

MINUTES

KEIZER CITY COUNCIL
Monday, October 17, 1994
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER

Mayor Dennis Koho called the regular meeting to Order at 7:15 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor

Absent:

Jerry Watson, Councilor
Marlene Wellin, Councilor

Staff:

Dotty Tryk, City Manager
John Morgan, Community Development Director
Bruce Jenness, Police Lieutenant
Wally Mull, Public Works Director
Kim Krause, Finance Director
John Lien, City Attorney
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS

PROCLAMATION - CLEAR LAKE SCHOOL DAY

Mayor Koho proclaimed Tuesday, October 18, 1994 as Clear Lake School Day throughout the City of Keizer.

**MCNARY HIGH
SCHOOL - SANDY
DRIVE**

Tom McMullen, Facilities Manager and Dawn Meier, McNary High Project Coordinator for the Salem-Keizer School District before the Council to discuss their concerns with the closure of Sandy Drive. Mr. McMullen noted his concern for the residents on Sandy Drive. However, he is also concerned the closure of Sandy Drive has not been effective for the parents dropping off children at school or safe for the children walking to school.

Mr. McMullen reviewed the history which lead up to the closing of Sandy Drive. He distributed copies of the traffic engineer's report of June 1993 and outlined the recommendations made in this report. Mr. McMullen stated the school district accepted the closing of Sandy Drive for a trial basis only. Then, in July 1994 the school district conducted a survey and based upon their analysis of the closure, recommended it be reopened. Mr. McMullen believes the original recommendation of the traffic engineer is the appropriate solution since most of the student attendance area is in the southern portion of the city.

Dawn Meier displayed a map showing student population areas, breakdowns of walkers, bus riders and parent drop-offs. She noted the entire student population for the area is 1615 students.

Mr. McMullen stated the internal traffic circulation has increased due to cars using the same entrance and exit off Chemawa Road. He hopes the school district and the City can work towards creating a more comprehensive solution to this problem than just closing Sandy Drive.

Councilor McGee noted when the new access road is opened in the next week, traffic circulation patterns should change.

Also speaking on this issue was:

Nancy Cameron, 404 Sandy Drive N, Keizer who has been a resident of Sandy Drive for 17 years provided her insight on the pros and cons of having Sandy Drive open to vehicular traffic. With Sandy Drive open she noted the excessive amount of speeding, number of students loitering in the area and the congestion of the traffic entering and leaving the school. Ms. Cameron noted that since Sandy Drive has been closed the speeding has been reduced,

potential accidents with cars entering and exiting River Road has decreased and the awareness of police patrols has deterred some of the students from loitering.

Ms. Cameron proposed the City consider changing the signs to allow cars to park during athletic events, graduation or other evening school functions. She is concerned with the fire protection for the residents and the school if the barricade remains on Sandy Drive. Ms. Cameron also suggested the City revisit placing a traffic signal at the Claggett/River Road or Sandy Drive/River Road intersections.

Joel Stein, Fire Marshall - Keizer Fire Department, stated the concerns of the Department are being expressed from a response time issue. With the barricade in place, the department will not have access to the hydrant near the school. Time factors play a large role in responding to an emergency situation, and if extra time is needed to cut off a lock or knock down the barricade, it will not be in the best interest of the victim.

In response to a question from Councilor Keller, Mr. Stein noted other agencies responding to an emergency would not be informed Sandy Drive is closed since this information does not remain in the computer.

Councilor Miller suggested the school address be changed from Sandy Drive.

Wally Mull, Public Works Director stated another hydrant could be placed in the area. He also added the new access street should be open by next week.

Councilor McGee suggested a trial period be established to determine the effect the new access road will have on the traffic and pedestrian problems at the school. He added criteria should be developed by representatives of the neighborhood, school district, city officials and fire department in order to evaluate the situation.

Councilor Miller suggested staff revisit the possibilities of extending Claggett Street through the property along St. Edward's Church and placing a traffic signal at this intersection.

In response to a question from Councilor Patterson, Mr. Mull noted the City had planned to close MacArthur when the new access road is completed and opened.

The Council and Mr. McMullen agreed to leave Sandy Drive closed at this time and evaluate the situation with the new access road open. The evaluation process will be determined by a group of representatives of the neighborhood, school district, fire department and the City. The evaluation process will be completed by the Christmas break (December 16, 1994).

PUBLIC HEARING

Mayor Koho opened the Public Hearing.

NORTHSIDE ESTATES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Dotty Tryk, City Manager reported a petition was received from the developer of the Northside Estates subdivision to form a street lighting district for installation of lights in this area.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved for a Resolution forming the Northside Estates Street Lighting Local Improvement District. Councilor Miller seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller and Patterson, (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Watson and Wellin (2)

Councilor Keller moved a bill for an Ordinance spreading Assessments to Northside Estates Street Lighting Local Improvement District. Councilor Miller seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller and Patterson, (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Watson and Wellin (2)

**ADMINISTRATIVE
ACTION
Willow Lake Noise
and Odor Study
Implementation
Strategy**

John Morgan, Community Development Director reported the Planning Commission was charged with drafting a response to the Willow Lake Noise and Odor Study in September 1993. The Commission has worked over the last year to develop the Willow Lake Noise and Odor Study Implementation Strategy and is seeking Council approval to distribute the document to the other jurisdictions for review. Mr. Morgan noted after review by the affected jurisdictions, it will be brought back to the Keizer Planning Commission for a public hearing and approval of the appropriate components for a formal recommendation to the Council.

Mr. Morgan highlighted the five major points of the implementation strategy. These are:

- The Special Policy Area (SPA) boundary should change by having lands south of a westerly extension of Lockhaven Drive excluded. (This does not accept the proposal by McNary Estates to remove land from the SPA.)
- A new zone is proposed to be placed within the SPA; AI (Agricultural Industrial) which would focus on agricultural uses, with industrial and recreational uses allowed as conditional uses.
- The Plan calls for Salem and Keizer to cooperate in fostering economic development initiatives in the area.
- Salem promises to continue applying advances in technology to improve the odor and noise problem.
- Keizer is granted a larger role in planning for the Treatment Plant.

Mr. Morgan noted the Commission has also included a draft of the Dual Interest Agreement and a draft of the proposed AI zone.

Marty Matiskainen, Planning Commission Vice-Chair addressed the Council to explain the process and recommendations contained in the implementation strategy document. He noted the

most controversial issue discussed during this process was the exclusion of the Hillman (McNary Estates) property from the SPA. The Commission determined, from a planning issue, it would not be fair to exclude only one property at this time. It would also add extra staff time to review each request for removal from the SPA on an individual basis. Mr. Matiskainen stated the strategy was forwarded to the Council on a 4-1 vote by the Commission. The dissenting vote was based upon last years minimal odor from the plant and how its effect within the SPA was any different from that outside the boundary.

Mayor Koho stated if the request to exclude the Hillman property from the SPA is denied at this time it could alleviate the flexibility to reverse this decision for the next two years. Mr. Matiskainen suggested including a timeline in the document to allow Keizer to review these types of issues.

In response to a question from Councilor Miller, Mr. Matiskainen confirmed a large portion of the Hillman property is outside the SPA, but because a portion is within the boundaries, it is all designated to be within. Mr. Morgan noted a detailed drawing of the proposed development of this area was submitted to the Planning Commission and the townhouse project is located outside of the SPA. A golf driving range and recreation vehicle storage would be developed on the land inside the SPA.

Councilor McGee noted the SPA area was designated prior to the completion of the noise and odor study. He stated the SPA should be modified based upon the information contained in the study. Mr. Matiskainen noted the study would show the entire Hillman property within the affected plume area.

Councilor Keller inquired of possible health issues associated with the odor from the plant. Mr. Matiskainen noted he is unaware of any issues with the treatment plant at this time. He added weather conditions play a large factor in the strength of the odor from the plant.

Mayor Koho suggested determining any property not completely within the half-mile radius area not be considered part of the SPA.

Councilor Miller moved for City purposes, any property partially within the Special Policy Area will be determined to be totally out. Councilor McGee seconded the Motion.

Councilor McGee stated it is important for Keizer to make the best use of the property.

Mayor Koho commended the Planning Commission for a job well done on this matter.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller and Patterson, (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Watson and Wellin (2)

**RESOLUTION -
Planning Fees**

John Morgan, Community Development Director stated at the direction of Council, staff met with representatives of the Home Builders Association to discuss several issues; fairness of basing fees on the average, the need to review certain types of cases and the appropriateness of the revenue generated by these fees for 100% cost recovery.

Mr. Morgan stated a depository system for planning fees would not be feasible for Keizer. He noted the fee schedule was drafted under the notion that the larger the project - the higher the fee. However, contrary to the notion, the bigger projects go more smoothly and may require less staff time. Mr. Morgan proposed a schedule which reduces fees as the project size increases.

Mr. Morgan suggested staff discontinue reviewing certain types of cases, such as lot line adjustments. Other procedures will be reviewed during the zone code update.

In response to a question from Councilor Keller, Mr. Morgan noted last year approximately \$27,000 in revenue was generated. This year the revenue is projected to be \$30,000.

Speaking on this issue was:

Eric Meurer, Salem Home Builders and Realtors representative, 549 Union NE, Salem voiced his dissatisfaction with the process and the lack of time for response to the recommendations. Mr. Meurer also expressed concern with the proposed design review process. Mr. Meurer questioned the need or purpose for the extra revenue which will be generated by the increase. He noted since the building season is entering a slow period and there is becoming less available land for development in Keizer, therefore there is not a need for additional staff.

Mayor Koho stated staff was directed to look at a fee increase in consideration of the costs of doing business not to generate additional revenue.

Councilor Keller voiced his concern with the lack of information regarding the actual costs of doing business. In response to a question from Councilor Keller, City Manager Tryk noted if additional funds are available and the work load is great, the Council could consider additional staff. Ms. Tryk noted that during the review of the planning fees it was determined actual costs were not being recovered.

Councilor McGee stated his discontent at the possible adding of staff and the timing of these proposed fee increases.

Councilor Miller expressed his concern that after the recent task force review of the Planning Department, the addition of staff was even being considered without Council knowledge.

Councilor McGee moved on the issue of the lot adjustments, staff be directed to refine this process and if this is not necessary reduce it from the workload. Direct staff to continue the analysis of any systemic flaws and hold the fee structure as it currently exists. Councilor Miller seconded the Motion.

Mayor Koho noted the review of the fee schedule was not in response to the upcoming election. Councilor McGee stated fees should be evaluated periodically.

Councilor McGee withdrew his motion and Councilor Miller the second.

Councilor McGee moved to not change the planning fee schedule at this time. Mayor Koho seconded the Motion.

Councilor Miller suggested tabling the matter until the Council decides to discuss this issue again.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller and Patterson, (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Watson and Wellin (2)

Mr. Meurer asked to be involved in any future discussion of fees or amendments to the zone code.

ORDINANCES - IMPOUNDMENT OF VEHICLES

Sgt. Mark Miranda reported three proposed ordinances were designed to authorize the police department to impound vehicles for being operated while uninsured, operated by a driver who is suspended, revoked or under the influence of intoxicants and upon conviction of a person who was driving while suspended or revoked. Sgt. Miranda noted 1193 citations were issued in 1993 for vehicles being operated without proof of insurance. He also cited the problems associated with vehicles after an arrest of a driver for being under the influence of intoxicants. Sgt. Miranda outlined the proposed ordinance which would empower the Judge, upon conviction of driving while suspended or revoked, to impound the vehicle for up to 120 days.

These are public safety issues and with the adoption of these ordinances it will help send a message to the public if you are not insured or do not have a valid license, it is not a good idea to drive in Keizer.

Councilor Miller cited his concern that a car could be impounded when only an arrest is made for Driving Under the Influence of Intoxicants. He suggested the other instances for impounding vehicles could be listed in only one ordinance rather than three

separate for simplification purposes. Another proposal would be to include the charge of driving without an operators license.

John Lien, City Attorney noted the ordinance impounding vehicles for driving uninsured parallels the newly adopted state statute. If the other ordinances are challenged, it will not affect the enforcement of this law. Mr. Lien also pointed out the ordinance empowering the judge to impound vehicles upon conviction of driving while suspended mirrors a state statutes.

Councilor McGee also expressed his concern for impounding a vehicle prior to a conviction of driving under the influence. However, he is concerned that an individual arrested under this charge has the chance to come back to retrieve his vehicle within a short period of time.

Lt. Jenness stated the purpose of the impoundment is in the best interest of public safety to remove the possibility of the driver getting into the car once again so soon after being arrested for driving under the influence of intoxicants.

Mayor Koho stated a car becomes a weapon in the hands of a drunk driver.

Councilor Miller moved to direct staff to prepare an Ordinance that allows the City to impound vehicles for drivers who are arrested or cited for no insurance, no operators license, suspended drivers license or revoked drivers license. Staff is also directed to prepare a second Ordinance which allows for the Judge to order the impoundment of vehicles upon the conviction of driving under the influence of intoxicants. Councilor McGee seconded the Motion.

The Motion passed as follows:

AYES: Keller, McGee and Miller (3)

NAYS: Koho and Patterson (2)

ABSTENTIONS: None (0)

ABSENT: Watson and Wellin (2)

Mayor Koho moved to direct staff to come back with a third ordinance for the impoundment of vehicles driving by people who have been arrested for driving under the influence of intoxicants. Councilor Patterson seconded the Motion.

The Motion passed as follows:

AYES: Koho, Keller, McGee, Miller and Patterson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Watson and Wellin (2)

**PERS INITIATIVE
(BALLOT
MEASURE 8)**

Dotty Tryk, City Manager noted the November ballot includes an initiative measure that will have an effect on the employees' retirement plans. This will affect those covered under PERS and the ICMA plans. She outlined the effects for each of the group of employees. Ms. Tryk also noted that none of the employees are covered under social security as it was decided several years ago the chosen retirement plan would replace this.

City Manager Tryk outlined several options other government entities have chosen to adopt and provided the fiscal impact each will have on the City.

In response to a question from Councilor McGee, City Manager Tryk stated if action is taken after the passage of the measure it could end up in litigation. Councilor McGee favored the establishment of an escrow account in which the employers funds are placed until a final judicial decision is made on the legality of the measure.

Councilor Miller suggested waiting until the outcome of the election before making a decision since there is a 30-day time limit before the measure becomes law.

Mayor Koho agreed something should be done for the employees but does not feel it should only be done in anticipation of the law passing.

Councilor McGee concurred that the Council should wait to see the outcome of the vote prior to making any decisions. He appreciated the information being presented to the Council before the election

The Council agreed by consensus to discuss this issue after the November 8th election.

**RESOLUTION -
AWARDING BID
FOR LOCKHAVEN
DRIVE
IMPROVEMENTS**

Wally Mull, Public Works Director recommended the City Council award the bid to Emery and Sons Construction for the sum of \$34,894.50 for the widening of Lockhaven Drive from the west property line of the Dairy Queen property to the west line of the Trail Avenue right-of-way.

Councilor Patterson moved a Resolution awarding of bid for Lockhaven Drive Widening Project. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller and Patterson, (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Watson and Wellin (2)

**CONSENT
CALENDAR**

The consent calendar consisted of the following:

- a. Approval of the October 3, 1994 Regular Session Minutes

Councilor Patterson moved for approval of the item on the consent calendar. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee and Patterson (4)

NAYS: None (0)

ABSTENTIONS: Miller (1)

ABSENT: Watson and Wellin (2)

OTHER BUSINESS

Mayor Koho appointed Councilor McGee to act as Council liaison to the Traffic Safety Commission.

Councilor McGee also voiced his concern with the fact the Code Enforcement Officers are now armed. He asked that this matter be discussed further at an upcoming meeting or with a response from staff. Councilor Patterson also voiced his concern on this issue.

Shannon Johnson, City Attorney advised the Council the City has received a notice of appeal on the Brewster conditional use matter. He outlined several options the Council could consider to address this matter.

The Council agreed this matter should be reviewed after the brief has been filed and reviewed.

WRITTEN**COMMUNICATION**

There was no written communication to come before the Council.

AGENDA INPUT

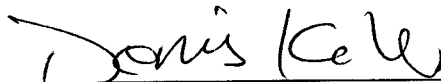
Mayor Koho noted the agenda input items listed.

City Manager Tryk noted she will be away from the office for the remainder of the week.

ADJOURNMENT

The meeting was adjourned at 10:57 p.m.

Tracy L. Davis
City Recorder

APPROVED:**MAYOR:**

Dennis Koho

COUNCIL MEMBERS:

(absent)
Councilor #1 - Jerry Watson

Chet Patterson
Councilor #2 - Chet Patterson

Jim Keller
Councilor #3 - Jim Keller

(absent)
Councilor #4 - Marlene Wellin

Al Miller
Councilor #5 - Al Miller

Jerry McGee
Councilor #6 - Jerry McGee

Minutes approved:

November 7th 1994