# MINUTES

**KEIZER CITY COUNCIL**
**Monday, October 2, 2000**
**Keizer City Hall**
**Robert L. Simon Council Chambers**
**Keizer, Oregon**

## CALL TO ORDER

Mayor Newton called the regular meeting to order at 7:01 p.m. Roll Call was taken as follows:

**Present:**
Bob Newton, Mayor
Lore Christopher, Council President
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
Richard Walsh, Councilor
J. L. Wilson, Councilor

**Staff:**
Chris Eppley, City Manager
Susan Gahlsdorf, Finance Director
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

## PUBLIC TESTIMONY

Mayor Newton noted the reception for the new Salem-Keizer School District Superintendent, Dr. Kay Baker that took place prior to the Council meeting. He also introduced Principals Ed John from McNary High School and Linda St. Pierre from Keizer Elementary School.

**Dr. Kay Baker, Salem-Keizer School District Superintendent-** provided a brief statement and thanked the Council for the reception.

**Linda St. Pierre, Principal of Keizer Elementary-** noted Keizer Elementary School currently had over 850 students who attend the school. Boundary changes taking place would help alleviate the overcrowding situation. She noted the goals in which the school would be undertaking for the benefit of the children.

**Ed John, Principal of McNary High School-** noted that 1850 students are enrolled at McNary this year, which was 200 more students than previously estimated. He shared the construction projects that had taken place and the goals that would be worked on with the students. He expressed appreciation for the work that has been done by the community at McNary High School.

Mayor Newton thanked everyone for his or her attendance.

**Dave Bauer, 260 Janet Avenue North, Keizer-** expressed concern regarding traffic issues at the corner of Wolf and Janet Streets and the amount of traffic that the new development of Baker Square would affect the safety of the children in the area. He requested the Council's assistance to resolve the situation.

Responding to questions from the Council Mr. Bauer indicated that the neighborhood would like to see the exit in this area to be situated as an emergency exit only. He noted a similar exit that is placed at the Taco Bell.

Councilor McGee noted that the exit as set up by Taco Bell was done by the developers. He indicated if the developer was not welling to do this there was not much that the Council could do as this property did have the right to access the street.

Responding to questions, Senior Planner, Maria Meier indicated that the application was processed through development review. She went on to state that there was not a land use action to change this point of access and the city did not have the right to make this requirement after the permit had been issued.

City Attorney, Shannon Johnson noted the differences in the land use actions for Taco Bell and the Baker's Square. He indicated that the Baker's Square property was zoned correctly for the use. He and Ms. Meier offered to review and bring back options for the Council at the next Council meeting.

Mayor Newton indicated that staff would keep in touch with Mr. Bauer regarding this situation.

**Clyde Aspinwall, 765 Lockhaven Drive NE, Keizer-** indicated his wish that the city vacate a piece of old road right of way on Trail Avenue to him. He asked the Council to initiate the vacation process.

Public Works Director, Rob Kissler explained how they had been working through the process with Mr. Aspinwall. Mr. Kissler noted that extenuating circumstances with the adjoining property owners had prevented staff from bringing this forward to Council. He went on to state the need for Council to call up the vacation process and proceed with the public hearing if they felt it was necessary.

City Attorney, Shannon Johnson announced a disclaimer indicating that his law office had represented Mr. Aspinwall in the past and if further advise was needed that both parties would be requested to sign a disclaimer to this effect.

Mr. Johnson explained the process of initiating the vacation process, which could be done either by the Council or a petition initiated by the property owner. If the property owner initiates by petition he must obtain two sets of signatures, one set would contain signatures of all the abutting property owners and 2/3 of property in the general area. Mr. Aspinwall had been unsuccessful in obtaining all the signatures and was requesting that the Council initiate the vacation process. He went on to explain the options of the Council and the statutes regarding this process.

Mayor Newton indicated that staff would pursue the issue and keep Mr. Aspinwall informed regarding the process.

## COMMITTEE REPORTS

a. Swearing in of Keizer Police Department Personnel
   - Sergeant Lance Inman
   - Officer Rodney Bamford
   - Officer Vaughn Edsall
   - Officer David Zavala

Chief Marc Adams introduced the above individuals and supplied a brief history for each.

City Attorney, Shannon Johnson issued the oath of office to Sgt. Lance Inman, Officer Rodney Bamford, Officer Vaughn Edsall and Officer David Zavala.

## OTHER BUSINESS

a. **New Business**

***Footbridge***
Mayor Newton requested that staff address the costs of a new footbridge crossing Labish ditch to replace the one which, washed out during 1996 flood.

Public Works Director, Rob Kissler explained the process of a master plan for Country Glen and Hidden Creek Parks would be in the works soon and possibly as a part of the master plan this could be addressed. He noted that due to the flood plain situation the old bridge that originally spanned from Gubser to Swingwood Court could not be rebuilt since a certificate of No Rise was needed when placing a structure across a flood plain.

Mayor Newton requested that the costs and additional information be brought back before the Council for review.

***Skate Board Helmet Ordinance***
Responding to questions Councilor Walsh indicated that this had been addressed before the Bicycle Committee and they would be working on this ordinance to present to the Council.

***Drug Enforcement Updates***
Chief Adams reported that local and federal law enforcement met and agreed that a regional multi-level response would be the most effective. Chief Adams shared that he was elected vice-chair of the Regional Drug Enforcement Policy Board whereupon they were drafting an agreement and would be presenting the program to the Council in the near future.

***Peer Court***
Chief Adams indicated that the Peer Court should be ready to start in November. He explained that the partnership was between the Salem Police Department, Keizer Police Department, The Boys and Girls Club, Marion County Juvenile Department and the YMCA. He explained how the Peer Court process would take place.

***Hiring of Hearings Officer***
Human Resource Director, Dianne Hunt noted that the position had been offered to Jeffery Litwak. This was a one- year contract with a one- year extension option. Mr. Litwak would begin work with the city in November.

***Barnick Road Construction to Clearlake School***
Public Works Director, Rob Kissler reported that this construction had begun and should be completed soon.

***Riverwall Update***
Public Works Director, Rob Kissler reported this process was moving forward.

b. Old Business

## PUBLIC HEARINGS

**a. Caruso's Italian Café' Liquor License Application**

City Manager Chris Eppley reported on August 31, 2000 Gerald M. Phipps and Angela E. Phipps submitted an application for a restaurant liquor license for Caruso's Italian Café' located at 4907 River Road North, Keizer, Oregon. He noted the Public Notice requirements that had been met by the city and the background check that was submitted by the Keizer Police Department.

Staff recommended that the public hearing take place and that the Council recommends the approval of the application and forwards this recommendation on to the Oregon Liquor Control Commission.

**Mayor Newton opened the public hearing.**

With no public testimony brought before the Council, Mayor Newton closed the public hearing.

<u>Councilor Keller moved to recommend the approval of the Restaurant Liquor License for Caruso's Italian Café' to the Oregon Liquor Control Commission. Councilor McGee seconded the motion.</u>

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

<u>AYES:</u> Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)
<u>NAYS:</u> None (0)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> None (0)

## ADMINISTRATIVE ACTION

**a. Fernwood Park Vacation**

**Rick Day, Chair of Keizer Parks and Recreation Board-** reported that the city has jurisdiction over the property that consisted of two lots containing 0.9 acres of land. The property was not developed and had limited access from the School House Square parking lot. He indicated that the property was a liability to the city and the Parks Boards wish that the property is sold and funds from the sale are used for the future acquisition of park property.

**Clark Williams, Parks Board Member-** reiterated Mr. Day's comments requesting that the Council move forward with the vacation process.

Mayor Newton and City Attorney Shannon Johnson supplied a history of the property and Mr. Johnson reviewed the vacation process.

Councilor McGee addressed the vacation issue, as this property was not technically owned by the city. He felt it would not be proper to designate funds acquired by the sale of the land to go to the Parks Fund. He felt these funds should become part of the General Fund but if the vote were to place these funds in the Parks Fund he would lobby that the funds be used for parks development rather than acquisition.

Mr. Williams indicated that the plats designated the land as public use for a park and he felt by the sale of the land the funds should be used for the acquisition of additional park land.

Staff indicated that information would be brought back before the Council during the next council meeting.

The Council agreed by consensus to direct staff to bring a resolution to the Council for consideration to initiate the vacation of Fernwood park on October 16, 2000.

**b. <u>RESOLUTION-</u> Authorizing the City Manager to Sign the Willow Lake Settlement Agreement**

City Attorney, Shannon Johnson noted that Salem City Council had met in Executive Session today and had not made any final decisions pertaining to the agreement. Mr. Johnson suggested that the Council delay taking any action on the Resolution brought before the Council.

Councilor McGee felt it was important to move forward with the vote on the resolution that was placed before them. If changes were made at a later date he would be willing to review the changes at that time.

Councilor Keller expressed his disappointment with the process. He suggested that the issue not be acted upon tonight.

<u>Councilor Keller moved to table the issue until the October 16, 2000 meeting.</u>

<u>Due to the lack of a second the motion died.</u>

Councilor McGee and Council President Christopher urged the Council to vote on the resolution as it was presented to the Council as long as the resolution had no adverse effect on the city.

Mr. Johnson indicated if the purpose of passing the resolution was to state to Salem the wish to move forward that he had no objection to this being done.

Responding to the concerns of Council Mr. Johnson explained the Executive Session law noting that once this information was opened to the public it could not be withdrew into Executive Session again. He urged caution to Council in discussing issues or releasing information regarding records that are exempt. Mr. Johnson also went through the ground rules of the mediation process that was discussed.

Councilor McGee moved a motion to authorize the City Manager to sign the Willow Lake Settlement Agreement. Council President Christopher seconded the Motion.

Councilor Keller indicated he would vote against the motion since they were unable to release information at this time.

Councilor McGee stressed that all information would be brought out and the Council should be addressing the information as written in the resolution.

The motion passed unanimously as follows:

AYES: Christopher McGee, Moir, Newton, Walsh and Wilson (6)
NAYS: Keller (1)
ABSTENTIONS: None (0)
ABSENT: None (0)

**c. ORDINANCE- Disposing of Unclaimed Personal Property, Personal Surplus Property, Firearms and Contraband (Repealing Ordinance 95-341)**

Chief Marc Adams read from City Ordinance 95-341 indicating that firearms that are surplus shall be either destroyed or rendered ineffective for the purpose for which they were manufactured or sold or donated to law enforcement agencies.

Chief Adams indicated that the current ordinance prevented the City from being able to financially benefit from trading the used department pistols into a Federally licensed firearms dealer for new pistols.

It was recommended that Council repeal Ordinance 95-431 and adopt the new Ordinance to allow surplus firearms to be traded with the approval of the City Council.

Mr. Johnson answered questions from the Council and supplied a history of the Ordinance as it was written.

With further discussion Mr. Johnson suggested the added wording to page three, section d to read, "Surplus Firearms can be traded only to a Federally licensed Firearms Dealer".

Councilor Walsh asked if the contraband firearms should be addressed also.

Chief Adams indicated that the contraband was destroyed.

Councilor Keller moved a Bill for an Ordinance Disposing of Unclaimed Personal Property, Surplus Personal Property, Firearms and Contraband; Repealing 95-341; Declaring an Emergency with the amendment as outlined by City Attorney Johnson. Councilor Moir seconded the Motion.

Councilor Walsh noted he was troubled by the policy of the guns getting out into the streets.

Chief Adams stressed that the weapons would be sold to a reputable dealership and indicated he was not in favor of the weapons being auctioned off.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**d. RESOLUTION- Authorizing the Disposition of Surplus Property**

Chief Adams reported in September of 2000 the Firearms Committee of the Police Department conducted a review of the current KPD issued duty pistol. The committee recommended that the KPD change from the current pistol to the new Glock Model 31. It was the Firearms Committee's finding that the Glock Model 31 provided a distinct improvement over the current duty weapon.

Chief Adams reported that the committee recommended that the department acquire two Remington Marine Magnum 870 all-weather shotguns for less-lethal (bean bag) operations and two Glock Model 21 pistols for officers assigned to the Salem PD SWAT Team. He also named miscellaneous duty equipment that would be needed to make this change.

The total cost for the firearms and equipment needed was $33,452.54 and was not a budgeted amount. Chief Adams compiled a list of various articles of "Surplus Equipment" and supplied this list to the State of Oregon Surplus Action office to have a value placed on the equipment. Various distributors were contacted in an attempt to barter the surplus. The Shooters Mercantile Company of Salem, Oregon was the only respondent with an offer of $33,493.00 for the surplus equipment.

Chief Adams noted there would be no fiscal impact to the city's budget and recommended that the Council adopt the Resolution.

<u>Councilor Keller moved a Resolution Authorizing the Disposition of Surplus Property in Exchange for Certain Firearms and Other Police Department Equipment. Councilor Moir seconded the Motion.</u>

Responding to questions Chief Adams indicated that the amount would also cover the needed equipment for the Reserve Officers.

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

<u>AYES:</u> Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)
<u>NAYS:</u> None (0)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> None (0)

**e. <u>RESOLUTION-</u> Authorizing Mayor to Execute Agreement for Distribution of 911 Funds**

City Attorney, Shannon Johnson supplied and reviewed the revision of the 9-1-1 Distribution Formula the revised Resolution.

<u>Councilor Keller moved a Resolution Authorizing the Mayor to Execute an Agreement Amending the Intergovernmental Agreement Between the City of Keizer, Keizer Rural Fire Protection District and Marion County Fire District Number One Regarding Distribution of 911 Funds. Councilor McGee seconded the Motion.</u>

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

<u>AYES:</u> Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)
<u>NAYS:</u> None (0)

ABSTENTIONS: None (0)
ABSENT: None (0)

**f. ORDINANCE- Establishing Permits Regarding Approach to City Roads and Public Right of Way**

Public Works Director, Rob Kissler reported during the September 18th Council Meeting staff was directed to prepare an Ordinance establishing driveway access permits to be administered by the Keizer Public Works.

Staff recommended adoption of the Ordinance.

Responding to questions, City Manager Eppley suggested that the fees be reviewed at the end of one year along with the possibility of attaching the CPI index to these fees.

Councilor Moir suggested that a comma be placed on page 2 items 11 and 12 after the word "speed character".

Councilor McGee addressed the Ordinance and expressed his feeling that funds received from these permits should be dedicated to the General Fund and not the Street Fund.

Councilor Keller moved a bill for an Ordinance in the Matter of Approval and Establishing Permits Regarding Approach to City Roads and Public Right of Way with the amendment suggested. Council President Christopher seconded the Motion.

Council President Christopher moved to amend the Motion to change Section 14(1) to add that the fee will be reviewed in 12 months to determine the appropriate amount and then it will be indexed to the CPI-W at that time. Councilor McGee seconded the amendment.

The amendment passed as follows:

The motion passed as follows:

AYES: Christopher, McGee, Moir, Newton and Walsh (5)
NAYS: Keller and Wilson (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

Councilor McGee moved to amend the Motion to change Section 14(2) to state that revenue received shall be deposited to the general fund. Mayor Newton seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

The main motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**g. Audit of Keizer Heritage Foundation**

Finance Director, Susan Gahlsdorf reported that the Keizer Heritage Ground Lease agreement requires an annual opinion audit. It was noted that this type of audit would be costly and may be beyond the level of assurance, which the Council was requesting. Ms. Gahlsdorf noted that the City Attorney suggested amendments to the ground lease to identify "agreed upon procedures".

Ms. Gahlsdorf suggested that the procedures include the following:

- Listing of tenants
- Annual rent charged and collected by each tenant
- Balance of the established sinking fund to provide for maintenance and repairs to the Building.
- Total cost of maintenance and repairs for fiscal year under examination.

Councilor McGee expressed concern that the procedures would only offer that the books were balanced and not provide the information if funds were available for maintenance and repair.

Councilor Keller noted that the members of the Heritage Foundation had included this information when determining the Keizer Heritage Foundation's "Sinking Fund".

Councilor Keller moved to amend the Keizer Heritage Foundation ground lease as recommended. Councilor Moir seconded the Motion.

Mr. Johnson suggested a friendly amendment so the last two sentences of the 4.11 Annual Financial Statement would read; "The underlying accounting records shall be examined by an independent certified public accountant using such procedures as directed by the Keizer City Council. Such procedures may change from year to year." Councilor Keller accepted the friendly amendment.

The motion with the amendment passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Newton called a recess at 9:05 p.m. and reconvened the meeting at 9:17 p.m.

**CONSENT CALENDAR**

a. **RESOLUTION- Transferring Appropriations for FY 2000-2001 (Police Surplus Property)**
b. **RESOLUTION- Transferring Appropriations for FY 2000-01 (Personal Services)**
c. **Approval of the September 18, 2000 Regular Session Minutes**

Mayor Newton removed item "a" from the consent calendar at the request of Finance Director, Susan Gahlsdorf.

Finance Director, Susan Gahlsdorf suggested changing the word decrease to increase on line 17 of the Resolution.

Councilor Moir moved Resolution Transferring Appropriations for Fiscal year 2000-2001 Police Surplus Property with the recommended change. Councilor McGee seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Council President Christopher asked to pull item "c" from the Consent Calendar as it showed her voting and she was absent from this meeting.

Council President Christopher moved for approval of the remaining items on the Consent Calendar consisting of item "b". Mayor Newton seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Newton moved for approval of the September 18, 2000 Regular session minutes with the change as suggested by Council President Christopher. Councilor Moir seconded the Motion.

The motion passed as follows:

AYES: Keller, McGee, Moir, Newton, Walsh and Wilson (6)
NAYS: None (0)
ABSTENTIONS: Christopher (1)
ABSENT: None (0)

**WRITTEN COMMUNICATIONS**

No written communications were brought before the Council.

**AGENDA INPUT**

October 9, 2000
5:30 p.m. City Council Work Session

- Public Input for Radiant Drive Realignment/Improvements

October 16, 2000
7:00 p.m. Keizer City Council Meeting

- Report on Transit Bus Pull Out-River Road
- Deliberation on Disposal of Property at River/Chemawa Road

October 23, 2000
5:30 p.m. City Council Work Session

- 2000-2001 Goal Setting (continued from 9-25-00)

Additions to the October 16, 2000 meeting

- Report on traffic issue at Janet/Wolf-Dave

Bauer

- Report on foot bridge at Swingwood Court
- Initiation of Vacation at Trail/Lockhaven
- Initiation of Vacation of Fernwood Park
- Report from the Library Task Force
- City Manager Performance Evaluation

Mayor Newton noted the agenda items and the additions to the October 16th meeting.

**ADJOURNMENT**

Mayor Newton adjourned the meeting at 9:27 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

Bob Newton

COUNCIL MEMBERS:

Councilor #1 - J. L. Wilson

Councilor #2 - Lore Christopher

Councilor #3 - Jim Keller

Councilor #4 - Jacque Moir

Councilor #5 - Richard Walsh

Councilor #6 - Jerry McGee

**Minutes approved:**

October 16, 2000