

MINUTES
KEIZER CITY COUNCIL
Monday, August 2, 1999
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

Bob Newton, Mayor
Craig Campbell, Councilor
Lore Christopher, Councilor (departed at 9:20 p.m.)
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
Garry Whalen, Council President

Staff:

Wally Mull, City Manager
Susan Gahlsdorf, Finance Director
Dianne Hunt, Personnel Officer
Marc Adams, Chief of Police
Amy Drought, Senior Planner
Bill Peterson, City Engineer
Shannon Johnson, City Attorney
Tracy Davis, City Recorder

PUBLIC TESTIMONY

No Public testimony was brought before the Council.

**COMMITTEE
REPORTS**

**a. Swearing In of Keizer
Police Officer-Jeremie
B. Fletcher**

Chief Marc Adams introduced Officer Jeremie B. Fletcher.

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

OTHER BUSINESS

a. New Business

Councilor Moir reported the Claggett Creek Watershed Council held their first annual meeting and held election of their board. Gary Miller was elected President, Tom Pessell as Vice-President and Jeanne Frohm as Secretary/Treasurer. The group is working on a grant

through GWEB (Governors Watershed Enhancement Board) to develop a detailed map of wetlands and potential mitigation areas within their boundaries. The next meeting of the Watershed Council will be held on August 24, 1999.

Councilor Moir announced the Emergency Management Meeting has been postponed until September 23, 1999.

Chief Adams reminded everyone that National Night out is Tuesday, August 3, 1999.

b. Old Business

Councilor Keller requested that City Manager Mull inquire regarding information he received from the Keizer Heritage Foundation titled "Planning Items for Discussion". Councilor Keller felt there were a number of items brought up in the document that appeared to have a cost that had not been identified from their resources. He expressed his concern with the mention of a reduced rent for one of the tenants and requested that Mr. Mull discuss this at the weekly meeting with the Foundation to locate how they would replace the revenue from the rent reduction. Council Keller supplied the document to Mr. Mull and requested a follow-up.

Mayor Newton shared he attended the Oregon Mayor Association Conference meeting in Burns, Oregon. Mayor Newton noted he would have a detailed report to share with the Council at the next Council meeting.

➤ Update on Noxious Weed Complaint - Jack Richards

Wally Mull, City Manager reported there has been some mowing in the area of Mr. Richard's home. However, he noted the City's ordinance did not have the provision for noxious weeds in the AI or EFU zones. Mr. Mull noted that this ordinance was currently being reviewed and the issue would be addressed in the revision.

PUBLIC HEARINGS

a. Amendment to Subdivision/PUD/Vari- ance Case No. 96-04 (Wittenberg)

Mayor Newton opened the public hearing.

Shannon Johnson, City Attorney, reviewed the applicable criteria and requested a waiving of the reading of the criteria. With no objections being heard, Mr. Johnson noted that any testimony and evidence must be directed towards the decision. He requested any objections regarding defect of notice, jurisdiction of the Council, conflict of interest, bias or any evidence presented that this be presented before the close of the record. Mr. Johnson requested that if any member of the Council had any bias or ex-parte contacts, they should disclose them at this time.

In response to Mr. Johnson, Councilor Campbell announced his employer represents the Oregon Lodging Association, however he was unsure if the Wittenberg Inn was a member of that organization.

Amy Drought, Senior Planner reviewed her staff report noting in 1996 the applicant received approval for a 19-lot subdivision, 11 of which had been platted as duplex lots and identified as a Planned Unit Development. Ms. Drought noted that the applicant has now requested to re-plot the existing duplex lots in order to consolidate these with the lot that currently containing the hotel. The applicant is proposing to build a parking lot where the duplex lots are currently located to accommodate the banquet facility expansion of the hotel. This consolidated lot would then become part of the Planned Unit Development.

Ms. Drought pointed out staff felt the applicant had met the required approval criteria for the proposed subdivision/PUD amendment. Ms. Drought announced some amendments to her staff report; on Page 12 the reference to sidewalk improvements should read, "Improvements will only be required along the Claggett Creek Street frontage", as required by the Public Works Department comments. Also on Page 16, the height of the proposed banquet facility would be approximately 20-feet and one story. Page 17-Staff was not requiring the reference to the Home- Owners Association as the area would not be a residential development.

Ms. Drought recommended the City Council open, conduct and close the public hearing and direct staff to develop an order approving the proposed Subdivision/PUD Amendment with the conditions listed in the staff report. Ms. Drought highlighted a few of the listed conditions. These conditions include the requirement of a minimum of a site obscuring fence be placed along the property line. She noted Council may wish to discuss this matter further as the Code would allow the Council to request the placement of a wall if they felt it necessary. Ms. Drought noted that a line of trees run along the east property line and believed these could be incorporated into the design. Ms. Drought noted a correction on page three of the staff report, item 13 should read: "prior to final occupancy approval for the banquet facility".

Ms. Drought indicated the development code does not address the number of parking spaces required for banquet facilities. However, based upon other high end uses, staff is recommending a minimum of 204 spaces. She noted the developer is proposing 242 spaces and feels this is adequate.

Responding to questions, Ms. Drought clarified the 242 parking spaces were the combination of one parking space per hotel room and the banquet facility. She pointed out there were no requirements in the code pertaining to employee parking being separated or specifically marked. The banquet facility would seat approximately 400 people but could exceed that number depending upon the event and type of room set up.

In response to the parking issue along Claggett Street, City Manager Mull interjected if this road is designated no parking on both sides it would only push the parking farther into the residential areas.

Presenting testimony were:

Ken Sherman, Jr.-Attorney for Applicant, 687 Court Street, Salem, OR- Mr. Sherman introduced Pete Melin designer for Wittenberg Inn and noted they would work together to answer questions on this matter.

Mr. Sherman praised Mr. Wittenberg's accomplishments in building the hotel and his wish to build a conference center. He explained the change of the PUD approval to build a banquet facility and the need to supply adequate parking. Mr. Sherman reiterated Ms. Drought's explanation regarding how they calculated the number of parking spaces needed for the facility. Mr. Sherman felt the proposed 242 spaces would be ample to supply adequate parking to the majority of the events that would be held at the banquet facility. In addition, Mr. Sherman noted there may be additional parking spaces available at night which are adjacent to the hotel in day-use facilities.

Mr. Sherman understood the concern from the neighborhood in requesting the buffer between their homes and the facility. He pointed out some of the alternatives that could be used to act as a buffer. However, Mr. Sherman believed his client wanted to propose a solution that would be both beneficial and satisfying to each party. He suggested a treated eight-foot high solid wood fence that would allow the trees to remain and not damage any root growth. He believed this would provide an adequate buffer and also allow the placement of the fence around the trees; approximately one foot onto their property if needed.

Responding to questions, Mr. Sherman noted the property had been surveyed and he felt that the trees were very close or were on the property line. Mr. Sherman noted a boundary tree under Oregon law was considered to be the property of both property owners. He noted under their proposal the neighbors would own the trees and the maintenance for the fence would be taken care of by the applicant.

Councilor McGee voiced his concern with the flow of traffic through the neighborhood. He suggested directional signs or striping be placed to urge traffic to exit towards River Road.

Pete Melin, Melin and Associates Consultants-265 Commercial Street SE, Salem- Mr. Melin responded to questions from the Council pertaining to the traffic leaving the facility and making a right hand turn into the residential area opposed to using the light at River Road. Mr. Melin indicated that this had been discussed and he

would follow up with the applicant to review the possibility of directional signs being placed for people who were unfamiliar with the area.

Mr. Melin indicated that the curb in front of the fence would be pulled back 4-5 feet to keep cars from pulling right up to the fence. Mr. Melin explained the proposed fence would be eight-foot high, heavy pressure treated wood that would keep the light and sound from moving through into the residential area. The fence would be placed between the trees and the parking lot. Mr. Melin noted that the lights from the parking lot were designed as directional and believed the lighting from the parking lot would not flow into the neighborhood.

Councilor Christopher expressed her concern with the proposed parking. She felt that what was being proposed was not adequate and believed there was a parking problem currently.

In response to the number of proposed parking spaces and events which will result in a high number of cars, Mr. Sherman believed the proposed spaces will be adequate. He noted most people will travel together and the hotel will not be fully occupied at all times. Mr. Sherman indicated a 70% vacancy factor is considered good in the hotel industry, but was unsure what the Wittenberg's vacancy rate was. He stated that no building constructs its parking lots to meet the worst case scenario.

Responding to the concerns of parking, Mr. Melin indicated he would be willing to work with the Planning Department to devise a way to include additional spaces if some of the landscaping requirements could be reduced or waived. He noted the employee parking would be marked. Mr. Melin's believed an additional ten parking spaces could be constructed with landscaping reductions.

Ms. Drought pointed out the new development code requires more landscaping inside the parking area.

Council President Whalen noted during construction some of the parking spaces have been temporarily blocked and has caused additional parking on the street or adjoining lots.

Mary Blankenship, 694 Claggett NE, Keizer- Ms.
Blankenship shared that she had lived in the area for 23 years and was speaking for herself and members of her neighborhood, who many were in the audience. She supplied a statement signed by neighborhood members who could not attend the meeting.

Ms. Blankenship expressed her appreciation of the staff, Council and the applicant for their review of the issue. She noted that they were not in opposition of the proposal, but requested reasonable accommodations were made to ensure the livability of their neighborhood.

Ms. Blankenship requested that the Council research the use of a pressure treated wood fence for a barrier opposed to masonry fencing and the issue of the directional lighting. She also urged the Council to review the Wittenberg parking complex as a collective parking issue and not simply at the conference center and hotel as existing with their parking needs in isolation.

Ms. Blankenship expressed her contentment with the idea that the walnut trees would not be removed. She went on to explain that the concrete wall placed along the storage facility had not harmed the existing trees and was eager to work with staff and the applicant to review the possibility for that.

Ms. Blankenship asked for the Council's assistance in reducing the amount of traffic through their neighborhood that includes large trucks and commercial vehicles.

In response to questions from Councilor Moir, Ms. Blankenship explained if it would come down to the concrete barrier or saving the trees she would save the trees as long as the fence was high enough to do some good. She noted the situation by the mini storage in which she did not feel the concrete wall was detrimental to the walnut trees.

Councilor Moir strongly suggested that the neighborhood association go to the Traffic Safety Commission for information on the Neighborhood Traffic Management Plan.

There was continued discussion between Council and Ms. Blankenship regarding masonry wall vs. a wooden wall. Ms. Blankenship continued to urge the Council and staff to study alternatives, that are experienced or researched based which would offer the best possible compromise between the noise dampening qualities, preservation of the trees and the applicants construction requirements.

In rebuttal, Mr. Sherman stressed to the Council and the audience that they are trying to balance a proposal that would work well for both sides. He reiterated that the wooden wall would be solid wood and not pressed wood, how they would be able to work the wooden fence around the root structure of the existing trees, and how it would be more aesthetically pleasing.

After reviewing the site plan, Mr. Melin noted with elimination of a few of the landscaping islands and making some of the spaces compact, they could possibly add 20 parking stalls and still meet the code, subject to staffs review.

In response to Ms. Blankenship's suggestions of restricting parking on Claggett Street and 7th Avenue, Mr. Sherman indicated they would not have a problem with parking being restricted on 7th, but were not interested in restrictive parking being placed on Claggett Street.

Mayor Newton suggested studies done by ODOT along the I-5 corridor pertaining to wooden barriers should be obtained to review their information.

Responding to questions regarding exterior colors, Ms. Drought noted under the new code a color wheel is in place and the banquet facility would need to comply.

Councilor Moir suggested painting parking spaces on Claggett Street and requested staff report back on this issue.

Mayor Newton closed the public hearing.

Councilor McGee suggested staff work with the engineer firm to determine if modification of standards could justify 20 additional parking places.

Councilor Keller expressed his concern with the possibility of landscaping being reduced.

Councilor McGee added a parameter to his recommendation and suggested surrendering up to 50% of the current landscaping to obtain an additional 20 parking spaces.

Councilor Campbell requested staff research the recommendation to eliminate parking along 7th Avenue and Claggett Street up to 7th Avenue. He requested that staff come back with an order to address these issues.

In reviewing the requests for additional information, Councilor McGee confirmed the significant points; an eight-foot mason wall vs. pressure treated wood, employee designated parking (15 spaces), and the review of directional signage, striping and directional aspect of the parking lot lighting. In addition, he requested staff to study parking to see if feasible to increase parking by 20 spaces.

Councilor Moir encouraged the Claggett Creek Neighborhood Association to consult the Traffic Safety Committee to assist in traffic management in this area.

Councilor Campbell moved to direct staff to bring back an Order for Subdivision/PUD Amendment Case No. 99-44 with the conditions as recommended and discussed by the Council Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

a. ORDER- Appeal of Hearings Officer Decision – Case No 99-17 (Viesko Quality Concrete Haul Road)

Shannon Johnson, City Attorney reported at the last meeting Council directed staff to prepare an Order granting the conditional use permit to allow the construction of the haul road for Viesko Quality Concrete. Mr. Johnson distributed exhibits showing the construction and location of the sound wall. In regards to condition number five, the applicant has requested a change in language to read.... "primarily all trucks". He indicated any vehicle bringing in or taking out product would be required to use the new haul road.

Councilor Keller inquired if once Tax Lot 100 was developed and it would become a dedicated right-of-way would the Erickson's receive reimbursement for this road.

Mr. Johnson indicated this would be difficult, as most reimbursements are based on SDC's and the City of Keizer had not developed Transportation SDC's.

There was discussion among the Council whether reimbursement to the Erickson's was acceptable once Tax Lot 100 was developed. No final decision was made.

Council President Whalen moved adoption of an Order in the Matter of the Application of Viesko Quality Concrete, Inc. for Conditional Use Permit to Establish a Haul Road in the EFU Zone West of the West End of Lockhaven Drive (Conditional use Case No. 99-17). Councilor Moir seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. ORDINANCE- Prohibiting Truancy

Chief Adams reported in August, 1995 the City Council adopted a Truancy Ordinance 95-335. After a two-year cycle the ordinance was renewed with Ordinance 97-371. Chief Adams noted that since the Ordinance included a sunset clause the Truancy Ordinance was before the Council for renewal.

Chief Adams noted that there were no changes to the Ordinance and he reviewed the ordinance and it's history with the Council.

Chief Adams indicated that the Keizer Police Department recommended approval of the Ordinance with the only exception that the sunset clause be removed.

Councilor Keller moved a bill for an Ordinance Prohibiting Truancy-Repealing 97-371. Council President Whalen seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. ORDINANCE- Specifying Hours of Curfew for Minors

Chief Adams reported the original ordinance was adopted in August 1995 and was renewed in August, 1997 and because of the sunset clause was up for renewal.

Chief Adams noted there were no changes in the Ordinance and he reviewed the content of the Ordinance. Chief Adams recommended the Council approve the Ordinance with the only change of the removal of the sunset clause.

Councilor Campbell moved a bill for an Ordinance Specifying Hours of Curfew for Minors- Repealing Ordinance 97-372. Councilor Christopher seconded the Motion.

Mayor Newton suggested this issue be addressed in the next issue of COP Talk for the preparation of the school year.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

d. RESOLUTION- Authorize City Manager to Award Bid for Cummings Lane Improvements

Wally Mull, City Manager reported on July 14, 1999 five bids were received and opened for improvements to Cummings Lane and Chemawa Road. Based upon action at the July 19, 1999 Council Meeting, staff reviewed and satisfied concerns voiced by all parties. This would include the bike paths on the south side of Cummins Lane two to three feet and one- foot being placed on the north side which would allow four- foot bike lanes on each side of the street and 11- ½ foot travel lanes. Mr. Mull believed all parties were satisfied with the improvements and recommended Council adopt the Resolution.

Council President Whalen moved a Resolution Authorizing the City Manager to Enter into and Agreement with Houck Construction for Cummings Lane and Chemawa Road Street Improvements. Councilor Moir seconded the Motion.

Councilor McGee voiced his encouragement by the work that had been done by staff and the neighborhood association in working on the details of these improvements.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Christopher left the meeting at 9:20 p.m.

CONSENT CALENDAR

- a. RESOLUTION –Initiate The Vineyards Street Lighting District
- b. RESOLUTION- Authorizing City Manager to Award Bid for Cherry Avenue Improvements
- c. RESOLUTION-Authorizing City Manager to Sign Agreement for Wheatland Link Storm Drain Reimbursement.
- d. Approval of July 19, 1999 Regular Session Minutes

Councilor Keller moved for approval of the Consent Calendar.

Council President Whalen, Councilor Campbell and Councilor McGee noted they would abstain from voting on the approval of the minutes "item d" due to their absence at the meeting.

The motion passed unanimously as follows:

AYES: Campbell, Keller, McGee, Moir, Newton, and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Christopher (1)

WRITTEN COMMUNICATIONS

Mayor Newton announced he had received a letter from Marion County regarding an increase in permit fees. This information would be distributed to all necessary parties.

AGENDA INPUT

August 9, 1999

5:30 p.m. City Council Work Session

- Annual City of Keizer Parks Tour

August 16, 1999

7:00 p.m. City Council Meeting

- Certification of Street Lighting District Assessments
- Certification of Delinquent Sewer Accounts
- Wittenberg Order

August 18, 1999 (Wednesday)- Work Session

5:30 p.m. City Council/Keizer Urban Renewal

Board/Planning Commission

- Prudential Real Estate Presentation –Chemawa Activity Center

August 25, 1999 (Wednesday)-Work Session

5:30 p.m. City Council/Keizer Urban Renewal

Board/Planning Commission

- Urban Renewal Strategic Plan

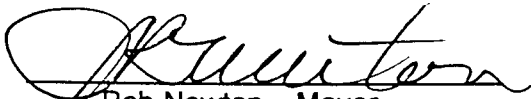
September 7, 1999 (Tuesday)

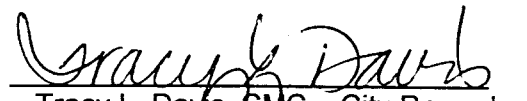
7:00 p.m. City Council Meeting

Mayor Newton announced the agenda input items

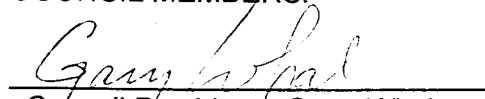
ADJOURNMENT

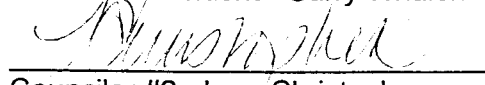
The meeting was adjourned at 9:25 p.m.

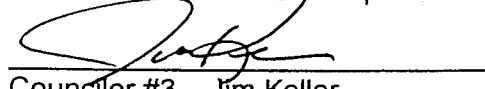

Bob Newton – Mayor

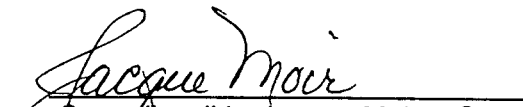

Tracy L. Davis, CMC – City Recorder

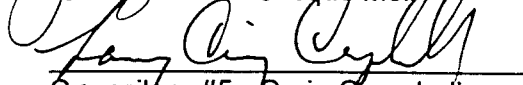
COUNCIL MEMBERS:

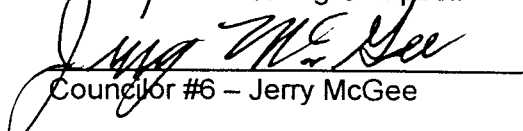

Council President - Garry Whalen


Councilor #2 - Lore Christopher


Councilor #3 – Jim Keller


Councilor #4 - Jacques Moir


Councilor #5 - Craig Campbell


Councilor #6 – Jerry McGee

Minutes approved: