MINUTES

KEIZER CITY COUNCIL
Monday, August 5, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:00 p.m. Roll Call was taken as follows:

Present:
Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Staff:
Chris Eppley, City Manager
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
John Lien, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Delores Teipel, 4729 12th Avenue, Keizer-questioned what steps would need to be taken to have 12th Street punched through to Brandon Street. She believed that this would make the neighborhood more accessible.

Responding to questions, Ms. Teipel indicated that it was an unimproved dedicated street.

Public Works Director Rob Kissler noted several spots in that area, which were unimproved. He indicated that costs could be an issue.

Staff agreed to provide a report to Council during the September 3rd Council Meeting.

Dennis Teipel, 4695 Lowell Avenue, Keizer-expressed concern regarding a bicycle ramp built in the alley across from 4729 12th Avenue. Mr. Teipel believed the

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location and height of the ramp were extremely dangerous for children in the area.

Mayor Christopher requested that staff survey the area in question and report back to Council.

COMMITTEE REPORTS

a. <u>PROCLAMATION</u>- National Night Out
Mayor Christopher read the proclamation declaring August 6th as National Night Out in Keizer.

b. Willow Lake Facilities Plan Presentation
Paul Eckley, Operations Services Manager City of Salem-introduced the Francis Kessler Manager of the Willow Lake Treatment Plant and Randy Krueger who each supplied a presentation pertaining to the sewer system facilities and the requirement to bring the facility into DEQ standards by the year 2010.

Mr. Kessler outlined a proposal for an additional facility to be located at River Road Park, which would assist in meeting the DEQ standards. It was expected that the development of this facility would begin in 2004.

Mr. Kessler responded to questions regarding placement of the facility at River Road Park and a joint project with Salem Park's Department that may include improvements to the park, in addition to the added facility.

Mr. Kessler summarized the permitting process for the offsite peak excess flow facility, and the enhancement of the water quality leaving the facility.

Councilor Smith expressed concern with the population numbers used in the report.

Mr. Krueger indicated that these facilities were driven more by the weather conditions (five-year storm event) rather than population in this scenario.

Mr. Eckley provided an abstract of the financial savings aspect of the project up through the year 2010. He noted costs to Salem residents versus Keizer residents and funding options for the program. He indicated as part of the process a public hearing would be held before the

Salem City Council on August 12th with adoption of the plan optimistically taking place by early September.

c. **Council Liaison Reports-*Council reports was deferred until August 19, 2002.***
   - **Parks Advisory Board-**Council President Moir
   - **Emergency Operations Committee-**Council President Moir
   - **Planning Commission-**Councilor Walsh
   - **Chamber of Commerce Governmental Affairs-**Councilor Walsh
   - **Salem Futures Committee-**Councilor Walsh
   - **Willamette River Connections-**Councilor Walsh
   - **Mid Willamette Valley Area Commission on Transportation-**Councilor Smith
   - **Salem-Keizer Area Transportation Commission**-Councilor
   - **Bikeways Committee-**Councilor Smith
   - **Traffic Safety Commission-**Councilor Lee
   - **Keizer Urban Renewal Board -** Councilor Gaynor
   - **Volunteer Coordinating Committee-**Councilor McGee
   - **Community Policing Committee-**Mayor Christopher

OTHER BUSINESS

There was no other business to come before the Council.

PUBLIC HEARINGS

a. Thai Lotus Liquor License Application

City Manager Eppley reported on July 10, 2002 that an application was received by the Thai Lotus Restaurant for an on-premise liquor license. He noted the requirements for public hearing noticing and background checks, which were conducted as required.

It was recommended that the public hearing be conducted and that the Council approve the requested on-premise liquor license and forward the recommendation onto OLCC.

Mayor Christopher opened the public hearing.

With no one wishing to testify Mayor Christopher closed the public hearing.

Council President Moir moved to approve the application for a limited on-premises liquor license for the Thai Lotus Restaurant under the guidelines established by ORS 471.178 and the Ordinances of the City of Keizer and to forward the recommendation to the Oregon Liquor Control Commission. Councilor Walsh seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

b. Keizer Mart Liquor License Application

City Manager Eppley reported that on July 11, 2002 an application was received requesting an off-premise liquor license for the Keizer Mart located at 4920 River Road.

Noticing requirements were outlined, as well as the background check and zoning review.

Staff recommended that the Council conduct the public hearing and recommend approval of the application to OLCC.

Mayor Christopher opened the public hearing.

With no one wishing to testify Mayor Christopher closed the public hearing.

Council President Moir moved for approval of an Off-Premise Liquor License for the Keizer Mart under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer and forward the recommendation to the Oregon Liquor Control Commission. Councilor Walsh seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

c. RESOLUTION- Authorizing City Manager to Enter Into a Transaction for Sale of City Owned property at 6846 Jakewood Court NE, Keizer- Hassoun/Stafford

City Attorney Shannon Johnson reported with the purchase of Lot 64 in Country Glen Estates a portion of this lot would be sold to the neighboring property owners, Ali Hassoun and Kara Stafford.

The valuation placed on the property being sold was $8,846.17. Staff recommended conducting the public hearing and adopting the Resolution authorizing the transaction.

Mayor Christopher opened the public hearing.

With no one wishing to testify Mayor Christopher closed the public hearing.

Council President Moir moved a Motion Authorizing the City manager to Enter into a Transaction for the Sale of City Owned Property Located at the Northerly 3496.51 Square Feet of Lot 64, Country Glen Estates, Keizer, Marion County, Oregon to Ali H. Hassoun and Kara A. Stafford. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

d. ORDINANCE- Declaring a Lien against Property Located at 4915 Rickman Rd NE, Keizer for Recovery of Costs for Destruction of a Dangerous Building

Planning Director Maria Meier reported that a complaint regarding a potentially dangerous building was received regarding property at 4915 Rickman Road NE, Keizer. She summarized the hazardous conditions of the building, the property owner's unwillingness to take action and finally the City's action of demolition and removal of the building.

Staff recommended that the City Council adopt the

Ordinance declaring a lien against the property for the recovery costs of removal of the dangerous building.

Mayor Christopher opened the public hearing.

With no on wishing to testify Mayor Christopher closed the public hearing.

Responding to questions City Attorney Johnson noted a lien against the property would be more likely to yield results rather than the placement of a personal lien.

Council President Moir moved a Bill for an Ordinance Declaring a Lien Against Property Located at 4915 Rickman Road NE, Keizer and Directing the City Recorder to Enter Such Lien in the Minor Lien Docket Pursuant to Ordinance 90-184; Abatement of Dangerous Buildings; Declaring and Emergency. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

ADMINISTRATIVE ACTION

a. Parks Funding Proposal/Charter Amendment

City Manager Eppley introduced the information in the packet and information pertaining to the ballot title and the methodology which the Council and Budget Committee would determine at a later date.

Mayor Christopher summarized that the Council would be deciding the ballot title and the explanation for an advisory vote.

City Attorney John Lien addressed the steps for approval, which would include a charter amendment that would be referred to the voters and an ability to impose a fee if the Council believed this was needed. He provided a draft resolution for the Council's consideration.

Councilor McGee suggested that the implied "fee" be written as a tax as this would be more legitimate to defend as a tax versus a fee.

Responding to questions Counselor Lien explained the concept and difference between a fee and a tax. He urged the Council if considering a fee to tie it to the benefit (Parks). He noted the benefit could be broadly defined as determined by the Council.

Council discussed and debated the difference between a tax and a fee. Distinguishing between households and dwelling units versus a tax or fee was further discussed.

Councilor Lee suggested that the addition of funds being used for capital improvements be included as part of the proposition.

Councilor McGee suggested a motion changing the wording of "fee" to "tax" and requested that the Budget Committee be assembled to discuss the financial aspect of the proposal.

Councilor Walsh moved to direct staff to come back with a Resolution for a Charter Amendment Election for a Parks Tax (The City Council by Ordinance may Establish and collect a flat tax to maintain, operate, improve, or acquire municipal parks) for review and approval at the August 19, 2002 meeting. Councilor McGee seconded the motion.

Councilor Lee expressed an interest in knowing the amount of the tax before it was placed on the ballot.

Mayor Christopher noted the order of events that would take place in order to get the ballot before the voters.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher recessed the meeting and called the meeting back to order after a ten- minute break.

b. ORDER- Application of John Lottis for Partition of 3.30 Acre Parcel Located at 872 Cummings Lane N, Keizer-Case No. 02-19

City Attorney Johnson reported that Council had directed staff to prepare an Order approving the requested partition. The principle issue was the location of a turnaround on Cummings Lane. After discussion with the applicant it was determined that there was room in the existing right-of-way at the end of Cummings Lane for a "hammerhead" turnaround. The turnaround was depicted in Exhibit "E-1" of the Order.

Responding to questions Public Works Director indicated that the turnaround would be near the River Wall and would not intrude into Palma Ciea Park.

Council President Moir moved to adopt an Order in the Matter of the Application of John Lottis for Partition of a 3.30-Acre Parcel Located at 872 Cummings Lane North, Keizer, Oregon (Partition Case No. 2002-19) Councilor McGee seconded the motion.

Mr. Kissler outlined the asphalt improvements that would be constructed at the expense of the applicant.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

c. ORDER-Comprehensive Plan Map Interpretation for Property Located at 1355 Alder Drive NE

City Attorney Shannon Johnson reported at the last meeting Council directed staff to prepare the appropriate Order. The Council determined that the correct comprehensive plan map designation for the subject property is Low Density Residential (LDR).

Council President Moir moved to Adopt an Order in the Matter of the Request for Comprehensive Plan Map Interpretation by Jamie Jenniches for Property Located at 1355 Alder Drive Northeast, Keizer, Oregon.

Councilor McGee seconded the motion.

Councilor Walsh reminded the Council that Mr. Jenniches had been a client of his in the past and he abstained from the vote.

The motion passed as follows:

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

d. DELIBERATION- Chemawa Activity Center/Keizer Station Plan-Text Amendment/Comprehensive Plan Change/Zone Change Case No. 01-50
(Reviewed after Consent Calendar)

Mayor Christopher summarized the process, which the Council and staff believed would be appropriate for review of the case.

Also encapsulated was the staff alternative plan and the changes made by the Planning Commission. Those changes included:

- The creation of the EG Zone with a minimum of 25% IBP and a maximum 75% commercial residential
- Limit "big box" construction to three buildings with a maximum of 350,000 square feet for all three.
- Mandate 75% housing in the MU Zone and recommend that this becomes a quasi-judicial decision for Council.

Planning Director Maria Meier noted that SKAPAC Exhibit One included the Planning Commission's recommendations and additional exhibits, which the Council would be analyzing.

Responding to questions City Manager Eppley indicated that the staff recommended plan was based on the Comprehensive Plan, Keizer Development Code and Land Use Goals. He urged the Council to not feel constrained by the process but rather to discuss and deliberate the information provided.

Mrs. Meier answered questions from the Council pertaining to the Chemawa Activity Center Plan versus the staff's alternative Keizer Station Plan.

Mayor Christopher abbreviated the Zoning Designations Per Plan Table as outlined in Mrs. Meier's memo dated August 5, 2002.

Councilor's Smith and Walsh expressed concerns with the possibility of the types of industrial uses that could be developed in the EG Zone. Interest was expressed in the organization a list addressing industry concerns.

City Attorney Johnson suggested that Council submits concerns and allow staff to address these issues via the zones.

Councilor Walsh indicated areas of concern for him included noxious chemicals, fumes or pollutants, environmental concerns and volume truck traffic.

Councilor McGee reminded the Council that many of these concerns are covered under DEQ guidelines.

Planning Director Maria Meier discouraged the Council from adding comments to the plan regarding traffic or odor because of its subjective nature. She encouraged the Council to identify the uses that were not wished in the perspective zone in an attempt to achieve the character of industry park uses.

Mayor Christopher urged the Council to review the zoning designations prior to the next meeting.

Council President Moir requested that a tree survey be included the plan to allow for the preservation of any significant trees in the area. She also requested that staff provide the design standards from the areas in Portland toured by Council.

Responding to questions Mrs. Meier noted that the language pertaining to the 150,000 square feet footprint was for the ground floor. She indicated if Council did not wish that maximum for duplicate floors that language would need to be included to address this.

Councilor McGee suggested that at the next Council meeting from 7:30-9:30 p.m. be devoted to the Keizer Station Plan.

Mayor Christopher agreed and reiterated that Council was to study the zoning designations and bring back concerns or questions of industrial codes that are believed would not fit into the development at the next meeting.

Staff offered to work with Council to answer any questions they might have prior to the next Council meeting.

e. <u>RESOLUTION-</u> Adoption of Criteria and Guidelines for Evaluation of Municipal Court Judge

City Manager Eppley reported that in December 2001 the City extended the contractual services between the City and A. Carl Myers for judicial services. A salary compensation study was conducted and reviewed at an average hourly rate of $73.00.

The Mayor had also directed the development of guidelines for the evaluation of the Municipal Court Judge of which Councilor's McGee and Moir were supplied with the charge of developing.

Staff recommended adoption of the Resolution and to discuss the evaluation in Executive Session on August 19, 2002.

<u>Council President Moir moved to adopt a Resolution in the Matter of Adoption of the Municipal Judge Evaluation Process Including the Standards, Criteria and Policy Directives to be Used in Evaluating the Performance of the Municipal Judge. Councilor Smith seconded the motion.</u>

Councilor Smith believed the "Not Applicable" as written on the evaluation form should be removed. She also requested that the evaluation consist of a process similar to that conducted for the City Manager Evaluation process.

Due to the limited review of the court process this year Councilor McGee felt that a pass/fail for this year would be fair, incorporating a scale rating in year two. A periodic review with the judge was also suggested with each of the Councilor's reviewing one arraignment and one hearing through the course of the year.

Councilor Lee suggested that the Mayor appoint two Councilors to evaluate the judge more in-depth, rather than having each Councilor base their evaluation on one hearing.

Councilor Walsh recommended wording to include courtesy and respectfulness to the citizens and staff.

City Recorder Tracy Davis indicated that past policy allowed a citizen to file a complaint to the Mayor and/or the Council.

Mayor Christopher expressed concern that the Council would be evaluating the Judge after reviewing one session.

Councilor McGee tried to ease concerns reminding the Council that the evaluation scheme would be drawn out for next year's evaluation process.

City Attorney Johnson reminded the Council of issues that they could and could not evaluate the Judge on.

Mayor Christopher summarized some of the suggested language changes to the Resolution, which included adding the wording to item 6 stating, "successfully and respectfully communicates with municipal court staff, City Councilors and citizens. Also N/A would be changed to "Not observed".

<u>The motion passed unanimously as follows:</u>

<u>AYES:</u> Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
<u>NAYS:</u> None (0)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> None (0)

f. <u>RESOLUTION-</u> Reestablishing Community Policing Committees

Ken Gierloff, 4035 Arnold St, Keizer, Chair of Main Community Policing Committee- summarized the amended resolution and requested that the Council declare and emergency enacting the resolution to allow the Committee to meet under the new Resolution at their next meeting.

Mr. Gierloff also indicated the committee would like to have some input regarding "job descriptions" for some of the positions on the committee, which would be forward to the Volunteer Coordinating Committee. Mr. Gierloff answered questions from the Council.

Suggested amendments to Appendix "A" of the Resolution included, under *Elections* adding the word "voting" before the word membership. Under *Rules of Operation and Procedures* the last line would read, Â quorum shall consist of a majority (50% plus one) of the filled voting committee members."

Council President Moir moved to adopt a Resolution Reestablishing a Main Community Oriented Policing Committee, as amended (Repealing Resolution R97-995); Declaring an Emergency. Councilor Walsh seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

a. RESOLUTION-Authorizing the City Manager to Approve Court Software Purchase Agreement

b. Cooper's Deli and Pub Liquor License Change of Ownership

c. Approval of May 20, 2002 Regular Session Minutes

d. Approval of June 3, 2002 Regular Session Minutes

e. Approval of June 17, 2002 Regular Session Minutes

f. Approval of July 1, 2002 Regular Session Minutes

g. Approval of July 8, 2002 Work Session Minutes

h. Approval of July 15, 2002 Regular Session Minutes

Councilor Smith pulled items "a" and "e".

Councilor Lee pulled item "d".

Councilor President Moir pulled item "f".

Council President Moir moved for approval of items "b", "c", "g" and "h" on the Consent Calendar. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

City Recorder Tracy Davis answered questions from Council pertaining to the Court Software Program.

Council President Moir moved a Resolution Authorizing the City Manager to Enter Agreement with Full Court for Purchase of Court Software Program. Councilor Smith seconded the Motion. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Christopher moved for approval of the June 17, 2002 Regular Session Minutes. Council President Moir seconded the motion.

The motion passed as follows:

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

Mayor Christopher moved for approval of the June 3, 2002 Regular session minutes as amended. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Christopher moved for approval of the July 1, 2002 Regular Session minutes as amended. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

WRITTEN COMMUNICATIONS

AGENDA INPUT

August 12, 2002
5:30 p.m. City Council Work Session
- Emergency Management Presentation

August 19, 2002
7:00 p.m. City Council Meeting
- Water Task Force Final Report and Recommendation
- Designating No parking on Alder Drive-Public Hearing

- Gubser Neighborhood Traffic Management Plan Public Hearing
- LaPoblanita Liquor License Application Public Hearing
- City of Keizer Compensation Study Request for Proposals
- Air Quality Final Report

September 3, 2002 (Tuesday)
7:00 p.m. City Council Meeting

Mayor Christopher noted the agenda items.

Council President Moir reported that she would not be in attendance during the next Council meeting.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:13 p.m.

Cindy Perry

Cindy Perry
Recording Secretary

APPROVED:
MAYOR: Christopher

Lore Christopher

COUNCIL MEMBERS:

Judy K Smith
Councilor #1 - Judy K. Smith

Councilor #2 - Michel Gaynor

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

Jacque Moir
Councilor #4 - Jacque Moir

Councilor #5 - Richard Walsh

Jerry McGee
Councilor #6 - Jerry McGee

Minutes approved:
Sept. 3, 2002