MINUTES

KEIZER CITY COUNCIL
Monday, July 19, 1999
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Newton called the regular meeting to order at 7:03 p.m. Roll Call was taken as follows:

Present:
Bob Newton, Mayor
Lore Christopher, Councilor
Jim Keller, Councilor
Jacque Moir, Councilor

Absent:
Craig Campbell, Councilor
Jerry McGee, Councilor
Garry Whalen, Council President

Staff:
Wally Mull, City Manager
Dianne Hunt, Human Resources Director
Marc Adams, Chief of Police
Rob Kissler, Public Works Director
Amy Drought, Senior Planner
Susan Gahlsdorf, Finance Officer
Shannon Johnson, City Attorney
Tracy Davis, City Recorder

PUBLIC TESTIMONY

Dave Bauer, 260 Janet Avenue, Keizer- Mr. Bauer noted that his eight year term on the Salem-Keizer School Board ended July 1, 1999. Because of a recent article in the Keizertimes Mr. Bauer felt obligated to speak to the Council regarding some of the issues in regards to the construction of the new schools in Keizer which were raised in the article. Mr. Bauer, as a member of the school board, indicated that he had no knowledge of a search fore other school sites and potential budget issues. Mr. Bauer apologized to the Council for the City taking the brunt of the blame for the school issue. He requested that any new negotiations start out fresh. Mr. Bauer believed the extension of Alder Street to Cherry Avenue was not necessary. He thanked the Council for their service to the community.

Mayor Newton thanked Mr. Bauer for his years of service on the School Board and stressed the City's commitment to move forward to try to get the new schools open by fall.

FMAGIC

Carl Beach, 810 Ventura Street North, Keizer- Mr. Beach spoke in support of Mr. Bauer comments and indicated that as a member of the Bond Steering Committee he felt it was important to keep the new school sites within the city limits of Keizer. The Bond Steering Committee will continue to study issues surrounding the construction of new schools in Keizer.

Mayor Newton thanked Mr. Beach for his service on the Steering Committee.

Jack Richards, 6010 Windsor Island Road, Keizer- noted that he was appearing before the Council for the second time regarding weed and fire nuisance near his home which is across from the Willow Lake Treatment Plant and behind McNary Estates. He stated that he had assurance that these problems would be taken care of and to date had not. Mr. Richards added that he has spent a great deal of time and money in an attempt to keep the weeds from overtaking his garden. He once again requested the Council's assistance.

Responding to Mr. Richards concerns, City Manager Mull shared that he had been in touch with the owner of the golf course who owns the property and there were some zoning issues involved. Mr. Mull noted that he would speak with the Code Enforcement Officer and report back to Mr. Richards and the Council.

Mayor Newton noted that if the ordinance currently in place would cover the problem that they would promptly take care of it.

Dave Wallery, 202 Cummings Lane, Keizer- Mr. Wallery requested the Council stop the proposed road widening project scheduled to take place on Cummings Lane. He felt there was a safety issue for the residents and bicyclists along Cummings Lane. Mr. Wallery advised he had gathered signatures on a petition from residents on Cummings Lane opposing the improvements. He urged the Council to take into account the safety of the residents that live along Cummings Lane as the top priority.

COMMITTEE REPORTS

a. Swearing In - Sergeant Greg Barber and Sergeant Bob Trump
Chief Adams introduced Sergeant Barber and Sergeant Trump and gave a profile of each.

Shannon Johnson, City Attorney issued the oath of office to each Sergeant.

b. Parks Advisory Board Report - Councilor Christopher shared that 500 people attended the opening of the new skate park, which was named after Charlane and Steve Carlson.

Councilor Christopher noted that the Parks Board had joined with KYBA (Keizer Youth Basketball Association) to put together a Summer Slam Dunk Program that would take place the next three Tuesdays from 6:30 - 9:00 p.m. free of charge. She urged anyone interested to contact the city and they would be put in touch with the contact people.

The Annual Punk, Pass and Kick is tentatively scheduled for the second weekend in September and will take place at McNary High School with various service clubs assisting with this project.

Councilor Christopher shared that the Annual Parks Tour is scheduled August 9, 1999 at 5:30 p.m.

Councilor Christopher noted that the Parks Board had discussed the possibility of partnering with a skate shop to hold a skate competition in conjunction with the Iris Parade next year. She will bring more information back to the Council as it becomes available.

OTHER BUSINESS

a. New Business

- Newly Hired City of Keizer Employees

Ms. Hunt welcomed new employees, Marilyn Sherwood, Karen Sergeant and Kelley King. She shared each of their backgrounds and their duties with the City.

Mayor Newton noted that the Oregon Transportation Commission would be holding their meeting on July 21, 1999 in Keizer. Also, Mayor Newton noted he would be attending the Oregon Mayor's Association Conference in Burns, Oregon on July 29 - August 1, 1999.

b. Old Business

- Year 2000 Update

Ms. Hunt reviewed her staff report with the Y2K update and the current update of Senate Bill 268 which limits liability to public bodies and gives date functionality problem protection. Ms. Hunt indicated that the City of Keizer had in good faith met the criteria submitted by the bill.

Responding to questions Ms. Hunt indicated that the major critical systems were close to 100% but major issues such as the 911 system, the City is waiting on confirmation from the responsible agency at this time.

Mayor Newton directed staff to direct a letter to the RAIN Program requesting in writing their Y2K readiness of their system.

Jim Hupy - Keizer Heritage Foundation President- gave an update on the renovation of the old school sharing that the National Guard has completed their portion of the parking lot. He noted that everything is on task and they are looking forward to a December opening.

Councilor Moir noted that the Claggett Creek Watershed would be holding their first annual meeting and elections on July 27, 1999 at 7:00 p.m. Also, in the absence of Lt. Miranda, Fire Chief, Greg Frank would be the acting Emergency Management Chair.

Chief Adams noted that the Community Services Specialist position would be filled in house by Laurie Phillips.

Chief Adams commended the youth of this community for their respect of others at the Carlson Skate Park. He reported there have been few problems and the trash is being better attended to.

ADMINISTRATIVE ACTION

a. Neighborhood Traffic Management Plan

Shannon Johnson, City Attorney reported at the City Council meeting in June, the Council directed staff to prepare a Resolution to adopt the Neighborhood Traffic Management Program. The Program was adapted from the larger Program that would be implemented through the Transportation System Plan. He recommended adoption of the resolution.

City Manager Mull noted that a temporary map indicating collectors and arterials would be placed in the plan and once the TSP is adopted the permanent map would be placed.

Councilor Keller moved a Resolution adopting the Neighborhood Traffic Management Program. Councilor Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, Moir and Newton (4)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Campbell, McGee and Whalen (3)

b. Traffic Safety Commission - Radar Reader Board Grant

Mike Kirby, Chair of the Traffic Safety Commission shared the steps taken in the Neighborhood Traffic Management Plan to assess the need for traffic calming devices on neighborhood streets. He indicated that the Commission is currently working on a grant to cover half of the purchase price of a radar reader board and trailer. He introduced Sergeant John Teague who was working in conjunction with him in pursuing the grant.

Sergeant John Teague thanked the Council for supporting the Neighborhood Traffic Management Plan and requested their assistance and support of the grant for the radar reader board and trailer. He indicated that the total cost of this would be approximately $8,000 with the grant covering approximately $4,000 of this cost. He pointed out the pros of the use of the radar reader board that included greater officer efficiency and the ability to be left on site unmanned for great periods of time. Sergeant Teague noted the funds being requesting are contingent upon receipt the grant.

Responding to questions Sergeant Teague added that in his discussions with various cities they have encountered very little vandalism to their units.

Concerns about funding were brought up and City Manager Mull indicated that there were funds budgeted for the Traffic Safety Commission to start the Neighborhood Traffic Management Program that could also be used for this purpose, but suggested the use of funds from Revenue Sharing.

Councilor Keller moved to authorize staff to apply for the Traffic Safety Commission Grant for the purchase of a radar reader board and trailer and identifying funds in Revenue Sharing which would be used as the matching grant. Councilor Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, Moir and Newton (4)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Campbell, McGee, and Whalen (3)

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

Amy Drought, Senior Planner reported that on June 21, 1999 the City Council conducted a public hearing on the appeal of the hearings officer decision on the haul road for Viesko Quality Concrete. At that time the City Council closed the public hearing and the record, and set the date of July 19, 1999 for deliberations on this appeal.

Ms. Drought stated that staff believed that a Conditional Use Permit was required to develop the proposed haul road. Staff recommended that the City Council approve the Conditional Use with the following conditions:

The applicant comply with the Department of Public Works requirements that would include:

a) *The applicant improve the proposed haul road to a 3/4 width improvement in accordance with the City of Keizer Department of Public Works Street Standards.*

b) *The proposed haul road can be developed as a private road with a gate until such time that the property to the north develops. At that time, the 3/4 width improvement shall be dedicated as a public right of way for only that section of the haul road extending the length of the property to the north (Tax lot 100)*

c) *The applicant shall develop a sound wall along the south side of the proposed haul road. The design and construction of the sound wall shall be approved by the Keizer Public Works Department. The sound wall shall be installed prior to any use of the proposed road.*

d) *The applicant shall create a safe, well-lighted intersection with appropriate sight distances in all directions. The intersection with Windsor Island Road and Lockhaven Drive shall be designed to provide for a curvilinear alignment resulting in adequate centerline continuance for the intersection.*

e) *The applicant shall submit a site grading plan to the Department of Public Works indicating where fill will be proposed and showing that no storm water in the* *area will be impeded by the proposed development. A site-grading plan shall be submitted to the Department of Public Works prior to any grading operations on the site within the City limits.*

f) *Once constructed, all Viesko Quality Concrete trucks and other vehicles associated with Viesko Quality Concrete business, shall use the haul road and not Willow Lake Road.*

g) *The applicant shall comply with Keizer Fire District and Marion County Fire District #1 requirements.*

City Attorney, Shannon Johnson noted that prior to deliberations he wished to address his memo from the last meeting. He also requested the applicant's attorney have an opportunity to request the reopening of the record.

Rick Stein, Attorney for the applicant announced that he did not desire to request the record be reopened at this time.

Mr. Johnson reviewed his memo to Council dated June 14, 1999 which included a list of proposed sequence of analysis. He explained that the Council would need to make the decision whether the Conditional Use Permit was necessary. If not, then no decision could be made and no conditions could be attached. This would dismiss the appeal as mute. Mr. Johnson went on to explain in his opinion, the EFU statutes do not apply and believed a Conditional Use Permit was necessary in this case.

Mr. Johnson noted that next, the Council must decide whether the code allows this use of a street in the EFU zone. He felt the code did allow for the use, opposing the Hearings Officers decision.

Responding to questions Ms. Drought noted that staff was suggesting that the intersection at Windsor Island Road and Lockhaven Road be improved to cause more of a center line alignment, and Lot 100 was not currently owned by the applicant. She explained that the Public Works Department conditions were as listed above with the exception of the previously recommended annexation and the hook up to public sewer and water due to the thought that the batch plant would be built in this area. She shared that the decision was made that these conditions were not practical and were eliminated.

In response to the Mayor's concerns Mr. Johnson shared that the major concerns between the applicant and the City were the City requesting that the proposed haul road be made a public street once the property to the north is developed. He noted that the applicant was concerned with traffic conflicts and the applicant requested that only the first 200 feet be declared public allowing internal movement with one outlet. He noted the other issue regarding staffs request of a linear alignment at Lockhaven and Windsor Island Road as shared by the applicant that they do not own Tax Lot 100 which would be needed to make this alignment. Mr. Johnson shared that staff had proposed an acquisition of additional right of way to allow this to be done.

City Engineer, Bill Peterson acknowledged the Council's questions and noted that the proposed gated entrance could be moved farther back on the property to allow easy turn around access to the public and emergency vehicles. He gave examples of where this had been done and felt that the intersection would be a two-way stop.

Councilor Keller suggested that language should be added to item (d) to show a joint effort in the acquisition of property needed to make the intersection align as required.

Mr. Johnson indicated in the final order a more detailed description would be added. He felt it should be written more as if the applicant attempted to purchase the land for fair market value and was unable to do so that at the applicant's cost the City could step in and acquire the property.

There was discussion between Mr. Johnson and Mr. Peterson whether land acquisition could take place if not for the purpose of public use. Mr. Johnson indicated that land did not have to be public, but would need to have a public purpose for this to do done.

Councilor Keller expressed his concern with the request that the haul road be designated public once the property north was developed. He explained he was unsure what type of traffic would mix well with gravel trucks and expressed some concern with the wording of this.

Mayor Newton suggested changing the language to "at such time as the property changes designation".

Responding to questions Mr. Johnson noted that if the language was left as written the City would not be required to accept the dedication to a public road if the zoning of the northern properties changed and it was found that the traffic would not merge well with the traffic from the gravel site.

Mayor Newton returned to Mr. Johnson's memo of June 14, 1999. He received consensus from the Council and agreement of Mr. Johnson's suggestions in the memo.

Mayor Newton felt that the intersection should align and if negotiations with the property owners of Lot 100 do not work the City could then become involved with the process. He noted that he would like the haul road to remain a private drive and at a future date, once the public purpose is found, to have the opportunity to change the designation to insure safety of the public.

<u>Councilor Keller moved to direct staff to return with an order granting the haul road with the conditions listed in the staff report 1(a), 1(c), 1(d), 1(e) as reworded, 1(f) and item 2.</u>

<u>The motion died for lack of a second.</u>

<u>Mayor Newton moved to direct staff to grant the Conditional Use Permit with staff recommendations. Councilor Moir seconded the motion.</u>

Responding to questions Mr. Johnson noted that the applicant expressed concern with the finality of the wording in condition (f). He noted in discussion with Viesko that occasionally they purchase products from Keizer Sand and Gravel and would need to use Willow Lake Road. He noted in this case the Council should make this exception and would write language to reflect this condition.

Councilor Christopher expressed her concern with the wording "shall use" in condition (f) in the staff report. She requested the wording be revised to allow usage of the road under certain circumstances.

The Council agreed to Councilor Christopher's suggestion as a friendly amendment.

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

<u>AYES:</u> Christopher, Moir and Newton (3)
<u>NAYS:</u> Keller (1)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> Campbell, McGee and Whalen (3)

d. ORDINANCE- Regulating Construction and Maintenance of Floating Structures

City Manager Mull noted that during the June 21, 1999 Council Meeting the Council directed staff to bring back an ordinance containing the recommended changes.

Senior Planner, Amy Drought shared the ordinance with the recommended changes and some minor typographical errors to be changed.

Councilor Keller moved the Bill for Ordinance in the matter of Adopting Standards for Regulating the Construction of Floating Structures with corrections as addressed by staff. Councilor Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, Moir and Newton (4)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Campbell, McGee and Whalen (3)

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

a. RESOLUTION - Initiate Prairie Clover Street Lighting District

b. RESOLUTION - Initiate Jordan Run Street Lighting District

c. RESOLUTION - Authorizing City Manager to Enter Agreement for Slurry Seals

d. RESOLUTION -Authorization for Clearing Account with US Bank

e. RESOLUTION - Authorizing City Manager to Award Bid for Chemawa Road and Cummings Lane Road Improvements

f. RESOLUTION -Cable Television Franchise Agreement Extension

g. Approval of June 21, 1999 Regular Session Minutes

Councilor Keller requested that item (e) is pulled from the Consent Calendar.

Councilor Keller moved for approval of the Consent Calendar with the removal of item (e). Councilor Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, Moir and Newton (4)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Campbell, McGee and Whalen (3)

Item "e"

Councilor Keller noted that he had discussions with Mr. Wallery and Verena Wessel of the West Keizer Neighborhood Association regarding the proposed improvements along Cummings Lane. He noted there are a large number of children using Delight Street when walking to and from school and felt this area was more of a concern as opposed to Cummings Lane.

Mayor Newton shared that as Council Liaison to the Bikeways Committee their long-term plans were for bicyclists to get from that end of Keizer. Cummings Lane was identified as part of this path.

Rob Kissler, Director of Public Works stated that Cummings Lane through the Salem-Keizer Area Transportation System Plan was designated as a collector street and would remain at a collector standard. He noted that there was a bike path on the south side of Cummings Lane and that a shift in the painted centerline would be made with this program and a bike lane would be added to the north side of Cummings Lane. This would range from approximately 200 feet west of River Road to Shoreline. Mr. Kissler also noted that during this process they would be reviewing underground utilities located near the Space Age Service Station and the church at that corner. They had encountered water main problems and did not want to build a new road over the top of that. Mr. Kissler went on to state that the proposed bike path would be done in the current right of way and they City would not be acquiring any additional right of way. He noted that they had partnered with the School District in the past to do a better traffic pattern around Cummings Lane with the addition of some drainage. Delight Street south of Cummings was also reviewed and a walkway and bike area was added for the children to gain access to the school.

Mr. Kissler shared that grants applied for by the City to build a bike path and walking lane on the north side of Cummings Lane were unsuccessful. After conversations with the Bikeways Committee and the Traffic Safety Commission they supported the idea of an additional bike lane.

Responding to questions Ms. Drought explained the requirements of the Transportation System Plan for collector streets and how this would effect the City's ability to obtain grant money for various projects.

Councilor Keller stressed that he felt Delight Street was of more importance to improve for the safety of the children walking to school.

After a lengthy discussion Mayor Newton asked the effect of tabling the issue until next month.

Mr. Kissler noted if the improvements were going to be done on Cummings that delaying for a month would not allow the improvements to be completed before the beginning of school.

In response to questions Mr. Kissler shared that the property owners along Cummings Lane had not been asked to participate in a Local Improvement District to add curbs and sidewalks.

<u>Councilor Christopher moved to Authorize the City Manager to Enter Into and Agreement with Houck Construction for Cummings Lane and Chemawa Road Street Improvements. Councilor Moir seconded the motion.</u>

<u>The motion failed as follows:</u>

<u>AYES:</u> Christopher and Moir (2)
<u>NAYS:</u> Keller and Newton (2)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> Campbell, McGee and Whalen (3)

Councilor Keller suggested conversation with the Traffic Safety Commission to evaluate Cummings Lane and Delight to decide what street would be more appropriate to improve at this time.

Mr. Kissler noted that the City did not have funding to do Delight at this time and the proposal would have to be changed to do so.

Mr. Mull noted that the main reason for improvements to Cummings were that is could be part of a street overlay with a minimum amount of cost.

Mayor Newton asked staff to restudy to entire issue and asked if an alternate street could be placed in the bid to replace Cummings Lane.

Mr. Kissler noted that Trail Avenue was a collector street that could be reviewed or the completion of the bike path at north River Road to connect to the Marion County north of the Meadows Park.

Councilor Keller moved Authorizing the City Manager to Enter into an Agreement with Houck Construction for Chemawa Road Street Improvements and directed staff to select another project for the funds identified for Cummings Lane. Mayor Newton seconded the motion.

Responding to questions Mr. Kissler noted he would return to Council in two weeks with a proposed project to fill the Cummings Lane project, but noted that the drainage issues along Cummings would continue for another year.

Mr. Kissler noted that one option could be to develop bikeways and bike paths on a portion of the street from Delight to the west.

The motion failed as follows:

AYES: Keller and Newton (2)
NAYS: Christopher and Moir (2)
ABSTENTIONS: None (0)
ABSENT: Campbell, McGee and Whalen (3)

City Manager Mull stated staff would review this issue and bring options back to the Council on August 2, 1999.

WRITTEN COMMUNICATIONS

No written communications were brought before the Council.

AGENDA INPUT

July 28, 1999 (Wednesday)-Keizer Police Auditorium
5:30 p.m. Special City Council/Keizer Urban Renewal Board/ Planning Commission
- Urban Renewal Strategic Plan

August 2, 1999
7:00 p.m. City Council Meeting
- Wittenberg Subdivision/PUD Amendment Public Hearing
- Curfew Ordinance
- Truancy Ordinance
- Order - Case No. 99-17- Viesko Quality Concrete Haul Road

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

Mayor Newton noted the agenda items.

Councilor Moir requested that staff notify the West Keizer Neighborhood Association of the agenda of August 2, 1999.

ADJOURNMENT

The meeting was adjourned at 9:07 p.m.

Tracy L. Davis

Tracy L. Davis, CMC
City Recorder

APPROVED:
MAYOR:

Bob Newton

COUNCIL MEMBERS:

(absent)
Councilor #1 - Garry Whalen

Jacque Moir
Councilor #4 - Jacque Moir

Councilor #2 - Lore Christopher

(absent)
Councilor #5 - Craig Campbell

Councilor #3 - Jim Keller

(absent)
Councilor #6 - Jerry McGee

Minutes approved:

august 2, 1999