

MINUTES
KEIZER CITY COUNCIL
Keizer City Hall
Monday, June 15, 1998
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee Councilor
Al Miller, Councilor
Garry Whalen, Councilor
Dawn Meier, Councilor

Staff:

Wally Mull, City Manager
Shannon Johnson, City Attorney
Tracy Davis, City Recorder
Susan Gahlsdorf, Finance Director

PUBLIC TESTIMONY

Carl Alleman, 7759 Timothy Lane NE, Keizer-
Expressed his concern with the new Reimann subdivision which is going in to the south of his property. Mr. Alleman stated he had been in contact with interested parties concerning dust control and no action is being done. Mr. Alleman requested assistance from the Council. City Manager Mull indicated he would follow up to see if there were any ordinance which covers this issue.

Mr. Alleman also expressed his concern regarding the trailers in Berkshire Estates. Mr. Alleman quoted the zoning code chapter 14; paragraph 16 which stated: "Foundation tie downs and other supports shall be provided to withstand a specific horizontal uplifting and overturning wind forces on mobile homes and any attached supported structures." Mr. Alleman stated that there are no tie downs on these trailers. Mayor Koho agreed to follow up on this issue. Mr. Alleman also stated that the skirting on the trailers is not matching in material, only color, and he would like the City to use what tools are available to be sure these standards are carried out. Mayor Koho requested that the City Staff review this and

remedy the situation. Mr. Alleman continued with his concerns regarding Berkshire Estates and the fencing around it's perimeter. Mr. Alleman indicates that since the order prohibiting more trailers has been rescinded there has been no work on the fence.

Mayor Koho thanked Mr. Alleman for his report.

COMMITTEE REPORTS

Swearing In of Keizer Police Officer Tim Lathrop

Chief Adam introduced the new Officer Tim Lathrop.

Shannon Johnson, City Attorney issued the oath of Officer Tim Lathrop.

Claggett Creek Neighborhood Association Annual Report

Eva Blake, 4960 Bailey Rd NE, Keizer- Presented the annual report. Ms. Blake indicated the association is about to meet it's goal with the completion of the skate park at Chalmer Jones Park. Ms. Blake shared that the members of Claggett Creek Neighborhood Association also are members of many of the other volunteer organizations in Keizer and requests that the Council renew the Claggett Creek Neighborhood Association for another year.

Councilor McGee moved to extend recognition to the Claggett Creek Neighborhood Association for another year and extended thanks to all the members for their hard work. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

COUNCIL LIAISON REPORTS

Parks Advisory Board

Councilor Miller shared the board's meeting which took place on Tuesday, June 9, 1998 included an update on the Claggett Park picnic shelter which has been ordered and should be delivered next week. The board is awaiting a building permit from Marion County. Councilor Miller indicated that the Meadows Park play structure will be completed within the next two weeks. The next meeting of the Parks Advisory Board will be Tuesday, July 14, 1998 at 7:00 p.m.

Planning Commission

Council President Keller shared that this commission met on June 10, 1998 and had a presentation from Jim Kennedy from the Department of Land Conservation and Development. Discussion was held regarding flood plains, flood ways, possible ordinances and future problems regarding flooding. Council President Keller indicated that the Commission would be putting together a report regarding flood mitigation and would like to work in conjunction with the Watershed Council.

Community Policing Committee

Chair Craig Campbell shared the peer court discussion is continuing. District three will be reviewing Staats Lake and problems with children trespassing on the island at the lake. Chair Campbell indicated they would be speaking with the Fire Department, Police Department and the Homeowner's Association to see what would be the best way to respond to this situation. District Three will also be discussing and developing an ordinance pertaining to open liquor on sidewalks and parking lots. District two in discussion of the ban or restriction of bee-bee guns within the city. District One IS continuing to work on the level of crime in that area. Chair Campbell indicated that the Committee would have their strategic plan to be presented at the next City Council Meeting.

OTHER BUSINESS

There was no other business to come before the Council.

NEW BUSINESS

Mayor Koho shared a letter from Lou Lewandowski expressing his frustrations in obtaining a building permit.

Planner Amy Drought indicated that Mr. Lewandowski submitted a permit for a carport which was 10 feet from the property line. Ms. Drought told him he would need to be 20 feet from the property and shared that there was some difficulty determining where Mr. Lewandowski's property line started. When Mr. Lewandowski came into the office Ms. Drought told him he would need to obtain a variance. Mr. Lewandowski felt he has been misled and misinformed about procedures.

Mayor Koho recommended waiving the \$200.00 variance fee in this case.

City Planner Amy Drought recommended approval of a variance is due to the fact that there is a wide right of way that the City would not be using.

Councilor Beach moved to waive any fees and have the City Planner notify Mr. Lewandowski that the variance application would be approved. Mayo Koho seconded.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

NEW BUSINESS

In response to Councilor Beach's question City Manager Mull indicated that there was an ordinance which required street vendors to obtain a permit prior to selling their goods on a temporary basis.

Chief Marc Adams shared that the official notice was received indicating the grant funds which the Police Department will be the recipient of. Chief Adams also indicated that the Keizer Police Department would be participating in the Worldbeat Celebration taking place at the Riverfront Park in Salem over the weekend. The K-9 program has obtained \$3,000.00 to date, with a \$1000.00 donation from an individual who preferred to remain anonymous.

OLD BUSINESS

City Attorney Shannon Johnson reports that the settlement agreement between the City and Comstock's have not been signed and returned. Upon questions from the Councilor's, Attorney Johnson indicated that he would prefer discussions pertaining to this issue be held at a later date.

PUBLIC HEARINGS

RESOLUTION- Forming
Jacobe Estates Phase II
Street Lighting District

Mayor Koho opened the Public Hearing.

City Manager Mull reported this a petition was received to form a street lighting district for Jacobe Estates Phase II Street Lighting District. The Engineer's report has been approved and notice of hearing has been issued.

There was no public testimony to come before the Council.

Mayor Dennis Koho moved a Resolution forming Jacobe Estates, Phase II Street Lighting District. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ORDINANCE-Spreading Assessments to Jacobe Estates Phase II Street Lighting District

Mayor Koho moved a bill for an Ordinance spreading Assessments to the Jacobe Estates Phase II Street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

RESOLUTION-Adoption of Fiscal Year 1998-1999 Budget, Making Appropriation and Certifying Permanent Tax Rate

Mayor Koho opened the Public Hearing.

Finance Officer Susan Gahlsdorf shared her report with the Council indicating that they do hold the authority to amend the budget. Ms. Gahlsdorf indicated that she spoke with the Department of Revenue who pointed out that the City's permanent rate has gone up to 8.38 cents per \$1000.00 of assessed value. Ms. Gahlsdorf revealed that this would be approximately \$3,000.00 in estimated revenues in the General Fund for the upcoming budget year.

Ms. Gahlsdorf indicated a change in the proposed budget. The Police Department would like to purchase six portable radios for use of the new staff as opposed to upgrading MDT equipment this year.

Responding to Councilor Miller's questions Ms. Gahlsdorf specified that the \$180,000 police officers grant would cover 50% of the cost for six officers for three years. Chief Adams defended the need for purchasing the radios in place of the MDT this year disclosing that there are 22 agencies dispatched throughout the Willamette Valley. Chief Adams stated that all these agencies would need

the same equipment, and they are currently working on grants to do this.

City Manager Mull responded to Mayor Koho's questions regarding the levee study. According to Attorney Johnson due to state law if a portion could be related to storm drains this could be justified. City Engineer drafted a letter supporting \$90,000 of the \$275,000 as storm drain related.

Presenting Public Testimony were:

Roy Duncan, member of budget committee. Mr. Duncan supports the 1998-1999 Budget. Mr. Duncan feels strongly about the 9-4 vote not to support CCTV due to, what he feels are the excessive raise in costs. Mr. Duncan shares the incremental increase over a ten year period would raise the cost of the CCTV to over one million dollars.

Marsha Benardczyk, stated she is an advocate of CCTV, but feels that \$132,000 is an excessive amount of money for this program when there are other issues which need more attention. Ms. Benardczyk would like to see some of the moneys allocated for CCTV being used to create a new limited duration staff position such as a building inspector/community liaison which would work under the planning department to monitor development and it's issues.

Mayor Koho shared that in the 1998-1999 budget there is an Associate Planner's position which will include some of the duties which Ms. Benardczyk outlined.

Ken Layton, 4177 River Road North, Keizer- is a proponent of CCTV. Mr. Layton shared his positive experiences with CCTV while living in Salem, and feels that through CCTV he was able to follow community policy and actions.

Mr. Layton also indicated that he is the chair for District three community policing and wanted the council to be aware that the ordinance which Officer Campbell spoke regarding restricting beebee guns and paint ball guns was brought about due to more than one incident in the area.

Jacque Moir, 6745 McLeod Lane, Keizer- feels that CCTV is a valuable tool even with the proposed costs. Ms. Moir felt that people are able to get a better picture of what is happening in their community through CCTV as opposed to the newspaper. Ms. Moir suggested that CCTV do some "advertising" for the City by displaying meeting times and dates across the bottom of the screen.

Kathryn Vannoy, 683 Faymar Drive, Keizer- communicated that she is one of the camera people for CCTV and has been a citizen of Keizer for seven years. Ms. Vannoy realizes that this is a lot of money but is also doing more than just Council Meetings. She shared the filming of the Keizer Iris Parade, her discussion with Jodie Sherwood regarding putting films together for the police department, films regarding neighborhood associations and neighborhood watches.

Mayor Dennis Koho closed the Public Hearing.

Councilor Beach expressed his opposition regarding CCTV due to the continued rise in costs and quality. He requested that the Council consider this before adopting this addition to the budget. Councilor Miller shared Councilor Beach's views, and in answer to Councilor Miller's question Finance Director Ms. Gahldorf indicated that the budget shows more spending than revenue brought in. Councilor Miller felt the City would have to go back to the taxpayers in three to four years to ask for a levy or new taxbase and did not feel it was the resourceful thing to do.

Councilor McGee indicated that there is an ending fund balance of \$519,000 for future use as a reserve.

Councilor's Whalen, Meier and Keller shared their support of CCTV. Councilor Whalen indicated that CCTV is only 1% of a \$14 million dollar budget which is an important tool for the community.

Mayor Koho indicated that the 2% franchise fee in his research found this is covered through negotiation with the cable company outside of the 2%. Mayor Koho indicated that to raise this fee would take a unanimous consent from the full cable regulatory commission.

Councilor Keller moved a Resolution Adopting the Fiscal Year 1999 Budget, Making Appropriations and Certifying Permanent Rate. Mayor Koho seconded the Motion.

Councilor President Keller moved to amend the budget to restore CCTV buy-in fee and spread costs over four budget funds. Councilor Whalen seconded the amendment.

The amendment to the motion passed as follows:

AYES: Keller, Koho, Meier and Whalen (4)

NAYS: Beach, Miller and McGee (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor McGee moved to amend the budget that the funds for CCTV be distributed from sources other than the water fund. Councilor Whalen seconded the Motion.

The amendment to the motion passed as follows:

AYES: Beach, McGee, Meier, Miller and Whalen (5)

NAYS: Koho, Keller (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

The Council agreed by consensus to approve the \$55,000 Levee Study in the Street Fund as an appropriation of Fuel Tax Revenues.

The Council agreed by consensus to change the \$14,000 MDT Upgraded line item to Portable Radios in the Revenue Sharing Fund.

Councilor McGee moved to amend the budget to removed the line item Keizer promotion grant and the \$5000 (20%) deleted moved from the line item for Keizer Promotion Grant to contingency. Councilor Meier seconded the Motion.

The amendment to the motion passed as follows:

AYES: McGee, Meier, Miller and Whalen (4)

NAYS: Beach, Koho, Keller (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

The Budget as amended passed unanimously by the Council.

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho and City Manager Mull thanked the Council, those who testified, the Budget Committee and Department heads for their contribution.

**ORDINANCE- Vacating
a Portion of
Appleblossom Avenue
NE**

Mayor Koho opened the public hearing.

City Manager Wally Mull presented the staff report. He noted that the Keizer City Council initiated the vacating of an alley-way on the south side of Appleblossom Avenue NE. The vacation was requested by Robert and Judy Mitchell, owners of the adjacent property. The vacation process requires a notice of public hearing be posted on the property and published in the newspaper for two consecutive weeks. These notices were posted and published accordingly. In addition, notice was posted on the property as required under ORS 270.080(2).

The staff recommends that the City Council open the public hearing, receive testimony, close the hearing and adopt an ordinance vacating a portion of Appleblossom Avenue NE, Keizer.

Presenting testimony before the Council are:

Raymond and Celia Fisk-The Fisk's indicated they did not wish to testify, but did want the Council to know they are in favor of the vacation.

Bob Mitchell, 1590 Kings Valley Highway, Dallas- Mr. Mitchell shared that he was the initiator of the petition and is the owner of the property adjacent. Mr. Mitchell recommended that this be divided between adjacent parcels. This would place additional value on the tax roles and delete maintenance costs, thus giving a greater value to adjacent property owners.

City Manager Mull indicated that he did receive a letter from US West which maintains there may be a conflict on the north side due to an interface cabinet in the area. City

Manager Mull feels this would be the only utility concern and that rezoning would not be an issue.

No other public testimony was brought to the Council.

City Manager Mull responded to questions regarding utility conflict and vacation.

Shannon Johnson, City Attorney suggested inserting language in the Ordinance – Section 7 as follows:
....water line, conduit of any kind, wires, poles or equipment of any kind which are now installed in said street and used....

Mayor Koho moved the Bill for Ordinance Vacating a Portion of Appleblossom Avenue NE in the City of Keizer, County of Marion, with the amended language. Councilor Beach seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

The consent calendar consisted of the following items:

- a. **RESOLUTION-** Election to Receive State Shared Revenues.
- b. **RESOLUTION-** Certifying the City Provides Four or More Services
- c. Approval of October 6, 1997 City Council Minutes
- d. **RESOLUTION-** Authorizing City Manager to Enter Agreement for Slurry Seals for Certain Streets Within the City of Keizer.

Council President Keller moved for approval of the items on the Consent Calendar. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**WRITTEN
COMMUNICATIONS**

Mayor Koho noted the receipt of a letter from FEMA regarding the appeal.

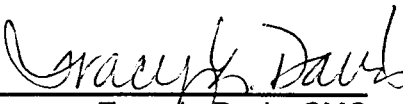
AGENDA INPUT

Mayor Koho noted the agenda input items. Mayor Koho indicated on June 22, 1998 for the Urban Renewal Agency Meeting he would not be able to attend.

Mayor Koho announced the July 20, 1998 City Council meeting would be canceled.

ADJOURNMENT

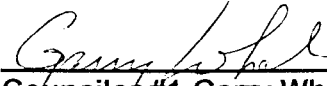
The meeting was adjourned at 9:18 p.m.


Tracy L. Davis, CMC
City Recorder

APPROVED:
MAYOR:

Dennis Koho

COUNCIL MEMBERS:



Councilor #1-Garry Whalen

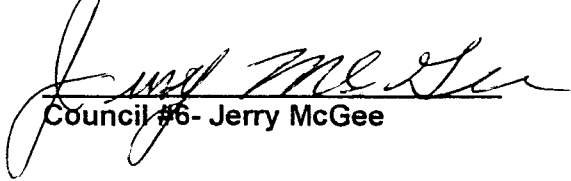
Councilor #4- Carl Beach

Councilor # 2-Dawn Meier

Councilor #5- Al Miller



Councilor #3- Jim Keller



Council #6- Jerry McGee

Minutes approved: February 16, 1999