

MINUTES

KEIZER CITY COUNCIL

Monday, August 1, 1994

Robert L. Simon Council Chambers

Keizer City Hall

CALL TO ORDER

Mayor Dennis Koho called the regular meeting to order at 7:07 p.m. Roll call was taken as follows:

Present

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor
Marlene Wellin, Councilor

Staff

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

PUBLIC TESTIMONY

Presenting testimony to the Council was:

Anne Rasmus, 7207 Park Terrace Drive, Keizer voiced her concern regarding the negative abuse towards city employees as portrayed in a recent article in the Keizertimes newspaper. Ms. Rasmus read the letter to the editor she will be submitting for publication and distribution to Council.

Mayor Koho thanked Ms. Rasmus for coming forward with her concerns.

**PUBLIC
HEARINGS**

**Honeysuckle Street
Lighting Local
Improvement
District**

Mayor Koho opened the public hearing.

Dotty Tryk, City Manager stated this hearing was scheduled in order to receive any testimony regarding the estimated assessments for street lighting in this district.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved for a bill for an Ordinance spreading assessments to Honeysuckle Street Lighting Local Improvement District. Councilor Patterson seconded the Motion.

The Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ORDINANCE -
Country Glen
Estates Street
Lighting Local
Improvement
District**

Mayor Koho opened the public hearing.

Dotty Tryk, City Manager stated this street lighting district was formed in response to a petition received from the developer. This hearing was scheduled to hear any testimony regarding formation of the district or the estimated assessment costs for street lights.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Patterson moved for an Ordinance spreading assessments to Country Glen Estates Street Lighting Local Improvement District. Councilor Watson seconded the Motion.

The Motion passed as follows:

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

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

**ORDINANCE -
Zone
Change/Variance
Case No. 94-4
(Wittenberg)**

Mayor Koho reopened the public hearing which was continued on July 18, 1994.

Shannon Johnson, City Attorney repeated the applicable criteria for the zone changes and the variance request in this matter and reminded the participants the testimony should be directed towards this criteria. He also outlined the procedure that will be followed during this hearing.

John Morgan, Community Development Director recounted issues raised at the last meeting; the adequacy of commercial general property in Keizer and the disbursement of costs for the traffic signal at Claggett Street. Mr. Morgan stated based upon the report of the traffic engineer, the applicant should be responsible for 56% of the costs of the traffic signal. Therefore, combined with the 25% allocation associated with the Keizer Retirement Center, Mr. Wittenberg will be responsible for 81% of the total cost of the signal.

In light of the substantial amount, Mr. Morgan and other members of staff have negotiated an agreement in which Mr. Wittenberg will be responsible for a total of 60% of the costs of the signal (35% subject to this application and 25% as originally determined for the Keizer Retirement Center). In addition Mr. Wittenberg will be responsible for an access management plan, a landscaping plan and cohesive signage plan for the entire development. Mr. Morgan recommended including these conditions in exhibit "E" of the Ordinance.

In response to a question from Councilor Patterson, Mr. Morgan stated the total costs for a traffic signal range from \$100,000 to \$125,000.

Councilor Miller inquired of the total number of open driveways contained on this property at Chemawa and River Roads. Mr. Morgan estimated there are at least seven separate openings. According to estimates from the City Engineer, it would cost

\$1000 to close each driveway. Mr. Morgan acknowledged this agreement is based upon the cooperation with the adjoining businesses; US Bank, Bob's Burger Express and the Keizer Feed Store.

Providing testimony were:

Ken Sherman Jr., 687 Court Street, Salem appeared before the Council on behalf of the applicant in this matter. Mr. Sherman submitted an information packet prepared by local relator, Alex Rhoten which describes the supply of commercial general land in Keizer. Of the total 22 acres zoned commercial general, the only parcel not improved or in use is a 2.65 acre parcel owned by Loren Thackery. Mr. Rhoten's letter states this property is not presently listed for sale at this time and attempts to contact the owner regarding the availability were unsuccessful. Mr. Sherman noted this parcel of land abuts a ministorage warehouse owned by Leone Timm. This property is smaller than the desired acreage needed for development by Mr. Carlson.

In response to the traffic signal cost allocation as determined in the traffic engineer report, Mr. Sherman noted the majority of traffic which flows through this intersection is not generated by present or future development of this parcel, but by the increased residential development in the north area of Keizer. However, Mr. Sherman noted the applicant has fully agreed with the traffic signal cost allocation (35% from this parcel and 25% from Keizer Retirement Center) and other development conditions as presented by Mr. Morgan.

Mr. Sherman reported presently there are ten driveway openings on the property which front River Road. The development plan will reduce this number to four. In response to a question from Councilor Watson, Mr. Sherman stated of the ten driveways, two will not be directly in Mr. Wittenberg's control; US Bank and Bob's Burger Express.

Mary Blankenship, 694 Clagett Street NE, Keizer, an adjacent property owner to parcel B, voiced her opposition to the zone changes and variance request. Ms. Blankenship stated by allowing the zone changes and variance request it will destabilize the land use pattern and adversely affect adjacent properties by reducing property values in the neighborhood. She urged the Council not to permit the construction of hotel/motel or other multi-story residential structure on the property adjacent to any residences. Ms. Blankenship also noted the quality of life in this centralized residential area may be jeopardized with the commercial development of this property.

She urged the Council to impose any necessary conditions upon the developer to insure the bordering trees are not damaged or removed as they provide a noise buffer to River Road, windbreaks and shade for the residents. Ms. Blankenship also contended upon further research these trees could be designated historic.

Ms. Blankenship stated the negativity of the area residents who experienced the past expansion of the Retirement Center, has caused them great concern with Mr. Wittenberg's proposed development. In closing, Ms. Blankenship noted the quality of life for the residents in this area will be greatly affected by the proposed development and asked for the Council's assistance in assuring Mr. Wittenberg will develop a good neighbor policy.

Jeanie Hall, 5223 7th Avenue NE, Keizer opposed the zone changes and variance request for many reasons; increased traffic, parking problems and neighborhood safety. Ms. Hall also noted the zone change will be a detriment to the area and would adversely affect her neighborhood as adjacent property. She cited a past encounter with Mr. Wittenberg's expansion of the Retirement Center as a negative experience among the area residents. This expansion resulted in a multi-level building rather than the proposed single-story cottages which caused her a loss of privacy, blocked view and the quality of life in their home. She urged the Council to deny the zone change and variance request.

John Hall, 5223 7th Avenue NE, Keizer also appeared before the Council to cite his opposition to the requested zone change and variance request. He voiced his concern regarding the present parking situation along Claggett Street and 7th Avenue and the increased amount new development will bring.

He submitted a petition from the area residents who are opposed to the zone changes and variance request.

Don Gardner, 5304 7th Avenue NE, Keizer voiced his concern with the notification process used for this zone change. He lives approximately one block from the proposed development area and was not included in the notification process. Mr. Gardner also cited his discontent with the proposed development due to the serious threat to the future value and liveability of his property.

Mr. Gardner also expressed a concern there has been a lack of information presented on the proposed development in order for the Council to decide if the criteria has been met for the desired zone changes.

Mary Stovin, 751 Kestrel NE, Keizer opposed the zone change requests based upon their potential promotion of strip characteristics on River Road. Ms. Stovin stated the City has been trying to beautify River Road and give this area a community feeling. She cited the numerous commercial vacancies along River Road and urged these areas be filled prior to additional development.

Ms. Stovin stated the Chemawa Road/River Road intersection is the heart of the City and the land should be preserved for the creation of a community center, library or park.

Cynthia Vannoy, 683 Faymar Drive NE, Keizer, a local real estate agent, stated she had been approached on several occasions by residents of this area regarding potential decrease in property values due to this proposed development. By the

amount of concern shown by the residents, she feels the development will adversely effect the value of approximately 160 properties in this area.

Councilor Watson stated the property is currently zoned commercial retail which would allow an array of possible commercial developments. John Morgan listed some of the fifty-nine allowed use categories under the present zone designation.

In response to a question from Councilor McGee, Mr. Morgan stated this zone change request could be considered "downgrading" from the present designation, based upon the limited square-feet allowance.

Councilor Miller noted the request for the change to mixed-use would allow for the expansion of Keizer Retirement Center. He also stated the variance request would allow preservation of the trees and buffering for the residents of the area.

In closing, Ms. Vannoy stated a ministorage warehouse complex is perceived as a high crime area.

Jerry Carlson, 22691 SW 55th, Tualatin, developer of the ministorage warehouse unit, stated he talked with almost all of the property owners which abut his facility and has not received any negative responses or objections. Mr. Carlson noted there is a two-story height (22-feet) restriction on the inner units and one-story restriction on the outside units of his complex. He also has informed the adjoining property owners of his intention to preserve and maintain the trees, with the aid of a tree aborist, that border the property. Mr. Carlson also outlined his safety and security procedures he uses in his facilities.

Mr. Carlson noted his facility will be built in a u-shape manner with brick walls on three sides. The ten-foot area between the wall and the residents property will be landscaped and maintained.

Lillian Dick, 5095 7th Avenue, Keizer voiced her concern regarding the ten-foot strip that runs along her property. Councilor Patterson stated it might be appropriate to consider vacating this portion of 7th and Kestrel in the future.

Ken Sherman, Jr. emphasized that presently the current zone is commercial retail which would allow a hotel to be built on this parcel just by obtaining a building permit. Mr. Wittenberg is requesting a change to mixed-use for the possibility of expansion of the Keizer Retirement Center, a residential facility. Mr. Sherman noted the trees along the property line provide a dramatic feature and nice buffer for the residents. Mr. Carlson has agreed to maintain these trees and also the landscaping of the ten-foot strip. He also noted access to this area would most often come from the residential area.

Mr. Sherman stated the Keizer Retirement Center is a attractive facility and similar expansion should not adversely affect the quality of life in the area. He also added the elimination of the criminal activity at the hydrotube should be a benefit to the residents. In response to testimony regarding the parking situation on Claggett Street, Mr. Sherman noted the new development will require an adequate amount of parking spaces within the facility.

Mr. Sherman commented on the concerns of a possible decrease in property values of the surrounding homes. He noted there is not any statistical information or evidence available to show the potential of this happening. Mr. Sherman stated the property has been vacant and on the market for several years without any interest in developing a community center or other uses. He feels the applicants proposal will put this property to work. Mr. Sherman stated the original variance request for height limitations has been withdrawn.

In response to a question from Mayor Koho, Mr. Sherman said at this time he is uncertain how he could assure there will not be adverse effects on the neighbors from this development. The fact that Mr. Wittenberg is requesting a downgrading of the zone designation should help lessen the impact of the development.

Councilor Watson cited his concern that designating a portion of the property mixed-use and upgrading another portion from commercial retail to commercial general could be perceived as "spot zoning." Mr. Sherman noted these requested designations will give the developer the needed flexibility in his development.

Mayor Koho closed the public hearing.

Councilor McGee noted he has not heard any evidence that would counter any criteria to deny these zone change requests.

Councilor Watson noted the development proposal is reasonable but does have concerns changing from one zone designation to three on one large parcel of land. (spot zoning)

Councilor Patterson moved for a Bill for an Ordinance in the Matter of Paul and Judy Wittenberg for a Zone Change from CR (Commercial Retail) to Mixed Use) on 3.1 acres and a Zone Change from CR to CG (Commercial General) on 3.58 Acres and a Variance to Reduce the Required Setback on Property Located in the 5000 Block of River Road North; Declaring an Emergency (Case No. ZC/V Case No. 94-4) with the deletion of the language of Condition 4 in exhibit E and replace it with the conditions agreed upon by the parties. (access management plan, landscaping plan, cohesive signage and responsibility for 35% costs of the traffic signal on this project). Councilor McGee seconded the Motion.

Councilor McGee sympathized with the residents of the area but will support the motion since he did not hear substantial evidence presented to deny the request.

Councilor Watson complimented the residents on their presentation of their testimony. He also cited his concern with the cost distribution of the traffic signal.

Mayor Koho hoped the residents and the developer will be able to work together on future issues regarding this development.

The Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**Manufactured
Home Standards
Amendment**

Mayor Koho reopened the public hearing which was continued on June 20, 1994.

Shannon Johnson, City Attorney noted this is a legislative change to the zoning ordinance regarding development standards for manufactured homes. Upon review of these standards by staff and the Planning Commission, it was recommended the siding and roofing materials commonly used in the area be listed in the Ordinance.

Mr. Johnson also noted even if the siding and roofing are not commonly used in the community, but are used on surrounding dwellings, then the applicant has the option to match this.

Councilor McGee confirmed this will make the administrative process easier and clearer for the applicant.

Councilor Watson voiced his concern with the lack of definition for predominant. Mr. Johnson stated predominant is used by state statute and by creating a list of commonly used siding materials, it should determine what is predominant on surrounding dwellings.

Presenting testimony to the Council was:

Don Miner, 2255 State Street, Salem, representative of the Oregon Manufactured Housing Association distributed a copy of ORS 197.307(5)(d) which is relevant to this issue. Mr. Miner noted the purpose of this legislation was to prohibit manufactured homes from having "the old trailer house siding" and have them resemble siding used on other single-family homes.

Mr. Miner noted the existing language in the Ordinance mirrors the state statute. However, the proposed change to this Ordinance will list the siding materials which may be used on manufactured homes. Mr. Miner urged the Council to include all types of materials being used in the community. He asked the Council to include on the list of objective standards rough sawn wood with battens and the option for horizontal, diagonal or vertical sidings. Other suggestions included plywood, oriented strand board, hardboarding composite material (reconstituted wood), vinyl, metal, brick, stucco and other materials giving the appearance of wood. Mr. Miner noted the inclusion of these materials in the Ordinance will make it consistent with the intent of the statute.

Mr. Miner supports the provisions of the Ordinance which relate to roofing materials. Mr. Miner entered two examples of siding into the record (oriented strand board and composites).

In response to a question from Mayor Koho, Mr. Miner stated the word community in the statute means the city or county, not the defined neighborhood.

Councilor Watson stated section I of the Ordinance does not require all manufactured homes to have a garage or carport, only if the surrounding dwellings have one. Mr. Morgan noted this is a discretionary authority that his department has had to administer. Mr. Johnson stated you can require a carport or a garage and agrees this language should be tightened up.

In response to a question from Councilor Miller, Mr. Johnson said the staff recommendation is to pass an Ordinance that will clarify the process with the Council creating the list of materials.

Tom Gorman, 560 Boca Ratan Drive, Lake Oswego, stated he has been involved in the siding industry for approximately 30 years. His company, a major producer of siding, produces a product named cladwood, which falls under the term of composite siding. This type of siding is produced only in panels and is sold to both manufactured housing and stick-built homes.

Mr. Gorman presented the Council with a collection of over 100 photographs taken in Keizer showing the random choice of panel siding used on homes. He also noted composition siding is used most often.

John Jones, 16125 SW Granitect Court, Beaverton, representative of Georgia Pacific Distribution Center supported allowing the use of many types of siding within the City for both stick built and manufactured homes.

Mike Drorbaugh, 15419 Acorn Way E, Tacoma, Washington representing the American Plywood Association, has reviewed the suggested changes to the Ordinance. However, he would support retaining the existing languages in the Ordinance. Mr. Drorbaugh stated the suggested changes make the standards go from community to surrounding dwellings, which is more restrictive than the state statute. Mr. Drorbaugh has personally observed several types of siding used in this community and urged the Council to include rough sawn or smooth paneled siding.

In response to a question from Mayor Koho, Mr. Drorbaugh stated diagonal siding is used mostly as an accent rather than the predominant siding.

Rod Hansen, 348 Hazelbrook Drive, Keizer stated several homes in Keizer use differ sidings on the front of a home (lap siding) than on the sides. The reason for this is the added costs of lap siding to the builder. Mr. Hansen supported the language being specific and restrictive and using the surrounding dwellings to determine the siding determination.

Darren McCann, 7217 Woodcrest Court NE, Keizer, stated the testimony has been one-sided with the manufactured home and siding representatives. Mr. McCann cited the definition of community could be interpreted as a single street area.

H.R. Radtke, 328 Hazelbrook Drive N, Keizer responded to the previous testimony of the siding industry representatives. His concerns centered on the loss of the value of his home if a manufactured home, which is different, is placed next to him. He supports making the Ordinance more restrictive by adding the list of materials.

Tom Cowan, 229 Hazelbrook Drive, Keizer cited his dependency on the City Council to protect the interest of the citizens of Keizer. He asked the Council to retain as much discretion when creating the list of allowable materials for manufactured homes.

In response to a question from Councilor Watson, Mr. Cowan stated by not making the changes to the Ordinance, it allows the Council the opportunity to choose and determine the community standard. If a list is adopted the Council will lose this control.

Shannon Johnson recommended holding this hearing over until September 6, 1994 to allow for further investigation and discussion.

Councilor Watson suggested staff bring back recommendations at the September 6th meeting and if necessary schedule a worksession on this issue.

Mayor Koho continued the public hearing until Tuesday, September 6, 1994.

**Conditional Use
Case 93-9
(Brewster)
Reopened Hearing**

Mayor Koho opened the Public Hearing

After discussion among the Council and participants, it was decided that previous testimony will not be automatically included in the record.

Shannon Johnson, City Attorney read the criteria and applicable criteria and procedures in this hearing. Mr. Johnson also noted all the materials from the original hearing in this matter in 1993 will be included in the record for this hearing.

Presenting testimony to the Council were:

Ron Brewster, 3246 Turner Road SE, Salem stated he is willing to put horizontal type siding on the front of his manufactured home and vertical on the other sides. Mr. Brewster submitted several photos showing different types of siding being used in Keizer, many not consistent with the type being used next door in the Orchard Crest subdivision.

Mr. Brewster stated this matter has been very stressful and also a financial burden to him and his family during the last eleven months. He stated he will do the horizontal siding, three-car garage, landscaping and all the other criteria in order to meet the standards of the community.

In response to a question from Councilor Keller regarding a July 1993 letter, Mr. Brewster stated he made the statement that he would conform to all surrounding properties by complying with the same building codes and standards they had to meet.

Don Miner, 2255 State Street, Salem representing the Oregon Manufactured Housing Association, supporting the application of Mr. Brewster, stated based upon the decision of the Land Use Board of Appeals in this case, the only issue to decide is if the siding meets the community standard or the neighborhood standard. Mr. Miner stated the triple-wide home Mr. Brewster will be placing on the property has horizontal siding on the front and down part of one side.

Debra Ego, 7225 Woodgrove Court N, Keizer asked the applicant to confirm which home he plans to place on the property. (Mr. Brewster responded, as of this date there had not been a change with the original home, but something could be in the works.)

Ms. Ego voiced her concern the residents of the area were not notified when the Land Use Board of Appeals hearing was held and did not know a decision had been handed down. She voiced her dismay that the Land Use Board of Appeals could go against a local government agency to decide this neighborhood

issue and also her anger that the residents were not asked for their input.

Ms. Ego stated the residents of her neighborhood prefer to have their houses built similar and of the same quality and materials in order to protect the property value. She stated by placing this manufactured home in her neighborhood, the value of her property will decrease.

Councilor McGee noted the Land Use Board of Appeals ruled in conformance with the state law and in his position on the Council, he was sworn to uphold these laws also.

In response to a question from Councilor Watson, Ms. Ego stated the homes within the subdivision were required to follow strict guidelines when their homes were built. She requests Mr. Brewster be required to conform with similar guidelines even though he is not part of the subdivision; cedar fencing, completion of the sidewalk and lapsiding.

Councilor Miller noted he sympathized with the residents of this area and urged the the residents to voice their opinion to the legislature.

Ms. Ego reported a manufactured home two years or older would most likely not conform to the building codes. She noted Mr. Brewster purchased his home in 1991, however it is a 1989 model. Ms. Ego asked a member of staff to review this issue.

Councilor Patterson questioned the procedures in this matter if the applicant uses a different home than originally stated. John Morgan, Community Development Director stated the conditional use permit is to place a single family home on property in the mixed-use zone. Mr. Johnson stated the development criteria would require Mr. Brewster to state he meets the standards.

Mayor Koho suggested staff discuss this matter and possibly involved Mr. Brewster and the neighborhood residents.

Ms. Ego also asked if the drain field issue has been reviewed and addressed in this case.

Laurie Mack, 159 Hazelbrook Drive N, Keizer stated she was in opposition of the placement of the manufactured home on this site.

Bill Sanders, 399 Hazelbrook Drive N, Keizer responded he had nothing to add to the previous testimony.

Susan Staab, 7246 Woodcrest Court N, Keizer also stated she had nothing to add to the previous testimony.

H.R. Radtke, 328 Hazelbrook Drive N, Keizer asked Councilor McGee to withdraw from making a decision on this matter due to his bias of the situation.

Pat Radtke, 328 Hazelbrook Drive N, Keizer cited concerns with another manufactured home being discussed during this hearing. This causes a lack of confidence in Mr. Brewster as a neighbor. Ms. Radtke read several statements made by Mr. Brewster from articles in the Keizertimes.

Rilla Yancey, 850 Lockhaven, Keizer stated she had nothing to add.

Michelle Massy, 7235 Woodgrove Court N, Keizer also stated she had nothing to add.

Darren McCann, 7272 Woodgrove Court N, Keizer also voiced his concern that Councilor McGee has already made his decision in this matter. Mr. McCann questioned what manufactured home is being discussed at this hearing. He also voiced his concern with the lack of information and notification at the Land Use Board of Appeals hearing.

Mr. McCann stated the value of his home will decrease between \$15,000 and \$20,000 if the manufactured home is placed next to his property.

Janet McCann, 7272 Woodgrove Court N, Keizer (Was not available to provide testimony when called.)

Deanna Stein, 388 Hazelbrook Drive N, Keizer asked for specific detail on the horizontal siding Mr. Brewster is considering. She also questioned the location of Mr. Brewster's driveway and his requirements to conform with the standards.

Councilor Watson inquired when their property was purchased, did they believe this lot would be a part of the subdivision? Ms. Stein stated the only knowledge she had was the lot was not for sale. She did not know at the time they purchased their property it was not part of the subdivision.

Rod Hansen, 318 Hazelbrook Drive N, Keizer inquired if the zoning requirements will allow a business to be operated from Mr. Brewster's home.

In response to this question, Mr. Morgan noted he would be allowed to have a home occupation with certain requirements.

Tom Cowan, 229 Hazelbrook Drive N, Keizer also voiced his objection to Councilor McGee taking part in a vote on this issue. Mr. Cowan stated Councilor McGee expressed his mind was already made up during the testimony.

Mr. Cowan also expressed his concern with the lack of notification and participation in the Land Use Board of Appeals hearing and asked the Council for a continuance to allow the residents time to pursue their alternatives at this level.

In closing, Mr. Cowan noted the community is looking for commonality among the homes. He asked the Council determine how the statute should be applied in this matter and for Mr. Brewster to submit his assurances in writing.

Jack Watson, 95545 Territorial Road, Junction City, wanted to address a few issues raised during the testimony. LaVerne Watson, his mother, lives in a manufactured home in the area, and was there prior to the subdivision being developed. He voiced his concern of unfriendliness towards his mother since this issue has been raised.

Mr. Watson also noted a septic system check was completed this year and the drainfield issue has been addressed. He also supported Councilor McGee in his position to uphold the law.

Tom Gorman, 560 Boca Ratan Drive, Lake Oswego, noted his company's product which they manufacture is cladwood which and is widely used for siding in manufactured homes and stick built homes. He submitted a photo album containing approximately 100 photos showing panel sidings on homes in Keizer.

Mike Drorbaugh, 15419 Acorn Way E, Tacoma, Washington representing the American Plywood Association, reported T-111 siding is a registered trade name and from discussions with Mr. Brewster he has a type of composite siding on his home not T-111. Mr. Drorbaugh also noted grooved sidings has been extremely popular in the community. In his opinion, Mr. Brewster has complied with all the conditions of the law.

Michelle Massy, 7235 Woodgrove Court N, Keizer submitted a petition with most of the residents of the neighborhood opposing the placement of Mr. Brewster's manufactured home on the property. Ms. Massy noted that Ms. Watson's home is not visible to the residents of Orchard Crest.

Ms. Massy reported she made a phone call to the Land Use Board of Appeals and was told the hearing would probably take place in the fall.

There was no further testimony to come before the Council.

Mayor Koho suggested continuing this matter in order for the residents to contact the Land Use Board of Appeals and for staff to research the possible effect of a different manufactured home being placed on the property.

Councilor Watson asked Mr. Brewster to clarify if the home is a 1989 model or a 1991 model. Mr. Brewster noted the home was built in 1989 but was purchased new in 1991.

Councilor Patterson questioned if considering a different manufactured home rather than the original on the application would effect this process. Mr. Brewster stated if this is an issue, he will place the old manufactured home on the property.

Councilor McGee stated he intended to vote on this issue even though he was asked to disqualify himself. City Attorney Johnson stated he felt the comments made were not sufficient to disqualify Councilor McGee from voting.

Mayor Koho continued this hearing until Tuesday, September 6, 1994.

**ADMINISTRATIVE
ACTION**

**ORDINANCE
Adopting Oregon
Vehicle Code for
McNary Estates**

Charles Stull, Chief of Police reported he had received a request from the McNary Home Owners Association to enforce all traffic laws within the McNary Estates planned unit development. Any citation issued would be handled in the Keizer Municipal Court.

In response to a question from Councilor Watson, Chief Stull indicated they are unable to enforce these traffic infraction laws without adoption of this Ordinance.

Presenting testimony was:

Don Kipp, 583 Compton Court N, Keizer, president of the McNary Home Owners Association stated they are asking for police patrol with a waiver for golf carts. Mr. Kipp stated a poll has been conducted in the area by Mr. Donn Nissen.

Donn Nissen, 650 Snead Drive N, Keizer stated an informal survey of 100 McNary residents was conducted with 99 percent of these residents in favor of these patrols.

Councilor Keller voiced his concern the results of the survey is an overall opinion of the McNary residents.

Councilor Watson cited some concern with the costs associated with routinely patrolling a private area. Mr. Nissen noted this area is open to the public. Mr. Kipp stated the visibility of an officer in the area is a deterrent.

Councilor Miller noted his concern with the golf cart exemption which does not enforce laws pertaining to driving carts after dark, underaged drivers and careless driving. Mr. Nissen stated his insurance policy would not cover underaged children driving his golf cart.

Councilor Watson suggested including language to allow golf carts to be driving on streets as long as consistent with state law.

Chief Stull indicated this area will not receive any additional patrols by adoption of this Ordinance, only the ability to enforce the traffic laws.

Mayor Koho moved a bill for an Ordinance Adopting the Oregon Vehicle Code for Enforcement Within the McNary Estates Planned Unit Development. Councilor Patterson seconded the Motion.

Councilor Miller stated it is wrong to pass this Ordinance which would allow a ten-year old to operate a golf court within this area.

Mayor Koho suggested this matter be discussed by the Traffic Safety Committee for further suggestions.

Councilor Miller moved to amend the Ordinance to include in Section 4 that golf carts be operated by licensed drivers and it is a violation to operate the golf cart in a careless manner. Councilor Patterson seconded the amendment.

The amendment to the Motion passed as follows:

AYES: McGee, Miller, Patterson, Watson and Wellin (5)

NAYS: Keller and Koho (2)

ABSTENTIONS: None

ABSENT: None (0)

In response to a question from Councilor Patterson, Mr. Kipp stated all golf carts operated at McNary Estates and Golf Club must be registered by a licensed driver and have insurance.

The Motion as amended passed with the following votes:

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

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None (0)

**RESOLUTION -
Awarding Bid for
McNary Access
Road**

Wally Mull, Public Works Director reported on July 25, 1994 six bids were received for the construction of the McNary High School access road. A bid received from Salem Road and Driveway of \$134,300.36 was the lowest. Mr. Mull noted funds for this project are included in the street fund budget and also the school district agreed to participate in the funding by 50% total costs or up to \$62,500. Mr. Mull indicated this project is a critical element of the McNary access issue.

In response to a question from Councilor Watson, Mr. Mull indicated this bid includes costs for signage and restriping on Lockhaven Drive.

Councilor Patterson moved a Resolution Awarding Bid for McNary Access Road and Authorizing the City Manager to Sign Necessary Documents. Councilor Watson seconded the Motion.

Councilor McGee noted he is pleased to move forward with this project and hopes the City Manager will continue to pursue a 50/50 split in costs with the school district.

The Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None (0)

**RESOLUTION -
Authorizing the
City Manager to
Enter Sales
Agreement for
Water Shop
Property**

Wally Mull, Public Works Director indicated previously the Council expressed a desire for the City to pursue negotiations on purchasing a parcel of land directly behind the Chemawa Road Pump Station. The addition of this land will allow flexibility for future expansion of the water shop.

In response to a question from Councilor McGee, Mr. Mull indicated the purchase price for the property is \$69,440.00 and would be purchased with system development facility improvement funds which will not influence an increase in water rates.

Councilor Patterson moved for a Resolution Authorizing the City Manager to Enter Into an Agreement to Purchase Land Adjacent to the City Shop/Chemawa Pump Station. Mayor Koho seconded the Motion.

The Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None (0)

**CONSENT
CALENDAR**

The Consent Calendar consisted of the following:

- a. RESOLUTION - Adopt FY 95 Budget, Making Appropriations and Levying Taxes
- b. Approval of July 18, 1994 Regular Session Minutes

Councilor McGee removed item "b" from the Consent Calendar.

Councilor Keller moved for approval of the remaining item on the Consent Calendar. Councilor Patterson seconded the Motion.

The Motion passed with the following votes:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

item "b"

Councilor McGee asked the City recorder to examine the tape recording of the meeting to determine the accuracy of a statement he made when discussing the two-percent cost of living increase on page 14 of the minutes.

These minutes will be reviewed and brought back at the August 15, 1994 meeting.

OTHER BUSINESS

Councilors Miller, Keller and McGee submitted a request to the Mayor to call a special meeting in accordance with Section 13 of the Charter of the City of Keizer.

Councilor Watson suggested having the City Manager prepare a staff report in order to examine the facts prior to scheduling a special session.

Mayor Koho suggested meeting as soon as possible and to have the City Manager prepare a report in order to resolve these issues.

Mayor Koho scheduled the special session for Wednesday, August 10, 1994 at 6:30 p.m.

The Council discussed the presence of key individuals at this meeting. Mayor Koho cautioned the Council in dealing with personnel issues in a public meeting. Councilor Patterson suggested the meeting notice include the possibility of an executive session.

John Lien, City Attorney reviewed the recent changes to the City Charter which removed direct supervision by the Council of any individuals except the City Manager. He stated issues discussed should be directed to the City Manager to resolve. Mr. Lien advised the Council to express all areas of concern to the City Manager in order for her to address and resolve each issue. He cautioned the Council not to become involved in a personnel issue that should be handled by the City Manager.

Councilor Patterson stated this issue revolves around Section 21 (f) of the City Charter.

Mr. Lien noted the Council has legitimate concerns in which should be addressed and they are entitled to hear the explanation.

Councilor Watson asked the City Manager's report to include a report on the differences between statements and the chronology prepared by Mr. Morgan and interviews with Mr. Morgan and Mr. Peterson on these issues. He also asked for a report which outlines her actions to resolve this matter.

Councilor McGee also asked the City Manager to report the timeline when active communications ceased with Bi-Mart in relation to the budgetary process.

Mayor Koho advised members of the Council to contact the City Manager if any further information is desired.

There was no other business to come before the Council.

WRITTEN COMMUNICATION

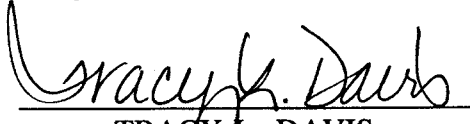
City Manager Tryk noted copies of the Keizer Police Department annual report and a memorandum announcing the annual neighborhood night out had been received.

There was no other written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items listed.

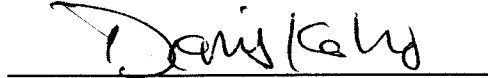
The meeting was adjourned at 12:30 a.m.



TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:



COUNCIL MEMBERS:

