

MINUTES
KEIZER CITY COUNCIL
Monday, October 18, 1999
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Newton called the regular meeting to order at 7:02 p.m. Roll Call was taken as follows:

Present:

Bob Newton, Mayor
Craig Campbell, Councilor
Lore Christopher, Council President
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
(Position Number One Vacant)

Staff:

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

PUBLIC TESTIMONY

Dale Johnson, 5862 Rhinestone Court SE, Salem- Mr. Johnson was speaking as a representative of the Mildred F. Hayes Family Limited Partnership as one of the owners in the Chemawa Activity Center. Mr. Johnson expressed his concerns with the Task Force, especially the request that 80% of the property owners be in attendance at these meetings in order for the Task Force to continue. Mr. Johnson also noted that the request for notarized proxies seemed unreasonable and went into an explanation of the problems confronted in contacting and convincing property owners from out of town to sign this type of document.

He also expressed his concern that Mayor Newton and Councilor McGee were not part of the Task Force and they seemed to be advocates in moving the issue forward. He felt the Chair of the Task Force had more conflict of interest since he was a property owner not far from the Chemawa Activity Center.

Mr. Johnson felt the property owners should be allowed three representatives opposed to the requested one. He indicated that their representative would be present at the meeting but stressed the need for three from their group.

Responding to questions City Manager Mull indicated prior to the formation of the Task Force the Council's position was that a majority of the property owners attend the meetings with 80% being chosen as the majority indicator.

Councilor Keller explained he felt the requirements that were placed on the Task Force were not unreasonable and felt strongly that 80% of the property owners attend the Task Force meetings.

Mr. Johnson believed this requirement would sink the Task Force and felt by removing the property owners from the 80% requirement who were physically unable to attend because of disability or being located state, was not an illogical request. He urged the Council to remove this requirement.

Councilor McGee felt the 80% rule was arbitrary and would not provide for greater attendance at the meetings as first acknowledged. He felt it was important for the meetings to continue whether or not 80% of the property owners were in attendance.

Councilor McGee moved to strike the 80% condition of the meetings continuing.

There was no second to the Motion.

Responding to questions Councilor Keller expressed his gratitude to the participants at the last meeting. Councilor Keller stressed that the only way this project could move forward would be with participation from the property owners. He indicated the 80% rule would allow participation from the majority of the property owners and assure the City is making decisions with the knowledge and input of the property owners.

Jean Johnson, 5862 Rhinestone Court SE, Salem noted she had supplied the letter regarding the meeting and had made follow-up phone calls to property owners. Ms. Johnson indicated that people she had spoken to were not willing to provide a notarized statement and indicated that people would attend the meetings as they

could, but 80% would not be in attendance at every meeting.

Councilor Keller indicated that the request was for 80% to attend the first meeting only. He expressed his optimism that the 80% attendance would take place, but if the Task Force was disbanded this would not cause their efforts to come to an end.

Responding to questions, Councilor Keller explained the Chairman's role and the request from City staff to provide notarized letters from property owners unable to attend the meeting. He believed the information gathered to this point had been very beneficial to all involved.

Mayor Newton thanked Mr. Johnson for his input.

Shannon Johnson, City Attorney reminded the Council and the audience that submissions to fill the Council vacancy need to be received at City Hall by October 29, 1999.

COMMITTEE REPORTS

Parks Advisory Board-Council President Lore Christopher reported at the last meeting the Parks Board directed staff to prepare a proposal to be considered by the National Guard as one of their projects for the following year. Council President Christopher indicated that the request would be for a bandstand to be housed in Chalmer Jones Park. The total cost of the project would be approximately \$50,000 and with the acceptance from the National Guard they could opt to fund 70% of the project with the remaining funds coming from SDC's and a possible donation from the Rotary.

Councilor President Christopher noted that identification of parks street signs, saying "City Park", would be placed soon with completion of this project after the first of the year. In addition, the Punt, Pass and Kick was successful with 102 children participating. Council President Christopher noted conversations with Jerry Walker of the Volcanoes Stadium and the possibility of the program-taking place at the stadium next year.

Council President Christopher noted that the Keizer Soccer Club was reviewing Mike Wittam Park and was exploring the possibility of placing two junior size soccer fields in this park.

Keizer Heritage Foundation- Jim Hupy President- reported the Foundation was on task and are waiting for an occupancy permit to allow tenants to start moving in. Mr. Hupy noted that a tentative date for the opening had been set for the week of November 19, 1999.

Jerry Watson, 1237 Manzanita Way NE, Keizer pointed out he has been involved with the discussions of the library district and noted the issue would be coming before the Council on November 1, 1999. The Council will need to make a decision on the participation of Keizer in the regional library district.

Councilor Keller commented on the concept and the cost that could be involved. He stressed that he would be a opponent of the concept as it was being presented.

Mayor Newton noted some of the written information that had been distributed to the Council. He indicated his hope to take action by the second meeting in November.

With further discussion, Mr. Watson urged the Council not to deprive the voters of Keizer the opportunity to participate in the decision making process in precluding them from voting.

Mayor Newton expanded on the Library Committee's discussions and information that they had accumulated. He indicated that it would be more economically beneficial for the City to work with a Library District rather than the City's own library. He stressed that more information would be brought before the Council on November 1, 1999 to allow the further discussion and input.

Mayor Newton thanked Mr. Watson for his report.

OTHER BUSINESS

a. New Business

Councilor Campbell announced that the Keizer Police Department was beginning it's Buddy Bear Drive. They would be collecting stuffed bears through December 17th. Monday- Friday from 8:00 a.m. – 8:00 p.m. at the Police Department. Councilor Campbell indicated that they were seeking the donation of new stuffed bears. He urged the public to contact Jodi Sherwood with the Police Department if they had any questions.

b. Old Business

Council President Christopher raised the issue of the Youth Compact and the consultant fee totaling \$550 for Today's Choices/Tomorrow's Communities. She requested the Council determine if Keizer can contribute these funds to support the consultant position. She explained what the consultant fee covered and felt it was important to have this consultant on board to keep jurisdictions from seeking only their agendas.

Council President Christopher moved a motion to fund the Consultant, Today's Choices/Tomorrow's Communities, through Youth Compact in the amount of \$550. Councilor Keller seconded the motion.

Councilor McGee requested clarification of where the funding would come from. Council President Christopher indicated it was a possibility that this amount could come from the Contingency Fund due to one of the jurisdictions had not yet approved the \$3,000 that was discussed for the Gang Intervention Project.

Councilor McGee noted he would support the motion if it would fall within the budget.

City Manager Mull explained that the \$550 would be part of the \$3,000, which was currently in contingency.

Councilor Moir requested that the message be carried back to the Youth Compact that this type of funding be brought through the budget process.

Responding to questions, Council President Christopher noted that she would know by October 27th what the City's actual obligation to the project would be and could bring that information back to the next Council meeting.

The motion passed as follows:

AYES: Christopher, Campbell, Keller, Moir, Newton (5)

NAYS: McGee (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

PUBLIC HEARINGS

**a. Berkshire Estates
LLC-Partition/Variance
Case No. 99-35 – Initial
Appeal**

Mayor Newton announced the application in the matter had been withdrawn and therefore there would not be a hearing conducted.

**b. Wittenberg Inn
Liquor License
Application-New Outlet**

Mayor Newton opened the public hearing.

City Manager Mull reported on September 22, 1999, Paul and Judy Wittenberg submitted an application for a package store liquor license for Wittenberg Inn located at 5188 Wittenberg Lane North, Keizer, Oregon.

As required by Keizer Ordinance 95-318, a public hearing was scheduled, notice was published in the Keizertimes and mailed to all property owners within 200 feet of the proposed establishment. In addition, notice was sent to the Claggett Creek Neighborhood Association. City Manager Mull noted as of the writing of the staff report, no responses had been received to the notices sent.

City Manager Mull indicated on September 28, 1999 a request was sent to the Keizer Police Department to conduct a background check on the applicant, with the response provided in the report. The Keizer Planning Department found the location of the establishment to be properly zoned.

City Manager Mull shared that it was the recommendation of staff that the public hearing be opened to allow public testimony from the applicant and other interested individuals and upon completion to close the public hearing. It was further recommended that Council approve the application for a Package Store Liquor License for Wittenberg Inn under the guidelines established by ORS 471.265 and the Ordinances of the City of Keizer and forward this recommendation to the Oregon Liquor Control Commission.

Paul Wittenberg, 5210 River Road North, Keizer- Spoke in favor of the license for the Wittenberg Inn that had been in business since May of 1998. Mr. Wittenberg shared that since opening they had been contracting from an outside source to bring liquor into the facility. He felt their control of this in the Wittenberg Inn would be better for everyone involved. He requested that the Council approve the liquor license.

Mayor Newton closed the public hearing.

Councilor Keller moved to recommend approval of a package store liquor license to the Oregon Liquor Control Commission for Wittenberg Inn. Councilor Campbell seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir,
Newton (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. RESOLUTION-
Forming the Vineyards
Street Lighting District
ORDINANCE-Spreading
Assessments to the
Vineyards Street
Lighting District**

Mayor Newton opened the public hearing.

City Manager Mull offered the staff report noting it was a public hearing to consider remonstrance's or objections to the formation of The Vineyards Street Lighting Local Improvement District and objections to an Ordinance spreading assessments to the Vineyards Street Lighting Local Improvement District.

No public testimony was brought before the Council.

Mayor Newton closed the public hearing.

Councilor Keller moved a Resolution Forming The
Vineyards Street Lighting District. Councilor McGee
seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir,
Newton (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Keller moved an Ordinance Spreading
Assessments to the Vineyards Street Lighting District.
Councilor McGee seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir,
Newton (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

Items on the consent calendar consisted of the following:

- a) RESOLUTION- Approval of Engineering Report for Highlands North Street Lighting District
- b) RESOLUTION-Designating Check Signers for the City of Keizer
- c) Approval of October 4, 1999 Regular Session Minutes

Councilor McGee pulled item "b" from the consent calendar.

Councilor Keller moved for approval of items "a" and "c" on the consent calendar. Councilor Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Item "b"

Councilor McGee requested that the alternate Resolution including the Mayor as one of the authorized check signers for the City of Keizer be adopted.

Councilor McGee moved a Resolution Designating Checking Account Signers for the City of Keizer with the addition of Mayor Robert Newton on the list. Councilor Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Newton shared a letter from the census bureau and noted he would have additional information for the Council at the next meeting.

AGENDA INPUT

November 1, 1999

7:00 p.m. City Council Meeting

- Regional Library district Report
- Distribution of Responses for City Council Position Number One Applicants
- Compensation Resolution
- CIS Volunteer Resolution
- Revenue Sharing Resolution
- Committee Appointments

November 8, 1999

5:30 p.m. City Council Special Session

- Appointment to Council Position Number One

November 15, 1999

7:00 p.m. City Council Meeting

- Swearing In-Council Position Number One

Responding to a question regarding the status of the burglary alarm ordinance, Chief Adams noted that they were currently providing education regarding burglary alarms and the ordinance would be brought at a later date.

City Manager Mull noted they had received one application to fill the vacant Council position. He urged anyone interested to submit their resume' to the City of Keizer by October 29, 1999.

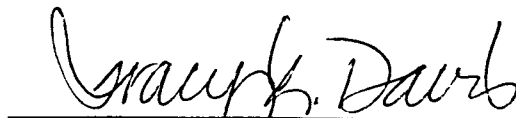
City Manager Mull shared that they have been involved in the census process over the past twelve months and would continue to keep the Council informed.

ADJOURNMENT

Mayor Newton adjourned the meeting at 8:12 p.m.



Bob Newton – Mayor



Tracy L. Davis, CMC- City Recorder

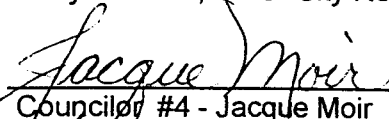
Councilor #1- Vacant



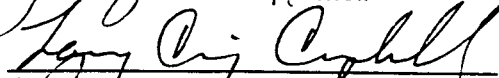
Councilor #2 - Lore Christopher



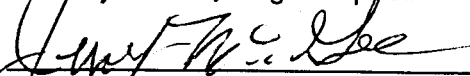
Councilor #3 - Jim Keller



Councilor #4 - Jacque Moir



Councilor #5 - Craig Campbell



Councilor #6 - Jerry McGee