

M I N U T E S

KEIZER CITY COUNCIL
Monday, September 17, 1990
Gubser Elementary School

CALL TO ORDER Mayor Orcutt called the regular session to order at 7:32 p.m. Roll call was taken as follows:

Present

Andrew J. Orcutt, Mayor
~~(Phil Bay, Councilor)~~ Absent
Mike Hart, Councilor
Bob Newton, Councilor
Bob Pritchard, Councilor
Joe Van Meter, Councilor

Absent

Yvonne Fischer, Councilor
Phil Bay, Councilor

Staff

Donald H. Otterman, City Manager
John Lien, City Attorney
Joe Hobson, City Attorney
Shannon Johnson, City Attorney
Kevin Wickman, Parks Director
John Morgan, Community Development Coordinator
Bill Peterson, Consulting City Engineer
Bruce Schafer, Consulting Traffic Engineer
Sue Darby, City Recorder

INTRODUCTION
OF COMMUNITY
DEVELOPMENT
DIRECTOR

Mr. Otterman introduced John Morgan who has recently been hired as Community Development Coordinator for the City of Keizer. Mr. Morgan's official hire date will be October 8, 1990.

PUBLIC
TESTIMONY

Noise
Complaints

Faye Walker, 392 Whitesell Court NE, Keizer, testified that she owns the duplex at Cherry Avenue and Weeks Drive. She expressed concern with the lack of a noise ordinance in the City. Ms. Walker noted that neighbors in that area do a lot of partying and create excessive noise. While she has contacted the Police Department on these occasions, the officers tell her that until the City Council adopts a noise ordinance, very little can be done to correct the situation.

Theresa Walker, 3555 Cherry Avenue NE, Keizer, stated that she has become afraid to stay home alone because of the activity of neighbors. Ms. Walker cited examples of drunk people and loud singing in the early mornings. Her nephew recently found a rusty knife on her property. She asked the Council that something be done to

rectify the problems. Mayor Orcutt indicated that he would ask the Police Chief to look into the problems.

COMMITTEE
REPORTS

There were no committee reports to come before the Council.

PUBLIC
HEARING -
MANUFACTURED
HOUSING
OVERLAY
ZONE

Mayor Orcutt reopened the public hearing on the Manufactured Housing Overlay Zone. This hearing had been continued from the City Council's September 4, 1990 meeting.

Mr. Otterman stated that the public hearing was continued in order to allow the Planning Commission an opportunity to address some issues raised by the State. The Planning Commission is recommending that the ordinance as originally proposed be adopted with very little alteration. Mr. Johnson addressed those alterations.

Donna Roner, 640 Madison Street, Salem, testified as the owner of properties at 632 Cummings and 4445 Delight. She had a mobile home at the latter address which she eventually sold and removed from the property. She wishes to place a manufactured home on this property and is waiting for approval of this ordinance before she can move back to Keizer.

Don Miner, representing the Oregon Manufactured Housing Association, thanked the Planning Commission and staff for their efforts on this issue. Mr. Miner indicated that he supports the objective standards portion of the proposed ordinance. He noted that a manufactured home can be made to essentially any specification required by the City. He objects, however, to the need for a zone change in order to site a manufactured home. Mr. Miner stated that a manufactured home is essentially a detached home. In 1989, HB 2863 mandated that manufactured homes be treated the same as conventional single family homes. He believed it was the Legislature's intent to remove a city's arbitrary authority in siting these homes.

Mr. Miner stated that a manufactured home should not be required to go through a process not required of conventional homes. If the Council approves the ordinance, he requested that sufficient land be set aside with the city limits to accommodate manufactured homes.

Mr. Johnson stated that a needs analysis will be conducted to determine the level of need for manufactured homes in the community. This analysis will be conducted as a part of the comprehensive plan periodic review process. Mr. Miner rebutted that ORS 197.303 was the deciding factor in determining the need for manufactured homes.

Mr. Otterman noted that the Planning Commission dealt with this issue when the ordinance was first prepared. The issue of whether an area should be zoned for manufactured homes or an overlay zone should be applied in any area was thoroughly reviewed by the Planning Commission. The Commission preferred to review each application on a case by case basis rather than singling out a specific area for manufactured homes. By doing this on a case by case basis, the surrounding area would be reviewed for each request. In periodic review, it would be necessary to show that a certain type of housing is needed. With the existing number of manufactured homes in this community, the City may already be meeting that need.

Councilor Hart indicated that this has probably been one of the most difficult things for the Planning Commission to address. By State law, the City must be able to provide consideration for manufactured housing and to show that the City has a particular zone to accommodate that housing.

There being no further comments to come before the City Council, Mayor Orcutt closed the public hearing.

PUBLIC
HEARING -
REGIONAL
PLANNING
ISSUES &
LOCAL
PERIODIC
REVIEW

Mayor Orcutt opened the public hearing to receive testimony regarding regional planning issues and the local periodic review order.

Mr. Otterman stated that he met with representatives of the City of Salem to discuss possible segmented periodic review. In segmented periodic review, the jurisdictions would agree to submit all resolved items to LCDC.

Mr. Johnson believed that this may be the City of Salem's attempt to move forward with LCDC approval of their periodic review order without the City of Keizer. At a recent meeting with Salem, their representatives had a final form of periodic review for submittal to LCDC. Although

this final form has not yet been submitted to LCDC, the Salem City Council has held its first reading on the ordinance. Distributed to the Council was a sheet titled "Overview of Pending Regional Issues" which was prepared and provided by the City of Salem.

Mr. Otterman indicated that the issue regarding the area of influence around the Willow Lake Treatment Plant may be resolved following a 1991 study commissioned by Salem to test for hazards around the plant. The results of that study will be submitted to the Salem Council in 1992.

Another issue is one of residential densities as proposed by Marion County. Mr. Otterman believes that Salem will also oppose this issue. He will be meeting with Marion County on Tuesday to discuss regional issues. He has yet to schedule a meeting with Polk County.

With respect to the urban growth boundary issue, Mr. Otterman stated that the City of Salem feels it has sufficient property within its boundary to the south and west for the next five years, until the following periodic review. Mr. Otterman indicated that it may be periodic review time again before Keizer is built out.

Responding to a question from Councilor Pritchard, Mr. Otterman stated that if Keizer agreed to segmented periodic review, Keizer would need to submit its portion of periodic review to LCDC that is in concurrence with the other jurisdictions. Mr. Johnson added that if, after submittal to LCDC, there are objections, a hearing would be held. If jurisdictions were at an impasse, the jurisdictions might submit their recommendations anyway. The issues still under discussion would be left out of the submittal to LCDC.

Mayor Orcutt objected to segmented periodic review. He preferred that all issues be submitted together. Councilor Van Meter agreed.

Councilor Newton suggested that it be pointed out to the counties that political promises with regard to future expansion of the urban growth boundary ignored the incorporation of Keizer. If such promises were made, Councilor Newton believed that those promises would no longer be relevant upon Keizer's incorporation. He noted that Keizer is as anxious as Salem to move

forward on this process.

Mr. Otterman informed the Council that the Salem subcommittee would like to hold a meeting with the other subcommittees on either October 2 or October 4. He recommended that this issue be continued to the City Council's October 15 meeting.

There being no objection, the discussion was recessed until October 15.

TRAIL AVENUE
REALIGNMENT

Mr. Otterman stated that, contrary to some concerns that have been expressed to him, the City will not be widening Manzanita Drive from Trail Avenue to River Road and punching it through to McLeod Lane. The Trail Avenue project was brought up at the last Council meeting by Jerry Watson, a resident in the area. Mr. Watson has distributed a flyer advertising tonight's meeting to neighbors in the Manzanita area. The City Council is expected to discuss the possible traffic impact on the surrounding area, and questions may be directed to the City Engineer and the Traffic Engineer.

Mr. Peterson provided the Council and audience with the background on the Trail Avenue Realignment Project. He explained that as a part of the McNary Estates development, a traffic study was required to determine the timing for the traffic signal at the McNary/River Road intersection. Along with that traffic light project was the alignment of Trail Avenue to form a four way intersection. Mr. Peterson noted that Trail Avenue and Harmony Drive are designated as collector streets. River Road is designated as an arterial.

Bruce Schafer, Traffic Engineer, stated that he has reviewed the August 13 and September 4 correspondence from Mr. Watson. Mr. Schafer agreed that the majority of traffic from McNary Estates and from the north should utilize North River Road and Lockhaven. Mr. Watson suggested a policy statement to the effect that traffic from non-residential streets should be kept from encroaching into residential neighborhoods. This, Mr. Schafer indicated, is contained within the City's comprehensive plan.

For various reasons, Mr. Schafer stated that speed bumps do not work to slow down traffic, nor do stop signs slow down traffic. He indicated

that in certain locations speed humps may be effective, however, the Oregon Traffic Control Device Committee has opted not to use speed humps in the State of Oregon.

Mr. Schafer indicated that posting of 25 mph signs require installation and maintenance costs. Aside from these factors, he noted that the speed limit in residential areas is 25 mph regardless of whether signs are posted.

Mr. Schafer stated that there will be some traffic that uses Manzanita Drive as a result of this realignment, however, it has been designed to make it more troublesome than using the main roads.

Mayor Orcutt asked whether "No Thru Traffic" signs are feasible. Mr. Schafer indicated they are, but only for those who respect them.

Gerald Watson, 1237 Manzanita Way NE, Keizer, indicated that he is speaking as an individual and not as a member of the Planning Commission. He expressed concern about the potential traffic increase and asked the City to consider certain steps, among other things, to lessen the impact on the neighborhood. He suggested that a task force be established with the City Engineer to study mitigation factors.

Shannon Thiess, 6270 Trail Avenue, Keizer, testified that she lives directly across the street from the gas station. She supports the realignment project, but added that the real issue here is the possibility of increased speed on Manzanita from Trail to 14th Avenue. That, she indicated, needs to be addressed.

Ms. Thiess said that the City Engineer has noted that little can be done, and that stop signs will not be effective. She said that there are many children in the area, and she expressed concern for their safety.

Ed Mueller, 1315 Manzanita NE, Keizer, testified that much of the problem involves young people going to and from high school who do not respect the speed limit. Mr. Mueller believed it would be helpful for a police officer to periodically patrol during the heaviest traffic hours. Mr. Mueller did not support the installation of stop signs or speed bumps.

Al Bennett, 1226 Manzanita Way NE, Keizer, suggested a traffic count be conducted both before and after the realignment project. This would show what type of alternatives, if any, may be necessary to alleviate a heavier traffic flow. Mr. Bennett indicated there is a problem at the intersection of Trail and Lockhaven when traffic wishing to turn off Trail to eastbound Lockhaven delays traffic wishing to turn westbound on Lockhaven. In addition, he has witnessed occasions when drivers wishing to turn left from Lockhaven onto Trail have created problems when drivers continuing eastbound pass the waiting vehicle and cause oncoming bicyclists to run off the road.

Peggy Thiess, 1286 Harmony NE, Keizer, testified that there is a much greater problem on Harmony because traffic travels at speeds up to 60 mph. Children walking along the street are put into a hazardous situation because there are no sidewalks.

Terry Harris, 1168 Marigold, Keizer, indicated there is also a problem with traffic at the intersection of 13th and Manzanita. He believes traffic will increase on Marigold as a result of this action. Mr. Harris suggested that a stop sign be installed at the 13th and Manzanita intersection.

Rich Barrows, 1337 Marigold, Keizer, stated that traffic flow is a function of restriction. He suggested something be done about the speed limit, including 25 mph signing and perhaps "no thru traffic" signs.

Don Flesch, 1684 Rockledge NE, Keizer, stated that the neighborhoods are being chopped up because of growth. Mr. Flesch believed that Manzanita will see increased traffic. Mr. Flesch indicated that McLeod is now almost unusable because of the traffic congestion with Lockhaven.

Milton Boone, 1199 Manzanita NE, also suggested a stop sign be installed at 13th and Manzanita. He recommended increased police patrols in the area to control speeders.

Mr. Schafer stated that the timing of the subject traffic light can be varied so that it is very restrictive for a short period of time. This, he indicated, can make traveling this route inconvenient for thru-traffic.

Mr. Peterson noted that most people coming out of McNary Estates will turn right and head toward City of Salem. Many others will turn north to access the freeway in Brooks as opposed to crossing residential neighborhoods to get to the Keizer freeway interchange.

Responding to a question from Councilor Hart, Mr. Schafer indicated that there are no current traffic counts on Manzanita. Councilor Hart also asked about the feasibility of placing a stop sign at 13th and Manzanita. Mr. Schafer responded that he would recommend looking at the current volume versus the volume following realignment and installation of the traffic light. In addition, Mr. Schafer stated that installing a stop sign just for speed control does not work. Drivers, becoming immune to the need to stop at that location, will tend to roll through the sign and, thereby, create a hazardous situation.

Councilor Newton asked about truck traffic. Mr. Schafer indicated that only truck traffic that has a specific need to be in the area would be allowed.

Councilor Van Meter asked if the City Manager can direct the Police Department to be more active in this neighborhood. Mr. Otterman responded that the police officers are now out of service for approximately 75% of their time. This means they may be available for a total of three hours out of each twelve hour shift for routine patrol on all streets. He also noted that the department is short three officers at the present time.

Mayor Orcutt asked that current counts be taken on Trail, Harmony and Manzanita, and that this come back to the Council in a few months following completion of the project.

Mr. Peterson stated that he does not believe traffic on the residential streets are overloading the capacity. Once the light is installed, they would encourage drivers to use the light because that is its intended purpose. Once the light is operative, then traffic counts can be taken.

Mr. Watson stated that there is a lot of food for thought here tonight. He appreciated the comments from the gentleman on Rockledge. Mr. Watson stated that his concern centers on the use

of the roads and degrading the neighborhood. He believed that early control is likely to be more effective.

At Councilor Newton's request, Mr. Peterson outlined the improvements that will be made to the Trail Avenue and Lockhaven Drive intersection, including the addition of a traffic signal, a portion of which will be paid for by the developers of the State Farm Insurance development. Mr. Peterson stated that a public hearing was held on this issue, but few people attended.

Mayor Orcutt stated that in the meantime, the City will attempt to increase police patrols in the area and the suggestion for a task force committee can be addressed by the City Engineer and Traffic Engineer. Councilor Newton suggested that the Traffic Safety Committee be reactivated for this purpose.

DELIBERATION - Mr. Otterman asked for City Council direction on
MANUFACTURED how the Council wishes to proceed on the issue of
HOUSING amending the zoning ordinance to provide for a
OVERLAY ZONE manufactured housing overlay zone.

Mayor Orcutt indicated that he agreed with the Planning Commission's recommendation on this matter. Mr. Otterman stated that the only difference is that there was no appeal procedure to the City Council. The Planning Commission felt that this procedure should be added.

Councilor Pritchard moved to direct legal counsel to prepare the final form of ordinance, as recommended by the Planning Commission, for consideration at the next City Council meeting. Councilor Van Meter seconded the motion.

Responding to a question from Councilor Hart, Mr. Johnson stated that the overlay zone would not apply to the UT zone because this is not a residential zone. Mr. Otterman added that a person would need to apply for a change to the RS zone with a manufactured housing overlay.

Councilor Hart expressed concern with requiring one individual who is to construct a manufactured home needing to obtain a zone change while a neighbor who constructs a conventional home will not need that approval. Mr. Johnson responded that this is a policy issue for the City Council. Councilor Newton agreed that he also has a

problem with this. Mr. Otterman explained that the Planning Commission discussed whether to designate a specific area of the city that would be suitable for manufactured housing. He noted that manufactured homes carry a stigma that they are not as good as stick built homes. The Planning Commission also discussed making manufactured homes a permitted use in the RS zone. However, this may create problems of incompatibility with the neighborhood. Under the proposed ordinance, manufactured homes must be compatible with their surrounding neighborhood, i.e., same roof material, type of siding, etc. The Planning Commission preferred to apply these types of controls on an individual basis.

Councilor Newton asked about checking how other jurisdictions handle manufactured housing. Mr. Hobson responded that the proposed ordinance is patterned after the one in use by Marion County. Marion County, however, is undertaking some significant changes in their ordinance. He was uncertain of what those changes are at this time.

The motion was passed by the following vote:

AYES: Orcutt, Bay, Hart, Newton, Pritchard,
Van Meter (6)
NAYS: None (0)
ABSENT: Fischer (1)

KEIZER PARKS REGULATIONS

Mr. Wickman addressed the Council with respect to proposed park regulations as recommended by the Keizer Parks Advisory Board. He explained that due to an increase in usage of the parks and various citizen complaints about activities and vandalism, the Parks Committee has revised the rules and regulations to better enable the City to protect and maintain the parks and to allow enforcement of those rules.

Responding to a question from Councilor Newton, Mr. Wickman stated that if the City receives a complaint, for example, regarding excessive use of alcohol, abusive language, excessive noise, etc., the police department cannot take any formal action. This ordinance will give the department the authority to enforce those rules and regulations.

Councilor Pritchard believed the consumption of alcohol in the parks is prohibited unless by a permit. Mr. Otterman explained that if, for example, an individual is consuming alcohol in

the park without a permit, the police can enforce two regulations.

Councilor Newton expressed concern with passing an ordinance which will require more law enforcement personnel. Mr. Otterman stated that the bottom line is that the City has no authority to require compliance with the rules and regulations. He noted that if the police have been called, the situation has generally gotten out of hand.

The Council discussed the statement giving authority to the City Manager to impose other limitations as may be required to comply with the intent of the ordinance. Mr. Lien indicated that this phrase may be broad and that the Council may be more comfortable with specific guidelines. He explained that there may be circumstances which are not covered in the ordinance. This would give the City Manager the authority to take action as necessary.

Councilor Newton moved for passage of an ordinance establishing the Keizer Park regulations, striking lines 2 through 5 on page 4 of the proposed ordinance. Councilor Van Meter seconded the motion.

Mayor Orcutt stressed that passage of the ordinance does not mean that the City will be out in the park looking for violations. It will, however, give the police the authority to take action, if necessary, when complaints are received.

Councilor Newton stated that the City has, in the past, attempted to handle such problems without the need for law enforcement. It appears that the time has come where the City will need to enforce the rules and regulations.

Councilor Pritchard expressed concern that the phrase to be deleted may be needed. He suggested it be reworded so as not to be objectionable to any of the Council members.

Councilor Pritchard moved to table the issue. The motion died for lack of a second.

Councilor Newton suggested that the Council act favorably on the ordinance tonight, and then amend it at a later time. Mayor Orcutt indicated that the police and staff may receive complaints

about problems that are not specifically addressed in the ordinance.

Mr. Johnson addressed the concern of the Parks Board in allowing alcohol in the parks, i.e., how much, what kind, etc. Mr. Otterman explained that if someone is consuming alcohol in the park, they would need to have a permit on their person.

The motion passed on first reading by the following vote:

AYES: Orcutt, Bay, Hart, Newton, Van Meter (5)

NAYS: Pritchard (1)

ABSENT: Fischer (1)

MUNICIPAL
JUDGE
RECRUITMENT

Mr. Otterman explained that staff has advertised for a volunteer municipal judge. That advertisement has produced no interested attorneys. The next step is to determine the source of funding to pay for the services of a judge. Mr. Otterman indicated that because of the difference in how former Judge Cannon handled cases and how present Judge Larson handles cases, there may be additional revenue coming into the court this year. This additional revenue may be sufficient to pay the judge. Mr. Otterman indicated he would review the budgetary figures and report back to the Council.

Councilor Van Meter thanked staff's efforts in trying to locate a volunteer for Municipal Court Judge at his request.

CONSENT
CALENDAR

The Consent Calendar consisted of:

- September 4, 1990 Regular Session Minutes
- Resolution - Declaring Northridge Park surplus property
- Statement of Costs - Noxious vegetation abatement costs; southwest corner Chemawa/Crater; Marvin Ferris, Owner.

Councilor Van Meter moved for approval of the Consent Calendar, correcting the September 4 minutes to show "Mr. Otterman" rather than "Mr. Orcutt" and removing the resolution regarding Northridge Park. The motion was passed by the following vote:

AYES: Orcutt, Bay, Hart, Newton, Pritchard, Van Meter (6)

NAYS: None (0)

ABSENT: Fischer (1)

The Council discussed the resolution declaring Northridge Park surplus property. Mr. Wickman noted that the property is essentially unusable because it is landlocked, and its access is limited to an unsafe, steep slope. Because it is public property, it cannot be posted "no trespassing".

Councilor Newton moved for passage of a resolution declaring Northridge Park surplus property. Councilor Van Meter seconded the motion. The motion was passed by the following vote:

AYES: Orcutt, Bay, Hart, Newton, Pritchard, Van Meter (6)
NAYS: None (0)
ABSENT: Fischer (1)

OTHER
BUSINESS

Regional
Issues
Meeting

Mr. Otterman informed the Council that the City of Salem Regional Issues Subcommittee would like to meet with the Keizer subcommittee on either October 2 or October 4. Councilors Bay, Fischer and Hart sit on this subcommittee. Mr. Otterman indicated he would firm up the date and let the parties know.

Property
Tax
Limitation

Mr. Otterman indicated he would have on the next Council agenda discussion regarding the upcoming property tax limitation initiative. Councilor Hart noted that the Attorney General issued an opinion for the City of Salem today on this matter.

Municipal
Court
"No Shows"

Councilor Hart expressed concern with the continuing number of traffic defendants who fail to appear. Mr. Otterman noted that during the summer months, there are many itinerants included in this group.

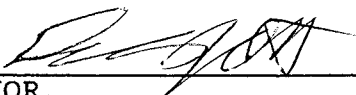
ADJOURNMENT

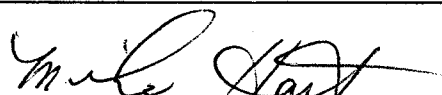
There being no further business to come before the Council, the meeting adjourned at 10 p.m.

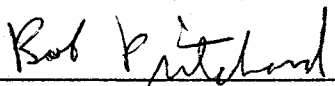
Respectfully submitted,


Susan Darby, City Recorder

APPROVED:


MAYOR





 ABSENT

(COUNCILOR FISCHER ABSENT)