MINUTES
KEIZER CITY COUNCIL
Monday, October 4, 1999
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Newton called the regular meeting to order at 7:08 p.m. Roll Call was taken as follows:

Present:
Bob Newton, Mayor
Craig Campbell, Councilor
Lore Christopher, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor

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

PUBLIC TESTIMONY

Tom Gabriel, 6413 Whisper Creek Loop, Keizer- Expressed his concerns that a number of items pertaining to flood mitigation had been left unresolved. He cited examples of some of the issues that he felt needed further explanation that were raised during the meeting. Mr. Gabriel felt the homeowners did not have an opportunity to give input regarding the flood mitigation process and the raising of homes in this area. He felt this would cause a stigma and possibly lower the values of their homes.

Responding to Mr. Gabriel's concerns City Manager Mull explained a meeting did take place with the homeowners in the area approximately four to six weeks ago. At this meeting the homeowners were asked if they would be interested in elevating their homes. However, FEMA made the determination that the homes should be raised a minimum of two-feet above the 100-year flood rather than just a few inches. Letters were then submitted to the homeowners asking if they were still interested in this process. Mr. Mull indicated responses have been received from the eight homeowners involved. Another meeting is set to be scheduled to address additional concerns. Notification will be sent to the property owners of this meeting.

Mr. Mull noted that the previous meetings were taped and information was handed out to the homeowners. He pointed out contractors who do home elevating would be part of the next meeting and would be able to answer some of the homeowners questions.

COMMITTEE REPORTS

Councilor Christopher distributed a brief report and handouts on the Youth Compact. She explained the five jurisdictions that work with this compact and youth issues. These activities were designed with a consultant to coordinate the activities rather than having one jurisdiction responsible for the coordination.

Councilor Christopher indicated that last year Keizer paid the Youth Compact $625 for consulting services. The Compact is requesting a contribution of $550 for this year. Councilor Christopher noted she had the complete reports if anyone was interested in reviewing them.

Responding to questions Councilor Christopher indicated the Compact would like a decision on the requested funding by their next meeting on October 27, 1999. She explained that $3000 was in the budget for gang intervention and the amount being requested tonight is a separate consulting service fee for Today's Choices/Tomorrow Community.

Councilor McGee indicated that when Keizer became affiliated with the organization it was with the understanding there would be no additional funds requested without going through the regular budgetary cycle.

Mayor Newton requested that a staff report be submitted and considered at the next Council Meeting.

Councilor Christopher apologized that she was new to the committee and was unaware that this would be continuing request for funds in the form of a consulting fee, and would have brought this forward during the budget process if she would have been aware of this.

Mayor Newton suggested that Councilor Christopher work with the finance director in the compiling of the report.

Councilor McGee expressed he felt this was a worthy project but felt these requests needed to stay within the budget process.

OTHER BUSINESS

a. New Business

Mayor Newton shared information regarding the League of Oregon Cities Conference that is coming up. He asked that the Council respond to the City Recorder by Monday regarding their attendance.

City Manager Mull indicated there has been previous discussions regarding the purchase of a generator to supply power to both the police department and city hall during emergencies. A generator that would supply power to the City Hall building has been located and he recommended Council direct staff to proceed with this purchase totaling approximately $19,000. The funds could be taken from the City Hall Facility Fund.

Responding to questions Mr. Mull noted that funds would also be available in the revenue sharing fund but in conversations with the finance director he felt it would be better to keep the funding in Revenue Sharing and use the City Hall Facility Fund.

Councilor Keller felt the funding from the City Hall Facilities Fund should be used for the remodeling of City Hall and urged the Council to consider funding for the generator to come from Revenue Sharing.

Councilor Moir moved a motion to authorize the City Manager to purchase the generator for less than $20,000 with the purchase to be out of Revenue Sharing. Councilor Campbell seconded the motion.

Responding to questions City Manager Mull indicated that he was not aware of any line item presently in the budget regarding the purchase of a generator.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir and Newton (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Susan Gahlsdorf, Finance Director reported that Elsa Palacios was recently promoted from utility billing clerk to utility billing technician. Ms. Palacios has been with the City for two years.

Chief Adams reminded the Council of the All City Community Policing meeting Thursday, October 7, 1999 in the Police Auditorium.

Responding to questions Chief Adams indicated that the meeting is open to the public. He also noted the main reason for the new format in the community policing meetings was to generate more interest from citizens.

Ms. Hunt shared that on October 2, 1999 the Emergency Operation Center had a volunteer training exercise at Marion County Offices. The training was to assist the volunteers to act in an emergency. She explained some of the items that the group was interested in purchasing for the EOC and the plans for a fundraiser for this. Ms. Hunt noted that Keizer is only one of two communities in the state of Oregon that has a volunteer group organized for disaster purposes.

Councilor Moir thanked Rod Conway from the Keizer Fire Department and all the volunteers who showed up to contribute to the mock drill.

OLD BUSINESS

Mayor Newton distributed a handout with his suggestions for the City WebPages.

City Manager Mull indicated the WebPages are continuing to be reviewed and noted if the Council had any changes or suggestions to submit them to himself or Dianne Hunt.

Councilor Keller announced the renovations of the Old School by the Keizer Heritage Foundation were coming along well. A grand opening date has been set at this time, but Councilor Keller noted he would keep everyone informed.

PUBLIC HEARINGS

a. Lucky's Deli II Liquor License Application-New Outlet

Mayor Newton opened the public hearing.

City Manager Mull reported that on September 13, 1999 Sylvia Dixon submitted an application for a retail malt beverage liquor license for Lucky's Deli II, located at 5408 River Road North, Keizer, Oregon.

Mr. Mull noted 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. As of this writing no responses were received pertaining to the notice.

Mr. Mull indicated on September 17,1999 a request was sent to the Keizer Police Department to conduct a background check on the applicant. The response was supplied in the Council packet. It was noted that the Keizer Planning Department found the location of the establishment to be properly zoned.

It was recommended that the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion the hearing be closed. Staff further recommended that Council approve the application for a retail malt beverage liquor license for the above-mentioned applicant.

Responding to questions Mr. Mull explained the location of the deli and that the current location did not hold a liquor license.

City Attorney, Shannon Johnson apologized but requested the hearing be continued due to a planning issue. He explained the issues of parking may not have been reviewed and he wanted to be sure all avenues had been reviewed before proceeding with the hearing.

Councilor Keller expressed his concern that the hearing be delayed due to the parking issue.

Denise Hanifin, 21601 Northwest Fairdell Road, Yamhill, Oregon-Explains that the applicant was her aunt and expressed her support for the liquor license. She noted that this type of business was located in other shopping centers and towns and felt that this is an acceptable place for this business.

Responding to questions, Ms. Hannifin she expressed time is of the essence for this business and was not in favor of the requested delay.

Councilor Moir asked for clarification from the City Recorder pertaining to objections from the neighborhood associations. Mrs. Davis noted there has not been any written objections received.

Sylvia Dixon, 8179 Liberty Road, Salem- Indicated that she was the applicant and that any delay of the application would cause her a hardship as part of the format contains that the deli be able to serve beer and wine. She urged the Council not to delay her application.

Responding to questions Ms. Dixon noted that the hours of operation would close at 10:00 p.m. with the exception of Friday and Saturday when they close at midnight.

In regards to the request of the City Attorney to continue the hearing, the Council determined that the hearing should be closed.

Mayor Newton closed the public hearing.

Councilor Keller moved that the City recommend to OLCC the approval of the liquor license for Lucky's Deli II. Mayor Newton seconded the motion.

Councilor McGee expressed his concern with going against the advice of the City Attorney, however he felt the parking issue did not justify the continuation of the hearing and delay of the opening of the establishment.

Mr. Johnson indicated his concern was whether the use had been investigated thoroughly for this site and it's use. He explained some of the options the city may have if found to not meet the requirements.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir and Newton (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Newton suggested that the City Manager supply the zoning criteria to the applicant so she is aware of the limitations at this location.

Mr. Johnson noted he would follow up on his research and contact the applicant with his findings.

b. RESOLUTION- Forming Prairie Clover Street Lighting District

ORDINANCE-Spreading Assessments to Prairie Clover Street Lighting District

Mayor Newton opened the public hearing.

City Manager Mull reported this was a hearing to consider any remonstrance's or objections to the formation of the Prairie Clover Street Lighting Local Improvement District and an Ordinance spreading assessment to Prairie Clover 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 Prairie Clover Street Lighting Improvement District. Councilor Campbell seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir and Newton (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Councilor Keller moved a Bill for Ordinance Spreading Assessment to Prairie Clover Street Lighting Local Improvement District. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

c. RESOLUTION- Forming Jordan Run Street Lighting District

ORDINANCE-Spreading Assessments to Jordan Run Street Lighting District

Mayor Newton opened the public hearing.

City Manager Mull reported this was a hearing to consider any remonstrance's or objections to the formation of the Jordan Run Street Lighting Local Improvement District and an Ordinance spreading assessment to Jordan Run Street Lighting Local Improvement District.

City Manager Mull noted as the number of street lighting districts had increased, the city was reviewing the possibility of forming a lighting district for the entire city. He explained that this would have to go before the public in the form of a vote. He indicated that this would save money for the taxpayers if done in an overall district, and more information would be brought before the Council as staff attained this data.

No public testimony was brought before the Council.

Mayor Newton closed the public hearing.

<u>Councilor Keller moved a Resolution Forming the Jordan Run Street Lighting Local Improvement District. Councilor Moir seconded the motion.</u>

<u>The motion passed unanimously as follows:</u>

<u>AYES:</u> Christopher, Campbell, Keller, McGee, Moir and Newton (6)
<u>NAYS:</u> None (0)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> None (0)

<u>Councilor Keller moved a Bill for an Ordinance Spreading Assessments to Jordan Run Street Lighting Local Improvement District. Councilor Campbell seconded the motion.</u>

<u>The motion passed unanimously as follows:</u>

<u>AYES:</u> Christopher, Campbell, Keller, McGee, Moir and Newton (6)
<u>NAYS:</u> None (0)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> None (0)

ADMINISTRATIVE ACTION

a. <u>RESOLUTION-</u> Declaration of Vacancy- Council Position Number One

City Manager Mull reported in November, 1996 Garry Whalen was elected to Keizer City Council Position Number One. On September 29, 1999 Councilor Whalen tendered his resignation from this position. The City Charter specifies the Council shall declare an office vacant upon the resignation of a Council member. A vacant elective office shall be filled by appointment of a majority vote of the Council.

City Manager Mull indicated that staff recommended the Council adopt the resolution declaring a vacancy for Council Position Number One. It was also recommended that the Council announce the process that would be used to appoint a person to fill this vacancy.

Councilor Keller moved a Resolution Declaring a Vacancy for City Council Position Number One. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir and Newton (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

City Manager Mull shared a copy of "The Process Outline/Timeline" for filling the Council Number One Vacancy. He requested that the Council reviews and makes any changes or recommendations.

Councilor McGee explained the qualifications to fill the vacant Council position and welcomed all applicants to apply prior to the October 29th deadline.

Councilor Campbell requested direction from staff regarding what type of information would like to be seen in the letters of interest.

City Manager Mull indicated that from the volunteer form some of this information could be used to set that type of format.

Councilor Keller expressed his concerns of only having a six- member Council and asked what type of issues would be brought before the Council prior to the position being filled.

City Manager Mull shared that he was not aware of any public hearings that would be held prior to the position being filled, however he would keep this in mind.

The Council agreed by consensus to adopt the outline and issue a press release the following business day.

b. Appointment of City Council President

City Manager Mull noted that at the time of Councilor Whalen resignation he was serving as the Council President. The Council procedures specify that the Councilor with the longest continuous tenure who had not served as Council President would be nominated. Others may be nominated from the Council. Presently, Councilor Christopher had served the longest tenure on the City Council and has not previously served as President.

It was the recommendation of staff that the Council nominate and appoint a member of the Council to serve as Council President until January 2, 2001.

Councilor Keller made the motion to nominate Councilor Christopher as the next Council President. Councilor Campbell seconded the motion.

The motion passed as follows:

AYES: Campbell, Keller, McGee, Moir and Newton (5)
NAYS: None (0)
ABSTENTIONS: Christopher (1)
ABSENT: None (0)

Mayor Newton congratulated Council President Christopher on her new position.

c. RESOLUTION- Ratifying and Authorizing City Manager to Sign Keizer Police Association Agreement

Chief Adams reported the current bargaining agreement expired on June 30, 1999. During April, 1999 the City and the Keizer Police Association began good faith bargaining. Chief Adams indicated as a result of these bargaining sessions they had temporarily agreed upon a new collective bargaining agreement subject to approval by both the City Council and the rank and file members of the Keizer Police Association.

Chief Adams recommended that the City Council accept the agreement and authorize the City Manager and himself to sign the agreement.

Councilor Campbell commended the Keizer Police Association and Police Management in the work that was completed with very dilemma.

Councilor Moir moved a Resolution Ratifying a Collective Bargaining Agreement and Authorizing the City Manager to Enter into Collective Bargaining Agreement with Keizer Police Association. Councilor Campbell seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir and Newton (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

City Manager Mull thanked Chief Adams, Ms. Hunt and the union representatives for making it a smooth process.

d. RESOLUTION- Adoption of 1999/2000 City Council Goals

City Manager Mull reported in November 1998 the incumbent City Council worked together with the out-going council members to draft new goals for the City. Several work session were used to develop a large list of goals and a public forum was held at the Keizer Fire Hall to received input from the citizens. In June of 1999 a final list of six goals were approved by the City Council. There are as follows:

1. Develop the Chemawa Activity Center Economic Feasibility Study to gather information to provide to the voters.
2. Reduce the possibility of flooding and implement mitigation measures.
3. Conduct and review revisions of Master Plans.
4. Establish a Peer/Municipal Juvenile Court.
5. Develop a five-year Financial Plan.
6. Review and amend the New Development Code.

City Manager Mull recommended that the Council adopt a resolution adopting the Council Goals for 1999-2000. He noted that staff would begin to put together a work-plan for these goals.

Councilor Moir moved a Resolution for the Adoption of the 1999-2000 City Council Goals. Councilor Campbell seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir and Newton (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

a. McNary Restaurant Liquor License-Change of Trade Name/Ownership

b. RESOLUTION-Calling up Appeal of Berkshire Estates Partition for Hearing

c. RESOLUTION-Approval of Engineering Report for the Vineyards Street Lighting District

d. Approval of September 20, 1999 Regular Session Minutes

e. Approval of September 27, 1999 Special Session Minutes

Councilor Keller moved for approval of the Consent Calendar with the suggested amendments. Councilor Campbell seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir and Newton (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Newton shared information from the League of Oregon Cities regarding a poster and essay contest. He requested that the City Manager submit copies of this to Whiteaker Middle School and McNary High School.

AGENDA INPUT

October 18, 1999
7:00 p.m. City Council Meeting
- Burglary Alarm Ordinance
- Appeal of Berkshire Estates Partition Public Hearing
- Wittenberg Inn Liquor License Application Public Hearing
- Update on applicants to fill the vacant Council Position.

November 1, 1999
7:00 p.m. City Council Meeting

November 8, 1999
5:30 p.m. City Council Special Session
- Appointment to Council Position Number One

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

Tracy L. Davis, CMC
City Recorder

APPROVED:
MAYOR:

Bob Newton

COUNCIL MEMBERS:

Councilor #1 – VACANT

Councilor #2 - Lore Christopher

Councilor #3 - Jim Keller

Councilor #4 - Jacque Moir

Councilor #5 - Craig Campbell

Councilor #6 - Jerry McGee

Minutes approved:
October 18, 1999