

**MINUTES**  
**KEIZER CITY COUNCIL**  
**SPECIAL SESSION**  
**Monday, August 11, 1997**  
**Keizer City Hall**  
**Robert L. Simon Council Chambers**  
**Keizer, Oregon**

**CALL TO ORDER**

Mayor Koho called the special session to order at 5:33 p.m.  
Roll Call was taken as follows:

**Present:**

Dennis Koho, Mayor  
Carl Beach, Councilor  
Jim Keller, Councilor  
Jerry McGee Councilor  
Garry Whalen, Councilor  
Dawn Meier, Councilor  
Al Miller, Councilor (arrived at 5:35 p.m.)

**Staff:**

Wally Mull, Co-City Manager Pro Tem  
Tracy L. Davis, City Recorder

Mayor Koho announced that City Manager interviews with the three finalists are scheduled for Monday, August 25 starting at 3:30 p.m. Each interview will take approximately one hour. Prior to that time, Councilors will receive more complete information about the format for the interview process.

**DISCUSSION**

**Update on Labish Ditch  
Issues**

Before presenting the report on Labish Ditch, Co-City Manager/Public Works Director Mull reported on two other related issues.

Mr. Mull reported that the Willamette River revetment repair work at the Keizer rapids (Chemawa and 15th Street), which has been scheduled for the last 18 months, will begin around the end of August. Also, he was informed by the Army Corp of Engineers, last week, that they have funded the reconnaissance study of the dike, and will be here on August 29 to do a physical inspection.

Mr. Mull reported that efforts to pursue the possibility of purchasing homes in the flooded area of Labish Ditch by way of the Soil and Conservation Emergency Watershed

Protection Program have been unsuccessful. The City was informed, last week, that no funding is available to purchase those structures at this time.

Mr. Mull reported that pursuant to Council's direction, staff had an independent engineering firm look at Multi-Tech Engineering's plans and cost figures for widening Libish Ditch as proposed by the developers. City Engineer Bill Peterson contacted Woodward Clyde, out of Seattle, Washington, the firm who did work for Keizer and FEMA subsequent to the 1996 flood. Mr. Mull deferred to Mr. Peterson and Paula Cooper from Woodward Clyde to provide information and answer questions.

City Engineer Bill Peterson advised that he and Paula Cooper looked at Council's questions, and listened to concerns of some of the people downstream, particularly in the McNary Estates area. Woodward Clyde did their analysis using that information along with data collected in their work for FEMA to revise the floodplain maps for the area. Mr. Peterson noted that Ms. Cooper would be presenting the report and bottom-line findings.

**Paula Cooper, representing Woodward Clyde,** described how she used the model developed for FEMA to come up with flood-level projections based on a channel improvement with a 20-foot wide bottom and 2/1 side slope. The finding for the 10-year flood event was about a 1 1/2 to 2-foot reduction in flood levels from the FEMA levels—the highest reduction being upstream of River Road. For the 100-year flood event, the finding was a 2-foot flood level reduction at the railroad, down to a 5-foot reduction. Another run was done using the new floodway. (Ms. Cooper pointed out the area on the new floodplain and floodway map.) After looking at the projected flows, it was their conclusion that the proposed channel improvement would not take all of the water.

Ms. Cooper noted that they also looked at the increase in flows going downstream since the water would no longer be stored in the floodplain upstream. Another model, taking away this storage, indicated for the 10-year flood, increases of up to 6/10-foot downstream at McNary, and for the 100-year flood, a 2/10-foot increase in flood depths. Ms. Cooper noted, however, that the study concluded that for all floods, the water would still be contained within the channel.

For clarification, Mayor Koho paraphrased Ms. Cooper's

report. That the proposals would help some, but not enough. Therefore, they would not have a significant impact. The water would still be contained within the banks, but flooding would still occur where it flooded before.

Mr. Peterson brought up the issue of whether or not water from the Little Pudding River basin should come through Keizer. He noted that measurements of water surface elevation on both sides of the Parkersville Dam consistently found the water to be higher on this side. He saw the lack of storage during a storm event as very important to Keizer, and suggested that Ms. Cooper remain on board to help analyze the basin, and to determine whether that kind of flow should be coming into Keizer. He pointed out the importance of a more comprehensive look at the entire basin to make sure that flow projections are correct. Mayor Koho agreed on the need, but noted that it would not help for the next rainy season.

Ms. Cooper responded to questions about interaction through the Parkersville Dam. To look at the issue comprehensively would require looking at the entire upstream drainage area of the Pudding River. Ms. Cooper perceived some potential for less flow coming over the dam than shown in the model. When asked if a comprehensive study would also include flows through Claggett Creek, neither Ms. Cooper nor Mr. Peterson saw Claggett Creek as having any impact on what might be done in the Labish Ditch basin.

In response to a question from Councilor Miller about projected water levels at the McNary Golf Course, Ms. Cooper further explained modeling that was done to make sure that removal of upstream storage in the floodplain would not have an adverse effect downstream. She referred back to the figures that she gave earlier indicating a slightly higher flow than without removal of the upstream storage, and the conclusion that the flow would still be within the channel.

Mr. Peterson responded to Councilor Miller's follow-up question of where the water came from in the February flood when the golf course had several feet of water on it. He explained that the water came from backflow from the Willamette River. Mr. Peterson confirmed for Councilor McGee that the golf course was designed for water retention. He noted that the February flood was determined to be a 50-year flood. The floodplain maps indicate the

difference between a 50-year and 100-year flood to be approximately one foot. Mr. Peterson noted that during a 100-year flood the water surface elevation would be near the curb heights at McNary.

Mr. Peterson explained for Councilor Beach the benefits of the proposed bridge at River Road. He noted that the culvert currently at River Road doesn't have the capacity, during a 100-year flood event, to prevent the water from going over River Road. It is projected that a bridge will eliminate the problem and lower the water surface, and keep the water within the banks on both sides.

Mr. Peterson again stressed the importance of determining the correct flow coming in from the east. Ms. Cooper suspected that such a study would take about six months. She was unsure of the costs. She confirmed that it was too late to do anything before this winter.

Councilor Keller questioned which channel Ms. Cooper was referring to when she said water would stay within the channel. He could not understand how the water could stay within the channel since the two sides of the area he envisioned were of different heights. Mr. Peterson suspected that Councilor Keller was thinking of the Claggett Creek Channel. He clarified that Ms. Cooper started at Claggett Creek and went upstream on the Labish Ditch channel. Ms. Cooper did not cross-section Claggett Creek.

Mr. Peterson and Mr. Mull responded to questions about the status of efforts to obtain information about Parkersville Dam. Some of the records requested have been received, but not all. Staff is taking legal measures to obtain the information. Mr. Peterson and Mr. Mull were unsure whether the flappers on the dam were now operating.

Councilor Meier questioned the possibility of the underground water table adding to the flooding problem when the Willamette River rises. Mr. Peterson explained the movement of water through the water table. He concluded that the water table would not be a factor.

Noting conditions that have increased the potential for flooding, and the fact that measures are being taken to provide some relief, Mayor Koho put forward for discussion the idea of reservoiring the water. He acknowledged that although probably a good solution, it would be expensive.

Mr. Peterson stated that the idea was looked at. He noted that it would take a sizable lake to store the amount of water talked about, and would require having flooding easements over quite a bit of property. The standard procedure would be to create some dike areas. He indicated that the amount of area could be calculated by Ms. Cooper using the data she has collected.

Mayor Koho was unsure of a funding source, but felt that the idea should be looked at as a long-term option, but not to the delay of any other measures.

Mr. Peterson responded to questions about restricting the flow coming through the I-5/35th Street Culvert. It would create more flooding in farmland upstream, and because the area is a designated floodplain, it would require approval through FEMA. Mr. Peterson acknowledged that it would be a good place for a reservoir.

Councilor Keller indicated that he would like to see two things occur: putting the request for information from Parkersville Dam on the fast track, and checking with FEMA to restrict the inflow. Mayor Koho did not disagree, but for the moment, saw the issue of the bridge and improvements as uppermost. He had Ms. Cooper repeat the figures for the projected reduction in flows upstream. Mr. Peterson commented on the implications for residences in the previously flooded area. For a 5-year to 10-year storm the channel would keep the water at or near the top of the curb at Jakewood Court. For a 10-year storm, the water would be about three feet above the top of the curb.

Mr. Peterson confirmed for Councilor Whalen that for a local flood event not involving a Willamette River water problem such as the 1996 flood, the proposed improvement would handle the flow through McNary Estates.

Councilor McGee could see advantages in doing the bridge improvement at River Road, but saw the proposed channel improvement as inadequate since it would not handle a 10-year storm or greater.

Focusing on what could be done to help the people impacted by the flooding, and where to place the biggest emphasis, Mr. Peterson stressed the importance of the bridge project. He also emphasized the need to exert pressure on the Parkersville Dam people to ensure that water on this side of the dam does not get higher than the

other side, even to the extent of a court order if necessary.

Mayor Koho acknowledged Mr. Peterson's recommendation of the bridge project on River Road, and questioned whether he also recommended the ditch improvement project. Mr. Peterson was reluctant to recommend against the project, noting its merits if even one person were to benefit from it. However, on the large scale, he was unsure of the benefit. Although a benefit would be realized based on the flows in Ms. Cooper's computer model, Mr. Peterson reiterated his question of the accuracy of those flows. Although it might be possible to get a benefit by putting in the channel, Mr. Peterson perceived that it couldn't be done this year based on the extensive approval process.

Councilor Miller expressed concern about putting in a bridge with some factors still unknown. He also questioned the possibility of a fenced-over, concrete lined channel as was done in south Eugene. Mr. Peterson pointed out the disadvantages of such a structure, noting the potential for a higher rate of flow downstream.

Councilor Beach suspected that neither the bridge nor other improvements could be done this year. He indicated his preference for an overall study, with options and related costs for dealing with all the problems.

Mr. Peterson pointed out the involvement of other jurisdictions such as Marion County and ODOT when getting into a comprehensive analysis. He suggested that it might be advisable to first have a meeting with the impacted jurisdictions to discuss the pros and cons of doing the all-encompassing analysis.

Councilor Beach stressed the need to move forward on the Parkersville Dam issue. He agreed with involving all the impacted jurisdictions in any solution.

Councilor Keller asked Mr. Peterson about the possibilities for, this year, putting some kind of restrictor on the culvert under I-5. Mr. Peterson indicated his reluctance to recommend undertaking such an effort. He felt that it first needed to be known whether or not some artificial restraint at the Parkersville Dam was causing an excess amount of water to come this direction. He noted that the question would then be whether that restraint should be removed, or the water should be blocked at this end. He emphasized the importance of attacking the problem at the source to

avoid an unnatural situation.

Councilor Miller recalled hearing, in February of 1996, of an ODOT plan to raise the elevation of Portland Road to reduce the volume of flow coming this way. Mr. Peterson had in his office a copy of the plans drafted in the 1970's. He noted that the farmers on the other side were successful in getting a court order to stop the project.

Councilor Meier asked for comment on Multi-Tech Engineering's proposal to put a berm on the east side of Country Glen homes. Mr. Peterson and Ms. Cooper had looked at the proposal. Mr. Peterson recommended against it as being an improper restriction of the flow. He saw as the main issue, coming up with some way to make sure the water no longer flows down Parkside Drive.

Based on the information provided, and what he perceived to be Council's direction, Mayor Koho suggested the following measures: To go forward, with speed, to resolve the issue with Parkersville Dam; to go forward with the study and come back with an action plan for 1998; to go forward with the bridge project; in the study, to look at the reservoir issue; and finally, to put together a task force to follow through on some of the issues. The task force would include residents east and west of River Road, a representative of the dam, someone from Marion County, and a couple Councilors.

Councilor Keller had no problem with the suggestions, but was still concerned about the negative impact of an increased flow on McNary Golf Course and McNary Heights. He, however, anticipated that the study would address the issue before the bridge is built.

Councilor Miller also did not disagree with Mayor Koho's suggestions. He requested that Mr. Peterson, additionally, explore the issue of the ODOT plan for Portland Road to see if anything had changed that would lend merit to the proposal.

Councilor Whalen agreed with the direction. He requested that staff, within the next seven to ten days, provide a realistic and attainable timetable.

Mayor Koho suggested that Councilors provide him with names of people who might be interested in participating on a task force.

Councilor Meier questioned the timeline for the permit process to do the proposed improvements. Mr. Peterson reiterated that he is not recommending that there be an improvement of the ditch unless the bridge is built to handle the increased flow. The funding for the bridge is not yet sure. He believed that if the funding were approved today, there would not be time to build the bridge this year.

Since it appeared there wasn't time to take any major steps this year, Councilor Meier stressed the importance of proceeding quickly with all efforts to ensure that something is done next year. It was Mayor Koho's hope that, this season, something could be accomplished with the dam.

#### **Keizer Baseball Stadium Traffic Plan**

Co-City Manager/Public Works Director Mull reported that in response to concerns expressed about the traffic movement on Radiant Drive before and after baseball games, he and City Traffic Engineer Dick Woelk visited the site and observed the traffic on two occasions. Mr. Mull made reference to a memo from Traffic Engineer Woelk listing his observations and recommendations. He also referred to recommendations submitted by Karen and Wayne Trucke, and noted that many of Mr. Woelk's recommendations agreed with those of Mr. and Mrs. Trucke. The exception was a recommendation from Mr. and Mrs. Trucke to keep Radiant Drive two-way traffic at all times. It was felt that this late into the season, such a major change would cause confusion. Mr. Mull noted, however, that last Wednesday night a police officer was stationed at the exit to the stadium an hour earlier to advise motorists leaving by way of Radiant that it was two-way traffic until switched to one-way at the ninth inning.

Mr. Mull noted that the Volcanoes management has worked with the City, and has revised 7th and 8th inning announcements to let fans know that prior to the end of the game Radiant will be two-way traffic, and then after the game, one-way. A new map will be distributed at the games that emphasizes the use of the east entrance and exit. The map will also be published in the newspapers, and provided to radio stations. No other major changes are planned at this time.

Councilor Keller encouraged strict enforcement of the two-way traffic pattern. Mr. Mull confirmed that citations are being issued.

Councilor Meier suggested that a more understandable map be used.

In looking at the verbiage for the 7th and 8th inning announcements, Councilor Miller suggested that the wording be changed to state that "After the 8th inning" Radiant Drive traffic will be one way, rather than "After the Game Tonight."

Mr. Mull responded to questions about the process and timeline for distributing maps. He also acknowledged that although defining a specific time for changing Radiant to one-way traffic was discussed, it was felt that specifying an inning would be less confusing.

Councilor McGee wondered if the traffic pattern would be reviewed after this season to see if changes needed to be made before next season. Mr. Mull answered that it would be looked at immediately after the end of the baseball season since other events will be coming soon. After discussions with Mr. Walker, the owner, a plan will be put together for those events, and for next year's baseball season. Mr. Mull acknowledged that the Gubser Neighborhood Association would be involved.

#### **Charles Stull Termination Appeal**

Mayor Koho advised that the matter of Chief Stull's termination was discussed on July 14 in executive session. In open session following the executive session, Council took action with regard to the appeal. Unless further consideration was desired by the Council, that action would stand.

Councilor McGee moved that if the attorney for Charles Stull offers the waiver proposition again, it be accepted. Councilor Beach seconded the motion.

Councilor Miller suggested that a more proper motion would be to rescind the action of Council. Also, rather than waiting to hear from Mr. Stull's attorney, Councilor Miller felt that the City should initiate the contact.

Councilor McGee emphatically disagreed that the City should make the contact. His primary intention was to rescind the action to hear the appeal.

With the consent of the second, Councilor McGee withdrew

the motion on the floor, and made the following motion.

Councilor McGee moved to rescind the action taken by the City Council on July 14, 1997 to hear the Charles Stull termination appeal. Councilor Beach seconded the motion.

The motion passed by the following vote:

AYES: Beach, Koho, McGee, Meier and Miller (5)

NAYS: Whalen and Keller (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor McGee moved that if Mr. Stull or his attorneys withdraw their request for a hearing, the City will not raise as a defense in any subsequent lawsuit failure to exhaust administrative remedies, and the City would agree to a waiver of the requirement for a hearing. Councilor Miller seconded the motion

Councilor Keller advised that he would not be supporting the motion since the City Council had not had an opportunity to hear Mr. Stull rebut the allegations. He felt that taking this step would be doing a disservice to the community.

Councilor Whalen indicated that he also would not be supporting the motion. With regard to the wording of the motion, he questioned the last phrase, that "the City would agree to a waiver of the requirement for a hearing." His interpretation of the contract was that the appeal process was a right, not a requirement.

Councilor Miller pointed out that when the proposal first came to the Council, the language was for a waiver. He felt that it was important to include such language in order to be consistent.

A discussion followed regarding the wording of the motion. Mayor Koho cautioned against wordsmithing. It was his opinion that the language, as proposed, sufficiently reflected the intent of the motion.

Councilor McGee gave his reasons for changing his vote from that on the July 14 motion. He pointed out the additional costs that would be incurred for an appeal hearing, and the possibility the City's position might be worsened by an inadvertent procedural error during a

hearing. Councilor Miller agreed, noting that two different legal counsel had advised that proceeding with the hearing might increase liability. He also pointed out that the hearing costs referred to by Councilor McGee would be borne totally by the City, whereas the defense in a lawsuit would fall under the City's liability insurance. Councilor Beach concurred. He stressed the need to listen to legal counsel, and move carefully. He believed the correct decision would be to allow the waiver, if requested.

Mayor Koho indicated that although he saw good reasons on both sides of the issue, he would be supporting the motion.

Councilor Meier indicated that she first supported the appeal process, believing it to be a serious appeal from Mr. Stull to the Council. She had since found out that the appeal was an effort to exhaust the administrative processes in order to proceed to a lawsuit, and that Mr. Stull apparently would prefer a waiver. Based on legal counsel's advice, what she was hearing from the community, and her responsibility as she saw it, she would be supporting the motion.

Councilor Whalen indicated that he also had a sense of responsibility, and if for no other reason than the principle, he would be voting in opposition.

The motion passed by the following vote:

AYES: Beach, Koho, McGee, Meier and Miller (5)

NAYS: Keller and Whalen (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

## **OTHER BUSINESS**

- Hearing no opposition, Mayor Koho canceled the regularly-scheduled August 18 City Council meeting.

- Councilor McGee advised that he would be away on August 25, the date scheduled for the City Manager candidate interviews.

In looking at the histories of the City Manager candidate finalist, Councilor Beach was disturbed that most had served only one or two years at a position, and then moved on. Before going to the expense of bringing the candidates to the City for interviews, he indicated that he would like

some kind of commitment they would serve a longer tenure of office.

Mayor Koho felt that the issue would be an appropriate discussion to have with candidates during the interview process.

Councilor McGee questioned the possibility of doing a background review before making a commitment to pay the candidate's traveling expenses.

Mayor Koho conceded that having questions answered and references checked in advance might help lead to a decision immediately following the interviews. He suggested that the issue be referred to the Council Management Committee for discussion.

Councilor Miller cautioned against doing anything that might be viewed as a breach of application. Mayor Koho agreed, and suggested having staff get the necessary permissions, and any additional names of references.

After further discussion, Mayor Koho referred the issue to the Council Management Committee.

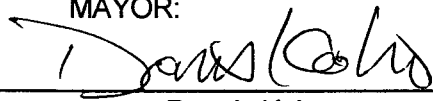
## ADJOURNMENT

The meeting was adjourned at 7:10 p.m.

  
Tracy L. Davis  
City Recorder

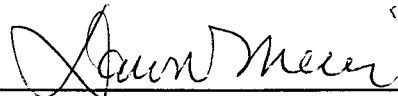
APPROVED:

MAYOR:

  
Dennis Koho

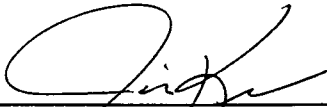
COUNCIL MEMBERS:

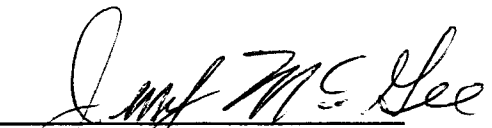
Councilor #1 - Garry Whalen

  
Councilor #2 - Dawn Meier

Councilor #4 - Carl Beach

Councilor #5 - Al Miller

  
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Councilor #3 - Jim Keller

  
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Councilor #6 - Jerry McGee

Minutes approved:

October 6, 1997