MINUTES

KEIZER CITY COUNCIL
Tuesday, September 7, 1993
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:33 p.m. Roll call was taken as follows:

Present
Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor
Marlene Wellin, Councilor

Staff
Dotty Tryk, City Manager
John Morgan, Community Development Director
Wally Mull, Director of Public Works
Charles Stull, Chief of Police
John Lien, City Attorney
Shannon Johnson, City Attorney
Kevin Wickman, Parks Director
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS

Volunteer of the Month Award

John Morgan, Community Development Director introduced Marty Matiskainen as the recipient of the September Volunteer of the Month Award. Mayor Koho presented a clock to Mr. Matiskainen in honor of his volunteer contributions to the City.

FMAGIC

PUBLIC HEARINGS

Mayor Koho reopened the public hearing which had been continued from August 19, 1993.

Chemawa Activity Center

John Morgan gave briefly reviewed the Ordinance adopting the Chemawa Activity Center Plan as an element of the Keizer Comprehensive Plan. Mr. Morgan stated two amendments to the Plan have been proposed. The first amendment is relative to the regional scale shopping centers and the second includes language stressing the land west of the railroad tracks may not be appropriate for continued consideration as part of the Activity Center. Mr. Morgan recommended Council direct staff to pursue funding for the market study.

There was no testimony to come before the Council during the public hearing.

Mayor Koho closed the public hearing.

Councilor Watson asked that area "d" be included on map and shown as light industrial.

Councilor Watson moved for a bill for an Ordinance adopting the Chemawa Activity Center with the map amendment on page 18 to include area "D" and list this area as light industrial and also include proposed amendments listed by staff. Councilor McGee seconded the Motion.

In response to a question from Councilor McGee, Mr. Morgan stated an Urban Renewal Agency could be formed to aide in the acquisition of property. Councilor McGee voiced his concern with the strong language included in the Plan that moves toward developing a Urban Renewal Agency.

The Council agreed by consensus to modify the language relating to forming a Urban Renewal Agency to read may or could rather than shall or should.

Councilor Watson verified the Council will have input for the marketing study specifications. John Morgan advised the Council staff would return to the Council once funding is secured for the marketing study.

The Motion passed with the following votes:

AYES: Koho, McGee, Miller, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Keller (1)

Clear Lake Area Comprehensive Plan Land Use Amendment

Mayor Koho reopened the public hearing which was continued from August 16, 1993.

John Morgan stated two specific issues were raised during the August 16th meeting; a proposed park and residential density. He recommended placing a "P" on the land use map for a park on the north side of Labish Creek, indicating a park will be developed at this site. In order to develop a description for the park in the Keizer Comprehensive Parks System Development Plan, the matter should be referred to the Parks Advisory Board for review and development of the language amendments.

Mr. Morgan advised the Council the involved parties had met and agreed on a proposed Comprehensive Plan and zoning pattern that will meet the needs of the future development of the Epping property while also addressing the concerns of the adjacent owners.

Councilor Watson voiced his concern for a City Park that would be landlocked and would only provide access from within. Mr. Morgan stated there is a vacant lot on Rock Ledge Court that could provide access.

Presenting testimony during the hearing were:

Greg Rands, 6813 Rock Ledge Court, Keizer urged the Council to implement the zone change. He hoped the designated Park land will benefit the residents of Rock Ledge Court. Mr. Rands stated the residents of his neighborhood are willing to contribute to the development of the Park. In response to a question from Councilor McGee, Mr. Rands stated he is comfortable with the proposed linear park 100 to 200 feet in width along LaBish Creek. He agreed the Park should be a relatively natural greenway without recreation equipment.

Ron Bassett-Smith, 965 Bair Road NE, Keizer voiced his approval of the proposed zone changes for the Clear Lake neighborhood. He cited overcrowding in the Clear Lake School and public safety as causes for concern.

Ken Sherman Jr., 687 Court Street, Salem addressed the Council as representative to Mr. Epping. He agreed a portion of the property along LaBish Creek should be designated for a Park. Mr. Sherman also stated the easterly half of the property should be zoned for residential single-family and designate the westerly front 33.5 acres for mixed-use. He said an agreement has been reached with the neighbors to the south for a limitation of 150 apartment units on the westerly portion and the density of residential on the mixed-use area would be 8.8 units per acre. Mr. Sherman stated his client's commitment to some form of commercial development on the front property.

Councilor Watson suggested adding language to the finding to require the development of the area within the mixed-use zone to conform with the mixed-use zone as it relates to a compatible mix of residential and commercial uses.

Councilor McGee commended the parties for the willingness to work together on these important issues.

Councilor Watson voiced his concern regarding the linkages of streets within the neighboring developments.

Mayor Koho recessed the public hearing until September 20, 1993.

Keizer Little League Park Conditional Use Permit

Mayor Koho reopened the public hearing from August 2, 1993.

City Attorney, Shannon Johnson outlined the procedure for this hearing.

John Morgan briefly explained issues have been raised since the Council voted to approve the request for lights at the Keizer Little League Park. Mr. Morgan recommended approval of the conditional use with the following conditions:

1. Installation of the lights shall be limited to the Reimann Field at this time. Other proposed fields would require a conditional use application or review by the Community Development Department.

2. The lights shall be designed and installed in a manner that directs lights onto the fields.

3. Operation of the Keizer Little League Park lights should be limited to March 1 through October 31 with the lights being off at 11:00 p.m. The extended hours shall be limited to Monday through Saturday.

4. The boundary fence shall be repaired and permanently maintained by the Keizer Little League.

5. The Keizer Park regulations will need to be amended to include the change in hours of operation.

Speaking during the public hearing was:

Tim Irmen, 2107 Kinglet Way, Keizer whose property is adjacent to the Keizer Little League Park voiced his concerns that the proposed lighting would change the use of the park. He believes the lights will have a direct effect on his home and neighbors. Mr. Irmen also encouraged the Council to limit the installation of lights to one field at this time in order to retain control of the placement of the lights.

Councilor Watson noted a possible ex parte contact when he visited the Holland Youth Park with Clint Holland to observe the installed field lights. He stated this visit to the Park did not alter his decision made at the previous meeting.

Councilor Miller inquired of the fence. City Manager Tryk stated she had observed the fence and noted it will need to be repaired. Mr. Irmen cited his concern for the inefficiency of the present fence.

Andy Orcutt, 2100 Kinglet Way, Keizer stated the fencing is inadequate in height. He recommended a six-foot cyclone fence

along his property. Mr. Orcutt also voiced his concerns that school-age children would be forced to play baseball until 11:00 p.m. and also the amount of light that will shine on his property. Mr. Orcutt questioned the reason for an emergency clause within the draft Ordinance.

Clint Holland, 6488 Crampton Drive, Keizer stated the fence on the south side will be replaced with a heavy duty 6-foot fence. He cited vandalism problems of children coming through the neighborhoods onto the Little League Park. In response to Mr. Orcutt's concerns, the senior league children will play the late night games.

In response to a question from Mayor Koho, Mr. Holland stated the Little League will invest approximately $15,000 to install the wiring for all of the fields. He hoped the Council would not limit this initial expense for only one field. Councilor Miller expressed his concern for approving all five fields to be lighted without approving the schematics for each of the other four fields. Mr. Morgan suggested adding language which would allow the City to review and approve the lighting for the additional fields.

Mr. Holland stated repair work has been started on the fence along the south side of the Park. This fence will end at the gate on the Orcutt property.

Mayor Koho closed the public hearing.

Councilor Miller moved for an Order to approve the application for a conditional use permit to allow certain ball fields to be lighted at the Keizer Little League Complex with these added conditions; an amendment to allow staff to approve the lighting of the additional four fields and installation of a six-foot cyclone fence on the south side to the Orcutt gate. Councilor Patterson seconded the Motion.

Councilor Watson discussed possibilities of revocation of the conditional use permit if the lighting affects the adjacent property owners.

City Attorney, Shannon Johnson suggested the addition of language in Exhibit E - Condition 2 to allow the Community Development Director to approve the lighting plans for the four additional fields prior to construction to help comply with this standard. He also suggested addition of language in Exhibit E - Condition 9; prior to using the field lights, the fence along the western boundary of the Little League Park shall be replaced with a six-foot cyclone fence from the southwest corner of the Little League Complex to the existing gate adjacent to the Orcutt property.

The Motion passed with the following votes:

AYES: Koho, McGee, Miller, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Keller (1)

ADMINISTRATIVE ACTION

Formation of Local Improvement Districts

Public Works Director Wally Mull reported when the City was incorporated in 1982 a policy was adopted to not maintain any streets that were not up to city standards at that time. Previously Council directed staff to explore possibilities to improve Orchard Street, two sections of Fillmore Street and Sieburg Avenue. A meeting was held with property owners to discuss the options for improvement and the formation of a local improvement district with the City. Mr. Mull stated street funds would be available for the construction. He recommended the City initiate a local improvement district to improve these streets.

In response to a question from Councilor McGee, Mr. Mull stated the estimates for each street would be: Orchard Street $50,000, Fillmore Street (2 sections) $57,000 and Sieburg Avenue $42,000.

Glenn Putman, 745 Orchard Street, Keizer favored the improvements. He cited public safety reasons for needed improvement along Orchard Street. He suggested applying gravel to the road immediately in order to reduce the possibility of accidents.

Jerry Taylor, 5060 Joan Drive, Keizer commended Mr. Mull for the informative meeting to discuss the improvements. He stated the City should pay the full amount since the entire community will benefit from the improvements.

Jack Grossnickle, 508 Deaborn N, Keizer stated he has tried to maintain the road since he moved to that location in 1966. He has visited with other residents on Fillmore Street who are also in favor of the improvements. Mr. Grossnickle was pleased to see the City Council move forward on this issue.

Ed McCallister, 750 Orchard Street, Keizer concurred with the improvements and suggested stop signs be placed at all uncontrolled intersections after improvements are made.

Brent Stevenson, 4225 Batting Street, Keizer stated he was not notified of the informational meeting. He felt the City should pay the total bill for the improvements. He cited problems with storm drainage on Sieburg Street.

Patrice Henry, 755 Orchard Street, Keizer stated if the street is improved, traffic from McNary High School will increase. She also concurred the City should pay for the total improvements since all residents of Keizer will benefit from the improvements.

Councilor McGee suggested creating three separate local improvement districts for the improvements to the streets.

Councilor Patterson moved to initiate a Local Improvement District to improve Orchard Street. Councilor Wellin seconded the Motion.

The Motion passed with the following votes:

AYES: Koho, McGee, Miller, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Keller (1)

Councilor Patterson moved to initiate a Local Improvement District to improve two sections of Fillmore Street. Councilor Wellin seconded the Motion.

The Motion passed with the following votes:

AYES: Koho, McGee, Miller, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Keller (1)

Councilor Patterson moved to initiate a Local Improvement District to improve Sieburg Avenue. Councilor Watson seconded the Motion.

The Motion passed with the following votes:

AYES: Koho, McGee, Miller, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Keller (1)

Bid Award - Lockhaven and Trail Avenue Construction

Public Works Director Wally Mull stated the City received three bids for the Lockhaven and Trail Avenue construction project. The low bid, submitted by Mocon Construction, was 40% over the engineer's estimate. Mr. Mull recommended the Council reject the bid at this time.

Councilor McGee moved to reject the low bid submitted by Mocon Construction. Mayor Koho seconded the Motion.

The Motion passed with the following votes:

AYES: Koho, McGee, Miller, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Keller (1)

Establishing the Charge and Terms of the Budget Committee

City Manager Tryk stated these actions would clearly define the functions and terms of the Budget Committee.

Councilor Patterson moved for an Ordinance establishing the charge and terms of the Budget Committee. Mayor Koho seconded the Motion.

The Motion passed with the following votes:

AYES: Koho, McGee, Miller, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Keller (1)

Councilor Patterson moved for a Resolution establishing the adjusted terms for the Budget Committee members. Mayor Koho seconded the Motion.

The Motion passed with the following votes:

AYES: Koho, McGee, Miller, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Keller (1)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

a. RESOLUTION - Bid Award - North River Road Pump Overflow Line and Water Main Improvements

b. Keizer Police Department Annual Report

c. RESOLUTION - Purchase of Mailing System

d. RESOLUTION - Authorizing City Manager to Enter into an Agreement with JVR Inc.

e. Approval of the August 16, 1993 Regular Session Minutes

Councilor Patterson pulled item "c" from the Consent Calendar.

Mayor Koho moved for approval of the remaining items on the consent calendar. Councilor Watson seconded this Motion.

The Motion passed with the following votes:

AYES: Koho, McGee, Miller, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Keller (1)

Item "c"

In response to a question from Councilor Patterson, City Manager Tryk informed the Council there would be minimal impact on the budget. Councilor McGee suggested purchasing the equipment rather than leasing. He also supported the privacy issue of bills being sealed in an envelope. Councilor Miller confirmed Pitney Bowes will cover maintenance costs.

Councilor Patterson moved for a Resolution authorizing the City Manager to Enter into an Agreement with Pitney Bowes, Inc. Mayor Koho seconded the Motion.

The Motion passed with the following votes:

AYES: Koho, McGee, Miller, Patterson, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Keller (1)

WRITTEN COMUNICATION

There was no written communication to come before the Council.

OTHER BUSINESS

Councilor McGee asked for updates on Police Labor Negotiations, Bond Sale, Ordinance Emergency Clause and the 45th Parallel. City Manager Tryk briefly informed the Council on each item.

In response to a question from Councilor Miller, Parks Director, Kevin Wickman advised the Council the September Parks Advisory Meeting has been canceled.

Community Development Director, John Morgan informed the Council there would be a meeting with the Salem City Council and Planning Commission to review the Willow Lake Noise and Order Study on September 16, 1993 at 7:00 p.m. He also advised the Council of the Chamber Luncheon Topic - River Road Redevelopment.

AGENDA INPUT

Councilor Miller asked for a consolidated calendar reflecting all of the scheduled meetings for October.

ADJOURNMENT

The meeting was adjourned at 10:29 p.m.

Tracy L. Davis

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:

Davis Kahn

Jimmy McGee

Marlene Wellin

Chester W. Patterson

Al Miller

(Jim Keller absent)

Gerald G. Nelson