4)

NAYS: Whalen, Meier, and McGee (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor McGee requested that staff obtain a copy of the national standards and make it available for use by the staff person responsible for overseeing the facility's compliance, and also for members of the Council to review.

**b. ORDINANCE - Vacating
the Bonneville Street Right of
Way**

City Manager Mull advanced before the Council an Ordinance to vacate the Bonneville right-of-way subject to the dedication of the right-of-way for the Alder Street vacation. Staff recommended Council adopt the proposed ordinance.

Councilor Miller had not attended the October 6 Council public hearing and had not listened to the tapes of the meeting. He asked for a legal opinion as to whether or not he should abstain from voting. City Attorney Johnson was unable to cite a legal requirement for abstention in the non-land use case, but suggested that to be on the safe side, Councilor Miller abstain.

Community Development Director Morgan responded to questions about the impact of the Bonneville Street vacation on the school district's interest in the property. In discussions with school facilities staff, the conclusion was that Bonneville needed to be vacated in any anticipated design for future schools on the property. Mr. Morgan also confirmed that with the vacation of Bonneville, a new right-of-way would be established.

In taking a second look at Section 7 of the Ordinance, "Substitute Access," City Attorney Johnson believed a sentence should be added to establish a specific time period for acquiring

a substitute access. He suggested one year. Mr. Morgan suggested that it be at least two years in order to allow the school district sufficient time in the event they have to go for a bond election. After discussion, the consensus was to allow three years.

City Attorney Johnson recommended adding the following sentence at the end of Section 7: "If no substitute access is provided within three years of the date of passage of this ordinance, this vacation ordinance shall become null and void."

Mayor Koho moved a bill for an Ordinance to Vacate the Bonneville Right of Way in the City of Keizer, State of Oregon, with the additional language suggested by City Attorney Johnson. Councilor Beach seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, and Whalen (6)

NAYS: None (0)

ABSTENTIONS: Miller (1)

ABSENT: None (0)

**c. Keizer Little League Park
Water Reservoir**

City Manager Mull presented the staff report. He recalled Council's June decision not to build the 1.5 million gallon above-ground reservoir, called for in the City's Water Master Plan, adjacent to the Wiessner Well site. He reported that after much research and many meetings, Public Works has secured a site at the Keizer Little League complex located on Ridge Drive NE.

Mr. Mull noted that the site, while not as ideal as the Wiessner site, is adequate to install a 1.5 MG above ground tank. Staff proposed using the tank purchased for the Wiessner site, and doing site work that would allow the capacity of the reservoir to be enlarged by another million gallons sometime in the future, if necessary.

Mr. Mull noted that Public Works Director Kissler met on several occasions with representatives of the Little League. To offset Little League concerns about the possibility of encroachment into their existing parking, staff proposed that the City relocate an existing fence, install storm drainage, and pave the south Little League parking lot to maximize parking. The Little League park is currently on a well for its water source. The installation of the

reservoir will allow the City to put the potable water used at the facility on city water, thus reducing any possible liability that could occur from the existing well. Mr. Mull noted that the Little League Board of Directors has given their unanimous support for the project.

To give a better indication of how the reservoir would appear at the site, Mr. Mull directed attention to computerized pictures showing the reservoir superimposed at the site. A breakdown on the fiscal impact at the Wiessner site versus the Little League site was included with the staff report. Staff recommended that Council approve the proposed budget and direct staff to enter into an agreement with the builder of the tank to construct the 1.5 million gallon reservoir at the Little League complex. And, to return on December 15 with a resolution for final approval by the Council.

In responding to questions from the Council, Mr. Mull acknowledged that a fence would be installed around the tank. Consideration is being given to painting something on the side of the tank, possibly something to do with baseball. Graffiti is not expected to be a problem. Mr. Mull also reaffirmed that the proposed site work would allow opportunity for adding another million gallon capacity sometime in the future. With regard to the impact on Little League parking, Mr. Mull gave assurance that if there was any change at all to the number of spaces, it would be somewhat improved. When asked if property owners in the area of the proposed site were noticed, Mr. Mull answered that in this case, noticing was not required.

Councilor Whalen moved to adopt the staff recommendation to direct staff to enter into an agreement to construct the 1.5 mg Reservoir at the Keizer Little League complex and return on December 15, 1997 with a resolution authorizing the City Manager to sign the agreement. Mayor Koho seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mr. Mull commented on the possibility for acquisition of another site appropriate for siting a reservoir in the Clear Lake area. He anticipated bringing to Council, very soon, a proposal to purchase some property on Beir Road in a joint venture with the Parks Department. The purchase would involve sufficient acreage for a one-million gallon reservoir adjacent to a park site.

d. ORDINANCE - Adopting the Water Curtailment Plan; Prohibiting Unlawful Water Waste

City Manager Mull presented the report. He noted that the Oregon State Water Resources Division requires that all cities have a water management plan. Part of that plan consists of a water curtailment plan to prohibit non-essential uses of city supplied water. Mr. Mull advised that adoption of the water curtailment plan would have no fiscal impact on the City. Staff recommended adoption of the proposed ordinance.

Council President Keller moved a bill for an Ordinance Adopting the Water Curtailment Plan; Prohibiting Unlawful Water Waste. Councilor Beach seconded the Motion.

The Motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

a, Miracle of Christmas Noise Variance

b. Approval of September 8, 1997 Special Session Minutes

Council President Keller moved for approval of the Consent Calendar. Councilor Miller seconded the Motion.

The Motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**WRITTEN
COMMUNICATIONS**

There were no written communications to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items.

ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

APPROVED:
MAYOR:

Tracy L. Davis, CMC
City Recorder

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



October 19, 1998

AGENDA ITEM 8C

**APPROVAL OF DECEMBER 15, 1997 REGULAR SESSION
MINUTES**

MINUTES
KEIZER CITY COUNCIL
Monday, December 15, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:00 p.m.
Roll Call was taken as follows:

Present:

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

Staff:

Wally Mull, City Manager
Shannon Johnson, City Attorney
Marc Adams, Chief of Police
John Morgan, Community Development Director
Susan Gahlsdorf, Finance Officer
Diane Hunt, Human Resources Officer
Tracy Davis, City Recorder

PUBLIC TESTIMONY

Mayor Koho called forward Jim Taylor, representing the McNary High School Boosters, and allowed him opportunity to comment on McNary's victory over Beaverton in winning the State 4A High School Football Championship. Mr. Taylor reflected on McNary's achievement and the excellence demonstrated by the players and coach. He introduced Coach Tom Smythe, who was responsible for guiding the team to victory. Coach Smythe expressed his appreciation for the support of the Keizer community.

Mayor Koho proclaimed December 7 through December 20, 1997 as McNary Celtic Days in the City of Keizer.

There was no further testimony to come before the Council.

COMMITTEE REPORTS

a. Volunteer of the Quarter Award

Councilor Beach introduced Charlane Carlson as the recipient of the Volunteer of the Quarter Award. He praised her for her successful efforts in bringing about the Keizer Youth Skate Park, and for her work on Community Policing.

Ms. Carlson was presented with a clock in appreciation for her volunteer service to the City of Keizer and to the betterment of the community.

b. Chief of Police Swearing In

City Attorney Johnson administered the oath of office to Chief H. Marc Adams.

c. volunteer Coordinating Committee Appointments

Councilor McGee advanced his and Councilor Beach's nominations of Lois Anderson and Jim Nightingale for reappointment to the Volunteer Coordinating Committee.

Councilor McGee moved to appoint Lois Anderson (Council Position #6) and Jim Nightengale (Council Position #4) to serve additional three-year terms on the Volunteer Coordinating Committee. Councilor Beach seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

d. Parks Advisory Board Appointments

Mayor Koho presented the Volunteer Coordinating Committee's recommendation for reappointment of Jim Taylor and Gary Steiner to the Parks Advisory Board.

Mayor Koho moved to appoint Jim Taylor and Gary Steiner to additional three-year terms on the Keizer Parks Advisory Board. Councilor Miller seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

e. Bikeways Committee Appointments

Mayor Koho presented the Volunteer Coordinating Committee's recommendation for reappointment of Lori Deibert and Preston VanMeter to the Bikeway Committee.

Mayor Koho moved to uphold the recommendation of the Volunteer Coordinating Committee and appointment Lori Deibert and Preston VanMeter to serve additional three-year terms on the Bikeways Committee. Councilor Meier seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

f. Keizer Fire District Report - Councilor Meier

Councilor Meier gave a brief report on the District's goal to annex the northern portion of the City into the Fire District boundaries.

g. Council Liaison Reports

• Keizer Urban Renewal Board - Councilor Beach

Councilor Beach reported on issues that were discussed at the December 3, 1997 meeting of the Keizer Urban Renewal Board. Representatives from the Prudential Real Estate Commercial Division presented their views with regard to marketing properties within the Chemawa Activity Center. Consultant Charles Kupper plans to put together financing options for the Board to consider. The SW corner of River and Chemawa was also a topic of discussion. Mr. Morgan reported

to KURB on the status of the City's proposal to take a six-month option on the property.

Councilor Beach deferred to Mr. Morgan to respond to questions about comments made by the Prudential people at the KURB meeting with regard to the marketability of the Chemawa Activity Center properties. Mr. Morgan pointed out that misunderstandings as to what can be built in the IBP Zone have been cleared up with the Prudential people. He suspected that asking prices for some of the properties might be inflated beyond the market.

- **Planning Commission - Council President Keller**

Councilor Keller reported on issues that were discussed at the December 10, 1997 Planning Commission meeting. The Commission talked about defining craft industries and how they fit into mixed use zones. The Planning Commission recommendation for zoning for craft industries will come to Council with the new Development Code. Secondly, the Prudential group gave their presentation on Chemawa Activity Center marketing. Councilor Keller was impressed with their presentation and felt they raised a number of very important questions. He suggested the Prudential presentation be scheduled for the January 12 Council worksession. Lastly, Councilor Keller reported that the Planning Commission finished its work on the Development Code. The Code is expected to come to Council on January 5, 1998.

OTHER BUSINESS

a. New Business

City Attorney Johnson noted that since posting the agenda, correspondence was received from TCI cable requesting formal authorization from the City Council for connection of the Fiber Optic Cable Television System to the Keizer Fire District building, Keizer Water Shop facilities, and Keizer City Hall facilities. Mr. Johnson requested that a resolution authorizing connection of the TCI fiber optics system be added to the agenda. He confirmed that it would be necessary to suspend the Council Rules in order to consider the proposed Resolution.

Mayor Koho moved to suspend the Council Rules in order to consider a Resolution Authorizing Connection of Fiber Optics. Councilor Beach seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Whalen questioned how it would be possible for Council to authorize connection to the Fire District building since the Fire District is a totally separate autonomous operation.

City Attorney Johnson explained that authorization was requested from the City as the franchise grantor. Mayor Koho understood that to mean that the City would not be giving approval for the system to be placed at the Fire District, but allowing the City's franchisee to do what they feel they need to do. City Attorney Johnson agreed that that was his impression.

Councilor Meier, who is also as a member of the Fire District board, saw no problem with the City giving authorization as the franchise grantor. She, however, wanted to make sure that when TCI does the connection, they first contact the Fire Chief and make sure it's wanted by the Fire District and not being forced on them. City Attorney Johnson assured Councilor Meier that the message would be relayed through staff.

Mayor Koho moved a Resolution Authorizing Connection of Fiber Optic Cable Television System to Keizer Fire District Building, Keizer Water Shop Facilities and Keizer City Hall Facilities. Council President Keller seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Police Chief Marc Adams reported on his first week on the job. He expressed appreciation for the hospitality extended to him by members of the department, other City staff, and the community.

Councilor Beach questioned the status of the Audit Report. Ms. Gahlsdorf anticipated receiving it in another week. She indicated that she would check on the progress and then contact Councilor Beach regarding scheduling an Audit Committee meeting.

**b. Old Business Report
Chemawa Activity Center Financing Update**

A written report was distributed in the agenda packet. There was no discussion of the item.

**PUBLIC HEARINGS -
a. Zone Change/Partition/
PUD Amendment-Case No.
90-09 (Keizer Apartments)
(continued from December
1, 1997)**

**Mayor Koho reopened the public hearing recessed on
December 1, 1997.**

John Morgan, Community Development Director addressed the four major issues raised during the previous public hearing. The first issue focused on potential drainage problems in the surrounding area. Mr. Morgan announced the City Engineer and the Public Works Department reviewed the drainage plan and concluded there will be no impact on storm drainage capacity or from flooding with the new development.

Mr. Morgan referenced the materials submitted by the applicant providing factual responses regarding the previous tree removal issue, which include an aerial photograph of the area prior to removal.

In addition, a tree planting/landscaping plan developed by the City Parks Department has been submitted. The plan focuses on creating a treed border area around the subject property using trees with a 2½ inch diameter. Mr. Morgan noted the applicant has objected to using trees of this diameter thereby requesting only 1½ inch diameter trees be planted.

Furthermore, the staff report includes information answering specific housing questions on the existing units of the development. Mr. Morgan pointed out an informational report was submitted by Tom McMullen of the Salem-Keizer School District addressing the school impact analysis as well as an excerpt from a study by the Council of Governments entitled Student Density by Housing Type addressing the difference between condominiums and apartments.

Mr. Morgan recommended the Council receive any further testimony, close the hearing and provide direction to the staff in preparation of an Order.

Shannon Johnson, City Attorney explained the tree removal issue from 1991 should be regarded as a separate issue. The criteria as set forth in the zone change ordinance are the controlling factors in this hearing and the violation of the previous condition should not be considered at this time. Mr. Johnson again reviewed the applicable criteria to be considered at this time.

Mayor Koho indicated the information received from the school district does not indicate additional students can be accommodated, however it does not say that they can not be either. This information is not substantial to hold this matter up.

Providing testimony to the Council were:

Peggy Rech, 5181 Hasbrook Street NE, Keizer attended the previous meeting and believed the residents would be contacted in regards to the flooding problems in the area. However, since they were not contacted she collected statements from four of the area residents and pictures showing the flooding problems. Ms. Rech indicated if further development is allowed, flooding waters will increase and cause a detriment to the area residents. She is very concerned with this issue.

In addition, Ms. Rech voiced her concern with the potential traffic impact to Keizer Road. She believed the installation of the speed humps has denoted this road has a potential safety hazard and additional traffic will only cause increased hazards. Furthermore, there is a private school as well as Kennedy Elementary school in this area and increased traffic is a safety risk for the students going to and from school. She believed a traffic impact study should be completed before approval of the additional units.

Mayor Koho explained the speed humps were installed on this road only as a test site, not because it was an overcrowded street or dangerous street.

Ms. Rech explained the neighbors were not informed of the purpose of the installation of the speed humps. She requested

the Council agree that the development remain as condominium units and a provide a plan to deal with the drainage issue.

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, Salem explained he is the project engineer and would like to address the drainage issue that has been raised. He indicated in the design and construction of the first phase of this development, a storm drain line was built from Chemawa Road to provide drainage to this area. Irrespective of the number of additional units, the drainage system should be adequate and will not cause an impact on the Allendale facility. Mr. Grenz indicated he was not aware of the source of the flooding problems Ms. Rech indicated, however he believed this development would not contribute or increase the drainage. Upon completion of the drainage plan for phase three, Mr. Grenz believed this may be an overall improvement for drainage in the entire area.

Responding to an inquiry from Councilor Miller, Mr. Grenz noted the storm drainage system empties into Claggett Creek. Councilor Miller voiced his concerns with potential problems in allowing the drainage to flow into Claggett Creek and requested staff investigate other alternatives for drainage.

Mr. Grenz explained storm water detention facilities are constructed with control mechanisms to meter the output flow rate. This helps to control the rate of flow to Claggett Creek.

Kris Gorsuch, Attorney at Law, 250 Church Street, Salem reported the information provided by the school district notes there would be very little impact to the schools with the addition of 23 units. He pointed out the information included with Mr. McMullen's memorandum states with the current enrollment Kennedy Elementary has a current available capacity of 148 and McNary High School of 118 students. Mr. Gorsuch stated a recent newspaper article concluded Whiteaker Middle School would be able to handle 100 additional students if all of the portable units were in use. In conclusion, Mr. Gorsuch believes there will not be a substantial impact on the schools with the requested additional units.

Mr. Gorsuch summarized the reasons surrounding the removal of trees after the initial approval in 1991. These trees were removed for safety purposes as advised by tree experts. Mr.

Gorsuch added that 22 maple trees were planted in the interior of phase one and more than 50 trees are planned for the interior of phase two as well as trees planted along Allendale. The applicant has agreed that a landscaping plan similar to phase two be added as a condition of approval in this request. Mr. Gorsuch believes this number of trees exceeds the present tree replacement requirements as outlined in the Ordinance.

In regards to the tree plan recommended by the Parks Department, Mr. Gorsuch indicated the applicant has no objection to the concept of the tree planting plan around the parameter, however he does object to the ordered diameter size. Mr. Gorsuch requested the diameter be reduced to 1½ inch diameter due to the potential planting conflict with the utility easements in the area. He pointed out the development code only requires 1¼ inch diameter, therefore exceeding the required size. Mr. Gorsuch also asked that a mix of conifer and maple trees be planted to provide a natural aspect.

There was no further testimony to come before the Council.

Mayor Koho closed the public hearing.

In response to an inquiry from Councilor Meier, Mr. Morgan indicated a 1½ to a 2 inch diameter tree is the standard in the industry.

Rob Kissler, Public Works Director explained the recommendation of the Parks Department of a two-inch diameter was to provide a mature, vandal-proof tree which would withstand potential abuse in a park-like setting. Furthermore the variety was chosen to match existing trees on the south side of the property.

Responding to an inquiry by Councilor Miller, Mr. Johnson explained the City should not impose a size condition which exceeds the requirements of the tree ordinance. It would be necessary to determine that a larger tree would be necessary for buffering purposes in this matter.

Councilor McGee suggested including a condition of approval in which states the trees should be maintained and replaced if vandalized for a period of three-years.

Councilor Keller moved to direct staff to prepare an Order to be considered on January 5, 1998 approving the Zone Change/Partition/PUD Amendment Case No. 90-09. Councilor Whalen seconded the Motion.

Councilor Miller moved to amend the Motion to require that the Order be accompanied by a site plan as a condition of approval and that the applicant be required to maintain the trees and replace any damaged trees for a period of three-years from the date of construction. Councilor McGee seconded the Motion.

Mayor Koho voiced his support for the amendment which would help rebuild the faith in working with the development community. He believes there is no reason to require the increased diameter for the trees.

Councilor Miller indicated the applicant should include the variety of trees in the landscaping plan and submit for approval by the City staff.

Councilor Whalen concluded this is an undue responsibility on the applicant to require conditions beyond those within the development code. He believed the developer is operating in good spirit and the City should not impose additional conditions for a maintenance program.

Mr. Morgan requested the recommended conditions of approval as outlined in the December 1, 1997 staff report be included in the amendment to the Motion. These conditions include:

- The applicant shall develop according to the attached site plan;
- Except as otherwise noted in this decision, development of the site shall substantially comply with the recommendations of the Keizer Public Works Department as outlined in Exhibit "D";
- Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

Councilor Keller believed the imposition of the planting and maintenance of the trees is over and above what is asked of other developers in the community. The information does not support these additional conditions of approval.

Mayor Koho confirmed the conditions as outlined by Mr. Morgan are boiler plate conditions which are added to many approval orders. If these are not required, then the Council is treating this developer differently than other developers in the community.

The amendment to the Motion passed as follows:

AYES: Beach, Koho, McGee, and Miller (4)

NAYS: Keller, Meier, and Whalen (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Miller moved to amend the Motion to include the staff recommendations. Councilor McGee seconded the Motion.

The amendment to the Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Miller moved to amend the Motion to add an additional condition that the trees required to be planted by the applicant be 1½ inches in diameter. Mayor Koho seconded the Motion.

Councilor Keller disagreed with this amendment. He indicated this is over and above the required zoning ordinance size. Furthermore, the applicant did not have a chance to respond to the maintenance requirements.

Councilor Miller pointed out the applicant is willing to increase the diameter size for the required trees.

In discussing the increased size requirements, Mr. Johnson noted the applicant testified he would stipulate to the 1½ inch diameter requirement. Therefore, this should not be construed as a requirement beyond the provisions of the ordinance.

The amendment to the Motion failed with the following votes:

AYES: Beach, McGee, and Miller (3)

NAYS: Keller, Koho, Meier, and Whalen (4)

ABSTENTIONS: None (0)

ABSENT: None (0)

The Main Motion as amended passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen
(7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho announced this Order will be before the Council for final review and approval at the January 5, 1998 meeting.

b. Hotel/Motel Tax

Mayor Koho opened the public hearing.

Finance Officer Gahlsdorf presented the staff report. Ms. Gahlsdorf recalled Council's direction to City Attorney Johnson, at the October 20 meeting, to research and answer two questions: (1) Is a hotel/motel operator acting as an agent for the City when collecting a transient occupancy tax? and, (2) What are the Measure 50 requirements for imposing such a tax?

Ms. Gahlsdorf reported that City Attorney Johnson found that the uses of the hotel/motel tax revenues dictate how Measure 50 applies to the tax. Depending on how the revenues are allocated, the implications of Measure 50 will change. It is therefore necessary for the Council to determine how the funds will be allocated before an ordinance, with the supporting findings, is drafted.

In her staff report, Ms. Gahlsdorf had summarized the three scenarios discussed by the Council on October 20, for allocating the tax revenue.

Staff recommended that Council hold tonight's public hearing; direct staff on whether to draft an ordinance to impose the transient occupancy tax (the ordinance should include an

allocation of the tax revenues, and the percent of tax to be collected); and, with approval, direct staff to schedule an opportunity for public comment on the findings of implementing a new tax.

Ms. Gahlsdorf deferred to City Attorney Johnson to respond to the questions posed by Council. With regard to the question of a hotel/motel operator's status as collector of the tax, City Attorney Johnson, opined that an operator would not be deemed an agent for the City in collecting a transient occupancy tax. In looking at Measure 50, Mr. Johnson commented on language relevant to the initial implementation period that requires findings as to whether the tax will be replacing lost revenue. Even though the implications of Measure 50 depend on how the revenues are allocated, because Keizer would not be replacing lost revenue, Mr. Johnson's initial analysis concluded that the final determination would be that a vote to impose the tax would not be necessary.

In responding to questions from Council, Mr. Johnson clarified that although a public hearing is not required, opportunity must be allowed for public comment on the findings before the tax can be adopted. He reiterated that until Council tells him what the allocations will be, he is unable to do findings. Mr. Johnson suggested that should Council decide to go forward with the tax, they discuss the rate of the tax and the allocation, and direct staff to come back with an ordinance for the second meeting in January. It will allow opportunity to publish the findings, and the 14-day public comment period before adopting the ordinance.

Mr. Johnson confirmed that the percent of tax and the allocation must be adopted concurrently. He pointed out that the ordinance will cover only the initial period; another action to impose the tax will be necessary in July. When asked if the tax could be delayed until July 1 to avoid having to act twice, Mr. Johnson pointed out that there then would be a question of lost revenues to the City for any hotel opening between now and July 1.

A discussion ensued regarding the allocation of the revenues received from the tax. Councilor Keller recalled Council's interest in exploring some way to allocate some of the funds on a case-by-case basis, to groups or activities displaying a need. He cited as examples, the Heritage Foundation improvement

project, and the Skate Park project. He questioned the possibility of putting the revenues in the General Fund, and from there funding grant requests, depending on the need. City Attorney Johnson indicated that it could be done; he anticipated no problem in complying with the required Measure 50 analysis. However, he cautioned against setting up a grant program without first developing policies and a process.

Before continuing with the discussion, Mayor Koho allowed opportunity for testimony from the public.

There was no public testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Whalen proposed allocating 5% of the tax collected to the hotel/motel operators as a collection fee for their administrative cost, 75% to the City General Fund, and 20% to the Keizer Fire District.

Mayor Koho saw merit in Councilor Whalen's proposal. However, for the purpose of discussion, he suggested allocating 5% to the operators, 20% to the Fire District, 25% for non-recurring expenses, 25% to urban renewal, and 25% to economic development (things tourism-related or promoting the City).

Councilor Miller questioned why both Mayor Koho and Councilor Whalen proposed allocating 20% to the Fire District since the staff report specifically talked about a 10% allocation. The answer was that the percentage would be justified because of the increased demand on services. Councilor Miller agreed that the minimal revenues that would be received in the initial period, from Keizer's one hotel, would not amount to a great deal. He was not advocating one way or the other, but pointed out that looking into the future, 20% could be a substantial amount if a large hotel complex were to go in at the freeway.

Councilor Beach generally supported Councilor Whalen's proposal, however, he wondered if the allocation percentages would be locked in or if there would be opportunity to readdress the issue from year to year. He indicated support for imposing a 6% tax. In looking at the different scenarios for estimating revenue the City will receive, he suggested using the

70% occupancy rate and \$55 room rate as the guide.

Councilor Whalen moved to direct staff to bring back an Ordinance imposing a 6% hotel/motel tax with the allocation set forth as follows: 5% to the operator for administrative costs, 75% to the City General Fund and 20% to the Keizer Fire District. Council President Keller seconded the Motion.

Councilor McGee asked whether the 20% to the Fire District represented a flat amount or if the intent was to reimburse them for costs up to 20%. Councilor Whalen intended it to be a flat amount. He pointed out their need, as well as the City's, to project revenues for budgeting purposes.

A lengthy discussion followed regarding the implications of Council's directions to staff at the October 20 meeting. It was the general feeling that although no formal vote was taken to establish the tax, the direction to staff to research and bring back information to move forward toward adoption of a hotel/motel tax could be seen as having the effect of action in support of imposing the tax.

Councilors Miller and McGee each repeated his opposition to establishing a hotel/motel tax. It was clarified for them that the motion addressed only the amount of the tax and the allocation of revenues. Staff will bring back the enacting ordinance that will allow opportunity to vote either for or against imposing the tax.

For clarification, City Attorney Johnson asked if the 75% allocation to the City should be broken down to indicate 5% of that amount as administrative costs. Mayor Koho pointed out that regular budgeting procedures do not separate out administrative costs.

Although Councilor Miller opposed the tax, he believed past indications were that it would pass. Therefore, he would be voting in support of the allocation.

Councilor McGee noted that his comments in opposition to the tax are on record. He, too, agreed that the distribution was the best heard so far, and would vote yes on the motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

a. RESOLUTION -

Authorizing City Manager to enter into agreement with NW Permastore for Water Reservoir at Keizer Little League Park

The staff report recommended adoption of the proposed resolution exempting the Little League Park water reservoir project from competitive bidding, and authorizing the City Manager to enter into a contract with Northwest Permastore for construction of the Keizer Little League Water Storage Reservoir.

Council President Keller moved a Resolution Exempting Little League Park Water Reservoir Project from Competitive Bidding. Mayor Koho seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

The Consent Calendar consisted of the following item:

a. Affirming City's Intent to Form the Claggett Creek Watershed Council

Council President Keller moved for approval of the item on the Consent Calendar. Mayor Koho seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Koho noted the receipt of the following written documents:

- **League of Oregon Cities correspondence regarding Measure 53**

Mayor Koho noted that Measure 53 would repeal the double majority election. It is the only state-wide measure that will be on the ballot.

- **Marion County request for population projections**

Mayor Koho expressed his disappointment that Salem-Keizer was identified as one entity. He suggested that in staff's response to the Marion County Community Development Department, it be conveyed that the two cities should be separated out.

- **Resignation Letter of John Morgan - Community Development Director**

Mayor Koho advised that Community Development Director John Morgan has submitted his resignation effective January 21, 1998. He thanked Mr. Morgan for his service to the City and commended him for a job well done.

AGENDA INPUT

Mayor Koho noted the agenda input items. The January 5 Urban Renewal Agency meeting will begin at 6:00 p.m. A Chemawa Activity Center worksession is secluded for January 12.

ADJOURNMENT

The meeting was adjourned at 8:52 p.m.

APPROVED:
MAYOR:

Tracy L. Davis, CMC
City Recorder

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



October 19, 1998

AGENDA ITEM 8d

**APPROVAL OF JANUARY 5, 1998 REGULAR SESSION
MINUTES**

MINUTES
KEIZER CITY COUNCIL
Monday, January 5, 1998
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

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

Staff:

Wally Mull, City Manager
John Morgan, Community Development Director
Susan Gahlsdorf, Finance Director
Dianne Hunt, Human Resources Officer
H. Marc Adams, Chief of Police
Rob Kissler, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

Speaking was:

Jerry Hartley, 950 Rafael Street N, Keizer, spoke to the Council as the Church Building Fund Treasurer for the Open Gate Church. He noted Clark Hamblin and Morris Salter, officials in the church were also present. He said the Church has been bracketed into the category of being the only church or non-profit organization asked to pay the SDC (Systems Development charge) in developing their new church. He thought the fee was applied in 1994 after the original building permit was issued. The City has since decided not to allow additional churches in residential area.

Mr. Hartley asked the Council to consider the equity of requiring a fee that no other church would be required to pay. He requested an adjustment since the church would be using the facility only about 10 hours a week. The church is near Bolf Terrace, off Wheatland Road.

Mayor Koho asked staff to examine history for adjustments which might have been made. The item will be placed on the agenda of the next Council meeting.

COMMITTEE REPORTS

SWEARING IN OF RESERVES

There was no further testimony for the Council.

Marc Adams, Chief of Police, introduced the two newest Keizer Police Reserves, David Dirkx and Tia Jones, giving biographical comments. Both new Reserves have completed the Reserve Academy. Shannon Johnson, City Attorney gave the oath of office to both officers.

NEW BUSINESS

Councilor Beach announced the Audit Committee will be meeting on January 12, prior to the Council work session.

Dianne Hunt, Human Resources Officer, reported the current receptionist would be leaving on January 22, while Sara Skol, the new receptionist, will begin her job on January 12.

Rob Kissler, Public Works Director, gave an update on volunteers in the Parks Department over the past year. Four Eagle Scouts did improvements in the parks, including installation of bike racks, a drinking fountain and horseshoe pits. The parks improved were Willark, Claggett and Pleasantview.

OLD BUSINESS

Councilor Keller said he had discussed with Mr. Mull the Court Collections Request for Proposals. The staff has several plans and are working to bring an update to the next meeting. Councilor McGee asked if the document would be discussed. He was concerned that holding the checks for 10 days as stated in the RFP was too long. Five working days could accomplish the same benefit.

Councilor McGee referred to a memo regarding Mr. Morgan's resignation and the request for Councilors to allow the local newspaper to announce the item. He wanted to be sure the public knew the City had a current policy not to favor one media source. Mr. Mull said the City does send all press releases out at the same time via fax to the news media.

Councilor Beach introduced additional questions regarding the collections proposal. He stated the presentation was scholarly and well done, but believed several issues might need discussion with legal counsel before release. He did not think the agency would need written prior authorization from the City before legal action could be taken. The City might be only one of several creditors and requiring such authorization could hold up their process. Councilor Beach also did not think the City should be advised on a daily basis of accounts paid in full. A monthly status report should be effective so an undue amount of red tape is not required. He did request the system be in place quickly to reduce the large amount now in arrears.

Councilor Miller returned to the previous question asked by Councilor McGee regarding news releases. He asked if the policy were written. Mr. Mull said the policy was unwritten but known. Councilor Miller proposed a resolution be drafted as a formal policy of the City, adopted by the Council. Having such a policy was the

consensus of the Council.

Councilor Keller asked if the concerns of Councilor Beach would delay the distribution of the RFPs. Mr. Mull answered no. Councilor McGee reminded the Council that the total of unpaid fines a year ago was 1 million dollars and now is 1.6 million. He wanted to be sure steps have been taken to stop the growth and suggested that be done even prior to distributing the RFP.

Shannon Johnson, City Attorney, responded to the questions raised by Councilors. He said the collection agency immediately deposits the debtor's check but does not pay the City for 10 days so that the City would not be responsible to deal with insufficient fund checks. Councilor McGee asked why 10 days was chosen. Mr. Johnson believed 7 days were required for clearance. Councilor Beach said 3 days would be all that was required. Mr. Johnson said he could look at reducing the time period. Councilor Beach pointed out the Council did not want the Collection agency to have use of large sums of City monies for a length of time.

Mr. Johnson preferred to include in the RFP language to keep the City from becoming involved in any legal action. Councilor Beach mentioned a minimum amount might be designated for any legal action. Tracy Davis, City Recorder, explained that the total debt began with the Court in 1990. Over the past year, the number of tickets has drastically increased, which might be the cause of the debt increase. Councilor Miller suggested the RFP language be clarified regarding the difference between total collected funds and payments by check.

**PUBLIC
HEARINGS
KEIZER
DEVELOPMENT CODE**

Mayor Koho opened the Public Hearing.

John Morgan, Community Development Director, gave the staff report. He recognized the Planning Commission for the many work hours spent on the document, and mentioned the large amount of public input that has been included.

This Code, when adopted, will revoke the existing ordinances. He said the Code is more user friendly and logically arranged. The intent is to have a single index. Mr. Morgan said a single theme for the code might be leniency on use but regulatory on design. The concept is to allow the marketplace to dictate decisions on types of development, thus the leniency on zoning. On the other side, new design standards have been established for commercial buildings and higher density housing. These will be a part of the building permit process.

Mr. Morgan stated the Commission will bring additional sections to the next Council meeting. One issue relates light industrial uses in commercial zones adjunct to a storefront. Two other areas relate to the Cherry Avenue design plan, i.e. the Industrial Business Park Zone, mixed use zones along that street. Those items will come to the Council soon.

He suggested Public testimony be taken at this meeting along with some of the Council's initial questions. More answers and information will then be given at the next Public Hearing on January 20.

Speaking were:

Joe Rackocy, 3840 Rivercrest Drive N, Keizer spoke to the Council regarding Section 2.413 Recreational Vehicle storage. He was concerned about setbacks required for an RV parked in the side or rear yard. He has modified his yard to park the RV out of site of the street and also, installed a fence. His concern related to the requirement that the RV has to be 5 feet from the side property line. Mr. Rackocy suggested modification of this section. He believed this would be punitive and too restrictive to people who have gone to great expense to park their motor homes. He suggested revision for "grandfathering" in present situations or modification to restrict this only to RV's parked stationary for one month. Moving his motor home to the driveway, utilizing Section F, would be much less aesthetically pleasing.

Mayor Koho asked if Mr. Rackocy had fencing between his property and his neighbors. The answer was yes. Mr. Morgan said the Commission spent a great deal of time on this issue. It was noted that a 6 foot high fence does not cover the RV and was not adequate for screening. Mayor Koho asked what would happen to those in this position. Mr. Morgan said this situation would be presumed nonconforming, but the issue arises when the RV leaves and returns. He said the Commission would need time if the draft needed to be modified.

Councilor Keller remembered many screens were the result of a past ordinance which did not allow RV's on the street. He saw that as a tremendous step by RV owners to accommodate the Keizer community. He was concerned with the possibility of the Council adding more restrictions to these owners.

Councilor Meier asked for clarifications regarding setbacks. She confirmed there are no front setbacks. Mr. Morgan stated the setback is required on the side or back. Mr. Rackocy explained that he only had 13 feet on the south which would not allow his RV and a 5 foot setback.

Eric Meurer, Marion Polk Building Association, stated his organization had worked with the Commission for several years and were overall pleased with the document. He did have a couple of items which were of concern. His first issue was with 2.102.06, page 9, with coverage for buildings. He suggested this might be a mistake, should be 70% instead of 60%.

The second problem introduced by Mr. Meurer related to a density issue. He said 2.102.06, Sections I and J, made it difficult for

landowners with approximately an acre to use the total lot for their dwelling. Although the issue was not a big one for the Building Association, some property owners might object. The four units per acre density would not allow for this.

Mr. Meurer brought up the issue of zero lot line found in 2.201.07b, stating that was a good definition for an attached zero lot line but not a detached one. He suggested additional work would be needed there.

Councilor Keller asked for a response from Mr. Morgan to the items introduced. Relating to the first question, Mr. Morgan said 70% was correct. For Sections I and J, the compromise became one-half acre after much discussion. He related the Commission's concern that a homeowner might place a residence in the center of a large lot, precluding any future development. Philosophically, they did believe it was not in the community's best interest to allow such large amounts to be undevelopable.

Councilor Keller asked if the desire to maintain the correct density level was the factor behind the decision. Mr. Morgan answered that was the most efficient use of land within the urban growth boundary so it is a density issue. Councilor Keller stated a property owner needs to be able to utilize their property without having a government agency make the decision. Mr. Morgan said the existing code sets the size at one acre but the Commission philosophically felt that was not adequate.

Mayor Koho asked the present density level. Mr. Morgan responded that the average overall density is targeted at 6.5 dwelling units per acre. At last computation, Keizer's average is a little over 7 units per acre. Mayor Koho commented that with the small amount of remaining land, whatever the Council decided will not have much effect on the average. Mr. Morgan said the issue will be targeted for later deliberation.

Councilor Beach asked if Mr. Meurer could submit his items to John to address at the next meeting. Mr. Meurer stated he and Mr. Morgan had discussed the items prior. Mayor Koho said he had spoken with Mr. Meurer before the meeting and list was not to be lengthy. Mr. Morgan added that the detached zero lot line does need definition.

Mr. Meurer continued with Chapter 2.302.03, Section H, stating he was beginning on the more significant items. The item relates to culdesacs and whether a separate system for bikes would be required. He said the trigger point would be for culdesacs of more than 6 lots deep. He believed the issue was a major one and added significant cost and design changes. He stated these connectors are not popular in other cities, especially among neighbors. They could be eliminated. Mayor Koho asked why this would be a big issue for builders. Mr. Meurer said if a connector like this is required, half the lots of an 8 lot culdesac would have double

exposure, paved and lighted, which diminishes privacy. Those lots sell last and at a reduced price.

Councilor McGee asked if Mr. Meurer believed this action resulted from a desire to reduce culdesacs. Mr. Meurer said yes. The Councilor continued by saying culdesacs are not popular and often are considered as becoming slum like in the future. Mr. Meurer said traditionally planners do not like culdesacs although residents living on them do.

Councilor Meier asked if culdesacs were singled out for connectors. Mr. Meurer stated this was not the case, but an attempt is being made to create a secondary circulation system for bikers and walkers. He believed a great deal of money is being spent already but questioned whether the miles used is worth the amount of money spent.

Councilor Whalen felt problems existed with the present language in the Code. If the Planning Commission supported the concept, he suggested visiting a new subdivision to see some examples. Mayor Koho asked for background from Mr. Morgan for future Council discussion. Councilor Keller also wanted to look at locations that have become problem areas where traffic has been closed to reduce traffic through neighborhoods. He gave some specific examples and questioned how much free flow is desired in neighborhoods.

Mr. Meurer directed the Council to 2.303.08, the section regarding Bicycle Parking. He questioned whether the numbers in the document would be realistic. His recommendation was to have a minimum number of spaces for each application, perhaps 2-4. Then a declining number could be required for larger lots. One of the challenges relates to the distance from the front door. At present, the spots are required to be less than 100 feet from a building entrance.

On the issue of Transit Facilities, 2.305, Mr. Meurer pointed out that anyone developing a 12 plex would be required to put in a lighted bus pad, regardless of whether the bus goes in the area. As developments grow larger, the requirement for shelters increase, with the maximum cost being approximately \$30,000. He suggested the present system of negotiation for transit facilities at the time of development works and the new requirements are far beyond reality. Mr. Meurer noted he and Mr. Morgan agreed on the changes but the Planning Commission overruled their recommendations. He requested the Council discuss the issue again, reiterating the success with the present system.

Councilor Keller asked about the source for the transit ridership statistics included in the document. Mr. Morgan stated they came from the Transit District. The Councilor questioned why the Code would require shelters when the Transit District itself only provides a pole at a number of its stops. He believed the requirement to be

overkill. Mr. Morgan pointed out this Code section was not mandatory but allows it to be imposed if there is demand. He said the Commission felt the more comfortable bus riding is made, the more people will utilize it. In answer to Councilor Keller's question, Mr. Morgan said he did not know who would be responsible for maintaining the shelters. The Transit District presently does.

Councilor Meier questioned how many trips per day were considered when computing the development statistics. Mr. Morgan explained each house was considered to use 10 trips daily with 1.5 taking place during the peak hours. Five homes would generate about 6 trips during the peak hour, thus a large subdivision or complex would meet the transit facility standard.

Councilor Whalen stated the Transit District could use their projections to require expensive shelters in situations where they might not be needed. He asked if the developer would be reimbursed by the District if the shelter was not needed. His suggestion was for the issue to be reworded to make it practical.

Mayor Koho suggested language that would enable the city to place transit requirements for critical areas. Mr. Johnson pointed out that in Section A referring to the matrix, the numbers are given as the maximum requirements and decisions will be made on a case by case basis. One of the questions the Planning Commission asked him, as City Attorney, was what could be required if the code did not include the maximum. He stated his answer was that written documentation must be available if the City wished to make a developer conform.

Mr. Meurer commented that it is rare for a major development not to come before the City for some request, i.e. zone change, etc. which is where most negotiations take place and conditions are stipulated.

Councilor McGee remarked that he knew the number system will be improved. He also asked for a copy of the items such as 2.304 which were removed after receiving a number. Councilor Whalen clarified that the copies distributed to the Council prior to Christmas had those items. Mr. Morgan added that the document distributed last week also included these items.

Continuing his concerns, Mr. Meurer referred the Council to Chapter 2.310.04, Section B, Traffic Circulations. The issue relates to subdivisions being laid out with direct access for walkers and bikers to all adjoining areas, i.e. schools, community centers, shopping. Mr. Meurer suggested the idea of a separate direct system could be changed by removing the word "direct" or the total section B. He believed no single item could change the way Keizer develops or cost more than strict adherence to this chapter which creates a secondary system for walkers and bikers. He believed the present required sidewalks and bike lanes meet the need.

Councilor Miller asked Mr. Morgan if the item had been in place when McNary Estates was established whether that subdivision could have been possible. Mr. Morgan said anything in the Code is variable and a planned development is a separate circumstance where common sense would prevail. Councilor Miller pointed out that if the section were adopted then it would be a standard. Mr. Morgan stated he would consider the item and respond during the Code discussion time.

Councilor McGee introduced an issue on how to proceed. He said definitions are clearly stated in most places, but several issues are not quantified. He gave the example of "oddly shaped or unusually long blocks." He asked when wordsmithing would be done and asked when these items should go to Mr. Morgan.

Mayor Koho encouraged the Councilors to get items such as those to Mr. Morgan as soon as possible. He also asked Mr. Morgan to be available to contrast definitions with the current system. Mr. Morgan said when land use cases are in question, a hard and fast code would apply only a certain percentage of the time since every physical situation can not be anticipated. Much of the language used is intended to provide guidelines to decision making, which does not exist in the present Code. At present, City staff are required to make a large number of decisions on a case by case basis.

Councilor McGee asked if staff wanted to make ad hoc decisions. Mr. Morgan said guideline language was needed but no public process would be needed if all was written in black and white. Staff needs to have room to custom design within the guidelines. Councilor McGee stated he would think about the issue, since his first response was to lean toward quantifying as much as possible.

Mayor Koho gave the example of a developer coming to the City with a unique property not fitting within a Development Code which defines every possible issue. He was pleased to improve the Code but was not bothered by subjectivity also being used. Councilor McGee wasn't impressed by the thought the new Code might be better than the present one.

Councilor Keller asked if the Fire Department had seen the Code to see if any impact will be made on their services. Mr. Morgan did not think the District had responded on the specific issue. In answer to the question about the Police Department, Mr. Morgan said Mr. Miranda had had copies and had offered a few comments. Mr. Mull said the Fire District was heavily involved in the restructuring of street designs. Councilor Keller would like the Police and Fire Departments to look at the document which is being considered. Councilor Meier asked for input from the School District, too.

Councilor Whalen would like to see how the connectivity issue would apply to the Clear Lake School, using the quarter of a mile, in

a way that is safe, convenient and direct. He did not believe it was practical or realistic to achieve this and offered some specific examples from the Clear Lake area. His concern related to the Code being so specific that common sense could not prevail.

Relating to the same issue, Mr. Meurer stated the issue provides for a separate network of public paths, which he believed the City did not want. He noted a final item, 2.310.06, Sanitary Sewers, did not include the City's standard Reimbursement Agreement language. In the same area, on number N, Mr. Meurer believed the Grading and Fills section should recommend 3 feet.

There was no further testimony for the hearing.

Councilor Beach asked if the Development Code overrules the Chemawa Activity Center plan. He questioned some differing requirements. Mr. Morgan clarified that the Code said the IBP zone limits certain retail uses to 25,000 square feet. In the Commercial Mixed zone, the 11 acres of commercial zoning at the Chemawa Interchange, there is no size limit. The Chemawa Activity Center plan limits the size to 50,000 square feet and is not in conflict with the Code being considered. Mr. Morgan said the Activity Center Plan will take precedence.

Councilor Beach asked where home occupations, such as relating to alcohol sales, are addressed. Mr. Morgan said they are in 2.407. He also noted a comprehensive Table of Contents will be created. Mr. Morgan clarified that a retail operation could not be operated out of a home, which differs from today's ordinance. Mail order sales are still legal.

Councilor Beach thought liquor sales were to be excluded in the RS zone. Mr. Morgan said a revision would need to be formulated if that were the case. Mayor Koho suggested the removal of sentence #2 would solve the problem, but Mr. Morgan noted that would not deal strictly with liquor. Councilor Keller suggested keeping the document unchanged which would require permits and the sale items could be regulated. Mr. Morgan noted the wording could be changed to prohibit the sale of certain items. Councilor Beach asked the issue be studied by staff and returned to the Council for discussion.

Councilor Whalen questioned Mr. Johnson regarding the possibility of prohibition of adult entertainment as addressed in 2.418. Mr. Johnson said the adult business section was to be dealt with in a memo to the Council. He stated the section came directly from the old ordinance. In the current form it is not enforceable. He also said regulating adult businesses in Oregon is difficult. Councilor Whalen suggested that if they can not be prohibited outright then the distances should be increased. Mayor Koho asked if any portion of Keizer is not within the present recommended 1000 feet distance from residential zoning. Councilor Whalen asked the distance be verified and the Council discuss the item at a later date.

Mayor Koho recessed the Public Hearing until January 20, 1998.

ADMINISTRATIVE ACTION

ORDER - ZONE
CHANGE/PARTITION/
PUD AMENDMENT -
Case No. 90-09 (Keizer
Apartments)

Council President Keller moved a bill for an Ordinance in the matter of the application of Lydon Construction Inc. for Modification of Development Conditions set forth in Case No. 90-09 regarding PUD and Density Requirements for a 6.17 acre Parcel located directly North of 1831 Keizer Road Northeast, Keizer, Oregon (Case No. KZC/P/PUD 97-1); Amending Ordinance No. 91-202. Councilor Whalen seconded the Motion.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen
(7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

The consent calendar consisted of the following:

a. RESOLUTION - Authorizing City Manager to Award Contract for Purchasing Public Works Vehicle

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

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen
(7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATION

There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the next regular meeting will be on Tuesday, January 20, as opposed to Monday. The work session will be January 12 on Activity Center Financing.

Councilor McGee asked if the Audit would be on the January 20th Agenda. Mr. Mull said yes.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Tracy L. Davis

City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Councilor # 3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



October 19, 1998

AGENDA ITEM 8e

**APPROVAL OF JANUARY 20, 1998 REGULAR SESSION
MINUTES**

MINUTES
KEIZER CITY COUNCIL
Tuesday, January 20, 1998
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:

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

Staff:

Wally Mull, City Manager
John Morgan, Community Development Director
Susan Gahlsdorf, Finance Director
Dianne Hunt, Human Resources Officer
H. Marc Adams, Chief of Police
Rob Kissler, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

Speaking were:

Wayne Trucke, 6330 14th Avenue, Keizer, spoke to the Council as representative for the Gubser Neighborhood Association. He reported on the Miracle of Christmas lights held in the neighborhood. Overall, 15,226 pounds of food were collected and given to Keizer Chamber Food Basket program and Marion-Polk Foodshare. The Foodshare also received \$11,000 in donations from the attendees. On behalf of the organization, he thanked event Chairs Bud and Trinda Stoudamire and the people who attended and donated.

Mr. Trucke also mentioned the Trail/Manzanita property issue. He let the Council know the Association prepared a letter to be submitted to Councilors in the next few weeks.

Jack Grossnickle, 509 Dearborn N, Keizer commented on two issues. Although he agreed the use of CCTV was good, he

suggested the \$60,000 could have gone into the proposed Skate Park for the kids. He did not believe much was done for children who were not involved in sports and a place should be developed for them. He suggested funds should be given to the skate park, mentioning the recent success of the park in Salem.

Mr. Grossnickle also brought up the property on the corner of Chemawa and River Road. He suggested purchasing the property with urban renewal funds to create a "village green" type setup. He believed Keizer has almost a block of blight in the center of town which could be alleviated.

Finally, Mr. Grossnickle spoke regarding the five foot setback for recreation vehicles as found in the new Development Code. He believed the property up to the line should belong to the individual and he strongly objected to the setback.

Mayor Koho also stated the skateboard park committee is presently meeting in another room and a drawing will be created so that the whole project can have costs attached. The Council will then make a decision on participation.

There was no further Public Testimony.

COMMITTEE REPORTS

FIVE-YEAR SERVICE AWARD

Mayor Koho explained the Five-Year Service Award on the Agenda will be presented to Officer Robert Trump at the next meeting.

AUDIT COMMITTEE

Councilor Beach announced the **Audit Committee** included Councilors McGee and Whalen, Pat Sparks-Tewell, Ted Agnagnos and Susan Gahlsdorf, staff liaison. Ms. Gahlsdorf, Finance Director introduced Charles Swank from the Audit firm, Grove, Mueller, Hall and Swank .

Charles Swank stated he intends to present the firm's opinion on the City's financial report and then a report on the Federal Financial Assistance program. Mr. Swank pointed out the Council had received two documents, the Financial Report opinion and the Federal Report. He noted the Financial report format was similar to previous years. Mr. Swank said the financial operations look good and he would be willing to answer phone questions from Councilors.

A management letter includes a response to 1996 Audit comments. One relates to municipal court receivable which the Council has discussed at length. The comment for the current year relates to turnover in the Finance Department, work loads, and not being able to monitor expenses as closely as desired. This will be an item closely watched in 1998.

Council President Keller asked about the issue of coding vendor invoices. Mr. Swank answered that the current year audit found improvement in coding invoices but did find budget overexpenditure problems, mentioned on page 3.

Councilor Beach stated Mr. Swank had done the audit for 4 years and reported to the Committee that the City's financial condition is the best ever. He was especially pleased since a staff transition was included in the past financial year. Councilor Beach commented on the good staff work and the Council's frugality.

Councilor Beach moved the Annual Financial Report, for the year ended June 30, 1997, and the Independent Auditor's Reports Applicable to Federal Financial Assistance Program, for the year ended June 30, 1996 be accepted. Mayor Koho seconded the Motion.

The motion passed unanimously.

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

COUNCIL LIAISON REPORTS

Councilor Meier reported on the **Community Policing Committee's** meeting the week prior. Craig Campbell was re-elected Chair and Vice Chair is Glen Putnam. Bill Pearl was re-elected to an at-large position with two more to be filled. The Traffic Safety Commission was represented by Fred George who explained to the Committee their role. Discussion took place regarding how the two groups could work together. Councilor Meier reported Marc Adams, the new Police Chief also attended the meeting to talk about the future of the Keizer Police Department. She believed he had some great ideas for the department and was encouraged to have him on staff.

Councilor Meier also noted the Graffiti ordinance is before the Council at this meeting because a "sunset" clause is a part of the ordinance. Councilor Meier reported the Ordinance had done away with graffiti in Keizer and they would be requesting it be continued. She also reported Loren's Sanitation presented a check for the recycled newspapers to Keizer Crime Prevention program.

The **Parks Advisory Board** meeting was reported on by Councilor Miller. He said Lore Christopher was elected as Chair and Joe Van Meter, Vice Chair. The Board received several updates on projects in progress. The Willamette Manor Park irrigation is 90% complete. The Meadows Association has not yet responded regarding the play structure proposal. Ongoing maintenance items were also discussed.

Council President Keller reported officers were also elected for the **Planning Commission**. Bill Wolf was elected as Chair and June Abbott, Vice Chair. The group continued ongoing discussion on the Development Code.

Mayor Koho reported on the **Management Committee** meeting, which only himself and Councilor Miller were able to attend. He mentioned a letter to Prudential for discussion regarding the properties near Chemawa and River Road.

Councilor McGee asked to discuss the letter. He felt the letter would imply more commitment by the City than they were prepared to give at this time. Mayor Koho believed Council discussion would be helpful. Councilor McGee pointed out the letter stated that objectives for the two groups appeared to be similar. He questioned what the Council's actual objectives were. He also said the letter described a particular motif which had no meaning for him.

Council President Keller stated he had read the letter draft. He was concerned what could be allowed on the property. The letter implied the former Unocal corner should meet the design standards of the area. His impression was that the design standard would have to be met on all four corners. He was uncertain why the letter needed to be sent.

Councilor Beach saw the letter as an attempt to communicate with a professional organization and the overall tone was well projected. He did have reservations about the City's vision. Any partnership should also be defined. Basically, Councilor Beach believed more discussion was needed.

Mayor Koho understood the proposal and the intent behind the letter as a way to provide significant improvements and depth to the business district without having the City spend money. He suggested Councilors Whalen, Miller and another Councilor redraft the letter. Councilor Whalen requested Council President Keller join the group. Councilor McGee thought the letter could be returned to the Management Committee for a final decision.

OTHER BUSINESS

NEW BUSINESS

Mayor Koho introduced the regional **Growth Management Seminar** to be sponsored by the Council of Governments on March 14 in Salem. He believed it to be a good start to regional discussion.

In regards to a letter received from the City of Salem on the **Willow Lake** issue, Mayor Koho noted the letter may reflect only the staff's position and not the elected officials. Council President Keller indicated there has not been much public discussion on the issue. He also added the full Council did not agree with the letter sent to the City of Salem and, in fact, he was opposed to it. He is also

opposed to the issue Salem is currently discussing. He believed the Council needed to discuss the item in public so the community understood what was being suggested.

In response, Mayor Koho thought the Council had discussed the issue in public. Council President Keller stated the letter itself had not been reviewed in public and he was opposed to the contents.

Councilor also voiced his concern that two types of **fire codes** are being administered in the Clear Lake area, which is under Marion County jurisdiction. A citizen had called him after having received differing opinions on an issue from Marion County and Keizer.

City Manager Mull responding reported until about two weeks ago, Marion County and Keizer Fire District had an agreement that Fire Marshall Stein would make all of the decisions regarding planning and development for both entities in the Clear Lake area. Marion County changed their mind and sent a letter stating they would be making their own decisions regarding planning and development for that area. The City Public Works Department responded with a letter requesting representatives attend the City's Tuesday afternoon engineering meetings. Mr. Mull said Marion County representatives had been attending those. He also informed the Marion County Fire District Fire Marshall of the need to present a document to the City Council for adoption regarding the enforcement of the uniform fire code for the Clear Lake area.

Councilor Beach asked the **local garbage handlers, Loren Sanitation and Valley Garbage, be recognized for the special effort made to collect Christmas trees for recycling.** They contributed \$5.00 per tree to the Keizer Skate park which resulted in about \$4300 total. The total amount now collected for the Skate park is over \$10,000.

Councilor McGee asked if a committee is now working on the **Radiant Drive traffic issue.** City Manager Mull stated a staff committee met several months ago and will begin meeting again to address the issue. Councilors Meier and Keller serve on the committee.

Councilor McGee asked if the process will be a plan developed by the committee and introduced to the Council. Mr. Mull responded that a meeting had been held with baseball team representatives to discuss problems from last season, the traffic engineer will examine the plan and then the committee will make a recommendation to the Council regarding traffic for this season. Councilor McGee also mentioned other entities who might be interested in being involved.

Councilor McGee also asked about the status of the suit between Keizer and the City of Salem on the **special policy area (Willow**

Lake). Mayor Koho stated no suit has been filed, merely an appeal of Keizer's land use action. Shannon Johnson, City Attorney, explained the City of Salem appealed Keizer's action in July. There was disagreement about two months ago concerning the contents of the record. Salem filed an objection to the record and Mr. Johnson filed a short response. No timetable has been sent by the Land Use Board of Appeals (LUBA).

Mr. Johnson clarified that the record's contents must be settled before the briefing schedule begins again. A decision could then be expected within the next few months. Councilor McGee asked if all the research and time for Keizer had been completed. Mr. Johnson responded that the major part for LUBA is yet to be done. The Councilor recommended staff or legal time not be expended until the issues brought up previously by Council President Keller are resolved. Mayor Koho suggested an opportunity for mediation might be available. Mr. Johnson requested the Council not discuss the issue which might lead into questions best answered in an Executive session. Mayor Koho scheduled Executive Session one hour prior to the next Council meeting.

Councilor McGee was concerned that the basic concepts on the table have only been discussed in Executive Session. He said the Council has generally been solidified but some Councilor's votes were not supportive of the concepts, which he wanted discussed. Mayor Koho suggested the issue be discussed in Executive Session at the next meeting followed by an agenda item during the regular meeting.

Councilor McGee asked what ORS would be used for the Executive Session. Mr. Johnson said he had heard the theory that LUBA actions do not qualify under litigation status. He did not agree and said the Council would meet under the litigation exception. Councilor McGee stated his appreciation of Mr. Johnson's desire to avoid Executive Session meetings. He believed the issue should now be brought into the public session. Mayor Koho agreed, believing that much discussion had previously been done in open session. Councilor McGee desired to begin in Executive Session and then move quickly into regular session.

Mayor Koho replaced the Urban Renewal meeting on February 2, with the Executive Session, followed by discussion in the regular agenda. Council President Keller commented that his frustration stemmed from the local paper reporting on the issue as well as discussion in City of Salem Council meetings, yet no public discussion has taken place in Keizer.

OLD BUSINESS

Mayor Koho introduced the **media policy** discussed in the previous Council meeting.

Mayor Koho moved the Council endorse the Media Policy and Councilor Miller seconded the Motion.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen
(7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mr. Mull stated he had received four **Collection agency proposals for Municipal Court** collections. They will be reviewed in the next 7-10 days and a recommendation made at the next Council meeting.

PUBLIC HEARINGS

LIQUOR LICENSE APPLICATION – ROUND TABLE PIZZA

Mayor Koho opened the Public Hearing.

City Manager Mull gave the report, stating Samuel and Nancy Cochran had submitted an application for a restaurant liquor license for Round Table Pizza. The staff recommended a public hearing be opened to allow testimony from the applicant or other interested individuals, and upon completion, the hearing be closed. Also recommended was approval of the license under applicable ORS guidelines.

Speaking were:

Glen Putnam, 745 Orchard Street, Keizer stated that if beer could be served at the ball park, then it should be available at a pizza parlor.

Sam Cochran, Round Table Pizza, 5025 River Road N, Keizer, said he had been in the pizza business for five years and was eager to open the Keizer store. He was exited to join the community. He said Round Table is a chain of 540 stores on the west coast and a license is required in the franchise, but it was incidental to the serving of pizza. He spoke of their excellent record at the South Salem store, with few incidents of unruly customers. He reiterated their business was pizza and community service.

Councilor Miller noted that as a new business, Mr. Cochran should know most Keizer business owners donate heavily to the community causes. Mr. Cochran said he already met with the McNary faculty, will join the Chamber and the Keizer Heritage Foundation, and is building the restaurant according to the Schoolhouse theme with a banquet room. He repeated his interest in assisting youth and education in Keizer.

There was no further public testimony.

Mayor Koho closed the public hearing.

Council President Keller moved to pass on to OLCC recommended approval of the Round Table liquor license. The Motion was seconded by Councilor Meier.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen
(7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**KEIZER LAND
DEVELOPMENT CODE**

**Mayor Koho reopened the public hearing continued from
January 5, 1998.**

John Morgan, Community Development Director, spoke about the process for the proposed Development Code issue. Staff recommends the hearing be continued until March 2, 1998, taking testimony in this meeting. The Department of Land Conservation and Development (LCDC) requested a new 45 day notice, which will also give more time from input from other agencies. February can be used by staff to prepare response to public testimony received. The goal is to complete the discussion in the March 2nd meeting.

Mr. Morgan continued, discussing staff responses to testimony given in the prior meeting. He noted response to the Home Builder's testimony will be given in the March meeting. Mr. Morgan highlighted three issues the Planning Commission discussed in their most recent meeting. They related to the Mixed Use zone, the Industrial Business Park zone and Craft Industries. Recommendations can be found in the staff report.

Regarding the Mixed Use zone, Mr. Morgan explained the Cherry Avenue corridor included areas planned for the Mixed Use zone, but adequate standards were not available to implement the intent of the plan. In their recent meeting, the Planning Commission worked on those guidelines. Mr. Morgan referred the Council to proposed revisions in text which pointed out the highlights of the change regarding setbacks on Cherry Avenue immediately across from the Bi-Mart/Keizer Village shopping center. Also applicable for that area were restrictions created on the amount of residential building space in the Mixed Use zone.

Continuing, Mr. Morgan introduced recommendations involving the Industrial Business Park (IBP) zone which were originated by the Cherry Avenue Design plan. The IBP zone standards, as adopted

for the Chemawa Activity Plan, did not work for the Cherry Avenue area. The Commission introduced a proposal for lowering the setback requirements from 40 to 20 feet for the zone throughout the whole city. Other minor changes included a height limit change to 100 feet from 70.

Finally, Mr. Morgan introduced the change in philosophy of the Development Code from interest in activity taking place to the external visual impact. The Commission made a recommendation that situations in Mixed Use where manufacturing wished to overshadow retail operations become conditional uses, requiring a notification and appeal process. They also recommended facilities in Mixed Use be limited to 5,000 square feet of floor area while the Commercial General zone limit would be 10,000 square feet.

Council President Keller asked about the limit of 1 ton vehicles on properties such as Craft Industries. He noted UPS trucks weigh 8 tons. Mr. Morgan said the intent was to avoid semi trucks but allow UPS trucks so additional work may need to be done on the wording.

Councilor Miller noted that in the IBP zone on page 7, the document has a 100 foot height limitation. He asked if that would apply to any hotel being built in the Chemawa Activity Center. Mr. Morgan said that was true in the IBP zone. An eight story building would be acceptable.

Mayor Koho questioned the possibility of removing the setback requirements for Recreation Vehicles. He noted Mr. Morgan had stated some requirement would be needed to avoid risk of appeal and suggested a 1 or 2 foot setback. Mr. Morgan clarified recreation vehicle issues are able to be decided by the Council for Keizer. The concern is that a 10 foot tall motor home parked 5 feet from a neighbor's house might be too close. Council President Keller mentioned the letter from Mr. Garza regarding a case from another state. He asked if the Code was merely considering aesthetics.

Mr. Johnson referred to the letter received, saying it regarded parking on any public or private property in a very restrictive zoning. Setbacks can be a health and public safety issue. The City currently does not have a setback requirement and can continue that policy. Councilor Whalen followed up on the issue, stating the present system is working well. The movement of boats, campers, etc. from public streets has cut down on visual hazards. He thought the policy should remain as is.

Mayor Koho noted a number of people were present to testify on the issue and time might be saved if the Council wished to express their preference prior to testimony time. Councilor Meier believed parking along the side was more pleasing than in the driveway.

She preferred to retain the present policy. Councilor Miller stated deliberation could not take place but the Council could direct staff to amend the code.

Councilor Miller moved to direct staff to delete any references to setback requirements for recreation vehicle's from the Development Code. The Motion was seconded by Council President Keller.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen
(7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho introduced the written testimony received on the Development Code into the record.

Speaking were:

Mike Kirby, 492 Hollyhock Place N, Traffic Safety Committee Chair addressed the Council regarding traffic safety issues. He stated some of the items were now included in the Street Tree ordinance. He wished to speak concerning Section 2.31209, vision clearance, the contrasting proposals from the Committee and the Planning Commission with the proposed Development Code.

Mr. Kirby said one issue related to whether vision clearance should be required at controlled intersections. The Committee had suggested vision clearance for all corners. He read the present wording from the Development Code.

Another difference between the two proposals dealt with specifications for legs at intersections. Mr. Kirby noted research into standards from neighboring cities discovered requirement for a 30 foot leg from the back of the sidewalk, street surface or curb, both ways, for the vision clearance triangles. That was the recommendation of the Committee for better vision clearance and traffic safety. The Development code proposed is less restrictive with 20 foot legs.

Mr. Kirby believed an important issue possibly not included in the Code related to existing corners and vegetation. The Committee believed that should be addressed and enforced.

Councilor Meier was concerned about the assumption that every sidewalk is next to the street or there is no sidewalk. She did not believe landscape buffers were mentioned. She asked if a five foot landscape area is present whether the 30 foot leg would still be

desired.

Mr. Kirby said the recommendation of the Committee, consistent with the research done, was to begin measurement from the inside edge of the sidewalk, if present. Councilor Meier suggested using measurement from the inside edge of the curb or the edge of the pavement if no curb is available. Mr. Kirby stated the Committee did not recommend that action since it would be less restrictive but it would be consistent and might be considered.

Council President Keller asked about the basis for the Committee's recommendations, i.e. accident rates, etc. Mr. Kirby explained all the city wide accidents, fatalities and school bus violations have been charted on a city map. The map was considered but more than accident rates, the Committee used documents from the City of Salem and Marion County and general information regarding traffic safety. He noted less vegetation, longer legs and higher branches, especially where there are no stop signs, make traffic safer.

Councilor McGee stated his concern regarding a stop sign being classified as a traffic control device. Mr. Kirby answered that a stop sign would be a traffic control device but he thought the Planning Commission minutes stated the vision clearance requirements be waived only for traffic signals. Mr. Morgan said the existing code defines a controlled intersection as an intersection with any type of traffic control device and vision clearance does not apply. The Commission has suggested a compromise, to have vision clearance for all intersections except those with traffic signals.

Using Mr. Morgan's example of Daisy Maze, Councilor McGee believed the shop previously being located in the business district made a difference. To clarify his understanding of the proposed Code, he asked if vision clearance would be required since Linda Street had only a stop sign. Mr. Morgan answered yes. Councilor McGee asked if the Traffic Commission were satisfied by that requirement and Mr. Kirby said yes.

Regarding the length of the leg, Councilor McGee asked why the Planning Commission preferred the less restrictive requirement. Mr. Morgan explained that Salem measures the 30 feet from the property line which could result in a 40 foot leg. The Planning Commission felt that was too much and thought 20 feet from the back of the sidewalk was adequate. He also noted this applied only to nonarterial intersections. The requirements for arterial intersections were developed from the variable speed of traffic which the Commission believed was more realistic yet more restrictive. A table was developed for each situation.

In clarification, Councilor McGee asked if the restriction for Salem of

20 feet and the City of Keizer's 40 foot restriction were actually similar. Mr. Morgan said that was the case. Councilor McGee then asked if the Traffic Commission's request for 30 feet was a compromise. Mr. Morgan replied 30 feet would be between the two City's requirements. Councilor McGee felt the most important question would be which would make the City of Keizer safest. He believed addressing the issue of clearance would be second only to speed in assisting to make the city safer. He encouraged the Council listen to the Commission on this issue because of their use of data.

Councilor Miller asked for clarification by Mr. Kirby on the first paragraph. He understood those vision clearance requirements would be applied to all intersections with no exception for those controlled by traffic signals. In Mr. Kirby's discussion, Councilor Miller thought the concerns of the Traffic Committee had been satisfied by the new requirement. Mr. Kirby explained the Committee's desire. He said the initial proposal from the Commission did not make exceptions for traffic signal intersections. Based on an awareness of the Planning Commission's work, the Committee believed this was a reasonable exception for adoption.

Councilor Beach asked Mr. Kirby about using 30 feet for the setback length but applying the curb as the standard measuring point. Mr. Kirby thought that would be slightly less restrictive than the Commission's proposal but would be uniform. The Committee tends to prefer more restrictive resulting in better sight distance but would be preferable to today's situation.

Referring to the Planning Commission and Traffic Safety Committee, Councilor Beach asked about discussion regarding traffic islands for some west Keizer streets. Mr. Kirby said speed humps are being experimented with near the Little League field. Another traffic calming device, the traffic circle, had been considered. Sergeant Miranda of the Police suggested a possible location for experimentation would be the intersection at Rafael and Shoreline because of the street's width. The Neighborhood Association will be considering the issue at their monthly meeting. Councilor Beach believed the suggestion should be thoroughly analyzed with a broader constituency.

Mr. Mull spoke on behalf of the staff regarding enforcement of the Development Code. He stated simplicity is important. An assigned length for the legs and measurement from the curb would both be helpful for staff enforcement. Council President Keller questioned staff plans about existing situations.

Mr. Morgan responded that items preexisting the Code would be "grandfathered", since he did not believe the language could be retroactively enforced. He did comment that a bush which grew

bigger following the adoption of the Code would need to be addressed. The City of Salem ended up adopting a separate ordinance dealing with vision clearance requiring retroactive adherence within the right-of-way. A person was hired to cut plants which did not conform.

Councilor Meier stated this was the first time she had heard about no retroactive action. Mr. Morgan said no private citizen was required to change their present situation. Most codes are not, with the exception of the City's Sign Code. Councilor Meier asked how the City would be better. Mayor Koho said the situation does not get any worse and the Council might chose to make Vision Clearance current.

Councilor Miller suggested Mr. Kirby explore with the Traffic Safety Committee a separate ordinance for Vision Clearance. Mr. Morgan clarified the separate ordinance in Salem applied to public right-of-way, not private property.

Tom McMullin, Director of Facility Services for the Salem-Keizer School District, stated he was an architect and had been involved in the design of school buildings for 30 years. From his brief review of the design standards, he believed the Code was written for commercial and retail buildings, not school buildings. Similar rules were in effect for the building of Crossler Middle School and strict adherence would have resulted in over one-half million dollars more construction costs.

One of Mr. McMullin's concerns related to the transit stop. He believed transit facilities needed to be coordinated regionally since not all stops would need one. Multiple walkways on the front of the site would create a less safe environment for entry. He commented on the problems experienced by Keizer Elementary at dismissal times and related the proposed rules would not improve the situation.

To determine bicycle needs, he had counted the actual number parked outside elementary schools on nice weather days. About 20 was the maximum. Bicycle usage, especially in secondary schools, related to the weather and potential vandalism. Mr. McMullin had concerns about the Code requirements for schools in that area.

He noted the Code did not reflect site conditions and the need to deal with wetlands, slopes and other unusual situations. Some concern about the covered walkway requirements surfaced. Making comments about other possible Code requirements, Mr. McMullin was uncertain about the 50 foot height restriction as it related to multi storied schools. Conservation of land requires vertical building.

In conclusion, he stated his belief that the requirements will increase costs, lessen safety and control and possibly have a negative impact on neighborhoods. He agreed with the recommendation for postponing the final Code decisions. Citing a previous positive working relationship with the City staff, he asked the Council to recommend the staff work with the School District to better understand the Code's impact for schools.

Mayor Koho stated the City would not intentionally add significant costs to school buildings, especially since several may be built in Keizer in the near future. He believed the Council would desire the agencies work together.

Councilor Meier gave an example of the Code's application, using Keizer Elementary. With the present requirement, 96 bicycle spots would be needed which would require an area 96 feet long and 20 feet deep within 100 feet from the entrance. Councilor Miller suggested applying the same logic to the Salem-Keizer Stadium. Councilor McGee noted addition of bicycle parking spots is only one factor involved in encouraging people to ride bicycles.

Councilor Whalen asked for clarification about Mr. McMullin's reference to covered walkways. Mr. McMullin remembered a covered walkway from the transit stop to the building and awnings along the front of the building for the length. He believed allowing specific requirements for schools could be more useful. Mr. Morgan directed the Council to 2.3 where cover was no longer included, although awnings or overhang was present.

Councilor Miller questioned whether working with other agencies was the intent of the staff report. If additional direction was needed, he suggested it be done at this time. Mr. Morgan stated letters have been sent to each jurisdiction asking for input and assistance before March 2nd. Council President Keller encouraged staff members to make additional phone calls to insure the importance of feedback is understood.

Mr. Morgan said the state recommended standard for bicycle parking spots is 8 per classroom, resulting in about 1000 spots for the high school. Councilor Beach thanked Mr. McMullin for his input and concurred with the thinking regarding additional expenses not affecting the operation and safety of a school. Councilor Meier pointed out a location in the Code where a covered area is required 50 feet from the transit stop to the entrance of the building, which could have been considered as a covered walkway.

Wayne and Karen Trucke, 6033 14th Avenue, Keizer, spoke to the Council regarding the Vision Clearance ordinance and the Fences, Walls and Hedges Ordinance. Mrs. Trucke began by

noting the change in the final Vision Clearance draft after public testimony was closed. She explained that controlled intersections with stop signs must follow the same setbacks as those intersections which are uncontrolled. The Truckes believed separate conditions should be maintained for controlled and uncontrolled intersections.

Following a clarifying question, Mayor Koho commented the code will apply to new development not presently existing. Mrs. Trucke stated she did not understand that previously but was concerned that those not in conformance now will remain so.

Continuing, Mrs. Trucke stated her concern about the possible measurement inconsistencies already addressed and believed measurement from the curb would be better. Using an example, Mrs. Trucke stated state law requires coming to a complete stop at a stop sign before proceeding. With a 10 foot setback, that portion of street could be used to check for clearance. She asked how an extra 20 feet of vision clearance would help since the cars must stop at the stop sign.

Ms. Trucke also believed that would be an argument in favor of excluding stop signs from the ordinance. Mayor Koho thought the theory behind the larger amount of clearance was to allow for sighting of persons who might be running a stop sign. Ms. Trucke did not desire giving up use of her land because someone might violate the law. Councilor Beach pointed out landscaping could be done but must be under 30 inches.

Mrs. Trucke stated vision clearance needs to be monitored for stop signs but not as severe on uncontrolled intersections. She pointed out several differences between Keizer and Salem, i.e. size, different goals, needs, etc. She said their neighborhood is finding that too strict a code can even impact safety. Giving the example of clear driving spaces, such as I-84, as compared to forest roads, she noted drivers are more attentive when vision is decreased. In their neighborhood, a false sense of security seems to reign and drivers do not always follow the traffic laws. She believed the clearance could make a serious accident more possible.

Moving on to the issue of Fences, Walls and Hedges, Mrs. Trucke asked for clarification regarding whether hedges should be included with walls and fences in the height limit for property lines. Mr. Morgan did not recall hedges being left out of the sentence. The standard is in the existing code so that property can not be walled off from the street. Councilor Beach asked if it should be clarified in the revision.

Ms. Trucke wanted clarification that this restriction did not relate to vision clearance. She said an answer given by City staff regarding

the reasoning for the restriction was so that a pedestrian could move from the path of a car out of control. She did not think a pedestrian could remove themselves from the car's path, even at 20 miles per hour.

Explaining the reasoning behind the restriction, Mr. Morgan gave the example of a child riding a tricycle on a sidewalk not having a way of escaping traffic if a wall were on the property line. Mrs. Trucke stated again her opposition to the restriction since the child could not get out of the way. She believed 4½ or 5 feet would be a reasonable height. She also suggested the changing of the setback to 5 feet. The noise problem and the privacy to use the front yard were additional issues she raised. One of the upcoming design trends is a shorter wall and use of the front yard as a garden area, which would be restricted by the proposed Code.

Councilor Meier questioned whether Mrs. Trucke previously knew about the grandfather clause. She answered she did not. Councilor Meier asked staff more about the issue. Mr. Morgan directed the Council to Section 2.2 regarding non-conforming use, which is the same as the existing code. Councilor Meier suggested reference be made to that in the front of the Code.

Mrs. Trucke commented that grandfathering does not seem appropriate in the instance of gardening since plants take time to grow. Council President Keller discussed further the grandfather clause, asking if someone deciding to grow pole beans in their front yard could be stopped. Mr. Morgan answered a complaint received about a slow growing bush or annual would be enforced. Council President Keller asked how the City staff would know when the plant was planted. The Council discussed the difficulty involved with enforcing that section of the Code. In closing, Mrs. Trucke encouraged the Council to consider a stop sign as a different situation from an uncontrolled intersection.

Bob Dozler, 782 Cummings Lane, Keizer, suggested lane lines might be better served than a traffic island on Shoreline Drive. He also spoke of his confusion regarding grandfathering on RV issues. He commented on the concrete slab versus gravel for RVs and asked if the Code related to new housing or existing houses. Mayor Koho explained the Council planned to make no changes from the present Code in sections involving RV parking.

Mr. Dozler asked if a date will be placed on the Code. Mayor Koho stated the passage date will be the beginning of the new enforcement. Mr. Morgan clarified the new Code, when in effect, will apply to the establishment of new RV spaces. The only change to the new Code, not in the existing Code, is the requirement of a 6 foot fence if the RV pad is placed in the side yard. This would apply to the establishment of a new pad. Mr. Morgan added that all pads

are to be paved, which is required in the existing code.

Councilor Miller mentioned seeing yards and houses with gravel RV pads and asked if those are allowed in the existing Code. Mr. Morgan said they are not allowed and enforcement of issues such as those are usually done upon a complaint basis. The existing code allows one RV per property on a hard drained surface.

Doug Pilant, Salem Area Mass Transit, 3140 Del Webb Avenue, Salem, spoke of his appreciation in being able to work with the City staff on the transit facility section. He said the Code clearly defines the risk of what might be expected as well as providing flexibility for the Transit district to meet present and future needs. Mr. Pilant did note the Transit staff's concern regarding the need for additional guidance on architectural design of the facilities. He mentioned safety, durability and perception factors.

Mr. Pilant asked if the Code would cover future joint projects for the City and Transit collaboration. He also noted the Code did not mention funding the facilities. The Transit district may not be able to participate in all the projects if funding is expected. Mayor Koho thanked Mr. Pilant for speaking and encouraged the District to work with the City staff on the issues raised.

Councilor Whalen questioned what would be the minimum acceptable level required for a transit facility code. Mr. Pilant was sure that the issue must be addressed in the Transportation System plan, but was uncertain what must be addressed in Development Codes. He believed the Council's action was a good first step to work out a partnership. Councilor Whalen confirmed that a minimum transportation level was not required and Mr. Pilant agreed.

On page 25, Councilor Whalen asked about item 2.30501 concerning the definition of planned transit services and requirements for the private sector. He wondered if mandating a facility be built committed the Transit District to provide service and what would happen if service is not provided. Mr. Pilant answered that if any new services are going to be planned the department would want facilities to be present.

Councilor Meier asked how far out the Transit Master plan went. Mr. Pilant stated the District is currently working on a 20 year plan with emphasis on the next 3-5 years. Councilor Meier hypothesized about a development going in today which might take 9 years to fully develop. She asked if the Transit District would know what facilities would be required in that case. Mr. Pilant said the District is entering into stages of models which will allow better projections but to date has not had the luxury of detail planning.

Council President Keller said Eric Meurer testified on this issue previously, stating a rough estimate for building a facility would be \$30,000. He asked if the District would take over the maintenance or share in the cost. Mr. Pilant would like more discussion regarding sharing the cost but a maintenance crew maintains the shelters.

Continuing on the subject, Council President Keller asked how facility locations are determined. Mr. Pilant responded that usage of the current system has been the key, but over the past five years the subject has been approached with more scrutiny. Guidelines now generally base the facility location on ridership, or boarding a bus. The District is currently looking at every bus stop within the system. Councilor Miller asked for a definitive answer whether the Transit District would be willing to pay for the cost of the facilities. Mr. Pilant said he could not give an answer because he had not been directed to do so.

Councilor Whalen asked who pays for the shelters presently. Mr. Pilant stated the Transit District primarily paid now but sometimes businesses will contribute or pay for them.

Councilor Meier questioned whether lighting is usually provided for shelters other than street lights. Mr. Pilant said based on past focus group experiences, lighting is considered a big safety issue. He said the District would like to see it discussed further.

Bob Ohrn, Clear Lake Neighborhood Association, 7950 Timothy Lane NE, Keizer, passed out a written handout for Council members. He said the Clear Lake Neighborhood Association (CNA) appreciated the work of the Planning Commission on the Development Code draft, believing it to be an improvement over the previous version. Specifically, the requirement change for mailing Type 1-B decision notices and the requirement for public notices to be posted on Type II and III actions were seen as positive.

Mr. Ohrn said the CNA consistently recommends a lower housing density in the single family residential (RS) zone. He opposed the proposed minimum standard of 4 units per acre and also proposed reduction of the maximum from 8 units to 4. A possible method of implementation might be creation of a new lower density zone in the area targeted as Urban Transition (UT), north of Barnick Road.

Another recommendation from the CNA related to Manufactured Home Parks requiring a Conditional Use permit. The new Code has no changes in the approval procedures from the existing Code. Mr. Ohrn wanted the public to be able to have input without the City staff decision being repealed, thus treating Manufactured Home parks like subdivisions.

Mr. Morgan noted there is a change in the procedures. The new Code includes a Conditional Use permit with notices to neighbors, which is stricter on process than the old Code. He clarified that the existing Code requires all building in the UT zone to have a Conditional Use permit while the RS zone does not. The new Code does not have an automatic public hearing, but Mr. Morgan said that could be added.

Councilor Whalen believed Manufactured Home subdivisions should have the same requirements as other subdivisions. Councilor McGee agreed Manufactured Homes should receive every right a site home does, but should also have the same standards.

Mr. Ohm said the difference is the property transfer does not go to the person who rents the space, thus Manufactured Home parks fall into Conditional Use sections.

On another issue, Mr. Ohm discussed the appeal deadline change. At present, the deadline is 10 days from the mailing date, while the new Code changes to 10 days from the decision. The CNA asked the standard be changed to begin from the mailing date.

In the new Code, Mr. Ohm said major land use changes are not required to be publicized. The CNA recommended the Code be amended to require those be published in a newspaper. Currently, staff reports on land use actions are available at no cost. The new Code will offer those reports at a minimal cost which the CNA opposed.

Mr. Ohm asked what will happen to the Urban Transition zone which is not mentioned in the Code. In discussion with staff, he discovered the remaining UT zone, north of Barnick Road, will be rezoned to RS when the Code is adopted. The CNA is concerned about the implications of that action for those living in the UT zone. He believed a zone change, such as that, should be a public procedure, with a separate process.

Councilor Meier asked if all land zoned UT will now become RS. Mr. Morgan said virtually no UT zone exists south of Barnick Road. As developments occur, the zoning is changed to RS. He did say that some properties along River Road are zoned UT in a few isolated places. The intent is for a map to be adopted at the same time as the Development Code. Mr. Morgan further explained that the Commercial Retail zone, the EFU zone and the UT zone will be eliminated and the map would show how the new zones would appear.

Councilor Whalen asked what the rationale would be for eliminating

the UT and EFU zones, given that both still exist and are used within the City. Mr. Morgan said the Planning Commission has used the Agricultural Industrial zone, which might be applied around the Willow Lake Treatment Plant, virtually the only place the EFU zone is used.

Mr. Morgan explained that regarding the UT zone, the Commission recommended eliminating the zone usage south of Barnick Road about 4 years ago. Since so little land now remains with UT designation, there is no need to have a separate zone. He said the UT zone is quite problematic administratively. RS zoning requires a development review and is easier to administrate. Councilor Whalen asked about some specific properties which might be in UT zone. They were determined to be outside the City limits.

Mr. Ohrn agreed the UT zone is shrinking. He asked about some issues which are presently in the zone, i.e. orchards, livestock and would probably be grandfathered in the new Code. His concern was the possible implications for eliminating UT zone and recommended the proposal to rezone RS areas currently zoned UT north of Barnick Road be a separate process.

The next point raised by Mr. Ohrn was whether the tree ordinance would be included in the Development Code. Councilor Miller stated he had pointed out the omission to Mr. Morgan at the last meeting and the ordinance will be included.

Stormwater management was an issue introduced by Mr. Ohrn, which is not addressed in the existing Code. The new Code includes some wording but the issue of fill is not present. Mr. Ohrn stated developers have been adding fill to raise the level of the new developments resulting in runoff for existing homes. The CNA is concerned about the increased risk of flooding. The recommendation would be to include limitations on the amount of fill to be brought into new developments. Mr. Ohrn suggested the Marion County Building Code has such a regulation to be examined.

Mr. Ohrn spoke about the issue of buffers, for the preservation of farm and forest lands. Marion County requires development within 500 feet of EFU zone to file a declaratory statement. This would be the acknowledgment and understanding that their location is next to an industrial use which will continue. Mr. Ohrn pointed the Council to the sample Marion County statement attached to the CNA's comments.

Finally, Mr. Ohrn shared the concern of the Association when the manufactured home park in their area cleared the land, graded for roads and put in sewer and water lines prior to application approval. The existing developer's limitation is the requirement of a building

permit before a structure is actually begun. Mr. Ohm said the developers gamble that their application would be approved which could leave a mess should denial result. His recommendation was to require approval of the development application before allowing land clearing, road construction, etc.

Councilor Beach noted his surprise and concern that in the situation land was being totally cleared before a building permit had been approved. Councilor McGee spoke about the privacy of the landowner and the right to the work unless other ordinances are violated.

Harlan Naegle, 2054 Rockledge, Keizer, hoped the City would enforce the existing Code regarding RVs. His neighborhood has situations he felt were unsafe.

Mr. Naegle raised his concern about the site distance chart regarding vision clearance as found in the draft. He believed the 30 foot requirement being discussed for subdivisions was excessive, pointing out the draft Code allows only 10 feet behind the sidewalk for major arterials, not in a subdivision.

Another point mentioned by Mr. Naegle was the need for a difference between requirements for controlled and non-controlled subdivisions. He gave an example of a recent experience with his RV being the source of complaints because of its relation to the stop sign. Mr. Naegle also noted that while landscaping is included, parked vehicles blocking vision are not. More sight distance might be blocked by large vehicles than plants.

Finally, Mr. Naegle said a curb would be easier to describe than a sidewalk for measurement use in the Code.

Mayor Koho recessed the Public Hearing until March 2, 1998.

Mayor Koho suggested a work session be held prior to the Hearing to discuss issues raised. Councilor Miller said many comments have been made and asked staff make a brief checklist of the issues introduced. Councilor Meier also suggested Councilors share their own concerns with staff to add to the list. Mr. Mull said a complete list would be distributed to the Council.

Mayor Koho thanked Mr. Morgan for his 7 years of service and all the work he has done.

ADMINISTRATIVE ACTIONS

Wally Mull, City Manager reported the Graffiti Ordinance passed in 1994 has a sunset clause by which it will expire. He believed the passage of the ordinance in 1994 has greatly reduced the graffiti and has benefited the community. City Manager Mull indicated the Ordinance has been reviewed by the Community Policing

Committee and recommends adoption.

Mayor Koho moved a Bill for an Ordinance Relating to the Abatement of Graffiti and Declaring a Public Nuisance. Councilor Beach seconded the Motion.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen
(7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

- a. Keizer Texaco Liquor License Application – Change of Ownership/Name
- b. Petition to Vacate Portion of Harvest Drive
- c. RESOLUTION – Preserving City's Option to Change Insurance Carriers
- d. RESOLUTION – Authorize City Manager to Sign the 1997 Fund Exchange Agreement

Council President Keller moved for approval of the items on the Consent Calendar. Councilor Meier seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen
(7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATION

There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted an Executive Session will be held at 6:00 p.m. on February 2nd. On February 9th, financing for the Chemawa Activity Center will be discussed. He said a formal Urban Renewal Meeting may take place afterward.

ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Tracy L. Davis, CMC
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Council President - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



October 19, 1998

AGENDA ITEM 8f

**APPROVAL OF FEBRUARY 2, 1998 REGULAR SESSION
MINUTES**

MINUTES
KEIZER CITY COUNCIL
Monday, February 2, 1998
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:00 p.m.
Roll Call was taken as follows:

Present:

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

Staff:

Wally Mull, City Manager
Shannon Johnson, City Attorney
Marc Adams, Chief of Police
Rob Kissler, Public Works Director
Susan Gahlsdorf, Finance Officer
Dianne Hunt, Human Resources Officer
Tracy Davis, City Recorder

PUBLIC TESTIMONY

Presenting testimony to the Council were:

Barry Evensen, 7133 Lawnridge Street NE, Keizer,
representing The Meadows Subdivision homeowners,
voiced their objection to the Chariots' proposed transit route
along Park Meadow Drive from Wheatland Road to River
Road. He cited as reasons for their objections, the
increased traffic, hazards to pedestrians, and the lack of
need for bus service internal to The Meadows.

Mayor Koho pointed out that the City has no authority with
regard to defining bus routes. Mr. Evensen understood that
to be so, but wanted to make Council aware of their
concerns and make them publicly known.

Mr. Evensen noted that duplicates of a petition submitted to
City Recorder Davis this evening were given to the Salem
Transit District. In addition to listing objections, an alternate

route was proposed in the petition. The petitioners proposed that bus service continue north on Wheatland Road to Clearlake Road, east to O'Neil Road, south on O'Neil to Park Meadow for one-half block, and then to River Road. It was their feeling that this route would offer increased ridership and better serve the needs of the community.

Mayor Koho suggested that they contact Bob Newton, the Keizer area representative on the Mass Transit Board.

Karen Trucke, 6330 14th Avenue NE, Keizer, spoke in opposition to the Traffic Safety Commission's proposed vision clearance standards for designated stop intersections. She believed their proposal, in effect, would amount to taking use of a person's property.

City Attorney Johnson advised the Council, and Ms. Trucke, that in order for Ms. Trucke's comments to be a part of the record she would need to come back for the public hearing on the Development Code scheduled for the first Monday in March.

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

COMMITTEE REPORTS

a. Five-Year Service Award - Officer Robert Trump

Officer Trump was unable to attend the meeting. This matter will be continued until the February 17, 1998 meeting.

b. Council Liaison Reports

- **Traffic Safety Commission - Mayor Koho**

Mayor Koho reported that the Traffic Safety Commission met on January 22, 1998. The agenda included a continued discussion on the vision clearance issue. Because vision clearance standards proposed for adoption in the new Development Code apply only to new development, the Commission would like to see an ordinance adopted simultaneously with the Code to address existing hazards. Mayor Koho had advised the Commission that prior to Council's consideration of the issue, neighborhood associations, etc. should be given opportunity for input.

City Manager Mull added that last week, he and Traffic Safety Commission Chair Mike Kirby looked at several intersections, did some measuring, and took some pictures. He believed Mr. Kirby now had a somewhat different outlook as to what the Commission might propose. Mr. Mull anticipated that after further discussion by the Traffic Safety Commission, a recommendation would come to Council in the Development Code hearing process.

- **Keizer Urban Renewal Board - Councilor Beach**

Councilor Beach noted that a quorum was not present for the regularly scheduled January 28 KURB meeting.

- **Management Committee - Mayor Koho**

Mayor Koho indicated there was no report from the Management Committee.

OTHER BUSINESS

a. New Business

Council President Keller noted that over the last several weeks, Councilors have received letters from McNary Estates residents expressing concerns about the **proposed River Road bridge**. Since their main issue is the lack of information, Councilor Keller requested that the City Manager and City Engineer meet with them to provide detailed and current information on the construction of the bridge and the effects it may have on their area.

City Manager Mull agreed to contact the McNary Home Owners Association and schedule a time for a meeting.

Councilor Beach questioned why an \$1,875 **payment** was made to the **Youth Compact Group** for Keizer's share of a \$15,000 consulting fee without Council having opportunity to discuss the unbudgeted expenditure. Mayor Koho indicated that he was also surprised that the billing was handled administratively.

City Manager Mull advised that at the next meeting staff will submit for Council's consideration, an outline for a Council policy regarding expenditures, purchases, contracts, leases and agreements.

Chief Marc Adams acknowledged the efforts of Jodi Sherwood in publishing the *COP Talk* newsletter recently distributed to the community in the Keizertimes. Chief Adams commented on the Annual Awards Banquet held this past weekend. Detective Raymond Byrd was selected by his peers as the Officer of the Year. Support Specialist Laurie Phillips and Officer James Young shared the award for Employee of the Year.

At Councilor McGee's urging, Chief Adams explained the concept of the "Fix-it" ticket. He noted that its primary purpose is not to generate revenues, but to correct equipment violations and increase the efficiency of the court room.

Chief Adams responded to questions about media coverage of staffing issues. He commented on a study that will be done, at no cost to the City, to help determine service needs and priorities. Since the Department was looking at its efficiency, Councilor Keller wondered if the policy still existed for KPD to respond to emergency Keizer Fire District calls. Chief Adams was unsure. He did not see a need. He indicated that he would look into the issue.

Human Resources Officer Dianne Hunt reported on the Public Works Superintendent recruitment.

b. Old Business Report

- City of Keizer Collections
- Keizer/Salem Gateway
- Trail/Manzanita Property

There was no discussion of the issues addressed in the Old Business Report.

PUBLIC HEARINGS

No public hearings were scheduled for tonight's meeting.

ADMINISTRATIVE ACTION

- a. RESOLUTION -
Purchase of Bair Road
Property for Water

City Attorney Johnson presented the staff report. He noted that he was informed by staff, last month, that property was available in the Clearlake area appropriate for siting a water reservoir, as called for in the Water Master Plan. The proposed site on Bair Road offers sufficient land for a small park as well as placement of the reservoir. The park will

Reservoir and Park

buffer adjoining residences from any impacts caused by the reservoir.

Mr. Johnson noted that the site is made up of four parcels, each owned by a separate member of the Bair family. Each parcel is approximately one-half acre. The sellers have agreed to sell the parcels for \$30,000 each, matching the market evaluation done by the City's appraiser. An earnest money agreement for each parcel has been signed by the respective seller.

It was staff's recommendation that Council adopt the proposed Resolution authorizing the City Manager to enter into agreements for purchase of the real property.

Mr. Kissler pointed out on the wall map the property location and the location for the proposed park and water reservoir. He also pointed out existing development in the area, and parcels proposed for development in the near future. Mr. Mull confirmed that developers of the impending development have been notified of the proposal. Once the property is acquired, the City will put up signage to keep everyone informed. Mr. Mull noted that the City has agreed to keep the name of "Bair Road."

Mr. Mull acknowledged that staff is looking into what needs to be done with regard to rezoning the property, whether in conjunction with adopting the new zone map, or individually.

Mayor Koho moved a Resolution authorizing the City Manager to Enter into Agreements with Delbert J. Bair, David John Bair, Ruth V. Adams, and Mary E. Versteeg for the Purchase of Real Property for Water Reservoir and City Park. Councilor Beach seconded the Motion.

The Motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. Willow Lake Special Policy Area

Due to a potential conflict of interest, Councilor Whalen excused himself from participation in the discussion and any action that might be taken by Council. He left the Council Chambers.

Mayor Koho advised that Council met in executive session prior to this meeting to discuss issues relative to the Willow Lake Special Policy Area.

Mayor Koho offered the following statement: "The City of Salem and the City of Keizer have had an ongoing dispute that we have been trying to resolve over the past five or six years about the nature of development, if any, that might go on outside of the half-mile radius of the sewage treatment plant. The special policy area which was created in 1990 or 1991 placed what are termed interim controls on that area plus an extended area--any piece of property that happened to touch that half-mile arch. The interim controls were to stay in place pending some engineering studies that were required to be completed before July of 1993, and were completed. So, presumably, at some point, the interim controls come off and some other controls as are appropriate go on. That's what we've been trying to resolve. You may have read in the paper that at one point, since Keizer was so insistent that there was no real risk there with the improvements made to the plant, that we would 'put out money where our mouth is' and indemnify the City of Salem up to the limit of our insurance policy--and that was not sufficient. So, a few months ago, Keizer took some actions with regard to a Resolution stating that we felt that those interim controls no longer controlled the land use planning in that area and some zone change and approval of a subdivision. The City of Salem chose to appeal those actions taken by Keizer to the Land Use Board of Appeals (LUBA). Since that time, we have been in a process, again, trying to find some middle ground. The proposal that Keizer had made many months ago included the indemnity agreement and some easements and waivers. Recently, it fell with disfavor with the Salem City Council and action they took, and it's now incumbent upon this Council to decide what to do next. In talking with individual Council members, we believe it's time to take everything that Keizer has offered off of the table. So, there would be no indemnity agreement, there would be no easements and waiver. And, Keizer will just go to LUBA and have the court decide whether interim controls set in 1991 that were due to expire along about 1993 still control the area in 1998 simply because one party refused to negotiate towards a settlement. This seems to be a fair action--for someone else to take a look at and impose a settlement since apparently, despite our best efforts, we are unable to reach agreement with the City of Salem."

CONSENT CALENDAR

Councilor Miller moved to adopt as policy the statement made by the Mayor and direct staff to draft a letter to the City of Salem in regards to Keizer's position. Councilor McGee seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, and Miller (6)

NAYS: None (0)

ABSTENTIONS: Whalen (1)

ABSENT: None (0)

Councilor Whalen returned to his seat at the Council table.

a. RESOLUTION - Authorizing City Manager to Execute Agreement for Auditing Services

b. RESOLUTION - Authorizing City Manager to Execute Agreement for Geographic Information System Services

c. RESOLUTION - Adopting Uniform Fire Code for Marion County Fire District #1

Councilor McGee removed item "a" from the consent calendar.

Council President Keller removed item "c" from the consent calendar.

Mayor Koho moved for approval of item "b" on the consent calendar. Councilor Miller seconded the Motion.

The Motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Item "a"

Councilor McGee confirmed with Finance Director Gahlsdorf that the City had contracted with the proposed auditing firm for the last four years. Ms. Gahlsdorf explained that the

current contract extends the original three-year service agreement with Grove, Mueller, Hall and Swank another two years, for a total contractual period of five years.

Councilor McGee found no fault with the auditing firm, but questioned the City's policy with regard to formal bidding procedures for contractual services. City Manager Mull indicated that contractual services will be addressed in the expenditure policy report.

Councilor McGee asked if the auditing contract included auditing of the "Volcanoes," and/or auditing of the Urban Renewal District. Ms. Gahlsdorf answered that it did not include the "Volcanoes," but did include the Urban Renewal District. She acknowledged that any special reports would be in addition to the contract--only the annual financial review of funds represented in the Annual Report are covered. Councilor McGee suspected that in the future the City would have of a series of special audits. The Volcanoes, and the hotel/motel tax came to mind. He wondered if they might be worked into the contractual arrangement, or if it would be preferable to continue having any special report as an add-on. Mr. Mull indicated that staff would review the wording in its contracts to see if changes should be made.

Councilor McGee moved a Resolution Authorizing the City Manager to Execute an Agreement for Auditing Services for the City of Keizer. Councilor Miller seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Item "c"

Council President Keller expressed concerns that adoption of the Marion County Fire District #1 Code might subject the Clearlake area to different planning process than the remainder of Keizer which falls within the Keizer Fire District. As an example, he noted that Fire District #1 did not adopt Appendix A-2 to the Code dealing with limited citation authority. Thus, they would have the power to cite violations within their district to the East Marion County

Justice Court. Councilor Keller wanted some assurance that when doing planning processes, Keizer would be meeting the same standard in the Clearlake area as in the rest of Keizer. He asked what differences could be found between the District #1 standards and those adopted by the Keizer Fire District.

City Manager Mull responded that up until about one month ago, Marion County Fire District #1 and Keizer had an agreement that allowed the Keizer Fire Department to make decisions based on landuse planning in the Clearlake area. Although an agreement is no longer in effect, District #1 Chief Fire Marshal Ron Smith attends weekly planning meetings in Keizer, and the two Districts have a good working relationship. Mr. Mull noted that staff is comfortable that Keizer is getting the same service from Marion County Fire District #1 as from the Keizer Fire District. Mr. Mull invited Ron Smith from Marion County Fire District #1 to respond to Councilor Keller's comments.

Ron Smith, Chief Fire Marshal with Marion County Fire District #1, explained the limited citation program which allows Fire District #1 to enforce Fire Code issues within the district. He emphasized that the ultimate goal is to get compliance. Chief Smith pointed out that the Uniform Fire Code is adopted statewide; the document presented for Council's consideration is the Uniform Fire Code in the form of an ordinance adopted by Marion County Fire District #1.

Chief Smith called attention to three appendices to the Code adopted by the District that play a major part within Keizer: Appendix A6, dealing with fire hydrant requirements, and A-7 and A-8 dealing with access to private properties, i.e., apartment complexes. He explained how he and Keizer staff worked together to ensure conformity with Keizer's planning standards. He noted that the City of Keizer had been unofficially using the District #1 ordinance since June, 1996. Only on a couple occasions have differences surfaced, and they were worked out to mutual satisfaction. Neither Chief Smith nor City Manager Mull saw any difference between what is being done in the Clearlake area and the remainder of the City.

Council President Keller moved a Resolution Adopting the Uniform Fire Code and Uniform Fire Code Standards for Marion County Fire District #1 in the City of Keizer, State of Oregon. Councilor Whalen seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

a. Keizer Neighborhood Association Group

Mayor Koho called attention to KNAG's request that prior to any Council decision, all neighborhood associations be allowed to make comment on any expenditure of public funds related to the stadium and/or the Chemawa Activity Center; and, on the issue of the Willow Lake Treatment Plant. Mayor Koho pointed out that Council has already made a decision on the Willow Lake Sewage Treatment Plant issue. With regard to large expenditures at the Chemawa Activity Center, Mayor Koho surmised that Council would want to take such expenditures to the public for a vote. He invited KNAG President Jacque Moir to come forward and expand on their request.

Jacque Moir, 6745 McLeod Lane NE, Keizer, acknowledged that the main issue at hand was the expenditure of public funds. She emphasized that the request was being made on behalf of the entire community, all of whom have a vested interest in the stadium and what will happen at the activity center. She emphasized that the request was submitted upon the unanimous vote of all five neighborhood associations.

Ms. Moir acknowledged that any communication received by KNAG would be forwarded on to the appropriate representative of each neighborhood association. When questioned about the type of public expenditures the group was speaking to, Ms. Moir specifically named as examples infrastructure financing and property acquisition to improve Radiant Drive—anything that would cost the taxpayer money.

Mayor Koho conceded that it would be good to get out information not only about potential large expenditures, but also about expenditures that might give the appearance of being significant.

Councilor McGee questioned how information gets out to the various homeowners associations, not structured as are neighborhood associations. Mr. Mull advised that he periodically meets with officers of the various homeowners associations. He agreed that it would be good to communicate on more of an official basis. To his knowledge, only the McNary representative currently receives a copy of the Council agenda. He concurred with also sending a copy of the agenda to representatives of The Meadows, Hidden Creek, and Terrace Green. Staff will add their names to the interested citizen list.

For clarification, Councilor Keller asked Ms. Moir if there was information not currently being received by KNAG that it would like to receive. Ms. Moir related the group's main concern that they have all the information on important issues made available to them, just as it is to Council. She commented on areas of communication being pursued by the group to make the entire community aware of issues of importance.

b. Keizer Fire District

Mayor Koho called attention to a press release from the Keizer Fire District that they have been upgraded from Class 4 to a Class 2 Insurance Rating Classification.

Councilor Meier explained the significance of the Class 2 rating. She pointed out that the Keizer Fire District is now among the most elite in Oregon. She acknowledged that the change in classification could have an effect on insurance policy premiums.

AGENDA INPUT

Mayor Koho read the agenda input items. He announced that the work session scheduled on February 9, 1998 will be rescheduled to Monday, February 23, 1998 at 5:30 p.m.

Councilors Beach and McGee proposed that, in some fashion, they be authorized to work hand in hand with City staff to oversee the execution of the City budget. In the ensuing discussion, there was some question of whether by such action, they would be performing the role of the City Manager. However, it was generally agreed that the information and analysis coming from them has been useful.

City Manager Mull noted that he and Finance Director Gahlsdorf have been meeting with Councilors Beach and McGee on a monthly basis over the last two or three months, and are very comfortable working with them. He saw no problem with continuing in that effort. Mayor Koho commented on the benefits of empowering Councilors in areas where they have specific strengths.

City Manager Mull displayed signs that will be installed at six City entrances honoring the McNary High School State Football Champions.

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

APPROVED:
MAYOR:

Tracy L. Davis
City Recorder

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

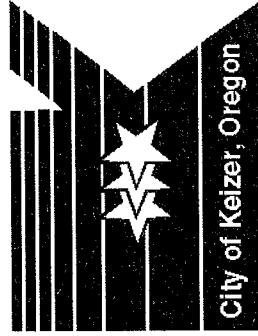
Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



October 19, 1998

AGENDA ITEM 8g

**APPROVAL OF FEBRUARY 17, 1998 REGULAR SESSION
MINUTES**

MINUTES
KEIZER CITY COUNCIL
Tuesday, February 17, 1998
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:05 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
Shannon Johnson, City Attorney
Marc Adams, Chief of Police
Rob Kissler, Public Works Director
Susan Gahlsdorf, Finance Director
Dianne Hunt, Human Resources Officer
Tracy Davis, City Recorder

PUBLIC TESTIMONY

Presenting testimony to the Council were:

Amy McLeod, 1209 Bentgrass Court, Keizer, spoke in connection with a report in the Statesman Journal regarding possible development of property located between River Road and Churchdale, and Chemawa Road and Wolf Street. Ms. McLeod owns property on Wolf Street. She emphasized that although she is a realtor with Prudential Realty, she was not speaking in that capacity. Ms. McLeod believed development of the corner would be good for Keizer. However, she voiced her strong objection to views stated in the Statesman Journal indicating Council's willingness to consider condemnation under broad-based contingencies. She believed the ability of homeowners within the defined area to negotiate with the developer on a

level playing field was hurt by such comments. She cautioned Council against making comments that might negate the ability of the property owners to be part of the process.

Mayor Koho assured Ms. McLeod that his remarks to the Statesman reporter in no way suggested support for condemnation of homes. He was sure the remainder of the Council shared his views. He was very disappointed that the article mistakenly gave the impression that he might support condemnation.

Tina Sloan, 5905 Radiant Drive NE, Keizer, also spoke in connection with the potential development of the River Road/Chemawa Road corner. She indicated her disappointment that Council would consider putting a mall on River Road. She recalled all the talk during the Chemawa Activity Center discussions about avoiding a situation on River Road similar to what has happened with Lancaster Drive in Salem.

Mayor Koho stressed that the proposal surfaced through a private investor—not by any action of the Council. He noted that any suggestion that the City of Keizer was initiating the project or intended to put people out of their homes was totally incorrect.

On a different subject, Ms. Sloan urged Council to give careful consideration to measures to improve the stadium traffic flow on Radiant Drive over what was done last year. She believed last year's one-way flow was very dangerous.

COMMITTEE REPORTS

a. Five-Year Service Award - Officer Robert Trump

Officer Trump was unable to attend the meeting.

b. Keizer Police Officer Swearing In

- **Officer James young**
- **Officer Becky Schrepel**

Chief Adams introduced Officer Young and Officer Schrepel and commented on their qualifications and background.

City Attorney Johnson administered the oath of office to Officer James Young.

City Attorney Johnson administered the oath of office to Officer Becky Schrepel.

c. Council Liaison Reports

Community Policing Committee - Councilor Meier

Councilor Meier deferred to Community Policing Chair Craig Campbell to give the report. Mr. Campbell reported on the election of new district officers. For District 1 the Chair remains the same; the new Vice Chair is Duane Dollarhide. For District 2 the new Chair is Ken Layton; the new Vice Chair is Verena Wessel. New at-large officers are John Bohlander and Glen Putnam.

Mr. Campbell commented on a list of projects identified at the meeting for further discussion at future meetings. Included on the list were false alarms, a cadet program, and a juvenile accountability board. The Committee will also begin the strategic plan process. At the last Committee meeting, Chief Adams had also reported on staffing issues and measures implemented within the Department to optimize the use of officers.

Parks Advisory Board - Councilor Miller

In Councilor Miller's absence, Public Works Director Rob Kissler gave the report. Mr. Kissler reported that the Board further discussed the Bair Park property, and they talked about possible Phase 2 improvements at The Meadows Park.

When asked if the skate park was discussed, Mr. Kissler answered that it was not. He, however, had knowledge that Ms. Carlson planned to bring in a progress report within the next two weeks.

Mr. Kissler answered questions about the toddler-style play structure proposed for The Meadows Park.

Planning Commission - Council President Keller

Councilor Keller reported that he was on vacation and unable to attend the meeting. He had been told, however, that a quorum was not present at the meeting.

OTHER BUSINESS

a. New Business

Councilor Keller commented that he had been approached by a gentleman about the **parking configuration at Keizer Florist**. After investigating on his own, he agreed that the layout didn't make a lot of sense. He questioned the connection with the Walgreens property parking lot, and the exit around the back of the florist building. City Manager Mull explained that the lot had been designed to allow for a drive-up window at the flower shop. A mutual access agreement was worked out between Mr. Wittenberg and Walgreens. Mr. Mull was unsure whether the traffic pattern could be changed to improve access, but indicated that he would check and report back.

Chief Marc Adams announced that in addition to the two officers sworn in earlier in the meeting, one impending vacancy will be filled by way of a lateral transfer from the Coos Bay Police Department. Officer Kent Herbst will start on March 1.

Chief Adams also reported on the status of the executive management/personnel needs assessment study, and the Department's personnel redistribution plan including the promotion of Mark Miranda and Kent Barker to Lieutenant.

Lastly, Chief Adams indicated his support for the skate park project which will allow the kids in the community a safe environment for their activity.

Finance Officer Susan Gahlsdorf announced that she and City Manager Mull are pursuing the proposal from Seattle Northwest Securities to refinance the 1993 Series Bonds and 1996 Series Bonds. They hope to have something for the Council at next week's worksession.

b. Old Business Report

City Manager Mull provided an update on discussions relative to a **plan for stadium traffic during this year's baseball season**. At a meeting last week, attended by a couple members of the Council, members of the Gubser Neighborhood Association, Keizer Police Department, and representatives of the ball team, Lieutenant Miranda presented three options for discussion. Lieutenant Miranda and Public Works Director Kissler will meet with the Gubser

Neighborhood Association this week to receive their comments prior to staff returning to the Council with a recommendation with regard to the traffic on Radiant Drive.

City Manager Mull also commented on the installation of the cell towers next to the Police Department building.

PUBLIC HEARINGS

a. ORDINANCE - Providing for Transient Occupancy Tax and Administrative Procedures

RESOLUTION - Classifying the Transient Occupancy Tax

Mayor Koho opened the public hearing.

City Attorney Johnson presented the staff report. As directed by Council, staff prepared an Ordinance adopting a transient occupancy tax. Tonight's public hearing, required by Measure 50, would allow opportunity for public comment on the proposed ordinance and a resolution making written determinations that the hotel tax is not subject to Measure 50 requirements for a vote. In addition to the two required actions, a resolution with regard to the distribution of the hotel tax revenues, was being presented for Council's consideration. Mr. Johnson noted that the required findings were published in the local newspaper, meeting Measure 50 requirements.

It was staff's recommendation that after holding the public hearing, Council first take action on the resolution classifying the TOT as not subject to Measure 50 requirements for a vote, then the proposed ordinance creating the tax, and finally, the resolution directing distribution of the TOT revenues.

Councilor Beach suggested that in the initial resolution, the reference on page 1 to "hotel tax" be changed to indicate "hotel/motel tax." Mr. Johnson agreed with the change. He, however, deemed it unnecessary to change any other such reference in the three documents since motel was included in the ordinance's definition for "hotel."

In looking at the various types of lodging specifically named under the "hotel" definition, Councilor Beach wondered if this might not be broader than the original concept discussed by Council. Mr. Johnson pointed out that the definition came from model ordinances adopted by several cities. It was intended to narrow rather than broaden possible uses, hopefully precluding an operator from renaming a facility to avoid the tax.

Mayor Koho questioned the meaning of "bachelor hotel,"

one of the specifically named facilities. Mr. Johnson was unsure.

Councilor Meier referred to the tax distribution resolution. She wondered if the accountability required of the Fire District for its 20% of the tax should not also be required with regard to the 80% going to the City's general fund. Mr. Johnson pointed out that Council made a decision not to earmark how the funds will be spent. He noted that any decision to the contrary would be a policy question for the Council. Councilor Keller wondered if it would not be more appropriate for the Fire District to report to the public rather than back to the City, possibly as an annual report at one of their regularly scheduled Board meetings. Mr. Johnson had no objections. He had not envisioned them physically reporting at a Council meeting, but merely, providing a written report.

There was no public testimony to come before the Council.

Mayor Koho closed the public hearing.

Mr. Johnson further defined for Councilor Beach what was meant by "Rent Package Plan," and the reasoning behind the 30-day transient occupancy period.

Mr. Mull explained for Councilor Beach why quarterly collection of the tax from the operator could be better handled administratively by staff than could monthly collection. Councilor McGee pointed out the possibility of revenue becoming a significant dollar consideration in deciding whether to collect monthly or quarterly. Mr. Mull suggested going with the quarterly collection for the first year and then evaluating the procedure.

Mayor Koho moved a Resolution in the Matter of Classifying the Transient Occupancy Tax as Not Subject to Section 11(19), Article XI of the Oregon Constitution, changing the reference to "hotel tax" on page one to "hotel/motel tax."
Council President Keller seconded the Motion.

Councilor McGee reiterated his strong opposition to the tax. He did not wish to further argue the appropriateness of the tax, but felt he must disagree with certain wording in the Ballot 50 required resolution. He found no truth in stating that the tax is necessary.

A Motion by Councilor McGee to amend the Resolution to strike the words "necessary and" from line 18 on page 1 died for lack of a second.

Mayor Koho called for a vote on his motion to adopt the Resolution.

The motion passed as follows:

AYES: Beach, Keller, Koho, Meier, and Whalen (5)

NAYS: McGee (1)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

Mayor Koho moved a Bill for an Ordinance Providing for a Transient Occupancy Tax and Providing Administrative Procedures for Collecting Such Tax. Council President Keller seconded the Motion.

Mayor Koho proposed striking "bachelor hotel" from the definition under "Hotel" on page 2 line 6 of the Ordinance. Since no one was quite sure what it meant, it was agreed that it should be taken out.

Councilor McGee wondered why "bed and breakfast" was not included in the list of dwelling types under the "Hotel" definition. Although it would probably be covered by "tourist home or house," there was agreement to specifically include "bed and breakfast" in the list. Mayor Koho had no objection to replacing "bachelor hotel" with "bed and breakfast."

Under Ordinance Section 5, Exemptions, Councilor McGee questioned the exemption for Federal Government employees. City Attorney Johnson explained that it's a Federal requirement that Federal employee be exempt from the tax if on official government business. He acknowledged that provisions to exempt state and other government employees could be included, but only the exemption for Federal employees is mandated.

Mr. Johnson explained in greater detail the requirement that hotel/motel operators obtain from the City a "Certificate of Authority" to collect the tax. When asked about administrative responsibilities, he confirmed that the "tax administrator" is defined in the Ordinance as the "Finance

Director or designee." He explained that "designee" was included so that in the Finance Director's absence, someone else would have administration authority.

In looking at provisions for "Delinquent Penalties" (Section 9), Councilor McGee believed Subsection (6) placed too great a responsibility on one individual employee in saying that "The tax administrator may, if good cause is shown, direct a refund of the penalty or a portion of it." He wondered what criteria might be used to determine "good cause." Mayor Koho did not see the delegation to a first-level manager as unreasonable. He pointed out that Department of Revenue collectors have authority to waive penalties. Councilor Keller suggested having the responsibility fall on the City Manager rather than the tax administrator. Councilor McGee indicated acceptance. Mayor Koho agreed with the change, and also suggested that the words "or waiver" be added after "direct a refund" in that same sentence.

By consensus, Council agreed with the following amendments:

Under the definition for "Hotel" on page 2, "bachelor hotel" was replaced with "bed and breakfast."

Under Section 9, Subsection 6, the last sentence was changed to read as follows: "The City Manager may, if good cause is shown, direct a refund or waiver of the penalty or a portion of it."

The Motion with the agreed-upon amendments passed as follows:

AYES: Beach, Keller, Koho, Meier, and Whalen (5)

NAYS: McGee (1)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

Mayor Koho announced that the Ordinance would be brought back for second reading on March 2.

Mayor Koho moved a Resolution Directing Distribution of Revenues from the Transient Occupancy Tax. Council President Keller seconded the Motion.

Council President Keller moved to amend verbiage on line

17 of the Resolution, dealing with the Fire District's annual reporting of TOT revenue distribution, to strike the word City, and after "report to the" insert "public at a regularly scheduled Board meeting . . ." Mayor Koho seconded the Motion.

Councilor McGee believed that in some form, written or verbal, the Fire District should report back to the Council. Councilor Beach saw nothing wrong with the Fire District reporting to the public, but felt that they should at least submit a written report to the City. Councilor Whalen agreed. He believed the City should have documentation, easily accessible, should questions arise.

To avoid any perception that the Fire District would have to make an oral presentation to the Council, Mayor Koho suggested adding wording to the effect that the City would be given a written report. In reconsidering his proposed amendment, Councilor Keller suggested as another alternative, to retain the existing verbiage with only one change; that the word "submit" be substituted for "present" (a report to the City . . .) on line 16 of the resolution. Councilor Beach suggested that it be a "written" report.

With the consent of the Second, Council President Keller withdrew his amendment.

It was the consensus of the Council to amend the Resolution on line 16 to state ". . . that the Keizer Fire District shall annually submit a written report to the City . . ."

The Motion with the agreed-upon amendment passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

b. ORDINANCE - Harvest Drive Street Vacation

Mayor Koho opened the public hearing.

City Manager Mull presented the staff report. He noted that Harvest Drive is a platted but unimproved street located between River Road and Wheatland Road. The property is proposed for development of a subdivision and apartment complex. The right-of-way serves no properties other than

that of the petitioners. No utilities or improvements have ever been installed, and the right-of-way proposed for vacation is not necessary for access to the subject property by the City. It was staff's recommendation that Council open the public hearing, receive testimony, close the hearing, and approve the proposed Ordinance vacating Harvest Drive.

City Attorney Johnson responded to questions from Councilor Meier about street vacation procedures, particularly with regard to distribution of the vacated land. Mr. Mull added that costs associated with the vacation are recovered from the petitioner. He also noted that the developer will be dedicating rights-of-way in other locations.

Kris Gorsuch, attorney for the petitioners, P. O. Box 470, Salem, pointed out that in this instance, the vacation works to the public benefit by moving the access to the north to line up with the Hidden Creek apartment development. He pointed out that it will create a more effective and safe traffic flow.

There was no further testimony to come before the Council.

Mayor Koho closed the public hearing.

Council President Keller moved a Bill for an Ordinance to Vacate a Portion of Public Right Of Way of Harvest Drive in the City of Keizer, State of Oregon. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

ADMINISTRATIVE ACTION

a. RESOLUTION - Authorizing the City Manager to Execute

City Manager Mull presented the staff report. In response to Council's direction to pursue collections of delinquent traffic fines, a request for proposals was drafted and distributed to professional collections agencies. Four proposals were received and evaluated, and Coastal Adjustment Bureau was chosen to perform collection duties for the City. Staff recommended that Council adopt the proposed Resolution

Agreement for Collections

authorizing the City Manager to enter into an agreement with Coastal Adjustment Bureau for collection of delinquent accounts owed to the City of Keizer.

Mayor Koho moved a Resolution Authorizing the City Manager to Execute an Agreement for Collection Services for the City of Keizer. Councilor McGee seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

**b. ORDINANCE -
Amendment to Rules and
Regulations for Collection
of Water Accounts**

Finance Director Susan Gahlsdorf presented the staff report. She explained that the proposed change will make a water/sewer bill due and payable when received, and past due and delinquent on the 23rd of the month. It addresses the problem of a property owner having to pay for services incurred by a tenant who has vacated a rental property without paying the water bill. She noted that the proposed change will shorten the collection process, allow the property owner to pay the renter's final bill with rental deposit funds, and reduce the City's delinquent account balance.

Ms. Gahlsdorf explained why the 23rd was selected as the "delinquent" date. It will allow staff more time to work with the customer to make arrangements for payment before the water is shut off and locked.

There was some concern from the Council that the time allowed for payment might be somewhat short if bills were sent out much after the first of the month. Ms. Gahlsdorf pointed out that a bill routinely can be anticipated by a customer around the same time every other month, and that a customer will have the expectation that it must be paid by the 23rd. Mr. Mull pointed out that bills are mailed by the 3rd or 4th of the month, giving ample time for payment.

Mayor Koho could see where the change would benefit the City, but saw no advantage for the customer. Mr. Mull conceded that the main advantage is that a property owner will have the ability to work with a renter to make payments

and thus increase the City's ability to collect for services incurred by the tenant.

Ms. Gahlsdorf acknowledged for Councilor Keller that the new procedure would not be a problem for most homeowners. To further clarify the delinquency process, Mr. Mull pointed out that no additional fee is imposed after the "delinquent" date; it merely starts the shut-off process which usually takes about two more weeks, allowing ample time for payment before service is terminated.

Councilor Whalen could see where the new procedure would serve as a tool to bring in revenues while helping staff to be more efficient. Councilor McGee believed it would have a dramatic impact on solving the landlord/renter issue, and would have no impact on 99% of the remaining property owners.

Councilor Beach indicated support for the proposed ordinance, but asked for further explanation of the landlord notification procedure. Ms. Gahlsdorf explained the change which will allow the City to give the owner of the property notice the day the renter terminates services. She also confirmed that if a delinquency occurs, whether a property is a rental or owner-occupied, notice will go out to the property owner on the 23rd.

Mayor Koho agreed with the provision for the bill to be due upon receipt, but disagreed with moving up the delinquency date from the 30th to the 23rd.

Council President Keller moved a Bill for an Ordinance Changing the Due Date and Delinquency Date for Water Bills; (Amending Ordinance No. 86-066). Councilor Whalen seconded the Motion.

Mayor Koho indicated that although he believed it was a mistake to move up the due date causing the transaction to fall in the middle of the month, he would vote for the Ordinance so as not to delay the process.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

CONSENT CALENDAR

The consent calendar consisted of the following items:

a. RESOLUTION - Calling Up Comp Plan Amendment/
Zone Change - Bair Property

b. RESOLUTION - Initiating Legislative Amendments to
Zoning Map

Mayor Koho moved for approval of the Consent Calendar.
Councilor Meier seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

WRITTEN COMMUNICATIONS

City Manager Mull noted that Council members have received additional letters from the McNary Estates residents. In talking with the President of the Homeowner's Association, Mr. Mull had hoped to meet with them on February 23 at their regularly scheduled Board meeting, however, a Council worksession is scheduled for that date. He will work with them to schedule another date.

AGENDA INPUT

Mayor Koho noted the agenda input items.

ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

APPROVED:
MAYOR:

Tracy L. Davis
City Recorder

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



October 19, 1998

AGENDA ITEM 8h

APPROVAL OF APRIL 6, 1998 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, April 6, 1998
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:30 p.m. Roll Call was taken as follows:

Present:

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

Staff:

Wally Mull, City Manager
Shannon Johnson, City Attorney
Marc Adams, Chief of Police
Susan Gahlsdorf, Finance Director
Dianne Hunt, Human Resources Officer
Rob Kissler, Public Works Director
Tracy Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

Mayor Koho moved forward Agenda Item 7.c. for consideration at this time.

**ADMINISTRATIVE
ACTION**

c. **RESOLUTION** -
**Authorizing City Manager
to Contribute Funds to the
Keizer Skate Park**

Public Works Director Kissler presented the staff report. He gave a brief history of the Keizer Skate Park Committee's activities in pursuit of a multi-purpose skate park in Keizer, beginning with a presentation to the Keizer Parks Board in September 1996. With the Parks Board's preliminary support for the concept, and the identification of Chalmers Jones Park as the most suitable location for a skate park in Keizer, the committee embarked on an effort to raise funds and donations of time and material to

construct the facility. Their efforts were successful. Mr. Kissler noted that in addition to the Parks Board's enthusiastic support for the project, the Police Department, the Claggett Creek Neighborhood Association, the Gubser Neighborhood Association, and the Clear Lake Neighborhood Association have voiced their support.

Mr. Kissler reported that the required conditional use permit was applied for and approved. A conditional use requirement is that the skate facility be added to the Chalmers Jones Park Master Plan.

Mr. Kissler noted that the total cost for the skate park facility is \$122,590. Donations of materials and labor amount to \$96,800; and, the Skate Park Committee has raised \$11,604.12. Approximately \$14,000 is needed to finish the project. Mr. Kissler submitted staff's recommended that Council adopt the proposed resolution authorizing the use of \$14,000 from the Contingency line item of the Park's Improvement Fund for construction of a skate park at Chalmers Jones Park. The projected completion date for the skate park facility is August 1, 1998.

Councilor Meier asked if a staff member would be acting as project manager to oversee the project. Mr. Kissler answered that he would have that responsibility. Councilor Keller noted that other youth activities have formal organizations that oversee their activities. He asked if some type of committee would oversee the activities at the park. Mr. Kissler pointed out the strict conditions of the conditional use that would be monitored by the City. He knew of no formal organization to monitor the youth activity at this time.

Councilor Miller, Council Liaison to the Parks Board, relayed the Parks Board's enthusiastic support for the project. He added that the recommendation from the Parks Board in support of the funding request was unanimous, and no negative comments were made.

Councilor Miller moved for approval of a Resolution Authorizing the City Manager to Contribute Funds to the Keizer Skate Park. Councilor Beach seconded the Motion.

Councilor Keller indicated that he would still like a response

to his concern about who would run the skate park on an ongoing basis. Mayor Koho had concluded from staff's comments that the skate park would be treated like any other piece of equipment in the parks, except perhaps a little better policed.

Councilor McGee was very impressed with the detailed information presented with regard to dates, dollars and responsibilities. He believed any doubts about the ability of the skate park committee to secure donations no longer existed. He pointed out that the ratio of donated costs to City dollars requested amounted to 10 to 1, in his perception, very favorable to the City. Councilor McGee proposed only one change to the proposed resolution-- that, rather than saying "authorizing the City Manager to contribute funds," the resolution state "authorizing the City Manager to contribute **City** funds." The Council concurred with the change.

Councilor Whalen asked if a process was in place to pay for the work as it is done. Mr. Kissler answered that bills must be submitted to the City for authorization before any City moneys are disbursed.

Since the structure would become a City facility once it is constructed in the park, Councilor Meier wondered if funds were budgeted for maintenance. Mr. Kissler answered that nothing was included in this year's budget for maintenance. Councilor McGee pointed out that the concrete structure would be largely maintenance free. Mayor Koho noted that funding for maintenance costs could be included in the upcoming budget, if that was the preference.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Miller thanked Charlane Carlson for all her work on the project. He noted that without her efforts, the project would have had little chance for success.

COMMITTEE REPORTS

Police Chief Marc Adams introduced Support Specialist Beverly Birr with the Keizer Police Department Records Unit, and presented her with a 10-year service award.

a. Marion County Parks Strategic Plan

Bob Hansen, Marion County Public Works Director, explained that an element of the Marion County Parks Strategic Plan calls for interaction with communities that have a county park within or near their boundaries, to discuss possible improvements or enhancements that will increase park usage. Mr. Hansen did not recall ever having visited Keizer to talk about what might be done at Spongs Landing Park, but tonight, hoped to hear from the Council how Keizer might wish to be involved in the management, development and enhancement of the park.

Mr. Hansen briefly commented on what improvements are planned at Spongs Landing Park over the next five years. Proposed improvements include installation of ADA concrete toilets, concrete tables, additional signage, camping facilities for groups canoeing down the river, replacement of some barriers, and a ball field. Existing pit toilets will be removed. The improvements will be designed to minimize the opportunity for vandalism. The projected cost for the proposed improvements is approximately \$68,000 over the next five years. Mr. Hansen extended an invitation for Council members to participate in any future discussions of improvements or maintenance, and to call him, at any time, with suggestions or comments.

Mayor Koho asked if other than submitting comments, there was anything Keizer could do with the County to enhance the usability of the park. Mr. Hansen clarified that no additional funding is available in the County's budget. Any ideas for enhancements should also include suggestions or proposals for how to implement them, absent additional County funding.

One idea that came to Mayor Koho was the possibility of Keizer putting good, adequate bikelanes out to the City limits, and then the County extending them out to the park. Mr. Hansen saw the concept as a perfect example of how the City and County could work together to improve park

usage. He cited as another example, the use of the ball field by Keizer groups who in turn would provide maintenance of the ball field.

Councilor Keller asked about the safety of Spongs Landing Park with regard to incidents of crime. Mr. Hansen was unaware of any real problem. He knew of one recent after-hours drinking incident where participants were given citations by a deputy sheriff, and some incidents of vandalism. He noted that his staff will be working with sheriff's cadets at all County Parks to make them safer. On weekends during the summer a college student will be placed at each County park.

Mayor Koho thanked Mr. Hansen for his report.

b. Council Liaison Reports

Traffic Safety Commission - Mayor Koho had been unable to attend the last meeting. He deferred to Commission Vice Chair Fred George to give a report.

Mr. George reported that new member Al Kramer was in attendance at the meeting, as well as the new staff liaison, Sgt. John Teague.

Mr. George noted that in the Commission's ongoing effort to come up with recommendations for traffic calming devices, Chair Mike Kirby or his designee will sit in on a Salem Citizens Advisory Committee that will be looking at measures to manage traffic in neighborhood areas. Also, in response to some concerns expressed by the Fire District, the Commission will be taking a close look at the use of speed humps, particularly with regard to the impact on emergency vehicle response time.

Mr. George reported that the Commission also discussed how to reapproach the Council with regard to vision clearance recommendations.

Mr. George relayed the Commission's support for expanding the Commission to seven members. The Commission welcomed the appointment of Randy Jackson, and believed he would provide valuable input and perspective on traffic issues. Mr. George noted, however, that the Commission did not see a need to specifically designate one position as "a member of the Keizer Fire

District." The feeling was that limiting the position to one specific group would shift the focus of the position to one aspect of the population rather than representation of the entire city.

Councilor Beach had read in Traffic Safety Commission minutes some discussion of putting in islands on Shoreline Drive as a traffic calming measure. He indicated his opposition to the concept. Mr. George noted that the proposal for a traffic circle at Shoreline and Rafael came from a citizen in that area. He noted that the Commission is delaying discussion of any specific areas until it assembles all its information on traffic calming devices.

Returning to the issue of the Fire District designated member, Councilor Keller pointed out the beneficial aspects of continually having that perspective on the Commission. Councilor Meier echoed his comments. She indicated that she would also like to see the remaining position be specifically designated as a Community Policing Committee representative, thereby gaining the perspective of that group. She asked if Mr. George would have the previously mentioned concerns about a Community Policing designated representative. Mr. George noted that Traffic Safety Commission Chair Mike Kirby appointed him to act as a liaison with Community Policing. Though not a voting member, Mr. George planned to attend meetings and provide a link between the two groups. He thought this might be a better approach than specifically designating a position as a Community Policing Committee member.

Councilor McGee was bothered by the thought of an outside agency having the right to appoint to a City committee. He strongly supported appointing Randy Jackson as an individual who would strengthen the committee, but pointed out that at some time in the future that strengthening might come from somewhere else in the community. He questioned the policy for the future. Mayor Koho stressed that the appointment would continue to be a Council decision. Councilor Miller shared Councilor McGee's concerns about mixing the two entities; the City and the Fire District. He had no objections to the Fire District having a non-voting liaison who would have opportunity to provide valuable input.

Mayor Koho moved forward Agenda Item 7.d. for consideration at this time.

**ADMINISTRATIVE
ACTION**

**d. RESOLUTION - Traffic
Safety Commission
Membership Expansion**

Mayor Koho moved a Resolution Expanding the Membership on the Traffic Safety Commission (Amending Resolution 94-772 - Appendix "A"). Councilor Beach seconded the Motion.

Councilor McGee moved to amend the motion, to delete from the proposed Resolution's Membership provisions, the requirement that one member be a representative of the Keizer Fire District. Councilor Miller seconded the Motion.

The amendment failed with the following vote:

AYES: Beach, McGee, and Miller (3)

NAYS: Keller, Koho, Meier and Whalen (4)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Keller moved to amend the motion, to add to the proposed Resolution's Membership provisions, the requirement that one member be a representative of the Keizer Community Policing Committee. Councilor Meier seconded the Motion.

The amendment passed as follows:

AYES: Beach, Keller, McGee, Meier, and Whalen (5)

NAYS: Koho and Miller (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

The main motion as amended passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (7)

NAYS: Miller (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho indicated that he would immediately appoint Mr. Jackson--the remaining vacancy will be referred to the Volunteer Coordinating Committee.

Mayor Koho returned to "Committee Reports"

River Crossing Major Investments Study/Bridge Head Engineering Study- Mayor Koho reported on the Committee's discussions. He noted that although the press chose to report on one proposal, a traffic circle at Wallace and Edgewater, the main focus of the meeting was to narrow the options for a bridge crossing. The option gaining them most favor at the north end is at Tryon Avenue, at the southern end of Salem Parkway. Mayor Koho commented on the advantages of a crossing at this site. He noted that there will be pressure to also identify a location in the southern area, though costs would be higher.

Councilor Whalen called attention to the manner in which the most recent drunk driving collision at **the Salem/Keizer entryway** was used to make a positive statement. A sign was posted reminding drivers of the effects of drinking and driving. Councilor Whalen encouraged city leaders from both cities to leave the message up as a visible reminder of the responsibility to drive safely. He commended Community Policing Coordinator Jodi Sherwood and others in the Police Department for thinking of the positive reinforcement.

Mayor Koho added that the private benefactor who has paid for reconstruction of the entryway structure contacted him to express his disappointment that the lighting was not yet done. To increase visibility, the benefactor suggested that rather than the dark paving in some areas, the area surrounding the structure be all green and the lights be put up, all at his expense. He, however, encouraged the two cities to pursue the insurance claim. Mayor Koho agreed with the idea of leaving the sign up in the interim.

Councilor Beach had received two suggestions; the previously mentioned illumination of the corner, and the addition of reflectors to the curbing.

Councilor Keller commented on the excellence of the latest issue of the *Cop Talk* publication. He acknowledged the hard and dedicated work of Jodi Sherwood in putting together the informative publication. Chief Adams concurred.

OTHER BUSINESS

a. New Business

Councilor Beach could not recall having received the annual report on the Volcanoes baseball team.

Finance Director Gahlsdorf advised that she planned to contact team representatives in May to schedule the audit report. Rather than an audit report, Councilor Beach recalled that upon completion of the baseball season Council would be provided with a financial report. Council would then have the option of following through with an audit. City Manager Mull interjected that a January 1 report prepared by Ms. Gahlsdorf was discussed at a management meeting. The intent was to reformat the report to make it easier to read before forwarding it on to Council. Staff had not yet had opportunity to readdress it, but will in the near future.

Councilor Beach had given Councilors copies of an ordinance adopted by Silverton requiring retailers to lock up cigarettes. He questioned Council's interest in scheduling the issue for discussion at a future session, with a recommendation from staff. Council concurred with a suggestion from Mayor Koho that the issue be referred to Community Policing.

Keizer Police Department Patrol Schedule - Chief

Adams responded to rumors regarding the disbanding of the Police Department's traffic safety unit. He emphasized that the unit has not been disbanded--but, because of staffing shortages, traffic safety officers also are being relied upon to handle patrol calls. Chief Adams anticipated that once recruits are out of the Academy and the department returns to full staffing, regular assignments would resume. He noted that in the interim, the department will try to maintain traffic safety efforts as much as possible.

Human Resources Officer Hunt reported on recruitment efforts to fill the accountant position on a temporary basis while the accountant is on parental leave.

Finance Director Gahlsdorf reported that staff has approached Bank of America regarding refinancing the

City's urban renewal bond. They are open to discussions with the City. They will first be looking at the City's credit worthiness, and then the matter of an interest rate reduction will be discussed.

City Manager Mull noted that subsequent to the agenda being posted, an issue surfaced which requires immediate action by the Council. Mayor Koho allowed the issue to be presented for Council's consideration.

Mr. Mull recalled that Public Works Director Kissler, about two weeks ago, informed the Council of staff's pursuit of **National Guard assistance to construct a covered shelter at Claggett Creek Park**. Mr. Mull circulated a picture of the proposed shelter which comes in a kit ready for assembly. He noted that the Guard, today, committed to contributing \$14,000 to the project, as well as installing the 20 x 44 foot structure. The proposed project is valued at \$42,000. However, with the donated labor, the total projected cost is \$18,000, leaving approximately \$4,000 - \$5,000 to come from City funds. Mr. Mull explained that the kit needs to be ordered immediately to allow for delivery within the Guard's late June-early July time frame to do the work. Mr. Mull noted that funds are available in the Parks Improvement Fund to cover the City's portion of the costs. Staff recommended that Council consider the expenditure.

At Councilor Miller's request, Mr. Mull clarified the dollar projections quoted. He explained that the \$42,000 actual value was based on an architect's estimate of what it would cost to build a facility at the park. However, the cost of the kit amounts to \$13,190; concrete slab and pole sockets are estimated at \$3,200; and the ADA asphalt path is estimated at \$1,300, for a total cost of \$17,780. The City expenditure would pay for the slab and asphalt path.

Mr. Kissler reaffirmed that the Guard has committed to erecting the structure and funding up to 75% of the costs. Councilor Miller added that although the project was enthusiastically supported by the Parks Board, they wanted to see what funding would come from the Guard. He noted that the Guard's participation is even greater than was anticipated by the Board.

Councilor Miller moved to suspend the rules and take

action with regard to the expenditure of funds from the Parks Improvement Fund. Mayor Koho seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Miller moved that Council authorize the expenditure of up to \$5,000 for completion of the Claggett Creek Park picnic structure project. Mayor Koho seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. Old Business Report

Municipal Court Collections Update

A written report was included in the agenda material. The only comment came from Councilor Keller. He requested that staff continue to provide updates on the collection of fines.

PUBLIC HEARINGS

a. Proposed Zone Changes to Various Portions of the City of Keizer

Consultant John Morgan (formerly Keizer's Community Development Director) presented the staff report. Mr. Morgan explained that the proposed legislative amendment to the Keizer Zoning Map is needed to make the City's zoning pattern reflect the new Development Code, to bring zoning into conformance with the 'Keizer Comprehensive Plan' Land Use Map, and to implement updated public policy. Referring to a map posted on the board, Mr. Morgan indicated that he would be pointing out

and commenting on proposed zone changes within four basic areas.

Mr. Morgan began with the **Clear Lake Neighborhood**. The proposal is to change all the current UT (Urban Transition) zoning to RS (Residential single-Family) with the exception of the Willamette Lutheran Homes site, which is proposed to be zoned RM (Residential Multi-Family).

Mr. Morgan explained the concept of the UT zone as a transitional or holding zone for land that at some point will be converted to urban densities. He commented on the need in 1985 to establish such a zone to ensure Keizer's methodical growth. He noted that with the development of Keizer's outlying areas, that protection is no longer needed. He relayed the Planning Commission's determination, supported by staff, that the UT zoning has outlived its usefulness and should be eliminated.

Mr. Morgan noted that the last part of the urban area to develop is the north end of Clear Lake where the UT zoning is still in place. He pointed out on the map the area proposed for rezoning, specifically calling attention to developable vacant land. He noted that the development requirements in the UT zone are significant even for property owners wishing to build homes on land they currently own.

Mr. Morgan pointed out that under the proposed new zoning, no one would be able to establish a new farm, and no one could establish an auto repair business as a home occupation. He noted that a 1993 inventory of the area showed four operating farms, the rest of the land being rural residential. He could think of no significant impact on the use of land in the area as it transitions. Staff and the Planning Commission recommended approval of the proposed zone changes for the Clear Lake area.

Councilor Miller asked if an existing farm would be grandfathered if it changes hands or is sold. Mr. Morgan answered that it would--that nonconformity runs with the land.

Mr. Morgan continued on to the proposed zone change for the **Special Policy Area**. The land within the Special

Policy Area around the Willow Lake Wastewater Treatment Plant is proposed to be rezoned from the EFU (Exclusive Farm Use) zone to the IA (Industrial Agriculture) zone. The EFU zone is proposed for elimination from the new Development Code while the IA zone is being added.

Mr. Morgan noted that the proposed zone change was "put on the table" by the Planning Commission and Council to have it in place as a convenient tool for effecting the change in zoning should Salem and Keizer reach a settlement in SPA negotiations. Because resolution of the issue has not yet occurred, City Attorney Johnson, staff and the Planning Commission concur that this is not the time to proceed with the changes. The recommendation is that Council, at this time, make no changes to the current EFU zoning.

Mr. Morgan was aware that Council might see merit in moving ahead with the change for some areas. In that event, a secondary recommendation was that Council give direction on preparing an order to come back on April 20. Mr. Morgan noted that the zone map would need to be amended accordingly--staff would want to come back with the amended map and a much more specific proposal.

Mayor Koho asked if Mr. Morgan knew of any person or entity who would take issue with application of the IA zone, presuming the issue of the SPA were settled. Mr. Morgan answered that property owners in the area have had some concern that the IA zone might not be as industrial as they would like. Salem has bought off on the IA zone as being something they could accept as being in the zone of influence.

Mr. Morgan acknowledged for Councilor Miller that some of the property proposed for rezoning, within the McNary Estates property, could be residential. Should Council choose to move ahead, he suspected it might be appropriate to reserve out the lands that, in the ultimate solution, likely would be residential. He specifically mentioned property south of Lockhaven Drive, and the McNary Estates piece of land as properties that could, for now, remain zoned EFU. Mr. Morgan acknowledged that residential development proposals for the EFU designated land would be subject to a more extensive review process. He noted that the properties south of Lockhaven had

already passed through that process, and were approved subject to this process being settled.

Councilor Miller wondered what could be done now with regard to zoning that would allow the McNary properties to develop residentially without the added requirements. Mr. Morgan pointed out that no specific proposal has been submitted for development of the McNary properties as was the case with the property south of Lockhaven. Thus, a similar preliminary approval would be less appropriate. He agreed to look more thoroughly at the issue and bring back options on April 20.

The next proposed rezone addressed by Mr. Morgan was the **River Road Corridor**. The CM (Commercial Mixed) zone is proposed to replace the existing CR (Commercial Retail), CO (Commercial Office), and UT (Urban Transition) zones along the River Road corridor, plus the northern portion of Cherry Avenue. The new Development Code replaces the old CR zone with the new CM zone.

In looking first at the River Road corridor only, Mr. Morgan commented on the Planning Commission's vision to replace the multiple zones in the corridor with a single zone that would allow flexibility as to permitted uses, but require higher design standards. Mr. Morgan pointed out, however, that staff had some reservations about changing two areas currently zoned CO: the first, five parcels on the north side of Janet Street east of Elizabeth developed as single-family homes; and the second, a five-block area generally between Churchdale Avenue on the north and Cummings Lane on the south, mostly on the west side of River Road, marked by lower intensity uses such as offices and a church. Mr. Morgan noted that the first creates a buffer between the neighborhood and the commercial area; and the second serves as a separation between the more intense focal points at River and Chemawa and at Manbrin. Mr. Morgan also recalled Council's previous decision that CO zoning was most appropriate for a site on the south side of Maine Avenue across from Taco Bell. Mr. Morgan saw merit in retaining the CO zone for these areas to avoid River Road becoming an intense strip commercial corridor.

Mr. Morgan noted that after considerable deliberation, the Planning Commission decided to oppose keeping the CO

zone. It was their feeling that the capability through the site plan review process would eliminate any concerns about applying the CM zone to the entire corridor. The Planning Commission voted to recommend approval of the proposed change.

Staff's recommendation was that Council approve the zone change to CM, after considering if the two mentioned areas of CO zoning should be retained.

Mayor Koho wondered if applying one single mixed use zone might not be usurping what planning is intended to do. Mr. Morgan explained the current thinking with regard to zoning which provides for more flexibility with regard to uses, but with the imposition of stricter design standards. He pointed out that traffic restrictions also provide opportunity for further review of uses.

Councilor Keller saw merit in the proposal to retain CO for the areas stated. He could see how concerns of neighboring residential property owners would be alleviated, knowing that the adjacent properties would not become retail uses.

Mr. Morgan confirmed for Councilor Miller that the change from CR to CM represented the only "all or nothing" zone change in the proposal--CR is eliminated from the new Code. He acknowledged that interspersing CO with CM would not be inappropriate, and that neighboring residents would receive notice of any zone change request.

Mr. Morgan was asked to again point out the areas where retaining the CO zone might have some merit. In addition to the previously mentioned locations, he pointed out a few isolated locations that might be considered, but noted that established uses occupy those sites. He saw no real problem with retaining the CO zone everywhere it exists throughout the corridor.

Mr. Morgan continued on to the **Cherry Avenue** rezone recommendations. The proposal calls for the property on the east side of Cherry Avenue between Alder and Clearview to be changed from UT (Urban Transition) to MU (Mixed Use); and land on both sides of Cherry generally between Shady Lane and the south city limits to be changed from the old IP (Industrial Park) zone to IBP

(Industrial Business Park).

Mr. Morgan explained that the proposed changes conform with and were recommended within the Cherry Avenue Design Plan. The changes were proposed as other zone changes were made in the Cherry Avenue corridor, but were delayed until specific elements were included in the zones to better implement the Design Plan. Those changes are included in the new Development Code.

Mr. Morgan submitted the recommendation of the Planning Commission and staff that Council approve the proposed zone changes. There were no questions from Council.

The final area addressed by Mr. Morgan was the **Candlewood Industrial Area**. The proposal was that land on both sides of Candlewood Drive be changed from UT (Urban Transition) to IG (General Industrial).

Mr. Morgan noted the area is marked by a variety of small industrial uses, with a great deal of undeveloped or under-developed land. In addition to bringing the zoning into compliance with the Comp Plan designation, the feeling was that the rezone would help encourage people to assemble some land and do something with it. Staff and the Planning Commission recommended approval of the proposed change.

With regard to all the proposed zone changes, staff recommended that Council hold the public hearing, deliberate, and give staff direction on preparing an ordinance for the map.

Providing testimony to the Council were:

John Blake, 5655 Windsor Island Road, Keizer, owner and operator of the Willow Lake Nursery and farms, spoke in support of the proposed SPA zone change to IA. He strongly condemned Salem's delays in coming into some resolution with Keizer over the disputed area, noting that farm owners in the area have been in a "state of limbo" since 1979 when the SPA zone was put in. Although many of the landowners had indicated to him a preference for a strictly industrial designation, he indicated that he would be content with the IA. He urged the Council to act quickly to adopt the Agricultural Industrial zone so that landowners

can make decisions about the use of their properties. And, to ensure that appropriate value is received should Salem consider condemnation in connection with any treatment plant expansion.

Mayor Koho asked City Attorney Johnson if another entity/jurisdiction could condemn property within the City of Keizer if both the property owner and the City didn't want it to happen. City Attorney Johnson indicated that in researching the issue he found numerous statutes on condemnation spread throughout the State Code. Although he had been unable to reach a definitive conclusion, he greatly doubted that another city extraterritorially could condemn land in Keizer against Keizer's wishes.

Mr. Blake commented on legal costs he had incurred several years ago when a portion of his land was taken for Willamette Mission State Park. In that case, the threat of condemnation over a six-year period took a greater toll than the condemnation when it finally occurred. Mr. Blake proposed one change to the IA zone as drafted. He requested that the 35 foot structure height restriction be deleted if canneries are permitted.

Referring to Mr. Blake's comment that the preference of other farmers was for a straight industrial designation, Councilor Whalen asked Mr. Blake if he felt comfortable speaking for the others in asking Council to proceed immediately with the IA zoning. Mr. Blake indicated that he, as well as the other, had a preference for industrial. Although the proposed IA addressed the permitted uses far more specifically than the previous statement in the Code, he could still see some gray areas. However, he reiterated that he would accept the proposed IA because of its far greater specificity than what has been in the Code.

Larry Jackson, 292 Janet Avenue, Keizer, spoke in opposition to the proposed zone change to CM for properties on the west side of River Road, between Churchdale and Chemawa Road, now designated CO. His concerns were the increased traffic, particularly on his dead-end street where small children are at play, and the potential for crime associated with commercial uses that would be permitted within the CM zone designation. He urged Council to retain the CO zoning for this area.

Ken Vincent, 291 Janet Avenue, Keizer, echoed the concerns expressed by Mr. Jackson. He also requested that the CO zoning be retained for the area.

Kevin Baker, 271 Janet Avenue, Keizer, directly behind the Bakers Square commercial strip, also requested that there be no change to the current CO zoning. In 1995 he did a remodel to his home with the understanding that the area would stay the same. He felt that the residential flavor of his neighborhood would change if commercial uses were allowed. He believed the Commercial Office zone served as a good buffer to the neighborhood, and urged Council to retain it all along River Road where it now exists to avoid problems associated with Lancaster Drive in Salem.

Ellen West, 623 Maine Avenue NE, Keizer, spoke in opposition to the proposed zone change to CM for all the properties currently designated CO along River Road. Ms. West lives next to the Taco Bell fast-food restaurant. She spoke specifically about property at 4630 River Road which is currently for sale and is proposed to change from CO to CM. She mentioned several commercial uses that would be permitted in the CM zone, none of which she considered appropriate for the end of her residential neighborhood street. She commented on the negative impacts of the Taco Bell on the residential neighborhood including traffic and vandalism. Ms. West circulated photographs of damages done by patrons of the Taco Bell. She also displayed a map of the traffic pattern, and pointed out the deficiencies. She urged Council not to make the same mistake again made by the sitting Council several years ago when the zoning was granted that allowed the Taco Bell to go in.

Mary Lou Copeland, 703 Maine Avenue NE, Keizer, applauded Mr. Morgan's recognition of the merits of retaining the CO zoning for certain areas along River Road. She echoed Ms. West's comments about the problems associated with the Taco Bell restaurant, and urged the Council to listen to the voice of the neighborhood and protect it from further negative impacts.

David Copeland, 703 Maine Avenue NE, Keizer, a 42-year resident at that address, also indicated appreciation

for staff's analysis. He commented on the impacts the Taco Bell restaurant has had on the neighborhood traffic pattern. He urged Council to reject zoning that would allow more commercial activity and further impact the traffic. He specifically requested that the CO zone designation be retained for the property at the end of Maine Avenue.

Russell Smith, 672 Maine Avenue NE, Keizer, was also surprised and pleased with Mr. Morgan's comments regarding retention of the CO zone. Mr. Russell also commented on the detrimental changes to the traffic flow caused by allowing just one commercial use. He recalled that two years ago a zone change request for the property at the end of Maine Avenue was withdrawn by the applicant based on a traffic analysis. Mr. Russell supported retaining the CO zoning in all the areas so designated in the River Road corridor because of potential traffic impacts.

Bob Ohrn, 7950 Timothy Lane NE, Keizer, representing the Clear Lake Neighborhood Association, offered testimony on the proposed zone change for the Clear Lake area. He indicated that the "bottom line" of his comments was that the neighbors don't want to lose their existing property rights. He quoted from a written statement the neighborhood's specific objection to Section 2.203.02. d. in the draft Keizer Development Code, dealing with the prohibition of the keeping and sale of livestock, poultry and produce. Mr. Ohrn noted that the group recognizes that the uses are grandfathered in, however they objected to no longer being able to freely initiate or cease the uses. Mr. Ohrn also expressed displeasure with the manner in which staff presented the proposed zone change. His perception was that rather than first deciding the appropriate zones and then writing the Code to fit the zones, the procedure was done in reverse. Mr. Ohrn also pointed out staff's failure to make the staff report available for review in the prescribed time period. Because the staff report was not available to him until late today, he had not had time to thoroughly review the material. Mr. Ohrn requested that Council continue the hearing till the next Council meeting to allow time for comment on the staff report.

Mayor Koho conceded that if the staff report was not made available in the time prescribed in the hearing notice, the Council would have no choice but to continue the hearing.

Mr. Ohrn indicated that he would save most of his remaining comments for the continued hearing. He, however, wished to clarify one procedural point. He noted that he has strong personal opinions, and at times in the past the question has risen of whether his comments represent his personal views or the views of the neighborhood association. He noted that when the neighborhood association met to discuss the issue, he presented his views on the zone change proposal. After discussion and debate, the neighborhood association unanimously adopted the position that they want to maintain their property rights. Mayor Koho asked if in saying "maintain property rights" the intent was that Clear Lake residents want the continuing right to establish new farms. Mr. Ohrn said "yes." Mr. Ohrn also answered a question from Councilor Miller about wording in a letter submitted by the Association objecting to the loss or property rights. He clarified that the Association's position is that until the properties are urbanized, they would like to keep the right to engage in or initiate the aforementioned activities.

Christine Garcia had signed up to speak, but had left the meeting.

Jack Strickfadden, 4381 Shoreline Drive NE, Keizer, stated that he owns property at the corner of Bever and Cherry Avenue. ODOT had presented him with a document stating that if signed, his property will have no access on to Cherry Avenue. Mr. Strickfadden asked if Mr. Morgan knew this to be true. Mr. Morgan suggested that Mr. Strickfadden meet with Mr. Mull or Bob Watillo, project manager for the Cherry Avenue project, to see if they have information. Mr. Morgan was unaware of the document, and knew of nothing in the proposed IBP zoning that speaks to the issue. Mr. Strickfadden also wondered if auto detailing would be a permitted use in the IBP zone--he had a prospective tenant. Mr. Morgan answered that it would not. Should Council wish to accommodate such uses, different zoning for the area could be a consideration.

Tina Sloan, 5905 Radiant Drive NE, Keizer, stated that she would like to see Council lessen the commercial on River Road to keep it from becoming a "Lancaster Drive,"

and to focus on putting the commercial at the Chemawa Activity Center near the freeway.

There was no further testimony to come before the Council.

Mayor Koho continued the public hearing to April 20, 1998.

(The Council recessed at 9:45 p.m. and reconvened at 9:56 p.m.)

**b. RESOLUTION -
Forming the Pinehurst
Estates Street Lighting
District
ORDINANCE - Spreading
Assessments to the
Pinehurst Estates Street
Lighting District**

Mayor Koho opened the public hearing.

On March 2, 1998 Council adopted Resolution R98-1017 to initiate formation of the Pinehurst Estates Street Lighting District. The Engineer's report was approved by Council on March 16, 1998. On March 23, 1998, notice of the public hearing was mailed to all affected property owners. To date, no remonstrances have been received.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Council President Keller moved a Resolution Forming the Pinehurst Estates Street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Keller Moved a Bill for an Ordinance Spreading Assessments to Pinehurst Estates street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

a. Keizer Land Development Code

Each Council member had previously received a copy of the April 1998 draft Keizer Development Code. In a memo from former Community Development Director John Morgan, he advised that the draft document incorporated all the changes for which consensus had been reached by the Council. Staff recommended that Council give staff direction on any additional amendments so they could be incorporated into the copy to be presented to the Council on April 20 as part of the adoptive ordinance.

Councilor Keller brought up three issues; the first, **vision clearance provisions in Section 2.312.09, Subsection E**. Councilor Keller had questioned Lt. Miranda about accident data for street-street intersections without major traffic controls. Lt. Miranda informed him that there was nothing to indicate that a traffic problem existed in such areas. Since there was no factual data to support the proposed 30-foot leg vision clearance area, Councilor Keller recommended changing the requirement to 20-foot legs in each direction, the same as is required at street-street intersections with major controls.

Councilor McGee pointed out that the Traffic Safety Commission had recommended 30-foot legs in both instances; it was the Council who changed the ones with major traffic controls to 20 feet. He was inclined to support the Traffic Safety Commission's recommendation for 30-foot legs. Councilor Miller pointed out that accidents do occur at uncontrolled intersections, but are not always included in police data. He saw merit in the 30-foot legs at uncontrolled intersections. **After discussion, no changes were made.**

The second issue brought up by Councilor Keller was found in **Section 2.312.10, also vision clearance, relative to fences, walls and hedges**. He questioned the requirement that fences and walls not exceed a height of 3 1/2 feet along, and within, ten feet of any property line

adjacent to the street. He was aware of no factual data to support the requirement. Mr. Morgan pointed out that the requirement is found in Keizer's existing code, and is a common requirement found in most all codes. He commented on the aesthetic values of the standard, as well as vision clearance benefits. Mr. Morgan also explained for Councilor Keller why different standards should apply in a commercial area than in a residential neighborhood. **No changes were made.**

Councilor Keller's final issue dealt with **development standards for churches. In Section 2.423 F, Street access**, Councilor Keller proposed changing the wording to read: "Unless permitted by the City, ~~only one~~ two vehicle access driveways per street frontage ~~shall~~ may be permitted. **Council concurred with the change.**

Under Development Standards, Section 2.315.08, B, Internal Pedestrian Circulation, Subsection 2. Location, Design, Councilor Meier believed the verbiage with regard to walkway access to transit could be misinterpreted. **Mr. Morgan will rewrite the section for clarity.**

Councilor Whalen referred to **Section 2.423 C, dealing with landscaping standards for churches**. He believed the proposed standard requiring landscaping of all areas not developed with a physical improvement or parking would create too great a maintenance burden for institutions. After discussion, **no changes were made.**

Also under **development standards for churches**, Councilor Whalen suggested that **Section 2.423 B, side and rear setbacks**, be changed to require 20-foot setbacks, rather than 25. He noted that 20 feet is the standard for commercial development. **Council concurred with the change.**

Councilor McGee recalled his **previous objection to the use of the words "church" or "churches" on the basis that the terms are too exclusive**. He recalled Council's concurrence. He pointed out several sections in the draft where the reference needed to be changed. Mr. Morgan indicated that he had made the change under "definitions," but had not yet made the changes elsewhere in the draft. **He will change the reference to "church" or**

“churches” wherever it appears in the Code before bringing back the document.

Under **Section 2.418 B.2, the location requirements for adult entertainment businesses**, Councilor McGee recalled that as well as changing the reference to “church” there had been consensus to **change the reference to “junior high.”** Also under Adult Entertainment Businesses, in **Subsection A.1**, Councilor McGee objected to the manner in which **the term “prurient interest”** was used. He believed it gave the impression that certain objectionable activities would be condoned if they did not appeal to a prurient interest. He suggested adding the word “or” before “in a manner which appeals to a prurient interest.” **City Attorney Johnson will change the language to clarify the intent.**

Councilor Beach referred to **Section 2.402 E, roof materials for manufactured homes**. He questioned why **rolled steel, currently used for some houses, was omitted** from the list. Mr. Morgan believed it was omitted for aesthetic reasons, based on the concept of avoiding a “trailer house” look. He conceded that fire concerns have increased the popularity of metal roofs for houses. Councilor Keller believed that Subsection 5 would allow rolled steel if it were the predominant roofing material used on residences in the neighborhood. **After discussion, the majority of the Council agreed with making no change.**

City Manager Mull called attention to a problem associated with the elimination of “lot line adjustments” from the Development Code. He pointed out that by eliminating public works review, a house could be built over the top of a sewer, storm drain or water line. He conceded that regular 250 foot notification requirements probably were not necessary, but saw a need for agencies to have opportunity for review. Mr. Morgan explained that the intent was to simplify the application process by eliminating some of the bureaucracy. He agreed that Mr. Mull made a good point. He acknowledged that the administrative review process could be retained, or that a lessor process of administrative review could be established. He suggested, however, that Council not delay the Code for those provisions to be reworked.

City Attorney Johnson agreed with Mr. Morgan's

suggestion to proceed with the Code for now, and then look at another system for the future. He pointed out that currently there is no lot line adjustment process for non-residential property. He suggested later looking at a process to apply across-the-board.

Mr. Morgan responded to questions about the fee for a lot line adjustment, and the costs associated with processing the application. **After discussion, staff was directed to return at a later date with a "slimmed-down process including slimmed-down costs."**

Mayor Koho moved to direct staff to come back on May 4 with a final draft of the Development Code and the necessary ordinances for adoption. Councilor Beach seconded the Motion.

Councilor Miller stated that because the Code draft was made available to the Council only last Friday, he would like more time to review it. That he would like it understood that Council could come back at the next meeting with additional proposed changes.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. ORDINANCE - Relating to Prostitution

Community Policing Coordinator Jodi Sherwood presented the staff report. Ms. Sherwood commented on the increase in prostitution activity in Keizer. She noted that the proposed ordinance is identical to the City of Salem's ordinance. When Salem adopted its ordinance, some of the prostitution activity moved north to Keizer.

Ms. Sherwood commented on the provisions of the ordinance. It provides for the solicitor to be cited, and makes vehicles associated with acts of prostitution subject to seizure and forfeiture.

Ms. Sherwood confirmed for Mayor Koho that a person

would have to be caught taking some action, not just suspected, before an arrest could be made. She described some of the methods used to solicit for acts of prostitution.

Under Section 1, Prohibited Prostitution Conduct, on the list of circumstances which may be considered in determining whether the actor intends prohibited conduct, Councilor Miller believed that Item 1 "that the actor is a known prostitute or panderer," lacked reason in and of itself for someone to be cited. City Attorney Johnson agreed that Item 1 alone probably could be challenged.

Councilor Miller strongly believed that citing someone would require some act of solicitation. Chief Adams responded to questions about application of the Item 1 provision. He pointed out that it is useful in doing police sweeps, to run suspected prostitutes off from an area. City Attorney Johnson acknowledged that the same wording was included in ordinances adopted by Salem and Portland. He had talked with city attorneys in both cities, and their belief was that the provision would hold up, however, it had not been tested. With regard to the ordinance overall, City Attorney Johnson advised that he planned to recommend to the Police Department that a full forfeiture be considered only in a very egregious situation.

Council President Keller moved a Bill for an Ordinance Relating to Prostitution, with the amendment, on page 2 line 1, eliminating item number 1 and renumbering accordingly. Councilor Whalen seconded the Motion.

Councilor Miller asked Ms. Sherwood if the renumbered items 1, 2 and 3 were patterned after the Salem and Portland ordinances and worded exactly the same. She answered that they were. City Attorney Johnson confirmed that no wording was changed in this section.

Councilor McGee pointed out that those participating in criminal activity are well aware of new laws that are passed and what they can and cannot do.

The motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

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

CONSENT CALENDAR

The consent calendar consisted of the following items:

- a. RESOLUTION - Approving Engineer's Report for Westmore Estates Street Lighting District
- b. RESOLUTION - Approving Engineer's Report for Brower Place Street Lighting District
- c. RESOLUTION - Calling Up Stadium Traffic Management Plan for Council Initial Decision
- d. Approval of February 23, 1998 City Council Work Session Minutes
- e. Approval of March 2, 1998 City Council Regular Session Minutes

Mayor Koho moved for approval of the Consent Calendar.
Council President Keller seconded the Motion.

The motion passed unanimously as follows:

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

WRITTEN COMMUNICATIONS

There were no written communications to come before Council.

AGENDA INPUT

Mayor Koho noted the agenda input items.

ADJOURNMENT

The meeting was adjourned at 10:53 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



October 19, 1998

AGENDA ITEM 8i

APPROVAL OF APRIL 20, 1998 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, April 20, 1998
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

Carl Beach, Councilor
Jim Keller, Council President
Jerry McGee Councilor
Al Miller, Councilor
Garry Whalen, Councilor
Dawn Meier, Councilor

Absent

Dennis Koho, Mayor

Staff:

Wally Mull, City Manager
Shannon Johnson, City Attorney
Marc Adams, Chief of Police
Susan Gahlsdorf, Finance Director
Dianne Hunt, Human Resources Officer
Rob Kissler, Public Works Director
Tracy Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

**COMMITTEE
REPORTS**

**a. Introduction of Bill Lawyer - Public Works
Superintendent**

Public Works Director, Rob Kissler introduced Bill Lawyer who was promoted to Public Works Superintendent on March 14, 1998. Mr. Kissler commented on Mr. Lawyer's duties and responsibilities in his new position.

b. Council Liaison Reports

Parks Advisory Board - Councilor Miller reported on issues discussed at the April 14 meeting of the Parks Advisory Board. Construction of the Claggett Creek Park picnic shelter is scheduled July 11 - 23. Groundbreaking

for the skate park was held last Friday, and construction is now underway. The Board also participated in a goal-setting session. Long-term goals are wetlands mitigation and possible enhancement at Claggett Creek Park, developing National Guard Projects, Staats Lake replacement park, and a formalized park reservation process. A moderate-term goal is to look at increasing SDCs. Short-term goals are, complete the Claggett Creek Park picnic structure, and promote additional park staffing. The Board also discussed possible budget recommendations. The next Parks Board meeting is Tuesday, May 12.

Planning Commission - Council President Keller was unable to attend the April Planning Commission meeting. He deferred to City Planner Drought to give the report. Ms. Drought reported that the main item on the April 8 agenda was the kickoff for the Keizer Transportation System Plan. The TSP will be the Planning Commission's primary focus for the next year and one-half. Next month the Commission will discuss goals relative to the TSP.

Community Policing Committee - Councilor Meier reported that the Main Community Policing Committee met on Tuesday, April 14. A special security coordinator from the Cherriots talked to the group about a problem they are having with bus shelter vandalism. Councilor Meier noted the presence of Community Policing Chair Craig Campbell. She deferred to Mr. Campbell for further comment about the meeting.

Craig Campbell, 6736 Fenwick Court, Keizer, expanded on Ms. Meier's comments about the presentation by Charriots. He related their interest in starting an adopt-a-shelter program, wherein individuals would be responsible for watching over specific shelter locations. Mr. Campbell also commented on a joint district meeting that was held a week prior to the Main Committee meeting. At that meeting Chief Adams presented a staffing report, and a presentation was made on the "SARA Model of Problem Solving," a community policing tool. The Main Committee is encouraging its use by all the districts. Mr. Campbell also reported on the Main Committee's discussions of the strategic planning process, a process they will embark on in conjunction with the Police Department's strategic planning process. He noted that Community Policing will hold a required community forum within the next six weeks.

OTHER BUSINESS

a. New Business

- **Urban Renewal Bond Refinancing**

Councilor Meier referred to staff's memo informing Council of the impending refinancing of 1996 Series A and 1996 Series B bonds. She did not recall that Council had considered and authorized refinancing the bonds.

City Manager Mull recalled Council's direction to staff to look into refinancing. He anticipated having all the numbers to present to Council at its April 27 worksession.

Councilor Meier was interested in finding out if refinancing would extend the bonds out so that the property would not be coming back on the tax rolls. Ms. Gahlsdorf advised that refunding would not change the maturity date of the debt service. Mr. Mull added that one option that will be looked at is to use the \$150,000 savings to reduce the debt service.

- **Election law Reminder**

There was no discussion of the written report.

South gateway - The item was brought up by **Councilor Beach** to put an end to any misconception that the City is putting out several thousand dollars to repair the structure. He commented on the City's pursuit of a claim against the responsible party's insurance. He also talked about proposed improvements that will increase the structure's visibility, that will hopefully be done prior to the Keizer Iris Festival.

b. Old Business Report

- **Cable Regulatory Commission**

Councilor McGee referred to City Manager Mull's memo advising that he would be sending a letter to the Cable Regulatory Commission accepting the conditions for Keizer to become a member of the Mid-Willamette Valley Cable Regulatory Commission (CRC). In the letter from the CRC, they had indicated a preference for a two-year buy-in rather than the three-year buy-in proposed by Keizer. And that should they accept a three-year buy-in, they might include an interest charge on the extended period. Councilor McGee wondered exactly what Keizer would be agreeing to with regard to the buy-in period.

Mr. Mull was as yet unsure. In a letter to the City of Salem he had asked what interest rate would be imposed for the third year, and some assurance that interest was intended for only the third year, not all three years. Mr. Mull had not yet heard back from Salem. Mr. Mull acknowledged that some negotiations are yet to be done. In his conditional acceptance, he would be asking for a detailed explanation of how the three year "buy-in fee" would work, and he would also be requesting that a Keizer City Councilor be appointed as a member of the CRC.

For those present in the audience, Councilor McGee briefly explained the terms of Keizer's participation. He noted that ongoing costs will be 40% of Keizer's franchise fee. He asked for comment from staff as to the actual dollar amount. Ms. Gahlsdorf answered that this year's projection is approximately \$62,000; next year's, approximately \$75,000. Councilor McGee again voiced his strong objection to the large expenditure of funds that, in his opinion, could be put to better use.

City Manager Mull assured Council that the agreement, showing exact numbers, would come back to Council for approval. He also acknowledged that funding is available for the project

Councilor Miller was concerned about getting so far into the process that when the agreement comes back for Council final approval, Council might not be in a position to reconsider it. He agreed with Councilor McGee's comments. He also wondered why a letter would be sent accepting the conditions and then asking for detail.

Mr. Mull referred again to the CRC letter which listed the two conditions dealing with the ongoing fee and the dollar amount of the buy-in fee. Those would be accepted. He noted, however, that the CRC had not made any reference to their acceptance that Keizer would have a member on the Commission. And, although they acknowledged the proposed three-year buy-in, the issue of an interest charge had not previously been discussed. Mr. Mull emphasized that although the two conditions are acceptable, any final agreement will be conditioned on responses to those two issues.

Councilor Beach echoed Councilor McGee's comments. He did not recall having previously heard all the costs involved. He indicated that he would like a thorough

hearing of the issue in upcoming budget discussions before Council takes any action. Council President Keller could recall that costs were previously considered. He indicated that he would like to move forward with the proposal.

- **Property Appraisals**

There was no discussion of the written report.

Public Works Director Kissler reported that the **Cherry Avenue construction project** is underway. It is anticipated that the bid award for replacement of the water line along Cherry Avenue will come to Council on May 4. Also, the process has been started for the **widening of River Road on the west side from Wheatland to the Meadows**. The project will include curb, gutters, drainage, sidewalks and bike paths. Mr. Mull added, in the swail behind Keizer Automotive, a private developer will be completing the bike paths, curbs and sidewalks.

PUBLIC HEARINGS

a. Amending Comprehensive Plan/Zone Change/Conditional Use Permit - Keizer Baseball Stadium - Case No. 96-04 (Traffic Plan)

Council President Keller opened the public hearing.

Shannon Johnson, City Attorney reviewed the applicable criteria for the amendment to the conditional use, originally adopted in 1996. There were no questions regarding procedure or objections to any issues raised.

Wally Mull, City Manager pointed out there have been meetings held to discuss the traffic issues surrounding the baseball stadium since the closure of the 1997 baseball season. These meetings included representatives of the Salem-Keizer Baseball team, representatives of the Gubser Neighborhood Association, and members of the staff. Based upon previous Council action, this matter was scheduled for a hearing to consider an amendment to the Comprehensive Plan/Zone Change/Conditional Use Permit granted in December, 1996 pertaining to the traffic management plan.

Presenting testimony to the Council were:

Jacque Moir, 6745 McLeod Lane NE, Keizer urged the Council to consider a sunset date for reconsideration of any changes made to the traffic management plan. She believes changing the traffic plan at this time is only a band-aid, not a solution to the problem, and therefore should be revisited again. Ms. Moir also voiced her frustration that this change is being considered just weeks before the

opening of the baseball season. She believes by opening Tepper Lane, it will allow more vehicles into the neighborhoods, which may result in additional police calls. Ms. Moir explained this issue has been a dividing force between residents of the Gubser Neighborhood Association.

Ms. Moir reminded the Council that the traffic issue in the Gubser neighborhood began with the Chemawa Activity Center plan, not the baseball stadium. Industrial development in the area will result in trucks using the neighborhood streets. This was the initial reason for the closure of Tepper Lane. She pointed out if Radiant Drive was improved to three lanes, it could provide a solution to the traffic congestion. In describing the layout and condition of Tepper Lane, Ms. Moir indicated the traffic will become snarled by the short distance between stop signs and railroad crossings. In conclusion, Ms. Moir believed these concerns need to be fully addressed before a successful traffic management plan can be put in place and the neighborhood can be peaceful again.

EJ Wright, 2149 Aldine Drive NE, Keizer questioned the promises previously made by the Council that a traffic management plan would be in place prior to the opening of the baseball stadium. He suggested alternate traffic routes should be considered rather than opening Tepper Lane and funneling the traffic through the neighborhoods. Mr. Wright indicated a northern exit option should also be considered so his residential area will not become landlocked or inaccessible. By opening Tepper Lane it will preclude the residential use of his property.

Myrna Wogalmont, 6255 Radiant Drive NE, Keizer distributed a respirator filter used during an eight-game stretch at the baseball stadium during the 1997 season. These filters are an indication of the fumes generated by the number of cars passing by her home to and from the games. Ms. Wogalmont understands the amount of traffic associated with the stadium, however she believes alternate access and exit roads must be used to alleviate some of it from Radiant Drive.

Lee Thomas, 6300 Radiant Drive NE, Keizer expressed his concern that emergency vehicles will not be able to access his home during life threatening situations. He is bound to a wheel chair and is worried help will not be available when necessary. Mr. Thomas pointed out Radiant Drive is a narrow street that becomes very

congested during events at the stadium. He criticized the Council for placing the potential revenues generated from the stadium before the safety and well being of the residents in this area.

Wayne Trucke, Gubser Neighborhood Association President, 6330 14th Avenue NE, Keizer indicated a report from the Gubser Neighborhood Association was submitted outlining the discussions and recommendations from the most recent meeting. The first recommendation is to keep Tepper Lane closed to all stadium traffic. In addition a traffic study should be conducted and prepared by an outside traffic engineer, and the traffic along Radiant Drive should be two-way at all times. However, if the Council goes against the wishes of the Gubser Neighborhood Association by opening Tepper Lane, consideration should be given to the nine recommendations included in the report.

In response to a question from Council President Keller, Mr. Trucke pointed out Tepper Lane is not considered a part of or an alternate exit route for vehicles visiting the Miracle of Christmas display.

On a personal note, Mr. Trucke (testifying as a Keizer citizen) indicated a letter was submitted from himself and his wife outlining their views on this issue. He pointed out several concerns with increasing the traffic on McLeod Street. Furthermore, the City has failed to address the traffic stadium issues in a timely manner. Reading from his letter, Mr. Trucke outlined several dates and occurrences in which the City has failed to identify the solutions or prepare a traffic analysis for the area. In addition, the Gubser Neighborhood Association has continually requested this issue be discussed and the City has failed to respond.

Responding to the amount of traffic visiting the Gubser neighborhood during the Miracle of Christmas lighting event, Mr. Trucke pointed out this traffic is controlled by additional signage, is two-way at all times, no City funds are used, hours of visitation are set, children are not present on the streets due to darkness, and the traffic travels at a rate of 0 to 5 mph. Furthermore, this is a charitable event to collect food for the Marion and Polk Food Share program.

In conclusion, Mr. Trucke requested the Council postpone voting on this issue until the full Council is present (Mayor Koho absent) and if Tepper Lane is opened, structural improvements be considered immediately.

Roy Tribe, 6685 McLeod Lane NE, Keizer and Bob Herberger, 2805 Chemawa Road NE, Keizer explained they were a Gubser Neighborhood Association subcommittee formed to explore resolutions to the traffic issues at the Keizer Baseball Stadium. Mr. Tribe defined one of the goals was to work in cooperation with the entire neighborhood to arrive at solutions to the traffic problems.

Bob Herberger displayed a potential plan to remove stadium traffic in an efficient manner. This plan divides the parking lot into three colored-sections which will allow the cars to exit in three different directions. Mr. Herberger believes the stadium management would be willing to participate in implementing this solution. A cooperative effort by all parties would result in an efficient removal of the stadium traffic.

Councilor Whalen voiced his appreciation for the work done by this subcommittee to develop a potential solution to this problem. He pointed out there may be only 50 percent repeat visitors to the stadium, therefore an educational program must be developed to make this plan successful.

Mr. Tribe pointed out it will take a great deal of cooperation between all parties implement this plan. He believes the stadium management has a responsibility to assist in making the departure from the stadium a success.

Jim Bohanan, 6110 Radiant Drive NE, Keizer favored distributing the traffic through all potential exits so no one particular area feels the full impact. He voiced his frustration with the traffic experiences during the Miracle of Christmas lighting event sponsored by the Gubser Neighborhood Association. Mr. Bohanan requested the City distribute a schedule of the stadium events for notification to the residents affected by the increased traffic.

Bea Quest, 2033 Northtree Drive NE, Keizer expressed her concerns an injustice has been done by allowing the baseball stadium to be built. She noted Radiant Drive and Tepper Lane are dangerous roads and should be improved to handle this additional traffic. Ms. Quest indicated her husband has medical problems and she is concerned with his welfare. The additional traffic generates noise, fumes, garbage, and speeding vehicles. Ms. Quest indicated the City is liable for allowing this structure to ruin the livability of her neighborhood.

Cynthia Vannoy, Claggett Creek Neighborhood Association President, 683 Faymar Drive NE, Keizer pointed out this is not only a traffic issue but a broken promise to the neighborhood associations. This action has resulted in a break down of the working relationship between the City Council and the neighborhood associations.

Tina Sloan, 5905 Radiant Drive NE, Keizer expressed her concern with the treatment of the Radiant Drive residents during this entire process. The traffic management plan implemented during the 1997 season was very dangerous, especially when the traffic patterns were changed to one-way traffic. This caused a negative impact on the residents, visitors, customers, and businesses along Radiant Drive. Ms. Sloan pointed out the substantial waste of tax dollars by improving Radiant Drive prior to the development of the Chemawa Activity Center.

By opening Tepper Lane, the traffic impact would be reduced on Radiant Drive. She also believed by opening additional exits, there would be a reduction of officers necessary to assist with traffic disbursement. With the planned improvements to McLeod Street, this would increase the safety of those traveling to and from the stadium. Ms. Sloan noted during the Gubser Neighborhood Association meetings, there has been a division of the members on this issue. However, she urged the Council to consider opening Tepper Lane to reduce the traffic impacts on Radiant Drive.

Karen Trucke, 6330 14th Avenue NE, Keizer questioned the City's intent of disbursing traffic through a residential neighborhood. Ms. Trucke displayed a map of the Gubser Neighborhood Association indicating the number of residents in each of the four neighborhood districts. This totals approximately 960 households. Ms. Trucke explained there are few exits available to residents in the northern portion of the neighborhood. Traffic is already congested and she is concerned the opening of Tepper Lane would cause a great risk to this area.

Referring to the Comprehensive Plan, Ms. Trucke explained through-traffic should be discouraged in residential neighborhoods, residential areas should be protected from any land use activity involving an excessive level of noise and traffic volume, and the City should protect existing residential uses from traffic noise levels that exceed certain decibels. Ms. Trucke also expressed her

concern with the safety of the children in the neighborhood. Stadium events may occur during the daytime hours causing potential safety risks to the Whiteaker Middle School children. Ms. Trucke pointed out she does not objecting to the rerouting of traffic, however she is concerned with the departure through the neighborhoods.

Responding to a question from Councilor McGee, City Attorney Johnson indicated a sunset clause may difficult to include in the Ordinance. However, an annual review by the City Council or City Manager may be appropriate language to place in the Ordinance.

Wally Mull, City Manager explained Tepper Lane is in a residential area and therefore not considered a truck route. However, when the Chemawa Activity Center is developed, a truck route will be designated to avoid potential truck traffic through the neighborhood.

Councilor McGee expressed his concern with the testimony regarding promises being made to keep Tepper Lane closed at all times to stadium traffic. Councilor Beach believed there was not a promise made that Tepper Lane would be closed permanently to stadium traffic. Based upon the negative experiences from the previous season, new solutions needed to be created to deal with these traffic hazards.

Councilor Miller believed it was critical to keep two southbound exiting lanes open due to the percentage of the traffic coming from the south. City Manager Mull explained it would be necessary to obtain property from the Radiant Drive residents in order to widen the road to three lanes. Furthermore, improvements could not be completed prior to the opening of the baseball season.

Rob Kissler, Public Works Director indicated the improvements to McLeod Street will begin in July and be completed prior to September 1st. The improvements will consist of the addition of curbs, gutters, and sidewalks. He believes there will be minimal impact to traffic during the construction period.

Council President Keller closed the Public Hearing.

Councilor Meier acknowledged all of the concern brought forth during the discussion of a traffic management plan for the stadium. She believed the final decision must be fair to the entire community, not just one particular area.

Councilor Meier appreciated the diagram showing the division of the parking area allowing vehicles to exit in three areas. In cooperation with the baseball management, she believes a plan similar to this would eliminate the traffic congestion in a timely manner. Furthermore, Councilor Meier expressed a desire to commit City funds as well as contributions from the baseball management to improve Tepper Lane for pedestrian and bicycle safety.

Councilor McGee appreciated the comments made by Council Meier as they relate to fairness and safety for the entire community. Furthermore, the traffic plan implemented during the 1997 season is a cause for concern and potential liability issues. Councilor McGee acknowledged there will be a need for police overtime in whatever plan is adopted. He believes the best solution is to allow traffic to disburse from all potential exits, including Tepper Lane.

Councilor Miller understood there was an agreement made previously with the Gubser Neighborhood Association to keep Tepper Lane closed to all traffic from the stadium. He feels the Council is bound to this agreement until the Association requests Tepper Lane be opened. Councilor Miller continues support of traffic option plan "C" – continuing the 1997 traffic plan – with some improvements. In regards to opening Tepper Lane, Councilor Miller believes there will be increased traffic congestion due to the short distance between McLeod Lane and Radiant Drive exits.

Councilor Beach expressed his support for opening Tepper Lane and allowing traffic to exit in all possible directions. This will disburse the traffic in a timely fashion and alleviate some of the emergency vehicle access concerns. Councilor Beach pointed out this is a temporary solution until the Chemawa Activity Center is developed and the roadways are changed. Furthermore, he believes the neighborhood tolerates the amount of traffic generated during the Miracle of Christmas lighting display and therefore should be able to work through this.

Councilor Whalen pointed out the testimony providing during the hearing was equally divided on opening Tepper Lane. He believes dividing the parking area into three sections will allow drivers to exit in a safe and efficient manner as well as minimize the impact to one particular neighborhood area.

When attending a recent Gubser Neighborhood Association meeting, Council President Keller heard one particular message; this issue needs to be addressed by the entire community. The traffic plan used during the previous baseball season was dangerous. There are only three exit options and the plan to divide the parking area to utilize each of these exits is the best solution at this time. Council President Keller stressed that any plan adopted must stay consistent throughout the season.

Councilor McGee reminded the Council a vote was taken at the March 16th meeting to open Tepper Lane to traffic from the stadium. The purpose of the hearing tonight is to consider the amendment to the Comprehensive Plan/Zone Change/Conditional Use Permit.

Council President Keller suggested revising the language to state...*adopt an event traffic management plan that may include having Tepper Lane closed before, during, and after stadium events* be placed in the ordinance. He indicated there may be future development that may require Tepper Lane to be closed in the future.

Councilor Beach believed any reference to Tepper Lane should be removed, thereby allowing the City to adopt a traffic management plan that is best suited for the entire area.

Councilor Miller reiterated there was a plan in place to respond to potential emergency calls on Radiant Drive via Tepper Lane in the previous plan. In addition, all residents along Radiant Drive were authorized to use Tepper Lane to access their homes. Councilor Miller suggested if Tepper Lane is opened, traffic direction should be restricted on Tepper Lane to avoid any conflicts.

In discussing a timeline for approval of the traffic management plan, Councilor Meier believed it should be done on an annual basis prior to the start of the baseball stadium. She also believed the City Manager work with the staff on the development of the plan and give the final approval.

Councilor Meier moved to amend the Comprehensive Plan/Zone Change/Conditional Use – Ordinance No. 96-359 –Exhibit E – Condition c(2) to read... *An event traffic management plan shall be developed and approved by the City Manager on an annual basis.* The Motion was seconded by Councilor Whalen.

Council President Keller confirmed this Motion would direct staff to return at the next meeting with an Ordinance reflecting this amendment.

Councilor Miller believed the approval process should be done by the City Council rather than the City Manager.

Councilor McGee agreed the document should not state the City Council will approve the final plan. However, he believed the City Manager should bring the plan to the Council for input and direction prior to approval.

City Attorney Johnson confirmed the traffic management plan will not be a part of the Ordinance. Furthermore, he believes the City Manager understands the direction the Council is requesting.

The Motion passed with the following votes:

AYES: Beach, Keller, McGee, Meier, and Whalen (5)

NAYS: Miller (1)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

**b. Proposed Zone
Changes to Various
Portions of the City of
Keizer (continued from
April 6, 1998)**

Council President Keller reopened the public hearing.

City Planner Amy Drought presented staff's recommendation that after receiving additional public testimony, Council close the public hearing, deliberate, and then give staff direction on creating an ordinance to bring back for adoption on May 4.

Presenting testimony to the Council were:

Bob Ohm, 7950 Timothy Lane NE, Keizer, reiterated testimony he presented at the April hearing with regard to farm use in the UT zone. He voiced objections to conclusions reached in Mr. Morgan's staff report, submitted to Council at the April 6 meeting. A comment about the purported incompatibility of the UT zone with a developing neighborhood was particularly objectionable to him. He pointed out the use of the incompatibility issue on numerous occasions, in his opinion, at the discretion of city staff and contractors. Mr. Ohm believed a question that might be asked is, "Is it appropriate for properties that do not have city services to be zoned RS," in his perception, a truer incompatibility.

Mr. Ohm also disputed staff's contention in the staff report that the proposed zone change would have no appreciable negative impact on existing uses in the Clear Lake area. The Clear Lake Neighborhood Association strongly disagreed. Mr. Ohm urged that in debating the proposed zone change, Council consider the property rights of those in the area.

Council President Keller recalled that in Mr. Ohm's previous testimony his comments seemed to support the initiation of farm uses. He questioned the possible negative effect of someone initiating a farm use upon moving into an area where there currently are no farm uses. Mr. Ohm could not see how a small farm or a kid raising sheep for a 4-H project would constitute a use incompatible with neighboring subdivisions. Mr. Ohm responded to questions about the differentiation between "farm use" and "livestock." He saw livestock as a subset of farm use activity.

In looking at property rights, Councilor Beach pointed out the inevitable changes that take place with growth. He questioned Mr. Ohm if there might not be some conflict in promoting property rights for one segment while taking away property rights of another. In clarifying his intent, Mr. Ohm cited as an example, a case where someone raising livestock might decide to cease for a period, and then not be permitted to resume.

Ms. Drought was asked if with the proposed RS zone change a farm use would be prohibited from resuming after once stopping. She answered that if a use were to stop, there would be a period of one year where it could restart. She reiterated that the conditional use continues with the property in any change of ownership.

Kevin Baker, 271 Janet Avenue NE, Keizer, spoke in opposition to changing CO zoned property on River Road to CM. He was especially concerned about negative impacts on his residential neighborhood if the proposed rezone north of Janet, and east of Elizabeth were to occur. Going further, he urged that the CO zoning be retained along the River Road corridor to maintain the existing controls over what uses can go in and protect the adjacent residential neighborhoods.

Dave Bauer, 260 Janet Avenue NE, Keizer, also opposed changing the CO zoned property on River Road north of Janet and east of Elizabeth to CM. He submitted photograph showing children at play in the residential

neighborhood which has narrow streets and no curbs and sidewalks. He believed the additional traffic associated with CM uses would cause a serious impact with regard to safety issues. Mr. Bauer urged the Council to retain the CO zone as a buffer against the heavier traffic CM uses.

Council President Keller asked Ms. Drought to refresh his memory as to what prompted the proposed change from CO to CM. Ms. Drought recalled that it was the Planning Commission's intent to allow a greater mixture of uses along the entire River Road and Cherry Avenue corridor. The Commission was hesitant to leave pockets of CO, believing that it would lean toward spot zoning. Ms. Drought acknowledged that the issue of increased traffic was considered by the Planning Commission.

Referring to the posted zone map, Ms. Drought responded to questions about properties proposed to change from CR to CM, and from CO to CM.

Council President Keller closed the public hearing.

A motion by Council President Keller to direct staff to prepare the necessary ordinance and maps reflecting the zone change as proposed received no second.

It was pointed out that the map as proposed changed existing CO zoned properties to CM. Council President Keller agreed that retaining the CO zoning was his intent.

City Attorney Johnson suggested that before taking action there be a clarification of the intent with regard to the SPA issue. He noted that Jim Reimann had expressed to Ms. Drought his desire to have the property on the west side of McNary Estates between the two bookend piece remain EFU until the Willow Lake issue is resolved with Salem. (Mr. Johnson is pursuing a legal description for that portion.) Councilor Whalen indicated that he supported the change from EFU to AI for all the proposed area except the portion described by Mr. Johnson. Mr. Johnson interjected that his preference would be that none of the area be changed, to avoid any interference with the Willow Lake issue.

Councilor Miller asked Ms. Drought to address some concerns he had about proposed industrial park zoning on Cherry Avenue. He directed attention to an area on the map on the west side of Cherry proposed for industrial park zoning, not a logical zoning in his perception because a

street separated it from the other industrial park properties. Ms. Drought noted that the properties were identified for rezoning in the Cherry Avenue Design Plan. She was unsure why the Planning Commission favored the zone change. Mr. Mull believed the proposed zoning represented the current auto repair-type businesses. Mr. Johnson added that the property is currently zoned industrial park; the proposed IBP zoning conforms with the new Development Code.

Councilor McGee suggested that rather than attempting to take a single action on all the proposed zone changes, each proposal be considered individually.

The **Clear Lake area** was first to be addressed. Councilor Whalen commented on the advantages and disadvantages of the proposed change from UT to RS. He agreed that the administrative process for projects in the RS zone is less complicated, but, he could see where changing from the existing UT zoning could take away some market value or equity. He favored leaving the UT zoning in place.

Councilor Whalen moved that the Clear Lake area be maintained in the Urban Transition (UT) zone. Councilor Meier seconded the Motion.

Councilor McGee recalled the Planning Commission's determination that the UT zone had served its purpose and should be phased out. Based on the Planning Commission's recommendation, he would be voting no.

Councilor Beach indicated that he would also support the Planning Commission's recommendation.

Although he did not disagree with the Planning Commission's conclusion that the UT zone had become obsolete, Councilor Miller disagreed with taking away property rights of owners of the few remaining UT zoned properties. He would support the motion.

Council President Keller pointed out that the property owner's ability to continue with existing farm uses would not be changed. In his opinion, allowing the initiation of farm uses would affect others. He could not support the motion.

For clarification, City Attorney Johnson asked for confirmation that the proposed change for the Willamette Lutheran Home from UT to RM was not included in the motion. Councilor Whalen answered that it was not.

The Motion failed as follows:

AYES: Meier, Miller, and Whalen (3)
NAYS: Beach, Keller, and McGee (3)
ABSTENTIONS: None (0)
ABSENT: Koho (1)

Council next considered the **Special Policy Area**.

Councilor Whalen moved to change the land in the Special Policy Area to Agricultural Industrial (AI) except for the land owned by Jim Reimann, referred to as the bookends pieces. Councilor McGee seconded the Motion.

The motion passed as follows:

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

Council next considered the proposed changes on **River Road** from CO to CM.

Council President Keller moved that all parcels along River Road currently zoned Commercial Office (CO) remain CO. Councilor Meier seconded the Motion.

The motion passed as follows:

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

Ms. Drought suggested that Council consider taking a single action to **clean-up some UT zoning along the River Road corridor**. She pointed out on the map, areas proposed to change from UT to General Industrial, some to Commercial Mixed, and some to Mixed Use.

Councilor Beach moved to adopt the "clean up" proposals regarding the UT zoned property as recommended by the Planning Commission. Councilor Meier seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, McGee, Meier, Miller and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

Councilor Miller suggested that since Council was divided on the Clear Lake proposed rezoning, it be delayed until the next meeting for a full Council vote.

When asked about timing, Ms. Drought responded that putting off the one issue would probably cause a two-week delay in adopting the zone map and also the Development Code. She could think of no significant problem with such a delay.

Councilor Miller suggested that instead of further delaying the entire process, Council direct staff to come back with the approved changes—and, with documents prepared for each of the two directions Council might go with on the one disputed issue. After deciding the one issue, Council would then be able to take final action. The Council concurred with his suggestion. City Attorney Johnson indicated that he had sufficient direction to prepare the documents for consideration on May 4.

**c. RESOLUTION - Forming Westmore Estates Street Lighting District
ORDINANCE - Spreading Assessments to Westmore Estates Street Lighting District**

Council President Keller opened the public hearing.

On March 16, 1998, Council adopted Resolution R98-1019 to initiate formation of the Westmore Estates Street Lighting District. The Engineer's report was approved by Council on April 6, 1998. On April 13, 1998, notice of the public hearing was mailed to all affected property owners. To date, no remonstrances have been received.

There was no testimony to come before the Council.

Council President Keller closed the public hearing.

Councilor Beach moved a Resolution forming the Westmore Estates Street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, McGee, Meier, Miller and
Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

Councilor Beach moved a bill for an Ordinance spreading assessments to the Westmore Estates Street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, McGee, Meier, Miller and
Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

**d. RESOLUTION - Forming
Brower Place Street
Lighting District
ORDINANCE - Spreading
Assessments to the
Brower Place Street
Lighting District**

Council President Keller opened the public hearing.

On March 16, 1998, Council adopted Resolution R98-1020 to initiate formation of the Brower Place Street Lighting District. The Engineer's report was approved by Council on April 6, 1998. On April 13, 1998, notice of the public hearing was mailed to all affected property owners. To date, no remonstrances have been received.

There was no testimony to come before the Council.

Council President Keller closed the public hearing.

Councilor Beach moved a Resolution forming the Brower Place Street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, McGee, Meier, Miller and
Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

Councilor Beach moved a bill for an Ordinance spreading assessments to the Brower Place Street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, McGee, Meier, Miller and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

ADMINISTRATIVE ACTION

a. RESOLUTION - Keizer Levee (Willamette River) Assessment Study

City Manager Mull presented the staff report. He provided background on a US Army Corps of Engineers study of the Keizer levee initiated in the early 1990's. The study, which was done to determine if there was any value to the levee built on Rafael between Cummings and 15th Street, was suspended for a time when the new Flood Insurance Rate Map was being prepared. It has recently been completed and the determination was that a feasibility study is needed to determine if additional protection to Keizer against flooding from the Willamette River is justified. The Corps of engineers proposes to do a Detailed Project Report (DPR) outlining their findings.

Mr. Mull noted that the Corps of Engineers has determined that the existing levee meets some of the newly developed levee standards. In the proposed study the Corps will be looking as the possibility of repairing portions of the dike, thereby removing a large area of Palma Ciega Villa and other areas from the 100-year floodplain. The total estimated cost for the feasibility study is \$241,000. The cost to the City of Keizer would be \$95,000; the remaining \$146,000 would be funded by the U.S. Army Corps of Engineers.

Mr. Mull noted that \$40,000 is available in the 1997-98 street fund, and staff is proposing a \$55,000 allocation in the 1998-99 budget. Staff recommended that Council adopt the proposed resolution approving the expenditure and authorizing the City Manager to enter into an agreement with the U.S. Army Corps of Engineers to conduct the proposed feasibility phase study.

Councilor Miller referred to Mr. Mull's written report which talked about doing "relatively minor improvements" to reduce the 100-year floodplain. He questioned the

appropriateness of spending \$241,000 to determine the feasibility of doing "minor improvements." He also wanted to know the projected costs to do the improvements, and who would pay for them. Mr. Mull estimated the costs for the repairs initially identified by the Corps of Engineers at approximately \$300,000 to \$400,000. He noted that construction costs are funded 75% federal money and 25% city funds. He pointed out that the City is under no obligation to make the repairs once the study is completed.

Public Works Director Kissler briefly commented on the uniqueness of this particular project. He noted that for a typical levee construction project where there are no houses, the cost to do the study is about 10% of the overall cost of construction. In this case there are residences very close to the existing levee. Specific criteria may be necessary for each parcel. The project manager had indicated to Mr. Kissler that the construction costs would not be much more than the cost to do the study.

Councilor Miller questioned the use of street funds to fund the study. Mr. Mull pointed out the impacts of flooding on streets. He noted that in the past flooding issues have been street fund related.

Councilor Beach asked about the timeline for the feasibility study. Mr. Kissler answered that with approval to move ahead tonight, the study would take about six months and complete about September or October 1998.

Councilor McGee commented on an original surveying and study commissioned in 1981 prior to Keizer's incorporation. He commented on past controversy over issues associated with the dike. He pointed out the merits of having an ordinance in place at the time construction begins, and asked Mr. Mull if this would be an appropriate time to look again at the dike ordinance. Mr. Mull acknowledged that staff will be working on a dike ordinance in the next few months. He related his plans to meet with the people living near the dike to discuss dike issues.

Councilor Meier asked if the preliminary study indicated whether the minor defects to the levee were man-made or caused by erosion. She believed residents should be held responsible for repair of any defects they caused. Mr. Mull answered that they were a combination of both. He pointed out that people who altered the dike no longer lived there. He would very reluctantly hold the new property owners responsible.

Mr. Kissler commented on some improvements that might be necessary for the levee to be certified. He emphasized that the detailed study will provide information to determine which measures to take that will lead to certification.

Councilor Whalen moved a Resolution Authorizing the City Manager to Enter an Agreement with the U.S. Army Corps of Engineers to Conduct a Detailed Project Report on the Keizer Levee. Councilor Miller seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, McGee, Meier, Miller and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

CONSENT CALENDAR

The consent calendar consisted of the following items:

- a. RESOLUTION - Authorizing Mayor to sign City Manager Contract
- b. RESOLUTION - Transferring Park Improvement Funds for Keizer Skate Park
- c. RESOLUTION - Initiating Wittenberg Lane Street Lighting District
- d. Approval of March 16, 1998 City Council Regular Session Minutes

Council President Keller requested Item "a" be removed from the Consent Calendar. Councilor Miller requested item "d" be removed from the Consent Calendar.

Council President Keller moved for approval of items "b" and "c" on the consent calendar. Councilor Beach seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, McGee, Meier, Miller and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

Item "a"

Council President Keller requested that upon approval by the Mayor, the City Manager Contract be scheduled for an executive session on May 4, 1998. There was no objection from the remainder of the Council.

Item "d"

Councilor Miller directed attention to page 19 of the March 16, 1998 minutes under discussion of Keizer Baseball Stadium Traffic Options. He noted that a comment made by him with regard to the public hearing was done so in jest and was never intended as a formal motion. He believed the Mayor's response was also in jest.

Councilor Miller moved to delete from page 19 of the March 16 minutes, the Motion made by him regarding the hearing. Councilor Beach seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, McGee, Meier, Miller and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

Councilor Miller moved to approve the March 16, 1998 minutes as amended. Councilor Whalen seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, McGee, Meier, Miller and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

**WRITTEN
COMMUNICATIONS**

There were no written communications to come before the Council.

AGENDA INPUT

Council President Keller noted the agenda input items.

Mr. Mull reminded Council that the budget process will start on Monday, May 7. He commented on the budget schedule.

Councilor McGee requested that the newly revised "telephone policy" for the Police Department be discussed when the Keizer Police Department Staffing Presentation comes to Council at its April 27 work session.

ADJOURNMENT

The meeting was adjourned at 10:25 p.m.

APPROVED:
MAYOR:

Tracy L. Davis, CMC
City Recorder

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Council President - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



October 19, 1998

AGENDA ITEM 8j

**APPROVAL OF SEPTEMBER 21, 1998 REGULAR SESSION
MINUTES**

MINUTES
KEIZER CITY COUNCIL
Monday, September 21, 1998
Keizer City Hall
Robert L. Simon Council Chambers, Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:03 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Council President
Jerry McGee, Councilor
Al Miller, Councilor
Garry Whalen, Councilor

Absent:

Lore Christopher, Councilor

Staff:

Wally Mull, City Manager
H. Marc Adams, Chief of Police
Dianne Hunt, Human Resources Officer
Amy Drought, City Planner
Rob Kissler, Public Works Director
Susan Gahlsdorf, Finance Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY Presenting testimony to the Council were:

Jack Norton, 1569 Mistwood Drive NE, Keizer explained his two sons will be leaving for El Salvador as missionaries which required a clearance from the Police Department for their visas. He voiced his concern with the lack of cooperation he received when requesting this document be notarized and the fee associated with this transaction.

Mayor Koho requested the City Recorder notarize the document for Mr. Norton.

Linary Kingdon, 296 Triple Tree Circle, Keizer expressed her concerns with the overcrowding in the schools in Keizer. She understood the bond issue on the November ballot, if successful, will add two schools to our area, however this will be 3-4 years before they are constructed. She believed a charter school would be an ideal solution to this issue. Ms. Kingdon requested Council support, citizen involvement, and support from the business community to create this educational program. She explained with her background in education and the support of the community, it could be done.

In response to a question from Mayor Koho, Ms. Kingdon explained a charter school is a cross between a private and public school.

Mayor Koho questioned if the City could instigate such an endeavor, however he offered meeting room space and assistance in getting the word out to the community. He requested Ms. Kingdon contact him at a later time to discuss a process for initiating this process.

There was no further testimony to come before the Council.

COMMITTEE REPORTS

VOLUNTEER OF THE QUARTER AWARD

Mayor Koho introduced Gary Steiner as the recipient of the Volunteer of the Quarter Award for the third quarter of 1998. Mr. Steiner is presently a member of the Keizer Parks Advisory Board, Community Policing Committee, and is the chair of the South East Keizer Neighborhood Association. Mr. Steiner is also involved with Keizer United, Cub Scouts and teaches Sunday School. Mayor Koho thanked him for his contributions to the community and presented Mr. Steiner with a clock in recognition of his volunteer efforts.

Mr. Steiner thanked the Council for the award and also his wife, Pamela for her support.

OREGON ASSOCIATION OF MUNICIPAL RECORDERS – RECORDER OF THE YEAR AWARD

Mayor Koho announced City Recorder, Tracy Davis recently received the "Recorder of the Year" Award from the Oregon Association of Municipal Recorders at their annual conference in Coos Bay.

SALEM-KEIZER SCHOOL DISTRICT PRESENTATION

Dave Bauer, Salem-Keizer School District Board member thanked the Council for allowing this opportunity to give a brief presentation which explains the upcoming school bond issue on the November ballot. Joining Mr. Bauer in the presentation was: Wink Miller, Salem-Keizer School District, Ed Johns, McNary High School Principal, and Darcy Jones, parent.

After a brief video presentation, Mr. Bauer indicated upon passage the first school to be constructed will be a middle school in the southern portion of Keizer. The land purchased for this school is large enough to accommodate an elementary school in the near future.

Mr. Miller, Mr. Johns, and Ms. Jones each gave an overview of the crowding in the Keizer schools and the need for these new facilities.

Councilor McGee expressed his support for the bond issue and relayed his personal views of the overcrowding at Whiteaker Middle School. He commended the school district for their management of the overcrowding. Councilor McGee noted the passage of this bond issue is a positive gain to our City.

Councilor Beach questioned the use of portable classrooms to ease the overcrowding. He believed the district should investigate other alternatives such as longer school days or staggered schedules instead of adding more portables. These additions do not alleviate the overcrowding of the gymnasiums, offices, or cafeteria.

Council President Keller echoed the comments of Councilor McGee. He indicated it is also important for the teachers to have adequate working conditions.

Responding to a concern from Councilor Whalen pertaining to getting the word out to the community, Ms. Jones explained several presentations are being given throughout the entire Salem-Keizer area and there is a campaign underway to get citizens to vote. She believed if this measure fails, there will be devastating for the entire system.

Mayor Koho urged all members of the community to vote on this issue and support the kids.

**MARION COUNTY
PRESENTATION ON
JUVENILE CRIME
ISSUES**

Randy Franke, Marion County Commissioner and Larry Oglesby, Marion County Juvenile Department Director

appeared before the Council to give a brief report on the studies and community forums being conducted on juvenile crime issues. Mr. Franke explained that with the failure of facility bond issue in 1995, the County has been meeting with residents in the community to try to find out what was missing and why this measure failed. He believed it was essential to build a partnership with the School District, Cities, and other organizations to bring a united front and coordination of beliefs when approaching the voters again in the future.

Mr. Franke announced Keizer United will be hosting a community forum on October 5th to review the information received and to discuss plans for the future. This is part of the County's effort to build a comprehensive response.

Mr. Oglesby distributed the 1997 Marion County Juvenile Department annual report and a copy of the Juvenile Justice Report completed in the spring of 1998. He reviewed the major themes which evolved from the community meetings. These themes included:

- The county should be focusing on prevention.
- Parents should be held accountable.
- Treatment type resources are favored.
- Consequences for illegal behavior.
- Effectiveness and efficiency.
- Local prevention and intervention is important.

Mr. Oglesby indicated these discussions will also help determine when the County should return to the voters with a request for construction of additional juvenile facilities. He believed the bond request will include not only construction but also the operation of the facility.

In response to a question from Council President Keller, Mr. Oglesby pointed out Craig Campbell, Chair of the Community Policing Committee has been working with the Juvenile Department on many issues.

In discussing the overcrowding of the juvenile facility, Mr. Oglesby explained many offenders are released ahead of time due to the

lack of space to detain them. Councilor Beach believed this fact is important public information should be included with information presented during any bond request.

Mr. Franke explained he was unsure when the County would place this issue before the voters. The County wanted to make sure all the information is gathered and the public is aware of the issues before presenting it to the voters. He thanked the City for their efforts through the Community Policing Program in looking at juvenile crime issues and the support by Chief Adams and the Police Department on working cooperatively with the other jurisdictions.

PLANNING COMMISSION APPOINTMENTS

Wally Mull, City Manager reported the Planning Commission terms of Dick Inman, Bill Wolf, and June Abbott will expire on September 30th. Each of these individuals has expressed their desire to be reappointed for an additional three-year term. The Volunteer Coordinating Committee met on September 1st and unanimously voted to recommend reappointment of these individuals.

Councilor McGee moved to reappoint June Abbott, Dick Inman, and Bill Wolf each to another three-year term on the Keizer Planning Commission. Council President Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Christopher (1)

COUNCIL LIAISON REPORTS

Council President Keller reported the **Planning Commission** met on September 9th and continued their discussion on the Transportation System Plan, in particular the bike element. No recommendations were made at the meeting due to the lack of traffic counts and right of way necessary on some of the streets. He noted this information will be forthcoming at the next meeting in October.

Councilor Whalen reported the **Community Policing Committee** met on September 16th and discussed the implementation of a plan for water rescues, particularly near Inland Shores and Willamette River. In addition, the newly hired Crime Analyst, Staci Kowalski attended each of the district meetings and will be preparing statistical reports for each district. Councilor Whalen revealed the Neighborhood Watch program now covers 136 streets in the City. Other issues discussed during the meeting were three-to-six after school program, peer court program, Keizer Police Department strategic planning and the SMART program.

Councilor Miller pointed out the **Parks Advisory Board** was unable to meet due to a change in the meeting date. The next meeting will be held on October 13th at 7:00 p.m.

Mayor Koho announced due to the resignation of Councilor Meier, he will be appointing an incoming member of the Council to serve on the **Mid-Willamette Valley Area Commission on Transportation**.

OTHER BUSINESS

Though Council President Keller, Councilor Christopher questioned if there were **decibel readings** taken during the recent **musical concert** at the stadium.

Chief Adams indicated he did not use a decibel meter, however he did check several locations surrounding the stadium for noise levels. He believed the noise was similar to the noise generated at the McNary High School football games. Chief Adams noted there were three noise complaints received.

Council President Keller requested decibel readings be taken at the next event to assure the noise level stays within the guidelines of the Ordinance.

Council President Keller also relayed the continued interest of the Gubser Neighborhood Association on any progress or status change of the **Trail/Manzanita property**.

Councilor McGee expressed his concern with the City's lack of involvement with potential **transit district routes** within the city limits.

Wally Mull, City Manager indicated in the past the City has not been involved with any of these decisions. However, Amy Drought, City Planner believes there may be some opportunity in the future to comment on transportation issues.

Councilor McGee believed it is extremely important to be involved in these decisions. He believes some of the routes are hazardous and are not in the best interest of the citizens. Councilor McGee believed it is essential for us to be involved with the Transit District on routes within the City.

Mayor Koho noted the Transit District Board is independently elected from various areas in the community. Bob Newton serves as the representative for Keizer.

Chief Adams informed the Council the strategic planning process for the Keizer Police Department has begun and will be continuing in the next few months. In addition, the K-9 fund raising raffle prize (outdoor pond) was installed at a local citizens yard today. Chief Adams also explained the department is participating in the SMART program, which is a pilot project to monitor the high profile reoffenders and keep them on track. The cities of Salem and Keizer along with Deschutes County are participating in this program.

Wally Mull, City Manager pointed out the improvements to **McLeod Lane** were finished last week and the completion of the landscaping should be complete within the next few weeks. The work on the **east/west connector between River Road and Cherry Avenue** should be completed mid-October.

In response to an inquiry by Mayor Koho, Mr. Mull reported Cherry Avenue and the east/west connector projects are being completed by the same contractors. He noted the water line, right of way, and storm drain improvements on Cherry are nearing completion.

PUBLIC HEARINGS

SANITARY SEWER WASTEWATER COLLECTION AND TRANSMISSION SYSTEM DEVELOPMENT CHARGES

Mayor Koho opened the public hearing.

Councilor Whalen announced due to a potential conflict of interest, he will not participate in this issue. He removed himself from the Council Chambers.

Bill Peterson, City Engineer reported in March, 1994 the Master Sewer Plan Update was adopted which levied assessments to properties benefiting from this system. The system development charge fee for the sanitary sewer waste water collection and transmission system was \$4400 per acre. Mr. Peterson explained property developers in Keizer pay for new sewer line construction which was necessary for their developments. He pointed out a study has been completed on the actual developable land remaining within the boundaries to be developed. This information along with current cost estimates, support an increase in the fee to \$7460 per acre.

Reviewing a map of the undeveloped land, Mr. Peterson pointed out there are some areas which plans have been submitted and are awaiting approval. He recommends these areas pay the existing rate rather than the newly proposed fee. Mr. Peterson noted approximately 15,000 to 20,000 feet of sanitary sewer trunk lines have been constructed using the acreage assessment method. In regards to the properties affected by the special policy area, these projects have been put on hold due to the regional issues between Salem and Keizer. Mr. Peterson believed these properties should also be allowed to pay the present fee of \$4400 per acre. This would not cause a negative fiscal impact on the overall plan.

In response to an inquiry from Council President Keller, Mr. Peterson explained the City installed the initial 36 inch sewer line through McNary Estates. This was completed by forming a local improvement assessment district. All other lines have been built by the developers and any necessary reimbursements have been provided by additional developers. These charges are to cover the sewer trunk lines or the backbone of the sewer system in large areas.

Councilor McGee believed the system which has been in place works well, however he questioned the 70% increase in the costs and any consequences of overcharging or undercharging.

Responding, Mr. Peterson indicated the numbers used are an estimate of the costs to finish the system. There is no guarantee to these numbers or a timetable as to when the land will be developed. Future modifications may be necessary. In addition, Mr. Peterson explained the cost increase reflects a six-year period. These increased costs are related to larger lines, potential costs to acquire right-of-way, and the high price for crushed rock. He stated the costs are based upon those of the previous year. Mr. Peterson concluded these costs are reasonable and average of those charged by surrounding areas.

In response to an inquiry by Councilor Miller, City Manager Mull noted the staff report and proposed Ordinance were not distributed to any outside individuals or agencies. Shannon Johnson, City Attorney indicated the notice of hearing was published as well as distributed to a list of developers and engineers. This notice indicated the report would be available upon request.

Councilor Miller pointed out he received a call from a developer who was unaware of this hearing. He requested this matter be held over for a few weeks to allow any interested party an opportunity to review the report and provide testimony.

Providing testimony were:

Eric Meurer, Marion-Polk Building Industry Association, 375 Taylor Street NE, Salem 97303 indicated he was unaware of this proposal until today. He requested additional time to review the material and discuss the increase with the staff.

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, Salem 97302 announced he is representing specific property owners who have land within the special policy area whose development has been put on hold. He requested properties identified as tax lot numbers 300, 400, 500, and 600 from tax map 063W34C be excluded from these increased costs. Mr. Grenz pointed out he concurs with the cost estimates proposed by Mr. Peterson and understands the significant cost increase associated with the construction of the sewer lines.

In response to a question from Councilor McGee, Mr. Grenz disclosed he has been involved with most of the sewer trunk line construction in Keizer and believes the methodology used has been beneficial and accurate. Citing the past construction of the Wheatland Road sewer project, Mr. Grenz noted relying on public funds for construction would have been detrimental to the sewer system. Therefore, the methodology that has been used to adequately fund the system and provide reimbursement is an overall benefit.

Mr. Grenz pointed out the tax lots he cited were those parcels in which the City has approved subdivisions or development plans. There are additional properties within the special policy area that do not have approved development proposals at this time.

Mr. Peterson pointed out the developers are also concerned the acreage fee is adequate for construction and reimbursement of the sewer lines. He believes the proposed fee is reliable and accurate.

There was no further testimony to come before the Council.

Mayor Koho suggested this matter be continued for deliberation in order to allow the staff to provide information to those who were unaware of the proposed increase.

Councilor Miller voiced his concern with those parties that were not notified of the increase.

Council President Keller requested all land owners within the special policy area be treated fairly with the adoption of this increased fee.

City Attorney Johnson suggested additional language be added to the resolution to identify the specific properties affected by this increase and an exception for those properties which have submitted complete applications.

In response to Councilor Miller, Mr. Johnson noted the definition of a completed application will be brought forth.

Mayor Koho closed the public hearing.

Mayor Koho announced deliberations on this matter will be held on Monday, October 19th.

Mayor Koho directed staff to meet with the Marion-Polk Building Association and report back at the October 19th meeting.

**WITTENBERG LANE
STREET LIGHTING
DISTRICT**

Mayor Koho reopened the public hearing continued on August 17, 1998.

Wally Mull, City Manager reported Mr. Wittenberg is still working with Portland General Electric and the City Engineer to install decorative lighting similar to those in the surrounding area. He requested the hearing be held over for an additional month to allow Mr. Wittenberg to complete his negotiations with Portland General Electric.

There was not testimony to come before the Council.

Mayor Koho continued the hearing until October 19th, 1998 at 7:00 p.m.

**FOREST RIDGE
ESTATES STREET
LIGHTING DISTRICT**

Mayor Koho opened the public hearing.

Wally Mull, City Manager reported the developer of the Forest Ridge Estates subdivision submitted a petition to form a street lighting district in August, 1998. The Council then initiated the district and approved the City Engineer's report. Notice of this hearing was distributed to the property owners and no remonstrances have been received. Mr. Mull recommended the Council adopt the Resolution and Ordinance included with the staff report.

There was no public testimony to come before the Council.

Mayor Koho closed the public hearing.

Mayor Koho moved a Resolution Forming the Forest Ridge Estates Street Lighting Local Improvement District. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee and Miller (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Christopher and Whalen (2) *(Councilor Whalen absent from Council Chambers at time of vote)*

Mayor Koho moved a bill for an Ordinance Spreading Assessments to the Forest Ridge Estates Street Lighting District. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, and Miller (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Christopher and Whalen (2) *(Councilor Whalen absent from Council Chambers at time of vote)*

Councilor Whalen returned to the meeting at 9:07 p.m.

ADMINISTRATIVE ACTION

RESOLUTION – AUTHORIZING CITY MANAGER TO ENTER AGREEMENT TO PURCHASE PROPERTY FOR COUNTRY GLEN PARK

Wally Mull, City Manager reported this matter was referred to the Parks Advisory Board for a recommendation on the purchase of the property. Due to the cancellation of their last meeting, a phone consensus was taken by the Parks Advisory Chair.

Councilor Miller announced he was advised by Lore Christopher, Chair of the Parks Advisory Board of a unanimous recommendation to purchase the parcel.

Council President Keller moved a Resolution Authorizing the City Manager to Enter an Agreement with Tran Co. to Purchase Real Property for a Park in the County Glen Subdivision. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Christopher (1)

CONSENT CALENDAR

Items on the Consent Calendar were as follows:

- a. Resolution – State of Oregon Fund Exchange Agreement – Cherry Avenue
- b. Resolution – Initiating Text Amendment to Allow Motor Homes in the Public Zone
- c. Resolution – Bid Award (Auxiliary Public Works Shop)

Council President Keller pulled item "b" from the consent calendar.

Councilor McGee pulled item "c" from the consent calendar.

Mayor Koho moved for approval of item "a" on the consent calendar. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Christopher (1)

"item b"

In response to an inquiry from Council President Keller, City Attorney Johnson indicated the action being recommended only initiates the process to consider allowing motor homes in the public (P) zone. During the hearing and deliberations a determination will be made if it is applicable in all land zoned public or limited to the commercial sports facilities.

In reviewing the reason to initiate this process, Mr. Johnson explained this method was chosen based upon the criteria and definition of a recreational vehicle under the conditional use process. He advised the Council the Salem-Keizer Volcanoes have withdrawn their conditional use permit application and requested an amendment to the development code.

Responding to an inquiry by Council President Keller, City Manager Mull believed it would not be allowable to use sewer cleanouts, however there may be a possibility they could hook up a septic sewer line. Additional information on this issue will be forthcoming from Salem. This issue will be separate from the planning issue.

Council President Keller pointed out the sewer issue should not be limited only to the baseball stadium, it should be considered for all park areas in the City.

Councilor McGee expressed his desire to discuss this matter under the conditional use process rather than a text amendment. He believes the conditional use process would place the strongest conditions and guidelines for placement.

City Attorney Johnson pointed out many of these issues can be discussed in the process. He reiterated this only initiates the process and allows the matter to be set for hearing before the Planning Commission and then back to the City Council for consideration.

Councilor Miller requested staff discuss with the Planning Commission interpretation or definition of a dwelling unit/single-family residence.

Mayor Koho moved for a Resolution Initiating Text Amendment to Allow Motor Homes in the Public Zone. Councilor Miller seconded the Motion.

Councilor Beach voiced his concern with allowing recreational vehicles to use Claggett Creek Park.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Christopher (1)

"item c"

Councilor McGee understood additional property was previously purchased next to the public works shop with the intention of constructing an auxiliary building. He requested staff describe the building for the benefit of the neighbors living in the area.

Rob Kissler, Public Works Director explained this is a 46 foot by 50 foot metal building that will be built by American Building Contractors of Woodburn at a cost of \$50,809. The structure will be similar to the adjacent public works building.

Mayor Koho moved a Resolution Authorizing City Manager to Enter Agreement with American Building Contractors to Construct a Metal Building at the Public Works Shop. Councilor McGee seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Christopher (1)

**WRITTEN
COMMUNICATION**

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

AGENDA INPUT

Mayor Koho noted the agenda input items.

Mayor Koho requested a topic for the October 14th work session be determined by October 5th.

ADJOURNMENT

The City Council meeting was adjourned at 9:22 p.m.

**Tracy L. Davis, CMC
City Recorder**

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

(absent)
Councilor #2 - Lore Christopher

Councilor #5 - Al Miller

Council President - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



October 19, 1998

AGENDA ITEM 8k

**APPROVAL OF OCTOBER 5, 1998 REGULAR SESSION
MINUTES**

MINUTES
KEIZER CITY COUNCIL
Monday, October 5, 1998
Keizer City Hall
Robert L. Simon Council Chambers, Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:03 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Lore Christopher, Councilor
Jim Keller, Council President
Jerry McGee, Councilor
Garry Whalen, Councilor

Absent:

Al Miller, Councilor

Staff:

Wally Mull, City Manager
H. Marc Adams, Chief of Police
Dianne Hunt, Human Resources Officer
Rob Kissler, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY Presenting testimony to the Council were:

Cynthia Holt, Keizer Neighborhood Association Group (KNAG), 683 Faymar Drive NE, Keizer reported in order to come into compliance with the Oregon Department of Justice guidelines for non-profit organizations, the by-laws have been changed to elect three officers rather than two as previously required. The new officers are Jacque Moir, President, Verena Wessel, Secretary, and Cynthia Holt as Treasurer. The revised by-laws will come to the Council in the near future.

Linary Kingdon, 296 Tripple Tree Circle N, Keizer provided follow-up to her testimony of September 21st in which she raised the issue of alternative education programs or charter schools in the city of Keizer. Ms. Kingdon pointed out she met with Mayor Koho and other community members interested in education to discuss alternatives to the overcrowding at the area schools. She stated there is an interest in a variety of options, one being a Charter school. Ms. Kingdon indicated she is a single parent of two daughters in the school district, and as a full time employee, does not have an abundance of time to dedicate to this project. However her background in education is a foundation for her efforts and her connection with the correctional facility education program has heightened her awareness of how important of an issue this has become. She urged the Council to become involved in this project.

For the record, Ms. Kingdon stated she is not opposed to the upcoming school ballot which would provide additional classrooms for Keizer, only interested in finding a quicker solution.

Mayor Koho believed by working with interested individuals and coordinating efforts, the direction and a process would be determined. He announced that any individual interested in participating should give Ms. Kingdon a call to voice their interest. Mayor Koho pointed out this is a project that should be initiated at the citizen level rather than at the City Council level.

There was no further testimony to come before the Council.

COMMITTEE REPORTS

Chief Marc Adams introduced Officers Eric Johnson, William Garlington, Trevor Wenning, and Chris Brodniak who began employment with the City of Keizer on October 5, 1998.

SWEARING IN OF KEIZER POLICE OFFICERS

Shannon Johnson, City Attorney issued the oath of office to Officers Eric Johnson, William Garlington, Trevor Wenning, and Chris Brodniak.

COUNCIL LIAISON REPORTS

There were no Council liaison reports to come before the Council.

OTHER BUSINESS

Wally Mull, City Manager reported several improvements have been made or in the process of being made at the **City Hall facility**. Both the City Hall building and the Police building were recently painted by Joe Egli Painting Company. Also bids have been received for the following projects; remodeling of the Police Department lobby, electrical upgrades to the City Hall facility, installation of fire/smoke alarms, and improvements to the sound system in the Council Chambers. The ceiling tiles in the Police Auditorium will be repaired in the next couple of months.

Mr. Mull pointed out there were savings from the 97-98 fiscal year which may provide funds to upgrade the carpeting. This expenditure will come before the Council for approval in the near future.

Mayor Koho thanked Mr. Mull and the staff for the progress on these needed improvements.

Councilor Beach concurred with Mayor Koho in his appreciation for the progress on the improvements. He indicated he has received compliments from the community on the recent paint job. He requested Mr. Mull investigate a lighting/timer system for the Council Chambers to be used during public hearings.

Councilor Beach reminded the Council of a recent discussion on the contribution of funds to support the **Youth Compact Commission**. The previous request was deferred in order to provide additional information on the benefits this contribution would provide to the City of Keizer. Councilor Beach indicated the annual fee for Keizer would be \$625.00. This is a group of concerned public entities that discuss youth issues. He believed Keizer's participation on this Commission is as important as associations with such others as League of Oregon Cities and Council of Governments, etc.

Councilor Beach moved to approve a contribution of \$625.00 to the Youth Compact. Mayor Koho seconded the Motion.

Councilor McGee believed the City would benefit from the contribution, however he understood our initial commitment to participate in this compact was cost free. He disagrees that participation in this compact will be similar to the benefits received from the League of Oregon Cities or Council of

Governments. Councilor McGee pointed out the contribution may become an annual cost and therefore should be discussed during the budget process.

Council President Keller scrutinized the amount of information he has received on the functions and operations of the Youth Compact. He declined to support this contribution until further information is received.

Mayor Koho explained the Youth Compact Commission was coordinated by School Superintendent Homer Kearns and Marion County Commissioner Randy Franke. Those that participate are representatives from the Salem-Keizer School District, City of Salem, Polk County, Marion County, and the City of Keizer. Mayor Koho agreed this may be the beginning of funding this Commission on an annual basis.

Council President Keller also believed the Local School Advisory Committee (LSAC), Neighborhood Associations, and Community Progress teams were involved, however he is unable to confirm this participation. Again, he reiterated his concern to support a program that he is unsure of their makeup and purpose.

Councilor Whalen voiced his concern for funding the program. He believes it may be a benefit to the youth and families of this community, however he has not received information that would support this opinion or the continuation of this program. He questioned if support is given this year does that constitute an annual requirement for funding.

Mayor Koho mentioned one of the roles of the Youth Compact group previously was to support the continuation of the school resource officers to various budget committees. He compared some of the roles of the group similar to that of a church; all participants will not necessary require the same support on the same issues. Overall, this is a regional support group on youth issues.

Councilor Beach disclosed there were not any initial costs to participate in this compact due to the fact that it was funded by a grant. This grant has now ceased and therefore the funds have been depleted. The funds will support the preparation and distribution of materials, preparation of the minutes of the

meetings, and mailing costs. Councilor Beach also noted the Youth Compact serves as a clearing house for youth issues. This is separate from the youth gang project. He fully supports the continued participation in this regional program and the benefits regional participation may bring to the City in the future.

The Motion passed as follows:

AYES: Beach, Christopher, Koho, McGee, and Whalen (5)

NAYS: Keller (1)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

Chief Marc Adams announced with the recent **hiring of the four officers** this fills all of the openings at the Keizer Police Department. Of the eleven hired, six were certified and five were Keizer reserves. Also, two Police Support Specialist have been hired to assist the records department. Chief Adams noted the certified officers are now on patrol and the non-certified should be attending the Police Academy in January or February. These officers should be patrolling the streets by May or June, 1999.

In addition, Chief Adams mentioned the **D.A.R.E. program** will be discontinued in the area schools as reported in the newspaper. However, the school resource officers will remain in the schools.

On a final note, Chief Adams reported the **police overtime** for the 1998 baseball season was reduced by 39%. He believes the change in the traffic plan resulted in this reduction.

Council President Keller commended Chief Adams for his accomplishments during his tenure at the Department.

Councilor McGee also commended Chief Adams and Dianne Hunt for their role in the positive media coverage.

Dianne Hunt, Human Resource Officer announced a **recruitment is underway for the Recording Secretary**. The closing date for applications is October 23, 1998. In addition, Ms. Hunt reported the City will be furnishing all of the employees with City **identification cards**. Any Councilor wishing one should contact her.

Wally Mull, City Manager reminded the Council to send their registration to the City Recorder for the annual **League of Oregon Cities conference** to be held in Portland on November 5, 6 and 7.

Mr. Mull announced the **CCTV** personnel will be conducting a welcome to Keizer informational session on October 17th with training sessions to follow on Saturdays beginning on October 31st, 1998. These sessions will give lessons on how to operate the cameras or make a public service announcement. These services are available to the citizens of Keizer as part of our participation in the cable program.

Mayor Koho announced at the last Council meeting a presentation was given by the Salem-Keizer School District on their upcoming bond issue at the November election. He believed this issue provides a great benefit to the Keizer community with the potential construction of two new schools in our area. Mayor Koho suggested the Council formally endorse this bond measure and express their support.

Mayor Koho moved that the Keizer City Council Endorse the Salem-Keizer School District Bond Measure on the November ballot. Councilor McGee seconded the Motion.

Councilor McGee pointed out the City Council has not made it a practice in the past to support various political issues. However, when the Council strongly supports an issue, he believes it is important to endorse it. He pointed out there have been very few past funding issues that will provide the benefit this one will to our community.

Councilor Beach also voiced his support for this important issue. He urged the citizens of Keizer to visit the middle and elementary schools to experience the overcrowding. The addition of portable classrooms can only be viewed as a temporary solution.

The Motion passed as follows:

AYES: Beach, Christopher, Keller, Koho, McGee, and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

Councilor McGee pointed out the **Keizer Heritage Foundation** did not meet the exterior cosmetic improvement deadline as promised to be completed by September 30th. He noted previous testimony indicated there may be a potential that this deadline could not be met due to lack of available volunteer efforts. Councilor McGee voiced his disappointment noting there were financial resources available to hire this work to be completed. He requested the Council continue to monitor the progress of this project.

CONSENT CALENDAR

Items on the Consent Calendar were as follows:

- a. Resolution – Adopting Keizer Rural Fire Protection District Uniform Fire Codes and Uniform Fire Code Standards
- b. Resolution – Initiating Donnan Place Street Lighting District
- c. Approval of September 8, 1998 Regular Session Minutes

Council President Keller moved for approval of the items on the consent calendar. Councilor beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Christopher, Keller, Koho, McGee, and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

WRITTEN COMMUNICATION

Mayor Koho announced the receipt of an invitation to the Mid-Willamette Valley Council of Governments seminar on October 23rd.

In addition, he received a letter of thanks from Marion County for allowing their presentation on Juvenile Justice issues at the September 21st meeting. He suggested copies of this information be distributed.

AGENDA INPUT

Mayor Koho announced the October 12th work session has been canceled. The next work session will be held in late November or early December and will include the newly elected members of the City Council.

ADJOURNMENT

The City Council meeting was adjourned at 7:46 p.m.

Tracy L. Davis, CMC
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Lore Christopher

(absent)
Councilor #5 - Al Miller

Council President - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

*The Mildred F. Hays Family Limited Partnership
5862 Rhinestone Court, SE
Salem, Oregon 97306
Phone: 362-6560*

TO: Mayor Koho and members of the Keizer City Council

FROM: Jean Johnson, General Partner
The Mildred F. Hays Family Limited Partnership

RE: Sewer system development charge.

In reviewing a video of the council meeting where you addressed the proposed 70% increase in development cost of sewer system installation, a couple of things caught my attention. It was stated that many Keizer development projects are near completion and that the increase would not affect anything in process. Since the proposed increase will affect next year's development projects, we have to assume that the Chemawa Activity Center development is being targeted. I am inclined to believe that this is yet another stumbling block to hinder development of the Chemawa Activity Center.

We realize that development cost do increase over time, but it appears that an effort was made to keep this cost low until certain projects had been completed. It also appears that a serious effort has been made to stall any development of the Chemawa Activity Center.

If I understand the testimony, any excess funds collected from the development of the Activity Center would be kept in the coffers for future development in Keizer. Also, if I understand testimony correctly, in the past the excesses were returned, at least in some cases. Now, no such proposal is being presented. Is this intended to be yet another stumbling block for development of the Chemawa Activity Center?

I would like to remind you that many Chemawa Activity Center property owners have been robbed of their retirement by a 16-year long planning and development process that prevented them from either selling or developing their property. Many owners have died and my own mother is now 86 years old and not able to take care of herself in any way. She cannot afford the cost of a care facility because her property has been tied up in this process for 16 years.

I hope that you will stop playing games with these peoples lives and work toward a nice development at the freeway. The City of Keizer needed the Chemawa Activity Center property to meet the requirements to become a city. 16 years is long enough to be held hostage. Many lives are already ruined. Please stop the cold war tactics and treat these people with the respect they deserve. They were told the city needed their property and that the development would be good for them. They do not deserve the treatment they have received for all of these years.

Please re-evaluate your reasons for proposing the increase of rates at this time and the huge increase of 70%. Your concern cannot be monetary, or you would have pursued developing a nice entry to Keizer years ago and developed a strong tax base from the businesses, so you could have afforded to finance other projects. Please be honest and consider your motives.

Sincerely,



Jean Johnson