

MINUTES

KEIZER CITY COUNCIL
Monday, August 2, 1993
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:30 p.m.
Roll call was taken as follows:

Present

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor (arrived at 7:39 p.m.)
Chet Patterson, Councilor
Jerry Watson, Councilor
Marlene Wellin, Councilor

Staff

Dotty Tryk, City Manager
Skip Wendolowski, Acting Community Development Director
Wally Mull, Director of Public Works
Charles Stull, Chief of Police
John Lien, City Attorney
Shannon Johnson, City Attorney
Kevin Wickman, Director of Parks
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

PUBLIC HEARING

Mayor Koho opened the public hearing.

Keizer Little League Park Conditional Use

Skip Wendolowski, Acting Community Development Director stated the Keizer Little League through the City of Keizer has applied for a conditional use to allow placement of lights at the 15-acre park which contains 10 playing fields. Lights would be

installed at the Reimann field this year and possibly four other fields during the next five years. The lights will be designed to direct light only onto the playing field and are shielded to eliminate the scattering of light onto adjacent areas.

Mr. Wendolowski noted ball parks are conditionally permitted uses in the P (public) zone. Lights are considered an accessory to the existing baseball diamonds and will not establish new uses at the park. However, when staff reviewed the proposal, they determined the lights may change the way the fields are used; therefore the conditional use review is appropriate.

Mr. Wendolowski summarized his decision for compliance of the criteria listed in Keizer Zoning Ordinance 8.30 as follows:

- The use is listed as a conditional use in P (Public) Zone.
- The parcel is suitable for the proposed use. The property has been successfully operated as a baseball and softball facility for 10 years and there is adequate area to install the lights.
- The installation will not adversely affect existing wind and solar energy systems in the area.
- There are adequate public facilities available to power the lights.
- The proposed use will not materially alter the character of the field.

The two primary concerns in the last area focus on the light glare to adjacent property owners and a change in use of the facility. The initial field to receive the lights is separated from the adjacent property by embankments and trees. The other proposed fields to be lighted are separated from the adjacent residential property by at least 150 feet or more. It was noted that this action will not increase the number of games played nor the number of people at the Park at any one time. Mr. Wendolowski stated he feels it is appropriate to establish a time limit for operation of the facility and lights.

Mr. Wendolowski concluded the proposal complies with the conditional use criteria provided the installation is limited solely to the subject fields and the conditions are placed on the hours of operation. He recommended approval of the request with the following conditions:

1. Installation of the lights shall be limited to the following playing fields: Reimann Field, Rotary Field, Kiwanis Field, Keizertimes Field and the Jerry Bull Field.
2. The lights shall be designed and installed in a manner as to direct the lighting onto the field or fields they are intended to light.
3. The lights shall be installed within 5 years of the date of the final decision.
4. The operation for the Keizer Little League Park and field lights shall be limited to the following hours:
 - a. The park hours may be extended by lighting from March 1 to October 31.
 - b. The park will close and the lights will be off at 10:00 p.m. from March 1 to May 31 and the day after Labor Day to October 31.
 - c. The park will close, and the lights be off, at 11:00 p.m. from June 1 to August 31.
 - d. Extended hours are limited to Monday through Saturday; the park will close at sunset on Sundays.
5. Prior to using the field lights, the Keizer Park Regulations shall be amended to include the change in hours of operation.

Shannon Johnson, City Attorney outlined the rules and procedures for a conditional use hearing.

Speaking in the public hearing were:

Terry Rogers, manufacturer's representative for Musco Sports Lighting, provided background information on himself and the company. Musco Sports Lighting provides equipment that projects light to the playing field and meets all the safety requirements of little league. The lights provide minimal glare impact on the neighbors.

Dennis Wise, 5405 Ridge Drive NE, Keizer stated the youth sports program in Keizer is a true example of community spirit and is essential for the young people. As a neighboring resident of the Keizer Little League Park, he has dealt with trespassing on his property, the noise of maintenance machinery during the early hours of the morning, and the malfunction of the security system. Regarding the installation of the lights at the Keizer Little League field, Mr. Wise suggested the City review the present noise ordinance to make amendments to accurately address community events including baseball games, changing the hours for use of the lights until 10:00 p.m. rather than the recommended 11:00 p.m. and the possibility of a permit system to address other activities not related to a baseball game. Mr. Wise also addressed his concern with the traffic safety on Ridge Drive. He recommended the installation of lights in the parking area or constructing speed reducing devices around the parking area. In response to a question from Councilor McGee, Mr. Wise stated his main concern is the additional noise rather than the installation of lights.

Jim Taylor, 6151 Bingtree Court NE, Keizer stated he has been involved with Keizer Little League for approximately ten years and is presently a member of the Keizer Parks Advisory Committee. Mr. Taylor said the number of children involved in Little League has doubled during his tenure. There is land available to build additional fields but the initial expense and overall maintenance would be a great financial strain. With the installation of lights, the hours will be extended and allow the fields to be utilized for additional games. Mr. Taylor said parking at the Park has been a problem, but with the lighted fields this will allow games to be spread out and reduce the cars leaving. In response to a comment from Mr. Wise, he stated the little league rules prohibit an inning from starting after 10:30 p.m. By leaving the lights on until 11:00, this would allow the safe departure of

players from the fields.

Councilor Keller asked if there could be a compromise to shut the lights off at 10:30 p.m. Mr. Taylor stated this could be an option, but he would need to discuss the matter with the board of directors.

Councilor Watson inquired of the hours recommended for lighting. Park Director Kevin Wickman stated if the regulations state the Park is closed at 11:00 p.m., it would be a violation to be in the park after this hour. Councilor Wellin inquired of the closure times in Holland Youth Park and Wellin Marine Park. In response to another question from Councilor Wellin, Mr. Taylor stated parking is adequate for the facility with the new addition of the south parking lot.

Councilor Miller inquired of the use of the Park on Sundays. Mr. Taylor stated the park is normally not used on Sunday but due to the weather this year, games were scheduled. It is also used on Sunday when a tournament is scheduled. In response to another question from Councilor Miller, Mr. Taylor stated tournaments are held during July, August, September and sometimes in October. Soccer teams also use the Park during the fall. Councilor Miller stated there are several other organizations in Keizer that are in need of playing facilities.

Andy Orcutt, 2100 Kinglet Way, Keizer noted he is the closest property owner to the Reinmann field. He is not opposed to the lights but what can happen during the darkness and also the noise problems associated with later games. He stated the fencing around the Park is inadequate and should be repaired before the lights are installed. He cited instances of trespassing of players and spectators in his backyard. He asked the Council to consider imposing a condition to repair the fence prior to the installation of lights.

Mr. Orcutt also is concerned with the noise level. He voiced his opposition to opening the Park for additional tournaments and uses. This would add additional noise from public address systems and the increased amount of spectators. Mr. Orcutt would also like time restrictions placed on the maintenance machinery.

Tim Irwen, 2107 Kinglet Way, Keizer addressed the Council regarding his concern and opposition to the installation of lights at the Keizer Little League Park. Prior to purchasing his home, he was concerned of the possible changes or addition of lighting to the Park. He was assured there was not any plans to add lights to the fields in the near future. Mr. Irwen voiced his concern for the value of his property with the addition of the lights. Mr. Irwen also cited his concern for curfew of the children, noise of the spectators and maintenance machinery after 11:00 and the effect of the lighting on his home. He also cited instances of trespassing and vandalism on his property due to the inadequate fence.

Councilor Miller inquired of the Keizer Little League representatives of the money raised to install the lights. Clint Holland stated money has not been received but has possible donations lined up. He stated it might be possible to have the lights installed prior to next season.

There was no other testimony to come before the Council.

Mayor Koho closed the public hearing.

**Chemawa Activity
Center**

Mayor Koho reopened the public hearing which was continued from July 6, 1993.

Speaking during the public hearing were:

Pat Chapman, 2235 Chemawa Road, Keizer, discussed the letter received from the City regarding a recent change in the status of remodeling permits. She also voiced her concern with the lack of notification the residents received when their property was rezoned to UT (Light Industrial). Ms. Chapman also vented her frustrations with the errors in the survey of her property and asked to City to look into this matter.

Dennis Wise, 5405 Ridge Drive NE, Keizer recommended the activity center should promote the railway as a trail for walking or bicycling. He also recommended the Council remove area "c" out from the activity center area and zone as commercial residential. He hoped when this activity center is developed, it

would not take away from the utilization of "downtown" Keizer.

There was no other testimony to come before the Council.

Mayor Koho continued the public hearing until August 16, 1993.

**Conditional Use
Appeal - Chandler
Case No. 91-9**

Mayor Koho reopened the public hearing from September 21, 1992.

City Manager Tryk advised this conditional use hearing is for a proposed Church in the special policy area around the Wastewater treatment plant. The applicant in the matter has asked for a 90-day extension of the hearing.

Mayor Koho continued the public hearing until November 1, 1993.

**Max Court Street
Lighting Local
Improvement
District**

Mayor Koho opened the Public Hearing to consider remonstrances to the formation of Max Court Street Lighting Local Improvement District.

Speaking during the public hearing was:

Daniel Kerr, 2493 Daytona Court, Keizer represented the owner of 8 of the 12 lots within the proposed district. He encouraged the Council to approve the lighting district for the safety and economic sense.

There was no other testimony to come before the Council.

Mayor Koho closed the public hearing.

**Meadows Phase 6
Street Lighting
Local Improvement
District**

Mayor Koho opened the public hearing to consider remonstrances to formation of the Meadows Phase 6 Street Lighting local improvement district. There being no testimony, Mayor Koho closed the public hearing.

DELIBERATION

Keizer Little League Park Conditional Use and amendment of the Keizer Park Regulations

Councilor Watson inquired of staff if the impact of property values should be considered under the criteria when evaluating the conditional use. City Attorney Johnson stated that is an indirect impact to consider.

In response to a question from Councilor Keller, Mr. Holland stated maintenance work (mowing) would not occur after 11:00 p.m. but there is a possibility fields would be watered after this time.

Councilor McGee voiced his concern regarding the poor fencing conditions. Mr. Holland stated the Keizer Little League has erected a six-foot fence around part of the field. Funds are not available at this time to complete the fencing for the other portion of the field. Councilor McGee also inquired of the possible noise violation the public address systems may cause. Mr. Holland stated this can be controlled since it is only used during the month of July for tournaments. Councilor McGee voiced his support for allowing the Keizer Little League Park to be used on Sunday also. Jim Taylor stated the Little League allows the Park to be used by families on Sundays. Mr. Holland stated the Little League discourages having games on Sundays unless it becomes necessary to schedule make-up games.

Councilor McGee also stated the City should consider opening up the Park for additional uses. Mayor Koho stated Keizer Little League has exclusive use of the Park through their agreement.

Councilor Miller moved because of the additional usage availability of the fields caused by the addition of the lights, Council shall appoint a committee to meet with Keizer Little League Officials to work out compromises on concerns such as the noise, fencing, addition of Sunday, and also discuss the possibility of other non-little league use of the field. Councilor McGee seconded the Motion.

Councilor Keller stated the Keizer Little League has put a considerable amount of time into developing the program and does not think the City should change it by altering the use agreement. He also stated the residents of the area are not subjected to "game noise" on Sunday.

In response to a question from Councilor Keller, Councilor Miller stated through his association with other baseball or softball programs, he has become aware of the need for additional fields in Keizer. He hoped the Park could be put to use for other teams when Keizer Little League is not using the field.

Councilor Patterson voiced his objection to the formation of a committee in order to renegotiate the use agreement with Keizer Little League. This should be a separate issue at another time.

Councilor Wellin voiced her support and appreciation for the Keizer Little League program.

The motion failed with the following votes:

AYES: None (0)

NAYS: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

ABSTENTIONS: None

ABSENT: None

Councilor Watson moved to adopt the staff recommendation with the following amendments: Change condition number 3; the lights shall be installed within 2 years. 6. The City shall retain the right and sole discretion to restrict further the hours of operation at the Keizer Little League fields, restrict the hours of the operation of lighting and to modify or eliminate the lighting to further minimize the effect on adjacent properties. 7. Any noise ordinance adopted or amended in the future by the City shall apply fully to the activities at the Park. 8. No power equipment including but not limited to mowers will be operated after 10:00 p.m. Councilor Patterson seconded the Motion.

Councilor Watson stated his reason for holding this matter for future consideration it will allow the City to review the impact of the lights on the adjacent property owners after they are installed. Mr. Holland stated the lights could be set on a timer so the system is shut down at 11:00 p.m.

Councilor McGee asked Councilor Watson to include in his motion the elimination of the restriction of allowing the lights and park to be closed on Sundays. Councilor Watson stated he had no objection to this inclusion but Councilor Patterson voiced his objection.

Councilor Miller moved to amend the Motion to delete the Sunday restriction. Councilor McGee seconded the Motion.

The vote on the amendment failed with the following votes:

AYES: McGee, Miller and Watson (3)
NAYS: Keller, Koho, Patterson and Wellin (4)
ABSTENTIONS: None
ABSENT: None

Andy Orcutt stated the completion of the fence should be made a part of the conditions for lighting.

Mayor Koho moved to amend the Motion to include a condition the fence be completed prior to the installation of the lights.
Councilor Keller seconded the amendment to the Motion.

The amendment to the Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: None

The Main motion as amended passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)
ABSTENTIONS: None
ABSENT: None

**ORDINANCE -
Max Court Street
Lighting Local
Improvement
District**

Councilor Patterson moved for adoption of an Ordinance spreading assessments to Max Court Street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: None

**ORDINANCE - The
Meadows Phase 6
Street Lighting
Local Improvement
District**

Councilor Patterson moved for adoption of an Ordinance spreading assessments to Max Court Street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: None

DISCUSSION

Housing Issues

City Manager Tryk advised the Council the memo from Councilor Watson suggests a proposed housing strategy based upon the discussion during the July 12, 1993 worksession. The recommendation directs staff to return with a detailed report on the proposal in September.

Councilor Patterson extended his appreciation to Councilor Watson for his work on the memo. Councilor McGee stated it will be a workable direction for the City to proceed.

Councilor Patterson moved to accept the recommendation to have staff return to Council with a detailed report on Housing Issues. Mayor Koho seconded the Motion.

Councilor Keller asked staff to include the code enforcement aspect during their research.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None

Receipt of the OCA Initiative Petition

Mayor Koho stated the Council had received petitions containing a sufficient number of signatures to qualify the measure to be placed on the November ballot. With concurrence of the Council, he directed staff to prepare the necessary documents for Marion County Elections for the November 1993 ballot.

CONSENT CALENDAR

The Consent Calendar consisted of the following:

- a. RESOLUTION - Records Management Purchase
- b. RESOLUTION - Membership in CCIS Insurance Pool
- c. Unimproved Streets
- d. Receipt of the Willow Lake Treatment Plant Noise and Odor Study
- e. Approval of July 19, 1993 Regular Session Minutes

Councilor McGee moved for approval of the consent calendar.
Councilor Watson seconded the Motion.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**WRITTEN
COMMUNICATION**

There was no written communication to come before the Council.

OTHER BUSINESS

Councilor McGee asked for clarification for the proper time for public testimony during the Council meetings. Mayor Koho stated the Council should determine what level of input the Council should hear from citizens for agenda items not scheduled for public hearings. Councilor Watson suggested having a portion of the agenda set aside for testimony dealing with items on or off the agenda. Councilor Patterson hoped City government would remain user friendly. Councilor Keller stated public input should be taken during the public testimony portion of the agenda for all matters other than scheduled public hearings.

Mayor Koho directed staff to reword the agenda item dealing with public testimony.

Councilor Keller asked staff to research the possibility of refunding the money previously deposited by the gas station at Sandy and River Road for a traffic signal. Staff will report back to Council on this matter.

City Manager Tryk updated the Council on the progress of the City park at the new school grounds. Groundbreaking ceremonies are scheduled for Wednesday, August 4, 1993 at 8:30 a.m.

Mayor Koho reported the Audit Committee met prior to the Council meeting this evening. His recommendation to the Budget Committee will be to send out approximately 300 invitations for a town hall meeting to generate public input to determine the level of programs and services for the future. Councilor McGee questioned the authority of the audit committee to determine such action.

Mayor Koho reminded the Council of the Budget Committee meeting on August 23, 1993 at 7:00 p.m.

AGENDA INPUT

Councilor Miller asked to have a discussion item placed on the September 7, 1993 Council meeting regarding alternative uses for Keizer Little League Park.

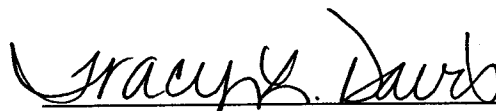
Mayor Koho reminded the Council of the August 30, 1993 Worksession scheduled for 7:00 p.m. The Agenda for this session will be distributed by August 16, 1993.

Councilor Watson announced he will not be present on August 30, 1993 for the Worksession.

Councilor Miller announced he will be out of the country for the August 23, 1993 Budget Meeting and August 30, 1993 Council Worksession.

ADJOURNMENT

The meeting was adjourned at 10:07 p.m.



TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:

Christie W. Patterson

Jan K.

J. M. Lee

Markus Allen
Gould G. A. K.