

MINUTES
KEIZER CITY COUNCIL
Monday, September 18, 1995
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:00 p.m.
Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Bob Newton, Councilor
Jerry Watson, Councilor (arrived at 7:05 p.m.)

Staff:

John Morgan, Community Development Director
Wally Mull, Public Works Director
Charles R. Stull, Chief of Police
Kim Krause, Finance Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

William Kerr, 4275 Verda Lane, Keizer addressed the Council voicing his opposition to the increase in the sewer administrative fee adopted in May, 1995. Mr. Kerr felt this 128% increase in the "tax" was outrageous. He added he was forced to pay the increase previously implemented by Salem and now this increase by Keizer.

Kim Krause, Finance Officer reported the increase adopted in May was to cover an outstanding debt from the Keizer Service District. This fee was raised from \$.90 cents every two months to 6% of the sewer bill (approximately \$2.10 per residential customer) every two months. She noted this will be a temporary fee until the debt is retired and the fund is balanced.

Councilor Beach noted the increase was essential to cover the negative balance in the fund.

Mr. Kerr did not believe the increased amount would be removed upon the retirement of the debt. In conclusion, he stated he did not expect the Council to rescind the amount, however he wanted his protest noted on the record. Mr. Kerr said he will be paying this amount under protest.

COMMITTEE REPORTS

VOLUNTEER OF THE QUARTER AWARD

There was no other public testimony to come before the Council.

John Morgan, Community Development Director reported the Volunteer Coordinating Committee recently chose Sam Goesch as the recipient of the September Volunteer of the Quarter Award for his work and dedication to the Keizer Planning Commission and the Chamber of Commerce Governmental Affairs Committee.

Mayor Koho presented Mr. Goesch with a clock in honor of his contributions to the City. The Mayor and Council thanked Mr. Goesch for his volunteer assistance to the City of Keizer.

PUBLIC HEARINGS

ORDINANCE - PRESERVATION/ REPLACEMENT OF TREES

Mayor Koho opened the public hearing.

John Morgan, Community Development Director reported this is a revision to the Zoning Ordinance which amends the landscaping chapter to address specifics on trees in new development. The revisions would require landscaping plans be included with building permits and land-use actions. Presently, landscaping plans are only required when placed as a condition on the land use action, however upon adoption of these revisions, submission of a plan will be mandatory. Plans which will include an inventory of significant trees, will be required with the building permit application. It also provides the staff means to have the developer replace any trees designated for removal. Mr. Morgan noted these revisions were reviewed by the Planning Commission and unanimously approved.

Councilor Miller noted the Ordinance incorporates some provisions already contained in the zoning ordinance. This Ordinance will relate to trees in new developments and building sites.

Councilor Miller thanked the members of the committee who worked on creation of these Ordinances: Jim Reimann, June Abbott, Sam Goesch, Dianne Bassett, Jeff Taylor, John Blake, Tim Smith, Kevin Wickman and John Morgan.

There was no public testimony to come before the Council.

Mayor Koho closed the public hearing.

In response to a question from Councilor Keller, Mr. Morgan stated this Ordinance will not pertain to developments who do not have significant trees exceeding 12 inches in measurement. Guidelines for landscaping are contained in other sections of the zoning ordinance.

Councilor Miller noted this Ordinance will prevent a developer from clearcutting an area of trees without submitting a plan for landscaping and replacement of the trees. This will help maintain a level of significant trees within the City.

Shannon Johnson, City Attorney added this Ordinance was created to help preserve trees within the City. The upcoming revisions to the development code will have requirements for placing landscaping in new developments. In addition, Mr. Johnson reviewed a change to the language contained on page 2 of the ordinance. Section 18.09(d) will read as follows: *The above provisions include and apply to all significant trees located on the subject property or on any adjacent public right of way.*

In response to a question from Councilor McGee, Councilor Miller noted the emergency clause contained in the Ordinance will avoid any cutting of trees prior to the effective date of the Ordinance. Councilor McGee voiced his concern with the containment of emergency clauses in ordinances.

Councilor Watson concurred an emergency clause in this Ordinance should not be necessary. In addition, he voiced his concern with the Ordinance being too broad in applying to existing family residences who would remove a tree for remodeling purposes. However, Councilor Watson noted by requiring the replacement of heritage trees with two trees in a subdivision or larger development, it will not provide the needed protection.

Mr. Morgan stated the capability of the planning staff or Council to place conditions of approval on a subdivision has provided an avenue to enforce custom made landscaping requirements.

Mayor Koho approved of placing an emergency clause in the Ordinance.

Councilor McGee acknowledged the replacement trees may not be close to the value of the those removed from the property. This may be a detriment to the community to adopt an Ordinance this broad.

Councilor Miller noted presently the City does not have any restrictions on clearcutting or removing trees. This Ordinance will allow the City to grant an approval for the removal and replacement of the trees.

**SALEM-KEIZER
SCHOOLS DRAFT
SCHOOL FACILITY
STUDY**

Mayor Koho stated this Ordinance will hold the developer accountable in following the plans submitted to the planning staff.

In response to a question from Councilor Keller, Mr. Morgan noted there are at least two large areas to be developed that have significant trees this Ordinance will pertain to.

Councilor Miller moved to direct staff to finalize the findings and return with the Ordinance for adoption. Mayor Koho seconded the Motion.

The Motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho opened the public hearing.

John Morgan, Community Development Director reported this is the first of two hearings before the Council leading to the adoption of the School District's Facility Master Plan. Mr. Morgan noted the second hearing will be a comprehensive plan amendment to adopt the school facility plan as an element of the comprehensive plan.

Mr. Morgan acknowledged the work of the Planning Commission and former Planning Commission Chair, Jerry Watson in approaching school facility master planning.

In reviewing the facility master plan, Mr. Morgan noted the most significant points for Keizer include the addition of an elementary school in the southeast corner of Keizer, the number of students per classroom (27 vs. 30) and identifying a new middle school to be built in 2009. Mr. Morgan recommended the Council hear testimony and then offer any input to be forwarded to the school district.

Presenting testimony to the Council was:

Bob Ohm, 7950 Timothy Lane NE, Keizer stated he is the parent of a child attending Whiteaker Middle School. Due to the present enrollment of over 1200 students, Mr. Ohm feels there is a greed need for an additional middle school in Keizer. However the draft plan does not portray this need until 2010.

Mr. Ohm urged the Council to recommend the school board plan for a middle school in Keizer in the near future. In addition, Mr. Ohm agreed the number of students per classroom should be 27 not 30.

In response to a question from Councilor McGee, Mr. Morgan stated the typical middle school population is 925-1000 students.

Councilor Beach stated 27 students per class is only an average and could be very misleading when looking at actual class size.

There was no further testimony to come before the Council.

Mayor Koho closed the public hearing.

Mayor Koho noted the table on page 12 (table 2-2 and 2-3) indicate the point of strain at Whiteaker is higher than those other middle schools listed.

Mr. Morgan stated in response to an inquiry from Councilor Keller, the school district will be required to update this plan every five years. Councilor Keller noted he would like to see the plan for Whiteaker updated prior to five years from now.

Councilor Watson concurred this document should be updated periodically. In referring to the timeline projection for the need of a middle school, Councilor Watson stated it is unreasonable to think there is only a need for two new middle schools in the next 20 years. He suggested requesting the school district reconsider how quickly a middle school is added and to relay the concerns regarding the validity of the population projections. Councilor Watson noted the positive aspect of having only one school in Keizer makes all students come together regardless of class or economic status.

Councilor Beach stated the modular units at a school should be considered only as a temporary classroom not permanent. The overcrowding at a school leads to loss of control by the teachers and possibility of more criminal activity.

Councilor Miller suggested comments to the school include creating a solution to the traffic congestion problems at Whiteaker. This will again reiterate how concerned the Council is for the safety of the children and pedestrians near the school.

Councilor Newton expressed concerns with detail in the technical supplement which should include improvements to the playground at Cummings Elementary, access routes into McNary High School and the transportation issues at Whiteaker Middle School. He requested this additional information be provided to the Council.

Mr. Morgan informed the Council this will be discussed at the school board meeting in mid-October.

Councilor Newton stated the report does not address the building of a high school in the West Salem area. With present population projections, he feels this area should be addressed in the report. Councilor Newton noted the population projections for the City upon incorporation did not anticipate the rapid growth that Keizer has experienced.

Councilor Miller requested an explanation of the projected number which indicate a strain on the middle schools, especially the projection for Whiteaker Middle School.

Councilor Keller urged staff to include the Council's concerns regarding the transportation access issues.

Mayor Koho directed staff to draft a letter to the school board outlining these concerns for Council review and adoption at the October 2, 1995 meeting.

Councilor Watson volunteered his time to attend the school board meeting to present the Council's concerns.

CONSENT CALENDAR

The consent calendar consisted of the following:

- a) RESOLUTION - Certification of Delinquent Sewer Accounts
- b) Keizerbrau Liquor License - Change of Ownership
- c) Approval of September 5, 1995 Regular Session Minutes

Councilor Newton removed item "c" from the consent calendar.

Councilor Miller removed item "b" from the consent calendar.

Mayor Koho moved for approval of item "a" on the Consent Calendar. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (1)

"item b" - Keizerbrau Liquor License/Change of Ownership

Councilor Miller expressed his concern with the lack of information included with the staff report on the change of ownership for the Keizerbrau. He requested a copy of the application and background information be included with future staff reports.

Councilor Newton noted there would be undue hardship on the present owner of the Keizerbrau if approval of this application was held over until the next Council meeting.

Councilor Newton moved to recommend approval of the liquor license application change of ownership for Keizerbrau. Mayor Koho seconded the Motion.

Councilor Watson expressed his concern to approve this application without the names of the new owners or the proper information on the background check.

Councilor McGee stated the application should be judged on the merits and background check rather than the names of the individuals.

Councilor Miller agreed with Councilor Watson noting all information should be provided to the Council in order to make the appropriate recommendation.

In response to a question from Councilor Keller, Chief Charles Stull stated a background check was completed and there is no indication the application should be denied. He reviewed the process used by the Police Department in conducting this check.

Mayor Koho directed staff to include specific information in all future liquor license approvals.

In response to a request from Councilor Miller, the application for the change of ownership for the Keizerbrau was reviewed by the Council.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Newton (6)

NAYS: Watson (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

"item c" - September 5, 1995 Minutes

Councilor Newton requested the minutes be held over until the next meeting in order for him to review the tape in regards to his comments on page 6 of the minutes.

Mayor Koho directed staff to set a time for review of the tape and bring the minutes back for approval on October 2, 1995.

OTHER BUSINESS

Mayor Koho announced he will be nominating Velma Tepper to replace Tom Bauer in the Mayor's position on the River Road Redevelopment Board. This nomination will be brought forward at the October 2, 1995 Urban Renewal Agency meeting.

Mayor Koho requested members of the Council contact him to discuss the responses received to the letter sent to the property owners regarding the proposed Claggett Creek Greenway. He asked the Council help determine the direction to proceed on this issue.

Councilor Miller noted he will not be present at the October 2, 1995 meeting.

John Morgan, Community Development Director expressed his surprise the gentleman voicing his concern with the administration of the building codes was not present at the meeting this evening. Mr. Morgan reported he has discussed this issue with the Marion County Commissioners and the Building Department and will be reporting back to the Council at an upcoming meeting on the issues. He invited anyone with concerns to call him prior to the meeting.

Councilor Keller stated he had discussed this issue with the City Planner and determined Marion County was facing an abundance of building permit requests at this time.

Mayor Koho announced due to the concerns voiced by the City Marion County has contracted additional staff to provide assistance.

During investigation of these concerns, Councilor Beach stated he feels the complainant was unaware of the procedures used by Marion County. However, he noted the policy to allow additional fees to be paid to expedite a permit is a concern to him.

Mayor Koho stated this was also a concern to him, however he understands these funds pay for additional outside help to expedite the permits.

Councilor Newton expressed his desire to have staff explore the possibility and feasibility of the City to provide this service through contractual services.

Councilor McGee reminded the Council this option was explored previously and determined it was not beneficial to the City. However, he would support having it reviewed again to determine if any circumstances have changed.

Mayor Koho confirmed Marion County contracts with a separate person in the expedited process.

Councilor McGee stated the City is benefiting from the portion of the fees paid to expedite the permit.

Councilor Miller noted by taking the larger projects out to be expedited, it frees additional time for the regular projects to move through the system.

In response to a question from Councilor Watson, Mr. Morgan stated during a meeting with Don Woodley, Marion County Building Official, he was not aware of the different processes used in Marion County.

Mayor Koho asked staff to report back on any changes or additional information on this matter.

Charles Stull, Chief of Police thanked the Keizer Fire Department for their cooperation during a recent incident at McNary High School. The evacuation and first aid to the students was a well coordinated effort between the district and the Keizer Police Department.

Chief Stull also announced three new officers have graduated from the Police Academy on September 1, 1995.

WRITTEN COMMUNICATION

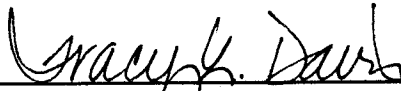
There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items.

ADJOURNMENT

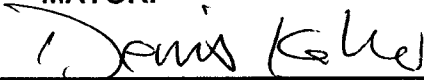
The meeting was adjourned at 8:30 p.m.



Tracy L. Davis
City Recorder

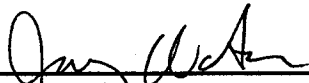
APPROVED:

MAYOR:

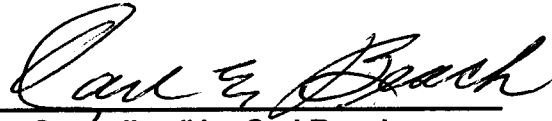


Dennis Koho

COUNCIL MEMBERS:



Councilor #1 - Jerry Watson



Councilor #4 - Carl Beach



Councilor #2 - Bob Newton

Councilor #5 - Al Miller



Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

10-2-95