MINUTES

KEIZER CITY COUNCIL
Monday, August 21, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Newton called the regular meeting to order at 7:12 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
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

No public testimony was brought before the Council.

COMMITTEE REPORTS

Jerry Watson, 1237 Manzanita, Chair of Library Task Force-provided a report regarding the telephone survey in which approximately 1000 households were contacted. Mr. Watson noted that 154 surveys were completed.

Cynthia Holt, 683 Faymar Drive-reviewed the results of the telephone survey with the Council.

Mr. Watson shared the two options of library service for Keizer including a branch library or a full-service library and noted the outline for each type of library. He went on to request that the Council pencil in 1.6 million dollars of urban renewal funds for potential use of the acquisition of land and the construction costs of the library building.

Mr. Watson and Ms. Holt answered questions from the Council regarding the outcome of the telephone survey

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noting that they would be bringing a recommendation to the Council in the near future.

Mayor Newton thanked the committee for their report.

OTHER BUSINESS

a. New Business
Hiring Seasonal Employees

b. Old Business
Mayor Newton noted he attended the Mayor's Conference. He indicated a lot of discussion was based upon the nine ballot measures being placed on the November ballot and their effects on the city. Mayor Newton indicated he would be receiving additional information that he would share with the Council.

Mayor Newton provided copies of the minutes from the last WasteWater Task Force Meeting.

Councilor Moir noted the Claggett Creek Task Force was holding their annual meeting on Tuesday, August 22, 2000 at Claggett Creek Park.

Lt. Miranda shared that volunteer Bob Emmerich would be receiving a service award at the Emergency Management Conference in Eugene.

Public Works Director, Rob Kissler noted that the "No Motorized Vehicle" signed had been placed at Country Glenn Park. He also noted that the right of way access along Barnick Road had been completed with the hope that construction would be completed within 60 days.

Responding to questions, Mr. Kissler noted that the River Road overlay contract did not include bus pullouts. He indicated that the purchase of right of way along River Road had not been pursued as the right of way was located a foot and one half behind the current sidewalk.

It was the consensus of the Council to direct staff to put together a plan for the Council's review regarding bus pullouts within the next 45 days.

Public Works Director, Rob Kissler requested input from the Mayor regarding the technical issue in agreeing to stop the SKAPAC Process.

Mayor Newton noted he would like the Council to direct that authority when this issue was brought forward.

Responding to questions, Mr. Kissler indicated he would be seeking an extension with Houck construction to extend some overlay opportunities. He shared would be bringing these projects forward to the Council in the near future.

Mayor Newton suggested that this might be a good opportunity to review the addition of bus pullouts and to form LID's to enable additional street improvements.

Mr. Kissler outlined the Metropolitan Transportation Commission software program developed by the County. He shared that the County rates the streets to indicate what streets need to be paved.

PUBLIC HEARINGS

a. Chemawa Activity Center Plan (continued from July 17, 2000)

Mayor Newton opened the public hearing.

City Manager Eppley reported that the City Council held over the public hearing on the Chemawa Activity Center to receive additional comments and information regarding the Planning Commission responses to the eight- (8) questions Council had posed to them from the CAC Plan. The public hearing was held on July 17, 2000 and continued until this evening. Mr. Eppley supplied a list of his recommendations to the Council.

Jean Johnson, 5862 Rhinestone Court SE, Salem- supplied a copy of a statement which she read to the Council regarding her concerns with the Council's decisions during the last meeting of the Urban Renewal Agency and actions taken by the City over the past ten years. She felt that many of these actions had driven developers away from the project and urged the Council to move the project forward.

Phillip Whittle, 2455 B Street #7, Salem-supplied some of his ideas for development in the Salem/Keizer area.

Myrna Wogglemont, 6255 Radiant Drive NE, Keizer- noted she and other home owners along Radiant Drive do not wish to hinder the development of the area but are not willing to sign an agreement to sell their properties until a price is agreed upon.

Karen Trucke, 6330 14th Avenue NE, Keizer-noted concerns of individuals in the Gubser Neighborhood that a development in the area would destroy the livability of the area.

Bill Wolf, 6629 Jacobe Street NE, Keizer- spoke as Chair of the Planning Commission and the process that had been taking place. He urged the Council to consider who would benefit from the development of the area and stressed that the plan that was developed was for the well being of the city as a whole and not individual property owners. He stressed that the plan submitted by the developer eliminates what is in the adopted plan and urged the Council to reconsider.

With further discussion City Manager Eppley noted that there had not been a request for a text amendment to the Chemawa Activity Center.

Mr. Wolf went on to state that it is not good practice for the City to change the zoning of land to benefit a developer or an individual property owner. He noted that areas of the plan could be modified but if the intent was to throw out the plan he would not agree with this.

Steve Pfaff, 1379 Juniper Street North- Keizer Area Chamber of Commerce President- noted on August 9th the Chamber held a luncheon to allow the members to provide input via a survey that was submitted to it's members.

Rick Roemer, Chair Person for the Government Affairs for the Keizer Chamber of Commerce- reviewed questions and answers submitted from the survey. He indicated that 11.8% of the members polled indicated that the city should not be actively involved in the Chemawa Activity, 41.2% felt the city should take an active roll and 47.1% felt the Council should take an active roll including the use of urban renewal funds. Regarding the removal of the 50,000 square foot building size 11.8% did not know if this should occur, 17.6% felt it should not be removed and 70.6% indicated they felt it would be appropriate to remove the 50,000 square foot limitation requirement. Pertaining to increasing the 11 acres of retail/commercial limit 5.9% did not know if this should be changed, 29.4% indicated no change should be made and 64.7% felt the number of acres should change.

Mr. Roemer went on to state there were many factors in the decisions in which the Council needed to make for this project.

Responding to questions, Mr. Roemer indicated that 25%

of the Chamber members responded to the survey and the Board of Directors had not taken a position on the survey although it was discussed and it was felt that there was more support for the development than not.

Chuck Sides, Developer-provided a handout with three options for the 107 Acres in Area "A'". He noted in Option A the proposal would be to zone 70 acres commercial, balance in the IBP zone, resulting in $100 million in tax value generating $1.3 million in the urban renewal revenue. Option B would include the city purchasing the land and selling it at a reduced rate to the developer, leaving the 11 acres zoned commercial thus resulting in $35 million in tax value. He urged the Council to move forward with an agreement.

Responding to questions, Mr. Sides indicated that they had acquired agreements with property owners for approximately 70 acres of land in Area A.

Don Jensen-as a partner of Mr. Sides answered questions from the Council. Mr. Jensen indicated that for property owners that had not obtained an appraisal that his could be done by the property owner ordering one or a real estate person could offer them an idea of what fair market value of their property would be.

Responding to questions Mr. Sides indicated that an appraisal would be done by the highest and best use as the property is currently zoned.

Dave Hilgeman- noted that rules for appraisal state that an appraiser cannot take into account what is going to be placed on the land to indicate value for the property.

With additional questions, Mr. Sides indicated that prior to developing and presenting a plan they would need to determine if the project would be completed all at once or in pieces. He noted how they would address either issue.

Margery Converse, 1170 Leprechaun Court, Keizer-requested that during the planning process of the Chemawa Activity Center that high priority is given to access and egress into the development. She addressed options that the Council consider development that would benefit the community, such as a swimming pool and recreational facility.

Mayor Newton addressed some of Ms. Converse's concerns noting that the plan had received extensive public input with the intent to not adversely affect the livability of Keizer.

Scott Quakenbush, 2493 Latona Court, Keizer- expressed his concerns regarding the Chemawa Activity Center and housing requirements that may be implemented if 70 acres of retail are allowed within the CAC. Mr. Quakenbush's home abuts the CAC border along the railroad tracks and he hoped a buffer area could be placed between the development and the homeowners along the railroad tracks.

Roger Carter, 1190 Dillon Court, Keizer- has lived in Keizer and owned property in the CAC area for more than 30 years. Felt it was important for the area to develop to allow adequate retail for the citizens in Keizer. He challenged the Council to move forward with the project.

Beth Daniels, 6772 Amy Court, Keizer- spoke regarding storm water control and water quality for Keizer. She explained how changes in the area could effect the water quality for the city and noted some of the initiatives that could be placed within the development to assist with the alleviation of water quality problems.

Mayor Newton tried to alleviate Ms. Daniels concerns, noting they would be an important piece of a master plan. He also thanked her for her comments.

Sharon Walls, 6055 Radiant Drive, Keizer- is a property owner in the CAC and expressed her concerns with the Activity Center Plan as it is written.

Tina Sloan, 5905 Radiant Drive, Keizer- wants fair market value for her property and reiterated some of the history of meetings regarding the Chemawa Activity Center. She also felt additional retail in the area would enhance the city rather than harm it.

Kathy Philbrick, 1180 Lockhaven Drive, Keizer- spoke in opposition to the CAC Development with the additional retail being discussed. She noted three issues that need to be addressed including environmental, quality of life and process. She urged the Council to be patient and to bring in a development that would be an asset to the city as a whole.

Councilor McGee noted that by increasing the tax stream to the city that this would allow for some of the recreation development to take place.

Ms. Philbrick strongly stated that condemnation should not be used for the development of retail. She felt other avenues should be sought to allow better options to the citizens.

Dave Bishop, Area Manager for ODOT- spoke as a member of the Governors Community Solutions Team and explained how they could assist the city regarding funding for community projects and assist the city with meeting the states goals and objectives.

City Manager Eppley recommended that the Council close the public hearing and officially take no action on the Planning Commission responses of the eight questions posed to them regarding the Chemawa Activity Center Plan. He noted the remainder of the recommendations as listed in the staff report.

With no additional public testimony, Mayor Newton closed the public hearing.

Mayor Newton recessed the meeting at 9:12 p.m. and reconvened the meeting at 9:23 p.m.

City Manager Eppley noted that the Business Plan was something that the Council could modify to fit the needs of the plan.

Councilor McGee felt the Council should be ready to receive a master plan from a developer with the proof of capabilities, environmental, transportation issues and the impact upon the surrounding neighborhoods. He stressed without an actual plan it would be difficult for the Council to move forward with the issue.

Councilor Keller agreed with Councilor McGee's comments noting that it would probably take more than 11 acres of commercial retail to see the project develop. He encouraged Mr. Sides to pursue his efforts and to develop a plan for the Council to consider. Councilor Keller went on to note he would be open to Mr. Sides suggestion of developing less than 100 acres of the property in Area A.

With further discussion Councilor McGee stressed that he would not sign an agreement with a developer until a master plan had been approved.

Mayor Newton addressed some of the issues that a developer would need to speak to in addition to the Council and staff's participation in the process.

Responding to questions, Mr. Sides noted the variables that would determine the amount of time it would take to develop a master plan to present to the Council. He went on to state he would not be able to obtain 90% of the property unless the city would use their power of condemnation.

The Council and Mr. Sides discussed the condemnation issue and both sides hesitancy to address this issue with as many as 20 property owners not being under an agreement to sell. Mr. Sides indicated that the agreement which they were asking property owners to sign stated that the property owner could chose their appraiser but he or she would need to be a Member of the Appraisal Institute.

After further discussion it was the consensus of the Council to wait for a plan to be submitted by a developer before seeking additional action.

ADMINISTRATIVE ACTION

a. ORDER- Variance/Flood Plain Development Case No. 00-18 Land Use Appeal (AT&T)

City Attorney, Shannon Johnson reported that during the last Council meeting staff was directed to prepare the appropriate Order granting the variance, which was included in the packet.

Councilor Keller moved an Order in the Matter of the Application of AT&T Wireless Services for a Variance to the Setback Requirements for Wireless Monopole for Property Located at 6494 Windsor Island Road, Keizer, Oregon (Case No. 00-18). 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)

b. RESOLUTION- Revisions to

Councilor Moir reported after significant work on the document Council was reviewing the final document for

Emergency Operations Plan-Section One

adoption.

Councilor Moir made the Motion to adopt the Revisions to the Emergency Operations Plan-Section One (Amending R98-1089). Mayor Newton seconded the motion.

Responding to questions, Mayor Newton noted that his concerns had been addressed in the plan that was before them for adoption.

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)

c. RESOLUTION- Initiating Text Amendments to the Keizer Development Code

Senior Planner, Maria Meier reported since the adoption of the New Development Code technical errors have been addressed as part of the text amendments. Ms. Meier noted a Code Revision Schedule for making these adjustments and requested that the Council adopt the resolution.

Councilor Keller moved a Resolution Initiating Legislative Amendment to Amend the Keizer Development Code (Full Revision 2000-01). Councilor Moir seconded the Motion.

Responding to questions, Mr. Johnson stated that any change to the Development Code was required by law to obtain the Planning Commission's recommendation.

Responding to questions, Ms. Meier indicated she would be willing to have the Development Code be reviewed "at need" rather than on a "quarterly" requirement.

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)

CONSENT CALENDAR

a. RESOLUTION-Authorization for Savings Account with US Bank National Assn.

b. Approval of July 10, 2000 Special Session Minutes

c. Approval of July 24, 2000 Work Session Minutes

d. Approval of August 7, 2000 Regular Session Minutes

Councilor Keller moved for approval of the Consent Calendar. 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)

WRITTEN COMMUNICATIONS

City Manager Eppley submitted a draft review of Request for Qualifications for engineering services. He requested that the Council review and submit their suggests by September 1, 2000.

Mayor Newton noted a letter of commendation from the Keizer Fire District regarding the stolen property that Detectives Isham and Troncoso helped to recover.

Mayor Newton shared a letter from Marion County Commissioner Milne inviting the Council to attend a public safety forum September 14th from 7:30 a.m.- 9:30 a.m.

Patrick Sieng, Public Relations Director for the students at McNary High School invited Council members to attend a Candidates Fair on October 18, 2000.

AGENDA INPUT

September 5, 2000 (Tuesday)
7:00 p.m. Keizer City Council Meeting
- Appropriation of Contingency Funds-Personal Services
- Ordinance-Adoption of Keizer Transportation Plan
- Parks System Development Charge

September 18, 2000
7:00 p.m. Keizer City Council Meeting
- Monterey Development Land Use Case Public Hearing

September 25, 2000
5:30 p.m. Keizer City Council Work Session
City Council Goal Setting

Mayor Newton noted the agenda items.

ADJOURNMENT Mayor Newton adjourned the meeting at 10:16 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:
September 5, 2000