

**MINUTES
KEIZER CITY COUNCIL
Monday, August 7, 1995
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon**

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:02 p.m.
Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Bob Newton, Councilor (Appointed to Position #2)
Jerry Watson, Councilor

Absent

Chet Patterson, Councilor

Staff:

Dotty Tryk, City Manager
Charles R. Stull, Chief of Police
Kim Krause, Finance Director
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS

Charles Stull, Chief of Police introduced new Reserve Officers for the Keizer Police Department; Jason Alexander, Christopher Short and Rodney Willson.

**SWEARING IN OF
RESERVE POLICE
OFFICERS**

Shannon Johnson, City Attorney issued the oath of office to the officers..

Mayor Koho and the Council welcomed Reserve Officers Alexander, Short and Willson to the City of Keizer.

**COUNCIL POSITION
NUMBER 2
APPOINTMENT**

Mayor Koho announced he had received a letter of resignation from Councilor Chet Patterson.

Mayor Koho moved to accept the resignation of Councilor Chet Patterson. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson (1)

Mayor Koho introduced the thirteen citizens who have expressed their desire to be appointed to fill Councilor Patterson's position. These names include:

- June Abbott (absent)
- Tom Bauer (absent)
- Bobbie Burton
- John Copeland (absent)
- Douglas L. Davis (absent)
- Mike Hart
- Joanie Mann
- Dawn Meier
- Bob Newton
- Robert Scheffel
- Jim Taylor (absent)
- Jim Warner
- Garry Whalen

Mayor Koho noted during the first round of voting, each member of the Council would be allowed to vote for five candidates. Each of the candidates who received at least one vote will be eligible for the second ballot. On the second ballot each Council member will vote for one individual.

The results of the first ballot were as follows:

- | | |
|--------------------|---|
| • June Abbott | 1 |
| • Tom Bauer | 0 |
| • Bobbie Burton | 0 |
| • John Copeland | 2 |
| • Douglas L. Davis | 0 |
| • Mike Hart | 3 |
| • Joanie Mann | 6 |
| • Dawn Meier | 5 |
| • Bob Newton | 5 |
| • Robert Scheffel | 2 |
| • Jim Taylor | 2 |
| • Jim Warner | 1 |
| • Garry Whalen | 3 |

The names of Tom Bauer, Bobbi Burton and Douglas Davis were removed from the ballot during for the second vote.

The results of the second ballot were as follows:

- June Abbott 0
- John Copeland 0
- Mike Hart 0
- Joanie Mann 2 (Koho and Beach)
- Dawn Meier 1 (Watson)
- Bob Newton 3 (Keller, McGee, Miller)
- Robert Scheffel 0
- Jim Taylor 0
- Jim Warner 0
- Garry Whalen 0

Mayor Koho announced a third ballot was necessary.

The results of the third ballot were as follows:

- June Abbott 0
- John Copeland 0
- Mike Hart 0
- Joanie Mann 1 (Koho)
- Dawn Meier 1 (Watson)
- Bob Newton 4 (Beach, Keller, McGee, Miller)
- Robert Scheffel 0
- Jim Taylor 0
- Jim Warner 0
- Garry Whalen 0

Mayor Koho declared Bob Newton as the newly appointed Councilor to fill position number 2 on the City Council for the remainder of the term.

Shannon Johnson issued the oath of office to Councilor Bob Newton.

Councilor Newton made a brief statement thanking all the citizens who expressed their interest in this Council position and also recognizing the past contributions of Councilor Patterson.

PUBLIC HEARINGS

ORDER - SHADY LANE SUBDIVISION APPEAL

Mayor Koho reopened the Public Hearing which had been recessed from July 10, 1995.

Shannon Johnson, City Attorney reported an Order was before the Council which grants conceptual approval for the Shady Lane subdivision with the conditions as recommended. In addition, Mr. Johnson also added he was directed to investigate placing a condition on the deed regarding the existence of wetlands and to explore the possibility of acquiring an easement on the property. Mr. Johnson recommended the Council not consider placing a condition on the deed. In

addition, acquiring an easement could be done if the Council wishes to adopt a policy of this nature, however Mr. Johnson did not recommend doing so.

Providing testimony to the Council were:

Dennis Sullenger, 1710 Dearborn Avenue NE, Keizer voiced his opposition in the possibility of placing a condition on the deed or acquiring an easement for the land near Claggett Creek. Mr. Sullenger stated the property along Claggett Creek will be his backyard and his intention is to leave the wetland as it is now.

In response to Mr. Sullenger's concern, Councilor Watson explained his reasons for asking staff to investigate this possibility. However, Councilor Watson noted this condition is not included in the Order.

Mayor Koho closed the public hearing.

Councilor McGee announced he was absent from the meeting of July 10, 1995, however he had reviewed the minutes and the tape of the hearing.

Councilor Keller moved an Order in the Matter of the Application of Shady Lane Development, LLC for a conceptual approval of a 10 lot Subdivision on a 1.69 acre parcel in the vicinity of Shady Lane Northeast (Case No. K-SUB 95-1) Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: Newton (1)

ABSENT: None (0)

**ORDINANCE - ZONE
CODE AMENDMENT
RELATIVE TO
AUTOMOTIVE RELATED
USES IN
RIVER/CHEMAWA
SPECIAL PLAN AREA**

Mayor Koho opened the public hearing.

Dotty Tryk, City Manager reported the Planning Commission has unanimously recommended an amendment to the Commercial Retail (CR) zone of the Keizer Zoning Ordinance. The purpose of this amendment is to prohibit automotive service businesses within the River and Chemawa study area which is along River Road from Claggett on the north to James on the south and along Chemawa Road from Elizabeth on the west to Bailey on the east. Ms. Tryk reported the purpose of this change is to assure this area is targeted for uses that are pedestrian friendly and not automobile oriented.

City Manager Tryk noted these provisions will be included in the amendments to the zoning ordinance which will be brought before the Council this fall. However in order to protect this area which is being targeted for pedestrian and human oriented types of businesses, she recommended the Council approve these amendments at this time.

Presenting testimony to the Council were:

Jim Jacks, 6727 Fenwick Court N, Keizer supported the amendments to the zoning guidelines. He recommended the Council consider this minor step on the way to a bigger goal. Mr. Jack supported limiting the uses as listed in the report, especially the "drive-up window" issue. He cautioned the Council that if these small steps are taken, the future vision will become a reality. Mr. Jacks noted an identity or focal point is essential for the future livability of Keizer.

In response to a question from Councilor McGee, Mr. Jacks noted the bigger goal is the development of a downtown area which will provide a community identity for the citizens of Keizer.

David Siegel, 2157 Waltman Court, Keizer addressed the Council as a resident of Keizer, former member of the Planning Commission and as a professional planner. Mr. Siegel spoke in support of the proposed amendments in order to preserve the opportunity to create a sense of place and livability in Keizer. Mr. Siegel recommended the Council consider the August 1995 version of Exhibit B which is attached to the proposed Ordinance. Mr. Siegel stated having a community with a sense of place will be of great benefit to the future livability of Keizer.

Responding to a question from Mayor Koho, Mr. Siegel stated when a automotive related business or drive-through window business are located in a pedestrian oriented area, the rate of pedestrian/automobile conflicts greatly increases.

Mr. Siegel suggested that by restricting the automotive related uses and planning for the future development of this area, it may deter River Road from becoming another Lancaster Drive.

Councilor McGee inquired if Mr. Siegel knew of any other downtown area which is anchored by two grocery stores. In reply, Mr. Siegel did not know of any other instances such as this. However, he did not feel the presence of two grocery stores would diminish any potential for providing a focal point for a future down town area.

Councilor Watson noted this is a short term measure which will be part of a larger package for the Council to revisit at a later date. In addition, Councilor Watson stated this location and the Lockhaven/River Road intersection are the highest volume intersections in the community.

Mr. Siegel urged the Council to accept the staff recommendation in order to have additional time to study all of the options for this area.

Elaine Smith, 2157 Waltman Court NE, Keizer addressed the Council as a member of the Keizer Planning Commission. Ms. Smith noted this is an unfortunate introduction to the downtown concept which has been studied by the Planning Commission and River Road Redevelopment Report. She noted this is a long term plan, however any decisions made now will affect the opportunity for this plan in the future. Ms. Smith stated auto related uses are a potential risk for this area.

Responding to the earlier comment, Ms. Smith stated there is a lot of potential for development in this area now. If provisions are not taken at this time, the opportunity to make this the focal point will be lost.

Councilor McGee questioned why the urgency to adopt these amendments at this time. Ms. Smith stated during the discussion of this plan for a downtown focal point, there have been inquiries for development, and therefore the urgency to protect it now

Councilor Beach shared the concern of Councilor McGee, however with the availability of the property on the southeast corner, he feels it is important to allow the restrictions to be adopted in order for the study to be completed.

Councilor Keller expressed his reluctance in being pushed to make a decision on this issue without further information.

Mayor Koho closed the public hearing.

Councilor Watson moved a bill for an Ordinance Amending the Keizer Zoning Ordinance to Restrict Automobile Related Uses in the River Road and Chemawa Road Area; and Declaring an Emergency (Amending Ordinance No. 87-078) with the August 1995 version of Exhibit B. Mayor Koho seconded the Motion.

Councilor Watson urged the Council to accept the staff recommendation which would put a hold on the property in

order to discuss future plans for this area. He noted there is little risk placing a temporary rule on the area as it will not limit the long term development later on.

Councilor Keller voiced his opposition to the Motion. He failed to see the urgency in adopting such restrictions without further investigation.

Mayor Koho stated he is in support of the motion in order to allow more time to study the options. He feels if the Council is not proactive and plan for the development of this area, River Road could become another Lancaster Drive.

Councilor Beach concurred with Mayor Koho. He indicated by adopting these amendments, it will allow additional time to consider the plan for the area.

Councilor Miller expressed his reluctance in adopting these amendments without further information. He stated he will vote in favor of the Ordinance only on a temporary basis. Councilor Miller suggested developing criteria based upon public safety and pedestrian friendly businesses instead of targeting specific types of businesses.

Councilor McGee stated this is Ordinance is an attempt to use zoning and municipal planning to direct a philosophical vent in our community.

Councilor Watson shared the concern of the overall vision for a downtown area, however he favors moving forward with this temporary amendment. In response to the concerns voiced by Councilor Keller, he feels the mini-storage decision was based upon the provisions of the zoning ordinance rather than deciding the best development for the area.

The Motion passed as follows:

AYES: Beach, Koho, Miller and Watson (4)

NAYS: Keller and McGee (2)

ABSTENTIONS: Newton (1)

ABSENT: None (0)

Mayor Koho noted the Ordinance will be back before the Council for a second reading on August 21, 1995.

**ADMINISTRATIVE
ACTION**

Shannon Johnson, City Attorney reported an Ordinance amending the Comprehensive Plan Designation of the Claggett Creek Cemetery was before the Council for consideration. The conditions attached to the Order involved the placement and

**ORDINANCE -
CLAGGETT CREEK
CEMETERY - COMP
PLAN/ZONE CHANGE**

maintenance of landscaping and a fence adjacent to the residential properties near the cemetery. Mr. Johnson recommended the Council adopt the Ordinance.

Councilor Keller moved a bill for an Ordinance Adopting a Comprehensive Plan Map Amendment to Change the Comprehensive Plan Designation of the Claggett Cemetery and Lot 23 (The Ridge Subdivision) from LDR (Low Density Residential) to CI (Civic); to Rezone Lot 23 (The Ridge Subdivision) from Single Family Residential (RS) to Public (P); and to Grant a Conditional Use Permit to Operate a Cemetery (Case No. CP/ZC/CU 95-1) Mayor Koho seconded the Motion.

Councilor McGee announced he was absent from the meeting of July 17, 1995, however he had reviewed the minutes and the tape of the hearing.

Councilor Newton noted he was present at the July 17, 1995 meeting as a member of the audience and did hear all the testimony and evidence presented in this case.

Councilor Watson expressed his concern the language regarding the maintenance of the landscaping does not include the trees.

The Council agreed by consensus to amend the language contained in Section 5(d) line 14 to read as follows:

The applicant shall continuously maintain such landscaping, including the landscaping required in subsections (c) and (e);

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ORDINANCE -
REGULATING
MAINTENANCE,
PLANTING AND
REMOVAL OF CERTAIN
TREES**

Dotty Tyrk, City Manager reported the two Ordinances before the Council for review are the work of a committee chaired by Councilor Al Miller. The first Ordinance preserves trees in and near public right-of-ways and parks and creates a process for the designation of heritage trees. The other Ordinance is an amendment to the development code that regulates the preservation of trees and landscaping in new developments. The second ordinance will be considered at a public hearing on September 18, 1995. City Manager Tryk noted the public will be educated on these ordinances through the newsletter.

Councilor Miller thanked the members of the Tree Ordinance Committee for their work in developing these ordinances. In addition he thanked members of the staff for their input.

Councilor Keller related a previous experience in which PGE removed a dead tree from his backyard with no cost to him. However the Ordinance requires the property owner to be responsible for these costs. Councilor Keller suggested changing the language in section 2(b) to state it is the owners responsibility for removal of trees.

In response to a concern of Councilor Watson, Councilor Miller stated the Ordinance clearly states if a tree is effecting the right of way, it is the responsibility of the property owner to remove and replace it.

The Council agreed by consensus to amend the language in Section 2(b) to read as follows:

b. Removal of Trees. Removal of trees located near or within the public right-of-way is the responsibility of the owner and is required in the following circumstances:.....

Councilor Miller moved a bill for an Ordinance Regulating the Maintenance, Planting and Removal of Certain Trees (Tree Preservation Ordinance) with the amended language. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Miller requested any Councilor who has concerns or questions regarding the second tree ordinance to contact him prior to the September 18, 1995 meeting.

CONSENT CALENDAR

The consent calendar consisted of the following:

- a) RESOLUTION - Amending Compensation Plan
- b) RESOLUTION - Clear Lake Property Purchase & Agreement

- c) RESOLUTION - Authorizing Membership in CIS
- d) RESOLUTION - Initiate Tepper East Subdivision Street Lighting LID
- e) Authorization to Apply for ODOT/DLCD Transportation and Growth Management Grants to Fund Local Transportation Plan and Clear Lake Area Development Plan
- f) RESOLUTION - Employee Retirement Contributions
- g) Approval of July 10, 1995 Special Session Minutes
- h) Approval of July 17, 1995 Regular Session Minutes

Councilor McGee removed item "a" from the consent calendar.

Mayor Koho moved for approval of the remaining item on the Consent Calendar. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

"item a" - RESOLUTION - Amending Compensation Plan

Councilor McGee voiced his concern the compensation plan shows a 2.85% increase for all non-represented employees with the exception of the City Manager. The Resolution indicates a 3% cost of living increase in that salary line. Councilor McGee indicated the minutes from the July 17 meeting state the 2.85% shall be given to all non-represented employees, in which he includes the City Manager in this category.

Mayor Koho stated specific action on the City Manager salary was taken at the July 10, 1995 meeting in which the Council voted for a 3% cost of living increase.

Councilor Miller noted at the time of his vote on July 10, 1995 he assumed the cost of living increase for all personnel would be 3%. He requested the City Manager's salary be adjusted to reflect the 2.85% cost of living increase previously decided by the Council in order to maintain consistency.

Mayor Koho reminded the Council the represented employees in the Police Department received a 3% cost of living increase.

Dotty Tryk, City Manager stated she has a separate employment contract with the Council. She reminded the Council she was not granted a cost of living increase in 1994 as given to the other non-represented employees.

Councilor Watson reviewed the discussion of the Council in determining the performance increase and cost of living increase granted to the City Manager on July 10, 1995. He believes the decision was made and should not be changed at this time.

Councilor McGee moved that the cost of living increase given to the City Manager on July 10, 1995 be reduced from 3% to 2.85% to reflect the actual cost of living. Councilor Miller seconded the Motion.

Councilor Miller stated he understood the motion to give all non-represented employees a 2.85% cost of living increase included the City Manager. He suggested the Council set a work session to discuss the salary increase and evaluation procedures for the City Manager in order to maintain consistency.

Councilor Beach recalled the discussion from the July 10 evaluation of the City Manager. He noted there was a considerable time lapse between reviews and salary increase for the City Manager. Councilor Beach expressed his desire to maintain the 3% cost of living increase for the City Manager at this time. He also supported developing a process for the evaluation of the City Manager.

Councilor Keller noted the 3% cost of living increase given to the City Manager was before the actual CPI figure of 2.85% was known.

Councilor Newton stated the City Manager has historically been dealt with separately than the other non-represented employees. He recommended developing a future process to deal with the City Manager separately.

Councilor Watson pointed out the time frame used to calculate the cost of living increase for the non-represented employees differs from the time period of the City Manager.

Councilor McGee reiterated the actual cost of living was 2.85%. He supported a process to deal with the evaluation of the City Manager separately from the other employees in the future.

The Motion failed with the following votes:

AYES: McGee (1)

NAYS: Beach, Keller, Koho, Miller, Newton and Watson (6)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho moved a Resolution Setting Forth a Change in the Classification and Compensation Plan by Amending Certain Unrepresented Classifications and a Change in Compensation for All Employees Effective July 1, 1995. Councilor Beach seconded the Motion.

AYES: Beach, Keller, Koho, Miller, Newton and Watson (6)

NAYS: McGee (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

Mayor Koho updated the Council on the SKPAC meetings recently held with the City of Salem concerning the Willow Lake Treatment Plant.

Councilor Keller requested any unsigned correspondence addressed to the Council not be distributed.

Councilor Beach acknowledged the success of the Keizer Little League teams during this season. Councilor Miller also recognized the achievements of the Keizer American Softball Association members.

Charles Stull, Chief of Police announced 27 block parties were held this during the annual national night out. He commended the community for their participation in this program.

Chief Stull reminded the Council of the first annual all-city picnic to be held at Silver Creek Falls on Saturday, August 12, 1995.

Kim Krause, Finance Officer announced financial reports will be distributed in the next week.

WRITTEN COMMUNICATION

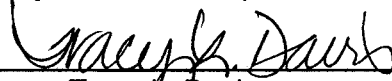
There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items.

ADJOURNMENT

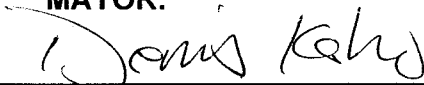
The meeting was adjourned at 9:20 p.m.



Tracy L. Davis
City Recorder

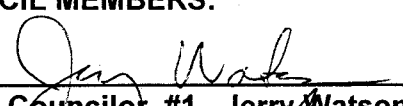
APPROVED:

MAYOR:

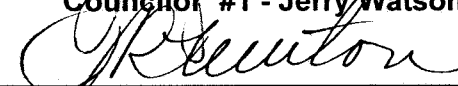


Dennis Koho

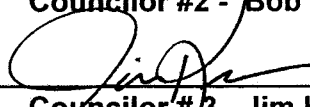
COUNCIL MEMBERS:



Councilor #1 - Jerry Watson



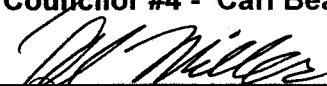
Councilor #2 - Bob Newton



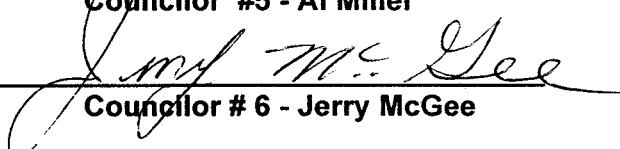
Councilor #3 - Jim Keller



Councilor #4 - Carl Beach



Councilor #5 - Al Miller



Councilor #6 - Jerry McGee

Minutes approved:

August 21, 1995