

MINUTES
KEIZER CITY COUNCIL
Monday, June 5, 1995
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:00 p.m.
Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Jerry Watson, Councilor

Absent

Chet Patterson, Councilor

Staff:

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

**PUBLIC
TESTIMONY**

There was no public testimony to come before the Council.

**COMMITTEE
REPORTS**

Charles Stull, Chief of Police introduced Lance B. Fredericks as the recently hired Sergeant for the Keizer Police Department. Chief Stull gave a brief presentation on the background of Sergeant Fredericks.

**SWEARING IN OF
POLICE SERGEANT**

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

Mayor Koho and the Council welcomed Sergeant Fredericks to the City of Keizer.

**PRESENTATION BY
MARION COUNTY ON
INCREASED
FACILITY BOND
PROPOSAL**

Mary Pearmine, Marion County Commissioner, 2251 Matheny Road, Gervais and Randy Curtis, Marion County Director of General Services appeared before the Council to give an overview of the proposed facility plan for Marion County. Ms. Pearmine noted with the growing population of Marion County and the present age and repair needs of the various facilities, a steering committee was created to evaluate programs, service levels and space needs for Marion County for the next 20 years. As a result of this year long study, the committee identified an immediate need for \$65-\$85 million of new and upgraded facilities. Health, public safety and service efficiency were the most significant issues needing attention. Ms. Pearmine reviewed the recommendations of the steering committee in each of these areas:

Juvenile Detention and Public Health

- construction of a new 126,000 square foot 96 bed juvenile facility (estimated cost \$20.5 million)
- remodeling the existing Juvenile and Health buildings to accommodate the Health Department's need for space. (estimated cost: \$2 million)

Adult Corrections and Law Enforcement

- construction of at least one new jail pod (estimated cost \$10 million)
- construction of a 165,000 square foot law enforcement facility on 25 acres east of the corrections campus to house Marion County Sheriff's Department, Oregon State Police and the City of Salem Police Department (estimated cost \$30 million)

Government Services/Courts & Security

- the purchase and remodel of the equitable building or, if this option is not feasible, construct a new public service building on the Senator block (estimated cost \$11-20 million)
- construction of an 18,000 square foot building at the Silverton Road facility to house the Public Works Department (estimated cost \$2 million)

Ms. Pearmine noted the steering committee is making several area presentations to gain reaction to these proposals. The County is considering placing a ten-year bond on the September 1995 ballot.

In response to a question from Mayor Koho, Ms. Pearmine noted it is intended for the elections office to move to a down town location.

The Council discussed how the passage of this bond could affect the tax rate for the citizens of Keizer. Mr. Curtis stated it will not affect the \$10 cap for government agencies.

Councilor McGee encouraged the County to educate the residents on the location and structural appearance of the present facilities.

Ms. Pearmine thanked the Council for allowing this presentation on these important issues and invited anyone to call if they had additional questions.

PUBLIC HEARINGS

RESOLUTION - AUTHORIZING CITY MANAGER TO COMMENCE WITH DESIGN AND CONSTRUCTION FOR LOCKHAVEN DRIVE IMPROVEMENTS

Mayor Koho opened the Public Hearing.

Wally Mull, Public Works Director reported during 1994 a meeting was held with the residents in the area of Lockhaven Drive to discuss potential improvements to Lockhaven between Trail Avenue and 14th Avenue. These improvements would include the construction of sidewalks and bike paths. The residents voiced their opposition to participating in a local improvement district to cover the construction costs of sidewalks. This hearing has been scheduled to provide the residents another opportunity to present testimony regarding this project.

In response to a recently adopted council pedestrian safety goal, Mr. Mull recommended the Council proceed with these improvements using city street funds to cover the costs. Mr. Mull noted the basic improvements to Lockhaven are estimated to be \$474,000. The additional cost to construct sidewalks would be \$149,000, bringing the total costs to \$623,000. Mr. Mull stated the full amount is available in the street fund.

Councilor Watson favored the addition of sidewalks near the school, however he is concerned about the design of the bike paths and sidewalks.

Mr. Mull stated the existing right of way is 70 feet which will be broken down by two travel lanes, a turn lane, 2 six-foot bike lanes and sidewalks. The bike lane would separate the sidewalk from the vehicle travel lanes.

Councilor Watson asked staff to consider design options for placing the sidewalks farther away from the traffic lanes.

In response to a question from Councilor McGee, Mr. Mull stated Lockhaven Drive is part of a regional bike route and therefore would not recommend combining the sidewalks and bike paths. He noted it is safer for the bike riders to have their own lane of travel.

Providing testimony to the Council were:

Robert Brown, 1020 Lockhaven Drive, Keizer questioned the need for the bike paths and sidewalks. As a resident, he has not experienced the high volume of bike riders or pedestrians along Lockhaven Drive. Mr. Brown stated a fourteen-foot turn lane is not needed due to the lack of large vehicle traffic along Lockhaven. He suggested a twelve-foot turn lane, four-foot bike lanes and five-foot sidewalks would preserve ten-feet for parking in front of the homes. Mr. Brown said in discussions with the Marion County Assessor, the property value of his home will decrease if parking is not provided in front of the house. As the owner of a motor home, Mr. Brown stated it will become impossible to park his vehicle near his house.

In response to a clarification question from Councilor McGee, Mr. Brown stated his main concern is the loss of parking in front of his home and the inability to maneuver his motor home into his driveway.

Irene Fernandez, 1163 35th Avenue NW, Salem, Principal of Whiteaker Middle School, stated she is very concerned with the lack of sidewalks along Lockhaven Drive. With the anticipated enrollment of 1240 students for next year, many students will be walking to school. These sidewalks would create a safety area for the students. Ms. Fernandez stated the combination of bike riders and pedestrians in the path causes the bike riders to move into the lane of traffic to avoid those walking. This becomes a very dangerous situation for those on bikes.

Ms. Fernandez encouraged the Council to construct the sidewalks along Lockhaven Drive to provide safety for all the students at Whiteaker Middle School.

In response to a question from Councilor McGee, Ms. Fernandez stated there will be many students from Gubser and Kennedy Elementary schools which will be walking along Lockhaven to get to Whiteaker.

Star Patterson, 1424 Lockhaven Drive, Keizer stated as a resident of Lockhaven for 18 years and raising three children who walked to school, she is thrilled the City is finally considering constructing sidewalks. Ms. Patterson has personally observed the children walking and riding their bikes who have had close encounters with vehicles along Lockhaven Drive.

Ms. Patterson stated Lockhaven Drive has become a main thoroughfare for traffic going to Interstate 5. With the growing population of Keizer, she noted this situation will continue to get worse. Ms. Patterson stated it is the responsibility of the Council to provide safe access for the young citizens to get to and from school.

Jere Patterson, 1424 Lockhaven Drive, Keizer stated as a retired Oregon State Police Officer he strongly supports the addition of sidewalks along Lockhaven Drive. Mr. Patterson said there is an abundant amount of children who walk near his home. In addition, Mr. Patterson has experienced vehicles using the bike lanes for travel, which becomes a potentially dangerous situation for the pedestrians.

Mr. Patterson stated he was present at the previous meeting and feels the objection to the sidewalks was due to the fact the City would be requiring the residents to pay for them. He stated the City has a legal and moral obligation to provide sidewalks along Lockhaven Drive for the citizens of Keizer.

Jan Moch, 733 Maine Avenue, Keizer stated as a parent of a Whiteaker student she is very concerned about the safety of the children walking and riding their bicycles to school. Ms. Moch said the Local School Advisory Committee (LSAC) has been discussing safety issues for the children attending Whiteaker. The addition of sidewalks would provide another safety factor for the students walking or riding their bicycles to school. Ms. Moch

noted a combination sidewalk/bike path would not be beneficial due to the large volume of pedestrians and bike riders. Ms Moch stated the children need to have the ability to get to and from school in a safe way. Ms. Moch strongly encouraged the Council to proceed with the construction of sidewalks along Lockhaven Drive.

In response to a question from Councilor Watson concerning the present design of the project, Ms. Moch believes when a bike lane is provided for the bike riders, it will provide a safe area for pedestrians on the sidewalks. In addition, Ms. Moch supported additional bike education programs for the children.

Mark Miedema, 419 Dorcas Drive N, Keizer stated he is the incoming LSAC chair for the 95-96 school year. He has observed the dangerous situation that exist with the pedestrians and bike riders using the same lane. With the increase in students proposed for Whiteaker next year, he encouraged the Council to construct the sidewalks along Lockhaven Drive. Mr. Miedema added since Lockhaven is the main route to Interstate 5, traffic will continue to increase. He urged the Council to construct sidewalks to protect the children.

Ward DeBeck, 1334 Lockhaven Drive, Keizer stated he is concerned about the safety of the pedestrians along Lockhaven Drive. With the high volume of traffic, it is essential to provide sidewalks for the pedestrians. Mr. DeBeck added he has observed two accidents involving injuries to children on Lockhaven Drive which required emergency medical aid. This type of incident will continue to happen until safety measures are provided to protect the pedestrians.

Mr. DeBeck also voiced his concerns regarding the appearance of Lockhaven Drive. He stated there area many residents with nice houses, however there are several near Verda Lane and east which have been ignored. He believes the appearance will be improved with the addition of sidewalks.

Mr. DeBeck encouraged the Council to proceed with this project to provide additional safety for the children and improve the appearance of the area.

Ken Swarthout, 1224 Lockhaven Drive, Keizer appeared before the Council on behalf of relatives who own property at 1024 Lockhaven Drive. He has experienced the unsafe condition as a pedestrian who walks on Lockhaven Drive. Mr. Swarthout also relayed the concerns of his uncle at the rate of speed vehicles travel along Lockhaven Drive. Mr. Swarthout fully supported the construction of sidewalks along Lockhaven Drive to provide safety to the children and other pedestrians who use this area.

Councilor McGee noted the posting of speed limits in Keizer is not within the jurisdiction of the City.

Jacques, 18974 Powers Creek Loop Road NE, Salem stated he owns the residence at 1354 Lockhaven Drive, however he has not reviewed the plans for these improvements. Jacques stated he is concerned about the loss of parking along Lockhaven Drive. In addition, he believes Lockhaven Drive will become a commercial area and these improvements will be wasted as this change in development occurs. Jacques stated the bike riders and pedestrians should be diverted to the side streets instead of traveling along Lockhaven Drive.

Don Earle, 1075 Lockhaven Drive, Keizer stated there is an abundance of traffic which drives on Lockhaven Drive. He feels traffic will continue to be added to this street and suggested the City consider another access into Keizer. Presently Lockhaven and River Road are the main access into the City and they are becoming bottlenecked. Mr. Earle noted Lockhaven does not need to have a turn lane since there are only two streets to turn to and not a large volume of truck traffic. He encouraged the Council to spend these fund on pursuing additional access routes into Keizer.

Joanie Mann, 2129 Flagstone Court, Keizer addressed the Council representing the Gubser Neighborhood Association. Ms. Mann stated at their last meeting, the association voted to strongly support the placement of sidewalks and bike paths along Lockhaven Drive. The Association is concerned for the safety of the pedestrians along this busy street.

Ms. Mann also thanked the staff for their help and continued open line of communication on projects such as these.

Mayor Koho closed the public hearing.

Councilor Watson believed the proposed plan is only a temporary fix to the safety problems along Lockhaven. He suggested the City consider investing additional funds and look at alternative design options.

Wally Mull, Public Works director stated it is not recommended the bike paths be on the same side for safety reasons. In addition, bike paths are considered legal travel lanes and should be moving in the same direction as traffic.

Councilor Keller supported the addition of sidewalks along Lockhaven Drive based upon his pedestrian experience walking along this busy street.

Councilor Beach stated he understands the concern of the residents with removing the parking in front of their homes. However he fears a child will be hurt if safety issues are not addressed at this time.

Councilor Miller also voiced his support of the addition of sidewalks on Lockhaven Drive. He has personally observed accidents in this area of Keizer.

Councilor McGee stated when weighing all the factors, safety needs to be the overall concern. He also agreed these additions will improve the aesthetics of the Lockhaven area.

Councilor McGee moved a Resolution Authorizing the City Manager to Commence with Design and Construction for Lockhaven Drive Improvements. Mayor Koho seconded the Motion.

Mayor Koho noted from his experience he favored keeping the bike paths separate from the pedestrians and motorized traffic lanes along Lockhaven Drive.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson (1)

Councilor Watson asked staff to investigate alternatives to the design on this project.

**RESOLUTION -
FORMATION OF
KEIZER PRAIRIE
STREET LIGHTING
LOCAL
IMPROVEMENT
DISTRICT**

**ORDINANCE -
SPREADING
ASSESSMENTS TO
KEIZER PRAIRIE
STREET LIGHTING
LOCAL
IMPROVEMENT
DISTRICT**

Mayor Koho opened the public hearing.

Dotty Tryk, City Manager reported a local improvement district was initiated at the request of the developer and some of the residents of the Keizer Prairie subdivision. An engineering report was completed and notice of the public hearing was mailed as required by Ordinance. Ms. Tryk noted she has not received any written remonstrance to this project.

Presenting testimony to the Council were:

Susanne Barker, 1359 Parkmeadow Drive NE, Keizer inquired if this is standard procedure for the placement and funding of street lights within the City.

Mayor Koho noted there are approximately 117 lighting districts within the City at this time. The costs are assessed on the property tax statements for the electricity and maintenance costs throughout the year for each of the property owners.

Kurt Barker, 1359 Parkmeadow Drive NE, Keizer stated as an area home builder he was not aware property owners were assessed costs for the electricity and maintenance of their street lights. Mr. Barker felt the costs of street lights should be a service included as part of the property taxes.

Mayor Koho stated it is not included in the general taxation because all areas of Keizer do not have street lights.

Councilor Watson noted the assessment costs as part of the lighting districts should be approximately the same as if the costs were included in the general property taxes.

Mayor Koho closed the public hearing.

Councilor Beach moved a Resolution forming the Keizer Prairie Street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson (1)

Councilor Beach moved an Ordinance Spreading Assessments to the Keizer Prairie Street Lighting Local Improvement District. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson (1)

RESOLUTION -
FORMATION OF
ALDER DRIVE
STREET LIGHTING
LOCAL
IMPROVEMENT
DISTRICT

ORDINANCE -
SPREADING
ASSESSMENTS TO
ALDER DRIVE
STREET LIGHTING
LOCAL
IMPROVEMENT
DISTRICT

Mayor Koho opened the public hearing.

Dotty Tryk, City Manager reported a local improvement district was initiated at the request of the developer of the Alder Drive subdivision. An engineering report was completed and notice of the public hearing was mailed as required by Ordinance. Ms. Tryk noted she has not received any written remonstrance to this project.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved a Resolution forming the Alder Drive Street Lighting Local Improvement District. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson (1)

Councilor Keller moved an Ordinance Spreading Assessments to the Alder Drive Street Lighting Local Improvement District.
Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson (1)

ORDINANCE -
ASSESSMENT FOR
NUISANCE
ABATEMENT COSTS
(KACHATURIAN)

Mayor Koho opened the public hearing.

Shannon Johnson, City Attorney reported the property at 680 Sunset Drive North was cleaned up at the expense of the City. The owners of the property, Joseph and Diane Kachaturian were notified of the complaints and then cited for the ordinance infractions. After noncompliance, the City moved forward cleaning the property. Mr. Johnson noted the total costs of cleaning the property are \$1,727.77.

In response to a question from Mayor Koho, Mr. Johnson noted the Municipal Court fines were not paid.

Mr. Johnson stated there was some communication with a representative for the property owner, however the promises were not followed through. He noted the complaints were initiated in November, 1994.

In response to a question from Councilor Keller, Mr. Johnson stated the fines assessed will be remain a judgment for ten years and may be renewed after that. In addition, the vehicles towed are in the possession of the towing company and there will be no further costs to the City.

Councilor McGee stated the goal is to receive compliance in these cases. He hopes the word will get out to the community the Council is serious and does not look the other ways these issues.

Councilor Keller commended the staff for the work done on this case.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved a bill for an Ordinance Declaring a Lien Against Property located at 680 Sunset Drive North and Directing the City Recorder to Enter Such Lien in the Minor Lien Docket Pursuant to Ordinance No. 94-282 (Nuisance Abatement) Declaring an Emergency. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson (1)

ADMINISTRATIVE ACTION

RESOLUTION - EXECUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT

Dotty Tryk, City Manager reported the staff has reviewed the proposed contract for the administration of the Housing Rehabilitation Program with VanDerlip and Associates. Ms. Tryk noted Mr. VanDerlip is charging 17% of the total for the administration of this program. In reviewing other agencies to administer this program, the City of Salem was the only other alternative for Keizer to consider. Ms. Tryk reviewed the comparison between VanDerlip and Associates and the City of Salem as outlined in her staff report. Ms. Tryk felt the greatest benefit of having VanDerlip and Associates administer the program, was the payment is based on closing loans. This provides him an incentive to get the money into the community.

In addition, Ms. Tryk noted the references for Mr. VanDerlip were glowing and was impressed he was chosen to write the operating manual for housing rehabilitation for the Oregon Economic Development Department.

Councilor Keller supported entering into an agreement with VanDerlip and Associates to administer the Housing Rehabilitation Program.

Councilor McGee moved a Resolution Authorizing Execution of a Contract for Administration of the Housing Rehabilitation Program. Mayor Koho seconded the Motion.

CONSENT CALENDAR

Councilor McGee stated he is pleased with the results of the investigation even though it delayed the program for an additional three weeks.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson (1)

The consent calendar consisted of the following:

- a. RESOLUTION - No Parking - Portion of Dearborn
- b. Approval of May 15, 1995 Regular Session Minutes

Councilor Miller removed item "a" from the consent calendar.

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

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson (1)

"item a" - RESOLUTION - No Parking - Portion of Dearborn

Councilor Miller voiced his concern with the final paragraph of the Resolution, the hours for the commercial loading zone are not specified. He requested the hours of 8:00 a.m. to 5:00 p.m. be specified on line 26 of the Resolution.

The Council agreed by consensus to add this language to line 26 of the Resolution.

Mayor Koho moved to adopt a Resolution Designating Portions of Dearborn Drive NE as a "No Parking" Zone and Allowing Use as A Commercial Loading Zone During Certain Hours with the added language as agreed upon by Council. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson (1)

OTHER BUSINESS

Councilor Keller asked for an update on the status of the house on Cherry Avenue.

City Manager Tryk stated the owner of the property has asked for a judicial review of the decision to demolish the house. A date for this review has not been set at this time.

Councilor Keller encouraged the staff to move forward as soon as possible with this matter.

Mayor Koho requested a volunteer to replace Councilor Patterson on the school siting committee. Councilor McGee volunteered to fill this position.

Councilor McGee asked the Council to consider having staff prepare guidelines for the responsibility of costs when considering improvements to areas within the City. He voiced his concern with the lack of criteria for the Council to use in making financial responsibility decisions.

Councilor McGee moved to direct staff to develop a set of criteria or guidelines to determine the financial responsibility for street, sidewalk and bike path improvements. The Motion was seconded by Councilor Beach.

Councilor Beach with the creation of these guidelines, it will avoid any possible conflicts with determining the financial responsibility.

Councilor Keller stated the Council has done a good job in deciding the financial responsibility to this point.

Mayor Koho suggested the staff bring this issue back at an upcoming Council worksession for further discussion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson (1)

John Morgan, Community Development Director announced an Urban Renewal Agency meeting has been scheduled for Monday, June 19, 1995 at 6:30 p.m. Agenda items include the authorization of an agreement with Portland General Electric and adoption of the 1995-96 budget.

In addition, Mr. Morgan stated Anton Nellison, an urban designer, presented a work session on the River Road/Chemawa intersection. Lots of good ideas were generated by his presentation.

Charles Stull, Chief of Police updated the Council on the hostage situation on O'Neil Road which happened earlier in the day.

Kim Krause, Finance Officer stated she received an acknowledgment from the Internal Revenue Service that the letter regarding the 1991 tax charges has been received and will be reviewed within the next 90 days.

Wally Mull, Public Works Director noted the recently purchased aerial photos provided the Police Department an overhead view of the house during the hostage situation. This is just one instance in how these photos will be beneficial to the City.

In addition, Mr. Mull noted the sign at McDonalds was replaced with a small sign.

Dotty Tryk, City Manager stated the agreement with Keizer Heritage has been reviewed by both parties and should be before the Council at the next meeting.

Ms. Tryk also noted the first meeting under the SKPAC process regarding the Willow Lake Treatment Center area has been scheduled for Friday, June 9th at 11:00 a.m.

**WRITTEN
COMMUNICATION**

There was no written communication to come before the Council.

**EXECUTIVE
SESSION**

The Council adjourned to executive session at 9:30 p.m. pursuant to ORS 192.660(1)(e) - real property transactions.

The executive session was adjourned at 9:50 p.m.

The Council reconvened the regular session at 9:50 p.m.

Mayor Koho announced no action was required from the discussions during executive session.

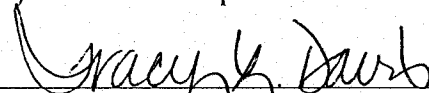
AGENDA INPUT

Mayor Koho noted the agenda input items.

Mayor Koho requested the Urban Renewal Agency meeting scheduled for Monday, June 19, 1995 start at 6:30 p.m. rather than 6:55 p.m.

ADJOURNMENT

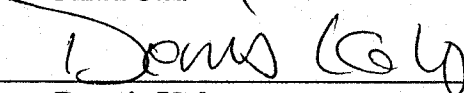
The meeting was adjourned at 9:51 p.m.



Tracy L. Davis
City Recorder

APPROVED:

MAYOR:



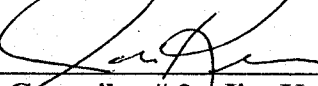
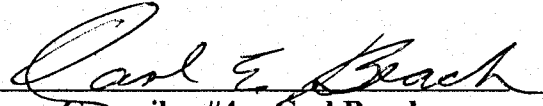
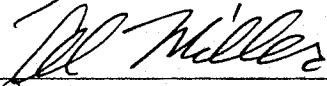
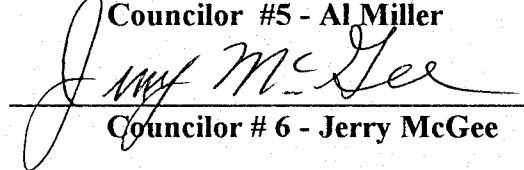
Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Jerry Watson

(absent)

Councilor #2 - Chet Patterson


Councilor #3 - Jim Keller
Councilor #4 - Carl Beach
Councilor #5 - Al Miller
Councilor #6 - Jerry McGee