MINUTES
KEIZER CITY COUNCIL
Monday, August 17, 1998
Keizer City Hall
Robert L. Simon Council Chambers, Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:06 p.m. Roll call was taken as follows:

Present:
Dennis Koho, Mayor
Carl Beach, Councilor
Lore Christopher, Councilor
Jim Keller, Council President
Jerry McGee, Councilor
Al Miller, Councilor
Garry Whalen, Councilor

Staff:
Wally Mull, City Manager
H. Marc Adams, Chief of Police
Dianne Hunt, Human Resources Officer
Rob Kissler, Public Works Director
Susan Gahlsdorf, Finance Director
Amy Drought, City Planner
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS

COUNCIL LIAISON REPORTS

Council President Keller reported the **Planning Commission** met on Wednesday, August 12, 1998. Discussion items included the goals and policy for the Keizer Transportation System Plan an a brief discussion of the Chom Construction partition case that is on the agenda for tonight.

Craig Campbell, Chair of the **Community Policing Committee**, pointed out a copy of the draft Community Policing Strategic Plan was distributed to the Council. This will be the last draft until the Police Department has an opportunity to prepare their portion of the plan. He requested any input or questions be directed to

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himself or the committee. Mr. Campbell noted the Committee has attempted to include measurable outcomes for the goals and strategies to determine if they have been beneficial to the community.

Jim Keller, Council President reported the subcommittee for the renovation of the **Old Keizer School** has met with members of the Keizer Heritage Foundation and Chamber of Commerce to discuss the future of this project. At this time, the Chamber of Commerce has announced they are no longer interested in assisting in this project. As promised earlier this year, the Keizer Heritage Foundation has been working on the exterior of the school recently. Holly Erickson, President of the Keizer Heritage Foundation has submitted an annual report detailing the accomplishments and goals.

After many discussions, Council President Keller requested the Council consider conveying an agreement to the Keizer Heritage Foundation that the exterior (painting, landscaping, cement work) will be completed this year and the interior be completed as funds become available. Council President Keller also announced Al Rasmus has volunteered to provide his expertise to the Keizer Heritage Foundation to investigate and pursue new funding sources.

Mayor Koho announced his support for the concept as outlined by Council President Keller. He is an advocate of this project and would be willing to provide some public funds for the renovation when the time is appropriate.

Councilor McGee expressed his appreciation to Council President Keller for his participation on this venture. He requested a specific date be determined for the completion of the exterior projects. Councilor McGee suggested this work be completed by September 30, 1998, as previously stated by Ms. Erickson. This timeline would be in the best interest of the neighbors.

Council President Keller pointed out some of the volunteer work being provided is from contractors who are busy with their professional trade at this time. In order to provide flexibility, he believed a December 30th deadline would be appropriate.

Councilor Whalen acknowledged a time certain for completion for the exterior projects should be determined. He understood a business plan and budget is being developed by Mr. Rasmus at this time.

Councilor Beach announced he was unaware the Chamber of Commerce would no longer be participating in this project. He requested additional time to review the annual report , the business plan, and also the terms of the lease agreement, which he believes is expired. Councilor Beach noted his appreciation for the work that has been complete so far, however he is concerned with the future of the project. He requested a definitive plan be provided to the City Council.

Councilor Miller also expressed his surprise that the Chamber of Commerce would no longer be a participant in this project. He requested additional time and information to review the status of this project.

Council President Keller pointed out the lease agreement has not expired. Furthermore, specific details of the renovation are not included in the agreement. He suggested the Council work with the Keizer Heritage Association on a specific timeline for improvements.

Holly Erickson, Keizer Heritage Foundation President, 4775 Verda Lane NE, Keizer reported the Heritage Foundation began negotiations with the Chamber of Commerce a few months ago on the renovation project of the old Keizer School. Due to reasons that are not clear to her, the Chamber of Commerce announced on August 13th they would no longer participate on the project. Ms. Erickson indicated improvements are continuing to be made on the project. In addition, a business plan is being put together by Mr. Al Rasmus and a financial report should be forthcoming.

Responding to Councilor Beach, Ms. Erickson indicated the architectural bill is the only outstanding account to be paid at this time. She pointed the Heritage Foundation has been very cautious in spending. Presently, the balance of the bank account is approximately $17,000.

Mr. Erickson believed the exterior projects as listed by Council President Keller could be completed by September 30th, 1998.

Possible detriments to completing this work on time would be weather or lack of volunteer assistance. She noted all of the exterior projects are being completed by volunteers.

Councilor McGee pointed out the completion of the exterior projects would be a great benefit to the community. In addition, the completed improvements could generate enthusiasm for additional donations and restore the credibility for completion of this project.

In response to an inquiry by Councilor McGee, Ms. Erickson indicated the Chamber of Commerce did not resign from the project due to the lack of potential in the completion of the project.

Jim Hupy, Keizer Florist, 631 Chemawa Road NE, Keizer pointed out he is a member of the Keizer Heritage Foundation Board and also a member of the Chamber of Commerce. He and his wife have fully supported, both monetary and labor, the renovation of the old school building since 1993. He questioned the City Council's support for the renovation of the school. He understands the Council's desire for accountability, timelines, and financial reports. Mr. Hupy thanked the citizens of the community for their dedication and support for this project.

Mr. Hupy explained the goal of the Keizer Heritage Association is to provide the community with a place for many civic groups and events to take place. He noted the Keizer Heritage Foundation has discussed a business plan and will pursue completion of this in the near future. However, the ultimate goal at this point is to complete the renovation of the building. He believes the lack of this business plan lead to the resignation of the Chamber of Commerce on this project.

Councilor Beach reiterated the Council's concern that this project be completed in the near future. He

Mr. Hupy pointed out the Keizer Heritage Association has been conservative from the beginning of this project without incurring and indebtedness. He requested the Council express their support to the community for this project.

Mayor Koho pointed out he is encouraged by the support and direction this project is taking.

In response to a question by Councilor Christopher, Mr. Hupy believed Al Rasmus would be completing the business plan in the near future. Councilor Christopher expressed her appreciation to the Keizer Heritage Association for their work on this project.

The Council agreed by consensus that the exterior improvements to the old school building (painting, landscaping, and cement work) would be completed by September 30th. If any unforeseen weather calamities or volunteer failure are experienced the Council should be notified of these. The Council requested the City Attorney prepare an amendment to the lease outlining these expectations.

Councilor Beach requested an additional phrase be added that completion of the project should occur within one year.

Councilor McGee pointed out he does agree that the entire project must be complete in one year.

Mayor Koho expressed his interest in completing the project in order for the City to utilize the space currently being occupied at City Hall by the Keizer Art Association and Reading Connection.

Mayor Koho requested the rotation schedule for the Council **Management Committee** be monitored to assure the tenure of the Councilors is mixed.

Mayor Koho expressed his appreciation to **Kathryn Vannoy** for her volunteer work on the CCTV crew in the broadcasting of the Council meetings. He wished her the best in her studies at Chapman University.

OTHER BUSINESS

Chief Marc Adams announced on Saturday, August 22, 1998 there will be a Kid's Day at the Keizer Police Department from 11:00 a.m. to 4:00 p.m. at the Chalmers Jones Park.

Chief Adams also announced the recent hiring of two certified Police Officers. They will begin on Monday, August 24th. Also, the finalist for the Police Support Specialist will take place on Tuesday, August 18th.

In addition, Chief Adams reported the donations for the K-9 unit have exceeded $10,000 and are still being collected.

Rob Kissler, Public Works Directed thanked the Parks Advisory Board for a great job on the annual Parks Tour and dinner hosted at Claggett Creek Park. He believed it was very informational for the Council, Board, and staff.

Councilor Keller also commended the Parks Advisory Board for their work on annual parks tour. This was an excellent tour and he appreciated the staff members being involved. He hopes this continues on an annual basis.

Wally Mull, City Manager announced the Municipal Court Amnesty Week which will take place during the week of August 24th, 1998. Several press releases have been sent out and notices posted in the area.

Mr. Mull also announced the pre-construction meeting on Iris Lane took place earlier today and they expect to start construction on Wednesday, August 19th.

Councilor Beach commended Shirley McGee for the nice article in the Statesman Journal and thanked her for her continued attendance at the meetings.

PUBLIC HEARINGS

Mayor Koho reopened the public hearing continued on August 3, 1998.

WITTENBERG LANE STREET LIGHTING DISTRICT

Wally Mull, City Manager reported Mr. Wittenberg is working with Portland General Electric and the City Engineer to install decorative lighting similar to those in the surrounding area. The costs of this option will affect this allocated cost in the ordinance. He recommend the hearing be held over until the next meeting.

There was not testimony to come before the Council.

Mayor Koho continued the hearing until September 8, 1998 at 7:00 p.m.

ADMINISTRATIVE ACTION

APPEAL OF HEARINGS OFFICER DECISION – PARTITION CASE NO. 97-22 AND PARTITION /ADJUSTMENT CASE NO. 98-03 (CHOM CONSTRUCTION)

Mayor Koho noted the public hearing on this matter was closed on August 3, 1998.

Amy Drought, City Planner explained the Council needs to make two decisions tonight. In partition case no. 97-22 a decision needs to be determined what constitutes a front lot line for lots 2 and 3. The Hearings Officer concluded it was the lot line facing the easement. On case no. 98-03, partition/adjustment, a determination needs to be reached on where to measure from to determine the lot depth.

Shannon Johnson, City Attorney added the motion should be an interpretation decision by the Council.

Responding to Councilor McGee on case no. 97-22, stated the previous practice of the Planning Department has been to use the front lot line that faces the public right of way, in this case Shady Lane. This is consistent with the language in the newly adopted development code.

Councilor McGee supported following the previous practices of the Planning Department.

Councilor McGee moved to uphold the staff recommendation of using the lot line as currently interpreted as being parallel to the public street.

There was no second to the motion.
Mayor Koho moved to uphold the hearings officer decision in case no 97-22 (agreeing with the analysis in terms of the Hearings Officer's interpretation). Council President Keller seconded the motion.

Council President Keller confirmed that the new development code does not contain different language when determining what the front lot lines for the interior lots would be.

City Attorney Johnson indicated the new code discusses setbacks from easement.

Councilor Whalen pointed out the past practice of the Planning Department has been to view the front lot line parallel to the public street. Most of those partitions created one single lot with a side driveway. However in this case he believes it is important to uphold the hearings officer decision. Councilor Whalen requested the Mayor form a task force to visit what issues this case has brought to our attention and discuss potential amendments to the code.

Mayor Koho suggested Councilor Whalen and Council President Keller, Planning Commission Council Liaison, and Chair of the Planning Commission to be on this task force.

Councilor Beach supported the hearings officers decision in measuring the lot line from the easement. He believes this analysis be included in the development code so this interpretation problem will be clear in future infill projects as this.

The motion passed as follows:

AYES: Beach, Christopher, Keller, Koho, McGee, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Council President Keller moved to uphold the hearings officer decision and analysis in case 98-03 – partition/adjustment. Council Whalen seconded the motion.

In response to an inquiry from Councilor McGee, Ms. Drought explained that the language in the old code is the same as the new code language in how you measure to determine lot depth. She stated there are differences in the codes in related issues such as measuring setbacks and whether the easement is included when determining the lot area. Previously, the City has always determined the property line is the point at which you measure from to determine lot depth.

Ms. Drought further explained that each lot must have a minimum depth of 70 feet. Historically, this has always been measured from the property line. In case no. 98-03 it is 64.5 feet using this measurement. However the Hearings Officer determined it must be measured from edge of easement which would make it only 52 feet. This measurement is below the criteria for an adjustment.

Mr. Johnson explained a set back is measured at the time of building permit. It is not an issue at this time.

Mayor Koho believed there will be a great difference if the property line is used to measure the setback rather than using the center of easement. Therefore he is in support of the hearings officer analysis in this case.

Councilor Beach believed if you are paying taxes for the entire lot (including the easement area) you should be able to develop or use this lot to the property line. He believes the property line is the logical point to measure the depth from.

In response to a statement from Council President Keller, Ms. Drought explained the building setback is measured differently than lot depth. The new code there is a provision to require buildings or structures to be set back a minimum of five fee from the edge of easement. However, in determining lot depth there is no difference in terms of the language or definitions or giving staff directions in how to determine this.

Council President Keller pointed out if the subject property is allowed to build as requested, the lot to the west would not be allowed to develop similarly. Furthermore, there are similar lots along Shady Lane that would have similar development issues.

Councilor Miller supports the hearings officer decision as measuring from the easement line. Depth requirements are for several purposes, one to insure proper dimensions in order to place buildings on lots and have adequate surrounding areas. He is uncomfortable with a 52 foot depth measurement.

Councilor McGee indicated by supporting the hearings officer interpretation it will have a dramatic effect on property owners opportunity wishing to developing their own property in an infill pattern. Historically the staff has measured the lot depth and square footage from one property line to the parallel property line. This decision changes this practice. The newly adopted code allows for infill, however this decision of the hearings officer will prohibit it. Furthermore, Councilor McGee expressed his desire to allow infill development for the benefit of the community.

Mayor Koho believed this decision does not prohibit infill, only sets limits to manage it. He hoped there would be additional future discussion to set public policy on matters of this nature.

Councilor McGee expressed his desire to look at issues regarding infill in more detail and make modifications if necessary. However, we shouldn't stop previous practices while making these decisions.

Councilor Whalen pointed out because of the issues raised by Councilor McGee, it is imperative that the hearings officer decision be upheld and allow the time to create tools to identify how to develop infill in a way that is compatible with the existing neighborhoods. This is a conservative stance, however in the mean time accurate standards can be redefined when envisioning the future development of this type.

Council President Keller stated the density standards set for the City are being met at this time. Therefore, the City should allow time to review this entire issue. He believed infill development was not intended to benefit one property owner to the detriment of another property owner.

Councilor Beach commented that each party in this matter has followed the law and therefore it is unfair not to allow the development to occur as allowed by the existing code.

Councilor Miller disagreed with the comments made by Councilor Beach. He noted staff issues an interpretation using the code, however policy decisions are made by the Council. When establishing a policy, the future types of development must be considered. He does not believe by upholding the hearings officer decision it puts a moratorium on infill development.

Councilor McGee pointed out the newly adopted development code was created over a three-year period. During this time, we did not deny building permits because the details of the code were not finalized. They were allowed to build under the current development code adopted in 1987. In this case, it is not fair to restrict development until refinement of the code takes place. It should be decided under the present rules.

Councilor Miller disagreed noting decisions were made by a staff interpretation previously. This case is the first to come before the Council on a policy decision.

Councilor Christopher expressed her support of the statement made by Councilor Miller. By upholding the decision of the hearings officer, it allows Council to change the direction and look towards future development of Keizer. Development needs to be conducive to the community.

Shannon Johnson, City Attorney announced Council President Keller's attendance at the Planning Commission meeting on August 12th does not constitute an ex parte contact. It was a public meeting where the Planning Commission chair requested an update of the issue.

<u>The Motion passed as follows:</u>

<u>AYES:</u> Christopher, Keller, Koho, Miller and Whalen (5)
<u>NAYS:</u> Beach and McGee (2)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> None (0)

Mayor Koho directed the staff to return with the appropriate Orders on September 8, 1998.

RESOLUTION – AUTHORIZING CITY MANAGER TO ENTER AGREEMENT TO PURCHASE COUNTRY GLEN PARK

Wally Mull, City Manager reported during the development process approval of the Country Glen Subdivision, it required the dedication of a 5.6 acre parcel of land to be donated for the purpose of a neighborhood park. Since the time of development approval, staff and the developer have been negotiating a price for this parcel. Mr. Mull announced the agreed upon price is $87,000. Furthermore, during the time this subdivision has developed, the City has collected $59,.000 in parks system development charges and anticipates an additional $8,100 on lots that have not been developed as of this time. In addition, Mr. Epping has 33.07 acres of land designated as Mixed-Use which could generate as much as $60,000 in parks system development charges.

In response to an inquiry from Mayor Koho, the negotiated price two years ago was higher than the $87,000, however due to the flooding potential the price was lowered to this amount.

Responding to a question by Councilor Christopher, Mr. Johnson believed previous discussions indicated the parcel was worth more than the $87,000. The developer's estimate of the maximum parks system development charges was $87,000. The hearings officer decision in the development process indicated the City and the developer must reach agreement on the price.

Councilor Christopher questioned if this matter has been reviewed by the Parks Advisory Board. She believed this would be the appropriate avenue prior to a final decision to purchase the parcel.

Councilor Christopher moved to refer this matter to the Parks Advisory Board for consideration. Mayor Koho seconded the Motion.

Councilor Beach questioned the ability to develop this parcel due to the flooding history of this area.

City Manager Mull did not believe the planning decision in 1993 did not pinpoint the exact location of the parcel. The parcel location was determined during the negations for purchase.

The Motion passed as follows:

AYES: Beach, Christopher, Keller, Koho, McGee, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

Items on the Consent Calendar were as follows:

a. Resolution – Initiating Forrest Ridge Estates Street Lighting Local Improvement District

b. Resolution – Initiating Wheatland Terrace Street Lighting Local Improvement District

c. Resolution – Authorizing City Manager to Enter Agreement for Paving of Keizer Little League Southern Parking Lot

d. Approval of August 3, 1998 Special Session Minutes

e. Approval of August 10, 1998 Work Session Minutes

corrected on September 8, 1998 tx

Council President Keller moved for approval of the items on the consent calendar. ~~Council President Keller~~ Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Christopher, Keller, Koho, McGee, Miller and Whalen (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

WRITTEN COMMUNICATION

Mayor Koho announced receipt of a letter from Senator Qutub regarding the Senate's process in prison-siting. The letter requested a "resolution of interest" from governing bodies. Mayor Koho suggested the City adopt a resolution of disinterest in having a prison facility in this area due to the near location of several other prison sites.

Councilor McGee questioned the need for a resolution of disinterest rather than not taking any action.

Mayor Koho believed there was a motive to move another prison facility to this area due to the abundance of state owned properties in the area. He believes this action would be proactive.

The Council agreed by consensus to direct staff to prepare a Resolution of disinterest in siting a prison in the Keizer or surrounding area.

In regards to a memorandum written by City Manager Mull regarding the Trail/Manzanita property directed to Wayne Truke, Gubser Neighborhood Association President, Mayor Koho requested additional clarification of some points.

Councilor Miller explained the memorandum suggesting using this parcel as a park, however this would not be at the City's involvement or expense. If the Gubser Neighborhood Association wishes, they could match the existing offer and purchase the property for what they deem appropriate. This issue has been pending for 3-4 years and no resolution has been made to this point.

City Manager Mull stated this was the purpose of the letter to give them an opportunity to provide final input on this issue. Therefore the Council will have all the necessary information when making a final decision on the issue.

Councilor Miller noted the letter does not specify that they must purchase the parcel to develop it as a park. He believed this needs to be very clear to the Association. Furthermore, it should be noted that the City has received an offer on the property.

Councilor Keller believed the Association meeting will be held on August 20th and it should be clear there is a pending offer.

Mayor Koho directed the City Manager to clarify these points with the Gubser Neighborhood Association prior to their meeting on August 20th.

AGENDA INPUT

Mayor Koho noted the agenda input items. He reminded the Council of the City Manager evaluation scheduled for Tuesday, September 8, 1998 at 5:30 p.m.

ADJOURNMENT

The City Council meeting was adjourned at 8:59 p.m.

Tracy L. Davis

Tracy L. Davis, CMC
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Garry Whalen

Councilor #1 - Garry Whalen

Lore Christopher

Councilor #2 - Lore Christopher

Council President - Jim Keller

Carl E. Beach

Councilor #4 - Carl Beach

Al Miller

Councilor #5 - Al Miller

Jerry McGee

Councilor #6 - Jerry McGee

Minutes approved:

September 8, 1998