MINUTES

KEIZER CITY COUNCIL
Monday, August 6, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:08 p.m. Roll Call was taken as follows:

Present:
Lore Christopher, Mayor
Ray Kelly, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor

Absent
Richard Walsh, 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

Ken Gierloff, 4035 Arnold Street, Keizer-provided update on the Community Resource Center in the SEKNA area and some of the events that would be taking place.

Bubba Smith, Cherrylawn Court- employed as an ice cream vendor. Mr. Smith suggested that regulations be placed on vendors, such as background checks and health card permits. He felt this was necessary to keep the children in the area safe.

Responding to questions Mr. Smith indicated that approximately 12-15 ice cream trucks operate in the area and again stressed the need for health card permits.

Councilor Lee spoke in favor of Mr. Smith's recommendation.

Dave Bauer, 260 Janet Avenue North, Keizer-noted his good experience with Planning Department. Mr. Bauer expressed appreciation for the professionalism, which took place during his permit process.

Christine Jones, Executive Director Keizer Chamber of Commerce-distributed and read a memo regarding the report on visitor services at it related to the Chambers allocation of hotel tax dollars.

Ms. Jones shared that Town and County Lanes would host the Oregon State Wide Bowling Tournament in 2003, bringing in approximately 1.5 million dollars into the community. She noted that a task force would be organized to discuss future promotional and marketable services to benefit the City. She shared that a quarterly report would be submitted to the Council regarding its progress.

Councilor Lee suggested that the task force may wish to review promoting the use of the Volcanoes Parking Lot, as well as other facilities in the City.

Jim Keller, 1919 Mistwood Drive, Keizer-spoke on behalf of the Marion County Fair Board and expressed appreciation for the participation City leaders.

COMMITTEE REPORTS

a. Volunteer of the Quarter- Mary Opra
Anne Rasmus Chair of the Volunteer Coordinating Committee noted Ms. Opra's volunteer efforts and presented her with a clock.

Mayor Christopher postponed the Council Liaison reports until the next meeting.

b. Council Liaison Reports

- Bikeways Committee- Councilor Smith
- Traffic Safety Committee-Councilor Smith
- Salem-Keizer Area Transportation-Councilor Smith
- Library Task Force-Councilor Walsh
- Keizer Urban Renewal Board-Councilor Walsh
- Salem Futures Committee-Councilor Walsh
- Planning Commission-Council President Moir
- Emergency Management Committee-Council President Moir
- Claggett Creek Watershed Council-Council President Moir

OTHER BUSINESS (reviewed after Written Communications)

Councilor McGee noted renewed interest regarding the UNOCAL property by a citizens group.

Mayor Christopher noted that in Executive Session the Council reviewed the consultant's recommendation to move the City Manager's salary from range 32 to range 36.

Councilor Kelly moved to suspend the rules in order to consider an issue not on the agenda. Councilor McGee seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Moir (5)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Mayor Christopher moved a motion to accept the recommendation of Hire by Design and move the classification of the City Manager from salary range 32 to salary range 36 effective August 1, 2001. Councilor Kelly seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Moir (5)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Ms. Gahlsdorf noted the receipt of the first Park Donation totaling $25.00.

Public Works Director, Rob Kissler noted his recent tour of the Willow Lake Treatment Plan Natural System. He also noted plans to commence the Water Rate Analysis Committee and requested the permission from Council to proceed.

It was the consensus of the Council for Mr. Kissler to move ahead with this project.

Mr. Kissler shared that the City had received the formal grant award for Alder Drive and that improvements would be taking place to the Gary/Bebe Intersection.

Ms. Meier shared that the Keizer Comprehensive Plan had been updated and reprinted.

PUBLIC HEARINGS
(taken after Committee Reports)

a. Infill Master Plan

City Manager Eppley expressed his appreciation to Planning Director Maria Meier for her work during the past year on the Infill Master Plan.

Planning Director Maria Meier reported that the city had been awarded Transportation and Growth Management grant from the DLCD and ODOT. She noted that the grant contributed funds to work with consultants to develop an infill master plan. She noted the purpose and goals of the plan and the methodology of the buildable land inventory to be used as a tool.

Ms. Meier addressed the remainder of the process including the involvement of stakeholders, the Citizen Advisory Committee, public workshops and input from the Planning Commission. She shared that the main difference of the Citizen Advisory Committee and the Planning Commission recommendation was the preference by the Planning Commission to achieve street conductivity as an optional standard.

Staff recommended that the public hearing be conducted and continued until August 20, 2001.

Ms. Meier introduced Consultant Denny Egner.

Denny Egner, Planning Manager with Shapiro and Associates, 1650 NW Naito Parkway suite 302, Portland, Oregon-emphasized that the proposal does not increase densities but would be used as a strategy for efficient development and neighborhood quality. He outlined connectivity as a main issue in the plan.

Mayor Christopher opened the public hearing.

Public Testimony:
Dick Inman, Planning Commission, 4778 Lisa Street NE, Salem- noted that the Commission felt the street connectivity requirement for less than four homes was extreme. He indicated that the balance that the Commission agreed upon would offer a greater possibility that connectivity would take place.

Ms. Meier noted the proposed definition for infill as being any parcel less than two acres, which could be subdivided or partitioned into three or less parcels.

Mr. Inman stressed that the only change to the plan would be connectivity issue for the development of less than four parcels.

Responding to questions Mr. Inman noted that he was not aware whether members of the Commission attended the Citizen Advisory Committee meetings. Also that the Planning Commission had made the recommendation to Council to address the possibility of offering enhancements or tax breaks to encourage connectivity.

As the Council Liaison to the Planning Commission Council President Moir shared that the Commission's recommendations regarding the plan was unanimous in its final vote.

Mayor Christopher thanked Mr. Inman for his testimony.

Verena Wessel, 476 Evans Avenue North, Keizer- spoke as a member of the Citizens Advisory Committee. She spoke in support of the recommendations regarding the Infill Master Plan and expressed appreciation for the work carried out.

Ms. Meier answered questions regarding the plan and noted that a street reimbursement program could be considered as part of this to encourage the development of streets for connectivity.

Mayor Christopher thanked Ms. Wessel for her testimony.

Ken Gierloff, 4035 Arnold Street, Keizer-spoke as a member of the Citizen's Advisory Committee. He stressed the importance of connectivity for infill development. He requested that the zero lot line requirements be addressed in the near future and cited his reasons for this request.

Mayor Christopher thanked Mr. Gierloff for his testimony.

With no further testimony Mayor Christopher continued the public hearing until August 20, 2001.

b. Zone Change Case No. 01-20 (River Road/Maine Avenue)

Planning Director Maria Meier reported that the subject property was located at 4630 River Road North, on the southeast corner of River Road and Maine Avenue. The applicant and owner is Eric Pittsley. The acting agent for the applicant is Frank Walker. Ms. Meier shared that the request was to change a Commercial Office (CO) to a Commercial Mixed (CM).

Ms. Meier noted the recommendation process and offered Exhibits pertaining to this. Staff recommended that the application be approved as a Commercial Mixed Limited Use with the conditions as identified by the Hearings Officer.

Ms. Meier supplied photos, tapes and written testimony from the applicant and homeowners along Maine Avenue.

City Attorney Shannon Johnson reviewed the applicable criteria in the case and read the standard notice for public hearings. He asked if there were any objections to the notice, jurisdictions or if there was any exparte contacts or bias on the part of the Council and make disclosures prior to the opening of the public hearing.

With no objections or disclosures Mayor Christopher opened the public hearing.

Public Testimony

Russell Smith, 672 Maine Avenue NE, Keizer-felt the Mixed Use Zone still had a wide variety of uses that could be placed on the corner that could be high traffic and high density types of businesses which he felt would cause additional traffic to Maine Avenue through a residential neighborhood.

Frank Walker, Frank Walker and Associates, 37708 Kings Valley Highway, Philomath, OR -supplied a copy of his presentation to the Council and confirmed that the objection of the project was to redevelop the property in a fashion which would benefit the community. He noted the improvements that the owner had currently done to the building and the changes, which would take place in the future including the development of a new building to take the place of the existing structure.

Mr. Walker requested consideration by the Council to allow a seated type of restaurant as part of the plan. He reviewed the criteria and conformance of the Comprehensive Plan versus the submitted application and reviewed the remainder of his presentation with the Council including neighborhood concerns and the mitigation measures that could take place to minimize the impact.

Mr. Walker answered questions regarding the ingress and egress issues along Maine Avenue/River Road, setbacks and the recent addition of privacy fencing to the east of the property. He noted that the preference of the applicant would be to place the building on the eastern portion of the property with parking faced away from the neighborhood to help lessen impacts.

Mayor Christopher thanked Mr. Walker for his presentation.

Eric Pittsley, 899 Longview Street, Keizer-noted the updates that he had completed to the business and shared videotapes of traffic in the area. He asked that the Council follow the recommendation of staff and the Hearings Officer with consideration for a walk-in style-eating establishment. He expressed his willingness to work the neighbors on Maine Avenue to lessen some of the impacts.

Mary Lou Copeland, 709 Maine Avenue, Keizer-reviewed some of the aspects in the Hearings Officer's report. She stressed that the applicant was aware of the zoning of the property when it was purchased. Ms. Copeland spoke strongly against any zone change for this property because of the adverse impacts she felt it would cause for the neighbors attempting to enter and leave Maine Avenue, as well as noise and safety concerns.

Ken Gierloff, 4035 Arnold Street, Keizer-spoke as Chair of the SEKNA. The association urged the Council to approve only the change in the zoning if the Overlay Zone was upheld and to review the noise and traffic which would impact the neighborhood.

Betty Hanauska, 673 Maine Avenue, Keizer-asked about a traffic report and spoke against the zone change. She also read from the Hearings Officer report expressing concerns that the applicant was requesting consideration to develop an eating establishment on the property.

Ms. Meier indicated that a formal traffic study had not taken place at that location and referred questions from the Council to the City Engineer for confirmation.

Bill Hanauska, 673 Maine Avenue, Keizer-expressed concern regarding the lack of a written traffic study but stressed his past discussions with the Traffic Engineer confirmed that he was not in favor of changing the property to commercial because of the traffic impacts that it would have.

Responding to traffic issues Bill Peterson City Engineer noted that a traffic study was completed in 1996 between the intersections of Deitz and Judes. He read the letter written by the Traffic Engineer dated July 2, 1996.

Council President Moir asked if there would be a benefit in having a right in and right out access with a shared driveway access between the applicant and the property to the south of the applicant.

Bill Peterson reviewed the drawing submitted by the applicant and noted that the City's concern would be the need to allow for additional stacking of vehicles during peak hours.

Councilor McGee questioned what the trip differential would be between Commercial Office and Commercial Mixed.

Mr. Peterson felt that there would be little difference in trip differential between the two zones during peak hours. Although the exclusions included by the Hearings Officer do have a high volume of traffic during peak hours.

Public Works Director, Rob Kissler asked if there were any discussions regarding establishing "no parking" zones to eliminate potential parking problems along Maine Avenue. He also addressed the possibility of adding sidewalks along property easements rather than in right-of-ways to allow a wider access at Maine Avenue.

Mr. Peterson stated that they would not recommend parking along this area of Maine Avenue and noted that the "no parking" signage could be a condition of the application for Council's consideration.

Cheryl Warnier, 622 Maine Avenue, Keizer-spoke against the zone change and felt a two-story building would detract from their neighborhood. She expressed her dismay regarding the process.

Ellen West, 623 Maine Avenue, Keizer-felt that "no parking" signage would move the traffic further down into the neighborhood. She expressed concerns regarding Taco Bells extended hours and the problems she felt this caused the neighbors along Maine Avenue. Ms. West asked for consideration from the Council before making further decisions.

Rebuttal From Applicant

Frank Walker-indicated that they had made the effort to work with the neighbors regarding the situation. He noted the hours of operation and types of businesses were totally different from that of Taco Bell. He noted an optimum location would need to be chosen for the entryway to the business and upon design review this could be addressed.

Mr. Walker reputed some of the comments made by the Hearings Officer regarding the applicant's forthrightness. He felt this was not the case and cited the number of years he had been a land use planner and indicated additional information was supplied as requested.

Mr. Walker went on to note that in spite of the Hearings Officer's discord as noted in the staff report he did agree that the applicant met the required criteria. He asked that the Council supports the staff and Hearings Officer recommendation and approves the application.

Responding to questions Ms. Meier indicated if the zone was not approved that the City would work with the property owner to allow the business to relocate. She indicated that part of this problem could be due to the fact that the city does not require a business permit, which could assist in quelling this type of problem.

Responding to Councilor Kelly's concerns Mr. Johnson indicated that as part of the applicant's condition they had agreed to exclude adult entertainment as a condition for this property. Although future owner's of this property could hold the potential for this type of business. Mr. Johnson went on to comment, if they wished to deal with this possibility that excepting the Hearings Officer recommendation would be the best guarantee from allowing this to take place.

Mr. Walker argued that city's have the ability to set their own standards pertaining to adult establishments.

Ms. Meier read from the Keizer Development Code regarding Adult Businesses.

With no further testimony Mayor Christopher closed the public hearing.

Ms. Meier answered questions from the Council and noted what the development review would consist of. She indicated that the purpose of the recommendations from the City Engineer to located the building towards the front of the property was to allow driveway access to be further east and to help alleviate any stacking of vehicles in that area. Parking was also addressed and Ms. Meier noted the requirements for parking spaces.

Councilor McGee felt strongly that the café concept would not be appropriate for the proposed site.

A discussion of signage for the area was outlined. Mr. Kissler agreed that a dead end sign placed above the Maine Avenue Street sign might assist a driver from entering the Dead End street inadvertently.

Councilor Lee asked if it would be appropriate for Council to direct staff to deal with the issues regarding Taco Bell and traffic issues as a separate issue. He felt that the zone change, which they were reviewing, would not significantly impact the neighborhood as this had already happened when Taco Bell was placed at the intersection.

Councilor McGee agreed that the applicant could not be held responsible for the issues brought about by another business.

<u>Council President Moir moved a motion to change the zone for property located at 4630 River Road North, Keizer, Oregon from Commercial Office (CO) to Commercial Mixed (CM) Limited Use with the conditions as identified in the Hearings Officer recommendation as written below:</u>

1. <u>The design and placement of any driveway or access encroachments onto River Road and Maine Avenue shall be approved by the Public Works Department prior to the issuance of a building permit.</u>

2. <u>Landscaping on the property shall meet the standards of the Keizer Development Code at the time of development. All areas required to be landscaped shall be designed adjacent to River Road and Maine Avenue.</u>

3. <u>Upon development of the subject property, the following screening and buffering method shall be used.</u>
    a. <u>A six-foot sight obscuring fence or wall shall be constructed along the entire width of the</u>

east property line in conjunction with standards in the Keizer Development Code *unless the adjacent property owner and developer of the subject parcel agree otherwise to a shorter (in length or height) fence or wall, vegetation hedge or not sight-obscuring measure.* The developer and successors in interest shall be responsible for maintenance and upkeep of the sight-obscuring measure.

b. One roll of deciduous or evergreen trees staggered and spaced not more than 15 feet apart between the east property line and any proposed structure. Prior to issuance of a building permit, a landscaping plan is required to exhibit how this requirement will be met, using either existing or new trees.

4. The minimum setback requirement for development on the subject property shall be 20-feet from the east property line. All other setbacks shall comply with the Keizer Development Code.

5. New Structural development shall be on the westerly portion of the subject parcel and parking for the new structure shall be located on the easterly portion of the subject parcel. To maximize traffic stacking on Maine Avenue, the placement of any driveway or access encroachment onto Maine Avenue shall be as far to the east on the subject parcel as possible consistent with setback requirements. Parking lot design shall comply with Keizer Development Code.

6. The zone shall be changed to "Commercial Mixed Limited-Use" zone. Uses permitted on the subject property shall include all those in the Commercial Mixed zone, excluding Permitted Uses 1.4 Automobile, recreational vehicle and trailer sales, 1.8 Eating and drinking places, J.8. Motion pictures and J.10 Amusement and recreation; Special Permitted Use E. 13. Adult Entertainment Business; all uses listed in 2.110.04 use Restrictions A, B, and C.1 through C.11; and Banks with Drive-through Windows.

7. The proposed commercial development on the subject property must comply with all applicable development standards contained in the Keizer Development Code.

This includes, but is not limited to such standards as landscaping requirements, height requirements, structural design requirements and on-site parking. Several specific Zoning Ordinance requirements affect the proposed development associated with the Zone Change request as follows:

a. Outdoor storage facilities to be screened from view of the public road and from adjacent residential uses.

b. Exterior lighting to be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.

c. Roof equipment to be screened from view of nearby residential uses.

8. The Public Works Department requires the following for public facility improvements:

SANITARY SEWERS

a. Any new development on the subject property will require sanitary sewer service. Removal of existing sewer services and construction of new services will require street opening permits.

b. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. City of Salem issues sewer hook up permits in the City of Keizer.

WATER SYSTEM

a. Any new development on the subject property will require domestic water service. Removal of existing water services may be required as a result of the proposed new development. Construction within pubic right of ways will require street opening permits.

STREET AND DRAINAGE IMPROVEMENTS

a. Prior to any development of the subject property, an overall storm drainage plan shall be submitted to the Department of Public Works for review and approval.

b. Maine Avenue adjacent to the subject parcel shall be improved to a 3/4 width street improvement to the standards of the City of Keizer Department of Public Works. The south one half shall be completed to a 1/2 street section with a width of 17 feet from centerline to the new curb. Sidewalk construction shall be required along the frontage of Main Avenue.

c. Street access for the proposed development shall be from Maine Avenue. No access shall be allowed from River Road, unless, if a satisfactory agreement with the adjoining property to the south of the subject property is approved by the City of Keizer, the City may consider a joint access from River Road in the form of a "right in, right out" controlled access. No left turn movements from the subject property onto River Road will be permitted.

9. Development must comply with all standards in the Keizer Development Code, including but not limited to Sections 2.110 and 2.3 General Development Standards.

10. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

B. The Keizer Development Code established specific development and processing requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. These requirements are included for the benefit of the applicant.

1. Except as otherwise required by conditions of approval, development of the property shall comply with the applicable requirements of the Keizer Development Code and building requirements of the Marion County Building Inspection Division.

2. The applicant shall be responsible for all costs associated with public facility improvements, including applicable system development charges for sewer, water, parks and other facilities and shall comply with established City rules and regulations in effect at the time of the final

approval of the Zone Change.

Councilor Kelly seconded the motion.

Ms. Meier responded to questions regarding street widths and the condition regarding placement of the structure.

Mr. Kissler indicated with the 34- foot street width there would be options for turning lanes *or* parking.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Mayor Christopher recessed the meeting at 9:46 p.m.

Mayor Christopher reconvened the meeting at 9:55 p.m.

Council President Moir moved a motion to direct staff to look at the traffic issues and concerns on Maine Avenue and come back with recommendations regarding, parking issues, turning lanes, outlet etc. Councilor Lee seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

City Manager Eppley indicated that it would take approximately 90 days to address this situation.

Councilor Kelly moved a motion to direct staff to contact the Regional Management of Taco Bell Incorporated to lodge a complaint on behalf of the citizens of Keizer and the City of Keizer as of the condition of the restaurant and its impact on the neighborhood. Also to send a copy of that complaint to the neighbors. Mayor Christopher seconded the motion.

Mr. Johnson questioned whether the content of the letter should be to invite dialog to work through the issues or to lodge a complaint.

Councilor Lee cautioned the Council to react in this fashion, he felt the issue pertained to traffic.

Councilor Smith concurred with Councilor Lee's wariness of the motion.

Mayor Christopher suggested a friendly amendment to the motion to direct the City Manager to contact the Manager of Taco Bell to make the City's concerns known. If this does not ease the problem further action could be taken at that time.

Councilor Kelly accepted the friendly amendment to the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

c. Inferno Dance Club Liquor License Application

City Manager Eppley reported on July 11, 2001 Jesse and Kelly Briseno submitted an application for a Limited On-Premises liquor license for Inferno Dance Club located at 3393 River Road North, Keizer, Oregon.

On July 16, 2001 the Keizer Police Department conducted a background check which did not reveal any significant events that were in conflict with Ordinance 95-318.

Mr. Eppley noted a written notice in protest of the liquor license.

Staff recommended that a public hearing take place and upon completion of the hearing it was recommended that the Council approve the application for a Limited On Premises liquor license for Inferno Dance Club.

Councilor McGee noted that the background check was conducted during a timeframe when the establishment was not selling liquor.

Mayor Christopher opened the public hearing.

Public Testimony:

Kelly Briseno, 8285 Portland Road NE, Salem- noted that during the last year doing business as Yesses Place the business did not have any calls for service.

Responding to questions Ms. Briseno indicated that they agreed with the stipulations from OLCC regarding the businesses hours of operation. She indicated that the name of the establishment would remain Inferno Dance Club.

Councilor Lee read the email from Captain Mark Miranda outlining the stipulations from OLCC. These included:

- Hours of operation would be from 9:00 p.m. to 1:30 a.m. Thursday through Sunday.
- Patrons leaving the premise after 2300 hours Friday-Saturday would not be allowed back in.
- No sales of pitchers of beer.

James Weatherby, 1822 27th Avenue SE, Albany, Oregon- owns the apartment complex across from the Inferno Dance Club. He spoke in objection to the license and noted problems that had taken place in the past. He indicated during the past year since the establishment has not had a liquor license that there had been no problems. Mr. Weatherby urged the Council to not recommend the liquor license.

Mayor Christopher thanked Mr. Weatherby for his testimony.

With no further testimony Mayor Christopher closed the public hearing.

Council President Moir moved to recommend that the Council approve the application for a Limited On Premise Liquor License for the Inferno Dance Club under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer, Oregon and that the recommendation be forwarded to the Oregon Liquor Control Commission. Councilor Kelly seconded the motion.

Councilor Kelly moved to amend the motion to add the recommend the conditions as suggested by OLCC. Council President Moir accepted the amendment.

All members of the Council, with the exception of Mayor Christopher and Councilor Kelly, spoke against the motion citing the history of problems at the establishment.

The motion failed as follows:

AYES: Christopher, Kelly (2)
NAYS: Lee, McGee, Moir and Smith (4)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Councilor McGee moved a motion that the Council submits a recommendation for no approval to the OLCC. Councilor Smith seconded the motion.

The motion passed as follows:

AYES: Lee, McGee, Moir and Smith (4)
NAYS: Christopher and Kelly (2)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

d. Sewer Administration Fee

Finance Director, Susan Gahlsdorf supplied a copy of a resolution pertaining to the Sewer Administration Fee. She outlined the costs for operating the Utility Billing division as noted in schedule A of the staff report.

Ms. Gahlsdorf reported that staff was proposing full disclosure regarding the administrative costs. The net result for customers would be that the administrative costs would be reduced by approximately .50 cents per bill.

Councilor McGee spoke in favor of the reduction and disclosure, but felt that the effective dates for this process should take place after the upcoming water rate study. He also stressed that it would be important to review that Keizer had taken on a great deal of Salem's workload by collecting sewer fees at no cost to them.

City Manager Eppley stressed that this service was to the best benefit of the customer. Mr. Eppley indicated that staff found that Keizer was able to provide this service at a lesser cost than Salem and the collected administration fees enabled the City to recoup any internal costs for this service. He argued that the $1.77 rate was specific to Keizer and not any outlying district's rates.

Ms. Gahlsdorf cautioned that from a financial standpoint that the removal of this service and the reduction of staff who provide this service would only cut administrative costs by approximately one-fourth.

Councilor McGee disputed Ms. Gahlsdorf's remarks indicating that the billing aspect of this process was only a small portion of the process. He felt much more of the staff's time went to answering phone questions regarding sewer-billing problems and other issues pertaining to sewer administration.

Ms. Gahlsdorf indicated until a study was complete it would be difficult to ascertain what the true costs for each city were.

Councilor McGee agreed with Mr. Eppley's summarization of his suggestion being that the City of Keizer holds a commodity (the ability to shut the water off) and should be compensated by Salem for this commodity. Mr. Eppley indicated this could be a negotiating tool in the future.

Mayor Christopher conceded that this could be an issue of discussion with Salem in the future.

Council President Moir moved a motion to adopt the Resolution Change in Sewer Administration Fee; Repealing R99-1105. Councilor Kelly seconded the motion.

Responding to Councilor McGee's concerns City Attorney Johnson noted that this recommendation was for sewer only. He indicated that disclosing sewer administration fees on the water bill would be a separate issue.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Council President Moir moved to disclose all Administrative Cost for Water and Sewer concurrently on the water bill. Councilor Kelly seconded the motion.

Staff answered questions regarding the water rate study and how changes either now or in the future would generate many calls from customers.

Council discussed the intention of the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

ADMINISTRATIVE ACTION

a. ORDINANCE- Establishing Keizer Park Regulations (Repealing Ordinance Nos. 93-266 and 2001-455)

Councilor Kelly addressed portions of the ordinance that he would like amended.

Mayor Christopher suggested that a motion be put on the table to allow for additional discussion.

Council President Moir moved to adopt a Bill for an Ordinance Establishing Keizer Park Regulation; Repealing Ordinances No. 93-266 and No. 2001-455. Councilor McGee seconded the motion.

City Attorney Johnson noted the suggested changes in the ordinance as recommended by Councilor Kelly. The recommended changes included:

- Page 1, line 21 to read; *Pets must be in control by their owners at all times.*
- Page 2, line two to read; *Permitted uses include skateboards, rollerblades and BMX bikes only. No foot traffic or motorized vehicles on the skate surface.*
- Page 2, line 7; *Alcohol, tobacco products, illegal drugs and glass containers are prohibited.*
- Page 2, line 9; *Food and/or drink is prohibited within five feet of the skate park surface.*
- Page 2, line 14; *Use of the Skate Park surface is prohibited when wet.*
- Page 4, line 10; *Start or maintain an open fire, except as allowed in Section 1(d).*

Councilor Smith spoke against the suggested wording removing the requirement for pets on a leash. She felt a designated park in which free roaming dogs were allowed would be more appropriate than allowing all parks to do this and would be more effective and safe for the community.

Councilor Kelly moved a motion to amend line 21 on page one to state, Pets must be controlled by their owners at all times. Councilor Lee seconded the motion.

Councilor Lee spoke in favor of the amendment.

The amendment to the motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Moir (5)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Councilor Kelly moved to amend the motion to accept the amendments as stated by City Attorney Johnson. Mayor Christopher seconded the motion.

Councilor McGee suggested the addition of scooters and Big Wheels to the amendment of the types of equipment allowed on the skate park surface.

Councilor Smith spoke against this suggestion noting that the ages of the children using Big Wheels kept them from safely participating in the Skate Park.

Mayor Christopher made a friendly amendment to add scooters and Big Wheels as allowed types of equipment on the skate park surface. Councilor Kelly accepted the friendly amendment.

The amendment to the motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Moir (5)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Councilor McGee moved to amend line 10, page one to state the hours of the park shall be open from 6:00 a.m. to 10:00 p.m. Mayor Christopher seconded the motion.

The Council discussed the hours of the park.

Councilor Lee suggested different hours for the parks depending upon the seasons and there uses.

The amendment to the motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Smith (5)
NAYS: Moir (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

The main motion as amended passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Moir (5)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

b. Authorization to Borrow Funds to Meet General Cash Flow Needs

Finance Director, Susan Gahlsdorf reported that the General and Street Funds had an insufficient cash balance to carry them until November. She proposed a short-term borrowing to meet this cash flow need. Ms. Gahlsdorf noted the funds that would be effected, which included the 911 Fund, the Parks Improvement Fund and the Water Facility Fund.

Mr. Eppley indicated that this recommendation was a planned borrowing process as discussed during the budget process.

Mayor Christopher expressed concern regarding the purchase of a Big Toy for Wilark Park. She indicated that purchasing this equipment in September supplied the City with additional savings, but Ms. Gahlsdorf noted that funds to pay for this purchase would not be available until December.

Mr. Eppley indicated he would have Mr. Witham contact the company regarding this issue.

Public Works Director, Rob Kissler noted that an offer of $99,900 had taken place to purchase property in North Keizer. He indicated that this could effect the ability to purchase this property. A discussion of this took place.

Council President Moir moved to Adopt a Resolution Authorization of Interfund Loans to the General Fund and Street Lighting District Fund. Councilor Kelly seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

CONSENT CALENDAR

a) **RESOLUTION- Certifying Street Lighting Assessments**

b) **Approval of July 9, 2001 Work Session Minutes**

c) **Approval of July 16, 2001 Regular Session Minutes**

Council President Moir pulled item "b" from the Consent Calendar.

Councilor McGee pulled item "a" from the Consent Calendar.

Council President Moir moved for approval of item "c" on the Consent Calendar. Councilor Kelly seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Items "a" and "b" were discussed.

Councilor President Moir moved approval of item "a" and "b" as amended. Councilor Lee seconded the Motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

WRITTEN COMMUNICATIONS

City Manager Eppley reported that an email from Bob Newton indicated that the Community Band might be able to do a performance at the Gazebo September 12th.

It was the consensus of the Council to do this and to submit a press release pertaining to this.

Mr. Eppley requested from Council that he be allowed to work with Bubba Smith regarding the development of an ordinance regarding peddlers of various natures.

Mayor Christopher read the letter submitted by herself to Rick Bastasch of the Willamette Restoration Initiative. It was the consensus of the Council to submit this letter to Mr. Bastasch.

AGENDA INPUT

August 13, 2001
5:30 p.m. City Council/Parks Advisory Board Work Session
- Annual City Parks Tour

August 14, 2001
5:30 p.m. Joint Work Session Between City Council and Keizer Urban Renewal Board

August 20, 2001
7:00 p.m. City Council Regular Session
- Legislative Amendment to Re-designate Chalmers Jones Park and Clarify Boundaries (continued from 7/16/01)
- Volunteer Coordinating Committee Resolution
- Infill Master Plan (continued from 8/6/01)

September 4, 2001 (Tuesday)
7:00 p.m. City Council Regular Session

Mayor Christopher noted the agenda input.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:47 p.m.

Cindy Perry
Cindy Perry
Recording Secretary

APPROVED:
MAYOR: Christopher
Lore Christopher

COUNCIL MEMBERS:

Judy K. Smith
Councilor #1 - Judy K. Smith

Jacque Moir
Councilor #4 - Jacque Moir

Councilor #2 - Ray Kelly

ABSENT
Councilor #5 - Richard Walsh

Charles E. Lee
Councilor #3 - Charles E. Lee

Jerry McGee
Councilor #6 - Jerry McGee

Minutes approved:

September 4, 2001