MINUTES
KEIZER CITY COUNCIL
Monday, October 19, 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
Lt. Mark Miranda, Police Department
Susan Gahlsdorf, Finance Director
Dianne Hunt, Human Resources Officer
Amy Drought, City Planner
Rob Kissler, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Presenting testimony to the Council were:

Roger Beausoleil, 7850 O'Neil Road, Keizer conveyed his concern in regards to the residential development north of his property on O'Neil Road. Lydon construction brought in additional fill dirt raising the ground level over a foot. Mr. Beausoleil explained his concern with the rise in elevation, it will cause flooding to his property.

FMAGIC

Mayor Koho requested staff investigate this matter and report back to the Council and to Mr. Beausoleil.

Evelyn Knight, 6455 Honeywood Court NE, Keizer expressed her opposition to the construction of a casino at the Chemawa Interchange area.

Mayor Koho also expressed his opposition to this endeavor. He explained there will be many hoops to jump through before final approval could be given to build a casino in Keizer.

Myrna Wogamott, 6255 Radiant Drive NE, Keizer voiced her concern with the number of coyotes near her home and the neighbors in her area. Upon contact with the Fish and Wildlife, they advised there could be nothing done unless it was a community problem.

Mayor Koho noted these residents are part of this community and therefore should be treated as a community issue. He requested staff check into the matter.

There was no further testimony to come before the Council.

COMMITTEE REPORTS

COUNCIL LIAISON REPORTS

Councilor Whalen reported the **Community Policing Committee** met on October 13th, 1998. The main discussion item was the review of the cruising ordinance adopted in 1991. The committee believed it had been an effective tool, even though cruising has not been a problem in Keizer. Councilor Whalen announced a press release will be issued to Salem-Keizer Schools to increase the awareness of this law. In addition, Councilor Whalen reported the newly hired officers are in the process of completing their training programs and all positions are filled with the exception of one. Furthermore, the remodeling of the Police Department lobby has begun and the service entrance has been moved to the rear of the building. The election of committee officers for the neighborhood associations will be held in November and elections for the main committee officers will be held in January.

In regards to the cruising ordinance, Councilor McGee explained this ordinance was adopted as a preventative measure, not in response to a problem. He believed a review is necessary, however the overall ordinance has worked very well.

Reporting on the recent **Parks Advisory Committee**, Councilor Christopher noted Roland Hererra attended the meeting and reported on the annual Punt, Pass, and Kick competition held at McNary High School. This years event drew 108 kids, a record amount for this area event. The winners in were Marissa Marker – 10 years old and Jared Houck – 11 years old. Special thanks to Fred Meyer for the donation of the footballs and McNary High School football team for their assistance. Furthermore, the Board discussed the wetland mitigation project at Pleasantview Park. This project has not been completed satisfactorily and staff will be working with the Division of State Lands to assure compliance. Councilor Christopher announced the South East Keizer Neighborhood Association has collected $800.00 to assist in the purchase of a "big toy" for Pleasantview Park.

Council President Keller noted the **Planning Commission** met on Wednesday October 14, 1998 and continued their discussion on the bicycle portion of the Transportation Planning System. In addition, a public hearing was held on the text amendment to the development code to allow RV's in public zones (baseball stadium). Council President Keller reported a motion was made and passed to allow a RV for a maximum of 365 days in a public zone. He believed this action allows a conditional use rather than an actual text amendment. This recommendation will be forwarded to the Council on November 16th.

In response to an inquiry from Mayor Koho, Shannon Johnson, City Attorney explained this is a recommendation only and the City Council is not obligated to follow this direction.

Council President Keller pointed out the Planning Commission unanimously recommended a permanent sewer hookup be in place for the RV's.

In regard to concerns raised by the action of the Planning Commission, Mr. Johnson indicated it would be appropriate to discuss this matter further at the November 16th meeting.

OTHER BUSINESS

Mayor Koho announced the receipt of a letter from the City of Salem requesting a Keizer **representative** on **the Salem Area Comprehensive Plan Alternative Land Use Study**. The first meeting is Thursday, November 19th. The purpose of this committee to analyze current trends and opportunities within the

greater Salem area and develop alternative land use scenarios which will be used as a basis for changes to the Comprehensive Plan.

Councilor Whalen volunteered to represent the City of Keizer on this committee.

Mayor Koho acknowledged information received on the formation of a **land owners marketing association in the Chemawa Activity Center area "A".**

Wally Mull, City Manager announced he had been in contact with Mr. Herberger from this association and has volunteered to attend their meeting. He will keep the Council updated on any issues of importance.

In response to a letter written to Marion County by the Public Works Department, Rob Kissler explained he and the City Engineer met with Bob Hansen, Marion County Public Works Director and Steve Downs, City of Salem to discuss the proposed **Northeast Salem Master Drainage Plan.** The City will continue to participate in these discussions and will report back as needed.

Mayor Koho announced there will be a series of open houses to discuss the potential **construction of a bridge over the Willamette River.** The first meeting will be held at the Keizer Fire District on October 27th from 4:00 p.m. to 7:00 p.m. Anyone interested is invited to attend.

Councilor Beach reviewed a memorandum issued by the City Attorney regarding **taking action on items during the Other Business** portion of the Council meeting. He explained the Council procedures prohibit taking any action unless it is deemed urgent by a consensus of the Council. In addition, the procedures do not provide for a suspension of the rules in order to take action. Councilor Beach requested this issue be discussed in further detail with possible revisions to the procedures.

Mayor Koho suggested forming a sub-committee of Council President Keller, Bob Newton, and Craig Campbell to review the procedures and bring back a recommendation to the City Council for action.

In regards to the contribution of $625 to the **Youth Compact** group voted upon at the last meeting, Councilor Whalen expressed his interest in reconsidering this payment.

Councilor Whalen moved to reconsider the vote on the approval of the payment of $625 to the Youth Compact Commission. Council President Keller seconded the Motion.

In discussing the process to handle this action, City Attorney Johnson indicated a motion to reconsider must be considered at the next official meeting. This matter should be voted upon this evening rather than scheduling it for the next City Council agenda.

The Motion to reconsider failed as follows:

AYES: Christopher, Keller, and Whalen (3)
NAYS: Beach, Koho, and McGee (3)
ABSTENTIONS: None (0)
ABSENT: Miller (1)

Councilor Beach announced Chris Nelson, coordinator for the Youth Compact committee will attend an upcoming City Council meeting to give a full explanation of the purpose, activities, and goals for the upcoming year.

Council President Keller requested information on the $15,000 consultant fee approved in February, 1998.

Mayor Koho requested Ms. Nelson be invited to bring this information to the Council.

Lt. Miranda, **Keizer Police Department** reported the new officers are in the training process and will be on patrol in the near future. Interviews for reserve officers are in process and should be completed soon. The development of the cadet explorer program has begun and interest has been good. Lt. Miranda also noted the remodeling of the Police Department lobby will begin in the next few days and a temporary office has been set up in the back of the building. Presently, an investigation of stolen property is occurring at a house on Cummings Lane. This should be concluded in the next few days.

Rob Kissler, Public Works Director announced the City, Loren's Sanitation and Valley Garbage are sponsoring a **fall leaf haul** on Saturday, December 5th from 9:00 a.m. to 3:00 p.m. He encourged all to participate to alleviate potential storm drainage backup during the winter. Mr. Kissler also extended an invitation to the City Council members and the citizens to attend the open house/ribbon cutting ceremony to be held on November 17th from 2:00 p.m. to 5:00 p.m. at the water reservoir at the Keizer Little League Park. This was a cooperative effort between the City of Keizer and the Keizer Little League Association.

Wally Mull, City Manager updated the Council on the progress of the **east/west connector** street between Cherry Avenue and River Road. The street should be opened and the traffic signal operative by next week.

Mayor Koho requested the **City Manager evaluation** format issue be placed on the next City Council agenda for discussion. A draft will be distributed and comments should be relayed to Councilor Christopher.

In regards to a letter submitted to the Council by **Ken Hannegan** regarding his inability to develop property in the Hidden Creek area, Mayor Koho requested staff prepare a response for the next meeting.

Furthermore, Mayor Koho requested the **Trail/Manzanita property** issue be placed on the November 2nd Council agenda for discussion and action.

Councilor McGee explained even if the property was declared surplus it would not necessitate an immediate sale.

Mayor Koho expressed his desire to give staff clear direction on this issue and bring this issue to a closure.

Councilor Whalen pointed out this issue has been pending for some time. He recollected a meeting with representatives of the Gubser Neighborhood Association, City Council, and Mr. VanCleave whereby an agreeable resolution was being discussed. However a final determination has not been reached. Councilor Whalen expressed his desire to resolve this issue for the benefit of the neighborhood association and adjacent property owners.

Mayor Koho directed staff to prepare a report outlining options for consideration to be discussed by the Council on November 2nd.

Councilor Beach expressed his concern of the amount of time this matter has been pending. He believed conditions for development should be placed on the property to protect or minimize the effect on the neighborhood.

Mayor Koho requested staff prepare a response to the complaints received from the **noise generated from the September concert** at the stadium.

In response to a request from Council President Keller, Rob Kissler provided a brief update on the **Keizer Skate Park**. He explained that volunteer labor has been difficult to schedule and contacts are being made the with National Guard to request assistance to complete this project. Mr. Kissler indicated he will have a full report for the next Council meeting.

Councilor Beach asked that a summary on the amount of money spent and projected expenses be presented in this report.

PUBLIC HEARINGS

WITTENBERG LANE STREET LIGHTING DISTRICT

Mayor Koho reopened the public hearing continued on September 21st, 1998.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Council President Keller moved a Resolution Forming the Wittenberg Lane Street Lighting Local Improvement District. 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)

Council President Keller moved a bill for an Ordinance Spreading Assessments to the Wittenberg Lane Street Lighting Local Improvement District. 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)

ADMINISTRATIVE ACTION

RESOLUTION ADOPTING NEW METHODOLOGY USED TO ESTABLISH THE SANITARY SEWER WASTEWATER COLLECTION AND TRANSMISSION S.D.C. IMPROVEMENT FEE

Wally Mull, City Manager reported a hearing was held on this matter on September 21, 1998. At that meeting, Eric Meurer of the Marion-Polk Building Industry Association requested additional time to discuss the increase with the staff. Mr. Mull indicated a meeting was held with Mr. Meurer and he has submitted a response supporting the increase in fees. Mr. Mull recommended Council approval of the resolutions.

Council President Keller moved a Resolution Adopting New Methodology Used to Establish the Sanitary Sewer Wastewater Collection and Transmission System Development Charge Improvement Fee – Repealing R94-714. Councilor McGee seconded the Motion.

RESOLUTION – ESTABLISHING NEW S.D.C. IMPROVEMENT FEE FOR KEIZER SANITARY SEWER WASTEWATER COLLECTION AND TRANSMISSION SYSTEM

Councilor McGee noted this is a substantial increase over the present amount of the fee. He understood this is based upon a large span in time and the rapid inflation of materials. Councilor McGee suggested an annual review or a cost of living index increase be established each year. He favored the annual review over the cost of living index attachment.

City Manager Mull believed the annual review would be agreeable option for staff.

Explaining this increase, Council Beach pointed out the last fee was established in 1994 at $4400 per acre. The requested increase is to $7460.

Mayor Koho announced an interested party has requested to provide testimony on this issue.

After discussing this request and the potential effect on the outcome of the vote, the Council agreed by consensus to allow the party to testify on this issue, however it will not be made part of the official record.

Presenting testimony was:

Jean Johnson, The Mildred F. Hays Family Limited Partnership, 5862 Rhinestone Court SE, Salem, 97306 explained she is a general partner with her mother, Mildred Hays who owns property on Radiant Drive, within the Chemawa Activity Center. In regards to the proposed 70% increase in the development cost of the sewer system installation, Ms. Johnson pointed out this will have a negative effect on the development of the property within the Chemawa Activity Center. She felt this is a continued attempt by the Council to restrict the development of this area. Ms. Johnson realized potential increases in development costs are avoidable, however this increase portrays a serious effort to stall their possible development.

Ms. Johnson indicated many property owners in this area have been robbed of their retirement by a 16-year long planning and development process that prevented sale or development of their property. In review, she noted this property was necessary for incorporation of the City in 1982. Since this time, these properties have been targeted and have received negative treatment over the

years. Ms. Johnson urged the Council to reevaluate the reasons for the 70% rate increase and allow the Chemawa Activity Center to develop as a beautiful entry way to Keizer.

Mayor Koho pointed out there was not an attempt to stop development in the Chemawa Activity Center. He apologized for the timing of the increase, noting it has been delayed for some time.

Ms. Johnson expressed her concern that the fee was kept low until the favored projects of the City were completed.

Wally Mull, City Manager explained previous construction project costs equaled the amount of the fee imposed, however if excess amounts were collected they would be returned to the developer.

Again, Ms. Johnson pointed out the direction of future development is in the Chemawa Activity Center and therefore she feels this substantial increase is targeted at those properties. She understands the necessity for the increase, however she is tired of the property owners in the Chemawa Activity Center being treated unfairly.

Mayor Koho explained the property owners are in control of future development of that area, not the City. He hopes this area will develop soon for the benefit of all.

Councilor McGee stated all developers and areas are treated equally in the City of Keizer.

In response, Ms. Johnson explained the entire process of developing the plan for the Chemawa Activity Center was delayed by the City, at the expense of the property owners. She understood the motives are good, however the property owners are tired of the delays and should be treated fairly.

The Motion passed as follows:

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

Council President Keller moved a Resolution Establishing the New System Development Charge Improvement Fee for the Keizer Sanitary Sewer Waste Water Collection and Transmission System – Repealing R94-715. 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)

CONSENT CALENDAR

Items on the Consent Calendar were as follows:

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

Council President Keller moved for approval of the items on the consent calendar. Mayor Koho 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 a letter of thanks from Wink Miller of the Salem-Keizer School District for the Council's support on the upcoming school bond issue.

AGENDA INPUT

Mayor Koho noted the agenda input items.

ADJOURNMENT

The City Council meeting was adjourned at 8:18 p.m.

Tracy L. Davis

Tracy L. Davis, CMC
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Garry Whalen
Councilor #1 - Garry Whalen

Carl E. Beach
Councilor #4 - Carl Beach

Lore Christopher
Councilor #2 - Lore Christopher

(absent)
Councilor #5 - Al Miller

Jim Keller
Council President - Jim Keller

Jerry McGee
Councilor #6 - Jerry McGee

Minutes approved:

November 2, 1998