

CITY COUNCIL AGENDA PACKET

MONDAY, JUNE 1ST, 1998

● 7:00 P.M. CITY COUNCIL
MEETING

● 7:30 P.M. URBAN
RENEWAL AGENCY

Please contact Wally Mull, City Manager if you have any questions or need additional information regarding any of the staff reports or issues contained on the agenda.

CITY OF KEIZER MISSION STATEMENT
**KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY
SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION**

A G E N D A

KEIZER CITY COUNCIL

Monday, June 1, 1998

7:00 p.m.

Robert L. Simon Council Chambers
Keizer City Hall, Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on matters not scheduled for public hearing or listed on the agenda.

4. COMMITTEE REPORTS

- a. Council Liaison Reports
 - Keizer Urban Renewal Board – Councilor Beach
 - Traffic Safety Commission – Mayor Koho
 - Audit Committee – Councilor Beach

5. OTHER BUSINESS

This time is provided to allow the Mayor, Council members or staff an opportunity to bring new or old matters before the Council which are not on tonight's agenda.

- a. New Business
- b. Old Business Report
 - Staff Response regarding Marcia and Neil Bednarczyk issue

6. PUBLIC HEARINGS

7. ADMINISTRATIVE ACTION

- a. RESOLUTION – Approving Planning Commission Rules Amendment
RESOLUTION – Amending the Rules of the Commission – Amending
Planning Commission Resolution 83-1
- b. Wetland Mitigation Project – Claggett Creek

8. **CONSENT CALENDAR**

- a. **RESOLUTION** – Approving Engineer's Report for Jacobe Estates Phase II Street Lighting District
- b. Approval of October 6, 1997 City Council Minutes
- c. Approval of October 20, 1997 City Council Minutes
- d. Approval of November 3, 1997 City Council Minutes
- e. Approval of November 17, 1997 City Council Minutes

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications and petitions.

10. **AGENDA INPUT**

June 15, 1998

7:00 p.m. City Council Meeting

- 1998-99 Budget Public Hearing
- Adoption of City of Keizer 1998-99 Budget
- Appleblossom Street Vacation Public Hearing
- Towing Agreements
- Master Sewer Plan Amendment – Acreage Fees
- Jacobe Estates Phase II Street Light District Hearing

June 22, 1998

7:00 p.m. Urban Renewal Agency Meeting

- 1998-99 Budget Public Hearing
- Adoption of Budget

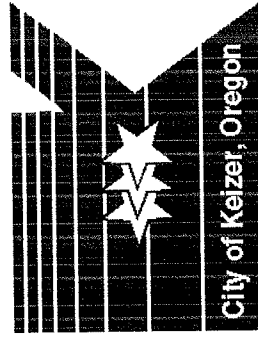
July 6, 1998

7:00 p.m. City Council Meeting

- Floating Structure Ordinance
- Ordinance Amendment - Commercial Garbage Rate Definition
- Compensation Resolution Amendments

11. **ADJOURN**

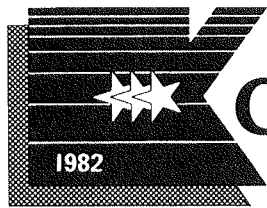
Upon request, auxiliary aids and/or special services will be provided. To request services, please contact us at 390-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.



June 1, 1998

AGENDA ITEM 5b

OLD BUSINESS



City of Keizer

1982

Phone: 390-3700 • Fax: 393-9347

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

CITY COUNCIL MEETING: _____
AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: ROB KISSLER - PUBLIC WORKS DIRECTOR

THROUGH: WALLY MULL - CITY MANAGER

**SUBJECT: RESPONSE TO TESTIMONY OF MARCIA AND NEIL BEDNARCZYK
7775 O'NEIL RD. N.**

ISSUE:

Marcia Bednarczyk provided testimony at the May 4, 1998 City Council meeting regarding a number of issues including surface drainage, fill on adjoining property, damage to trees on their property during construction of public utilities, and dumping of unwanted material on their property. The Mayor has requested that the Public Works Department staff prepare a report to the City Council for their consideration.

BACKGROUND:

The Bednarczyk property is located in the northern part of Keizer in an area that has seen considerable construction in the past year. The Waterford Addition subdivision was platted in March of 1996. The conditions of approval required the developer to meet the exact same requirements of development at the Leewood Meadows Subdivision which is located across O'Neil Road and just south of the Waterford Addition. One of the conditions required a very extensive storm drainage system that directs the storm water runoff away from the subdivisions. During development of the subdivision, the grading of the lots has changed the topography adjacent to adjoining property. The Public Works Department does not have jurisdiction over construction on individual lots, but does require that the development of new subdivisions not alter the natural drainage in the area.

As a result by the council, the staff has obtained photographs of the area during flooding periods to determine where areas of local flooding usually occurs. The photos are dated January 2, 1997. It is easy to see in the photographs that many of the properties along O'Neil Road do have considerable ponding during heavy rain periods. The development of subdivisions in the area are installing portions of a master storm drain system that will provide for adequate storm drainage systems for all of the properties in the area. At least three storm drain lines have been or will be constructed that will provide service to the Bednarczyk property. Attached is a copy of the Waterford Subdivision Plat that shows the area of the subdivision that originally drained towards the Bednarczyk's property and the area that now could drain that direction. The total area has been substantially reduced.

"Pride, Spirit and Volunteerism"

Incorporated 1982



The city staff has been in contact with the Bednarczyks, the developer of the adjacent property, and his engineer. It was determined that the contractor for the developer had entered upon the Bednarczyks property without adequate permission. Some trees were damaged, some fill was placed on their property, and a utility vault used by P.G.E. was placed partially on their property. Compounding the problem was a need to obtain an easement across the frontage of their property in order to place a new water main in it's correct alignment. Using a route that circumvented the Bednarczyk property would be more expensive at this time and would also be more expensive for the Bednarczyks when their property develops. It was for this reason that the City Engineer placed a phone call to the attorney for Bednarczyks to see if he would be willing to contact them about the need for the easement.

CONCLUSION:

The city staff conducted a meeting with Bednarczyks, the developer, and his engineer on the morning of May 4 to determine all of the issues to be resolved. Staff felt that the meeting was positive and that the issues had been adequately covered to provide a method of settlement. Since that meeting, a settlement has been finalized that we believe covers the issues raised at the council meeting. Private issues regarding damage to the trees is an issue to be resolved by the property owner and the utility company. The water line easement has now been recorded.

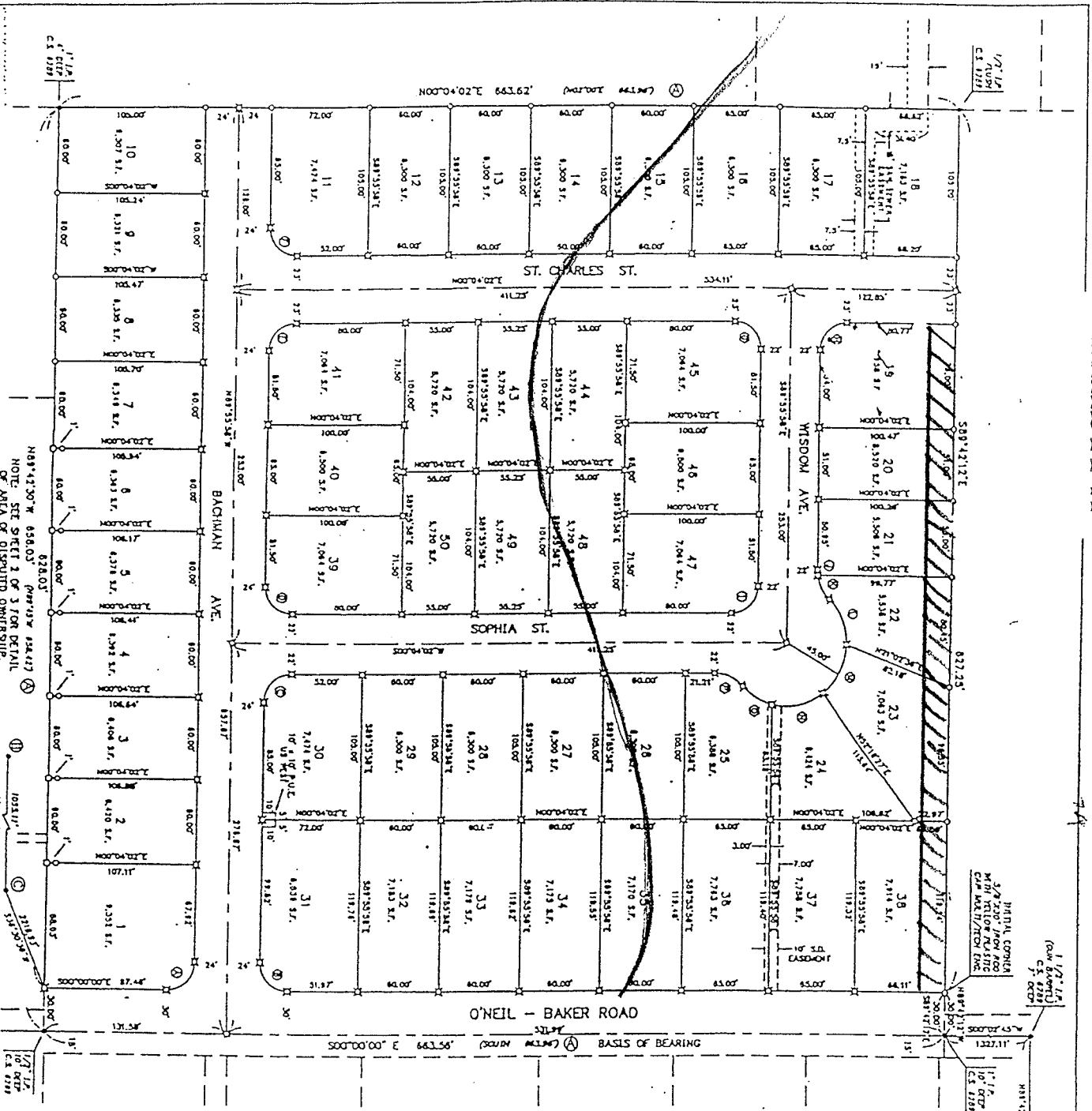
RECOMMENDATION:

It is not anticipated that the City Council needs to take any action at this time.

EXHIBIT A

104-6-6

42-38



WATERFORD ADDITION

IN S.E. 1/4 SEC. 23
T. 6 S., R. 3 W., W.M.
CITY OF KEIZER,
MARION COUNTY, OREGON

DATE: 02/21/78

SCALE: 1" = 50'

NOTE: 1. A 10' UTILITY EASEMENT IS TO EXIST ON ALL FRONT LOT LINES.

REGISTERED PROFESSIONAL LAND SURVEYOR
DAVID L. KELLEY
No. 1000

WATER/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. SE
SALEM, OREGON 97302

① - CORNER MARKER NO. 6112

② - VERTICAL CURVE OR 30' BY 30' HORIZONTAL CURVE

③ - 5' X 7' X 30' FROM CORNER NO. 6112 AT LOT CORNER

④ - 5' X 7' X 30' FROM CORNER NO. 6112 AT LOT CORNER

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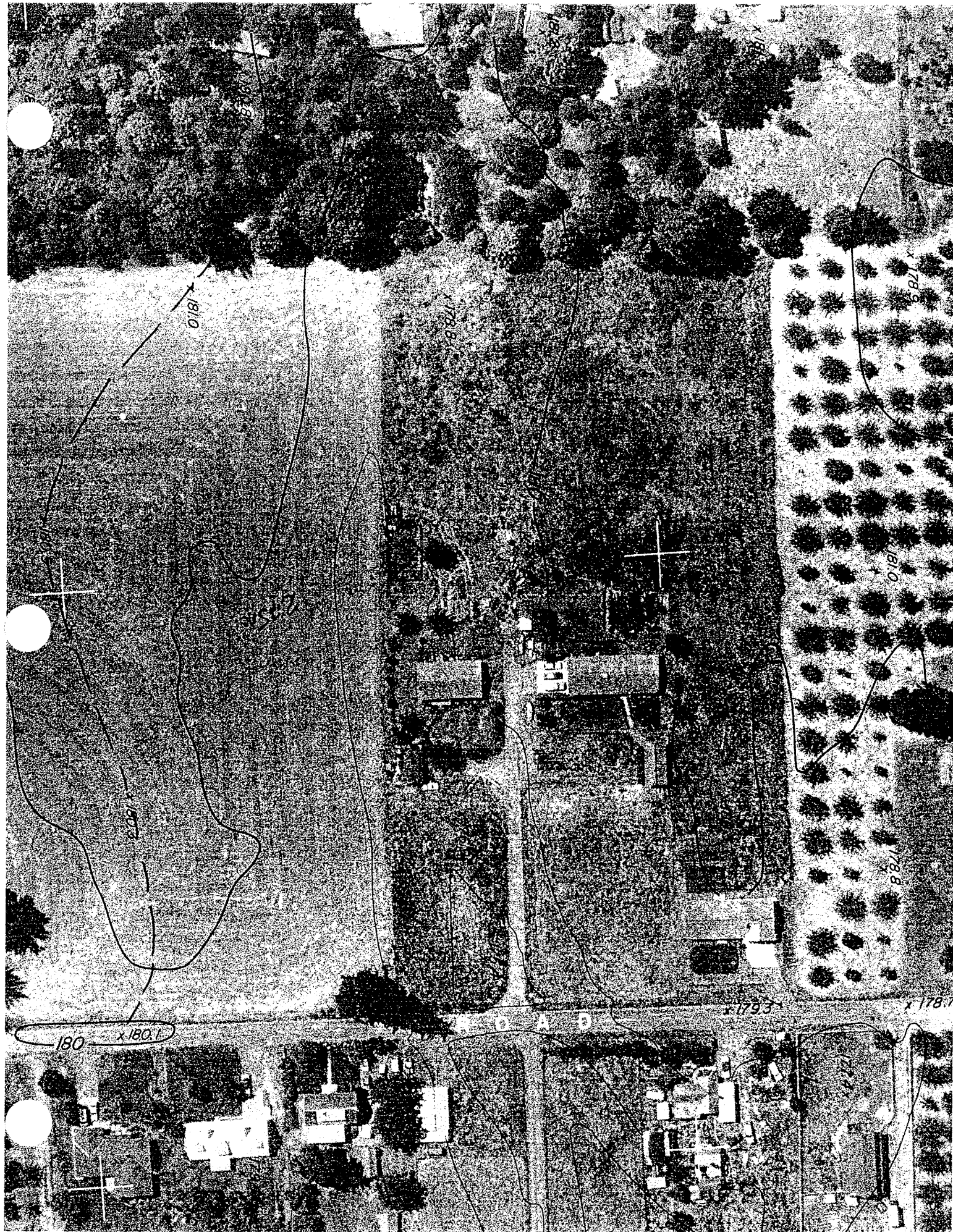
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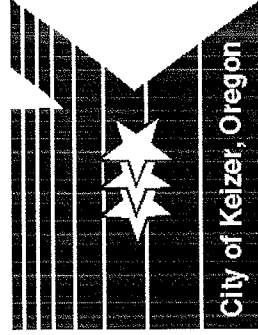
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June 1, 1998

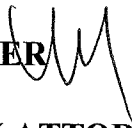
AGENDA ITEM 7a

PLANNING COMMISSION RULES AMENDMENTS

CITY COUNCIL MEETING: June 1, 1998

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND COUNCIL MEMBERS

THROUGH: WALLY MULL, CITY MANAGER 

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *APPROVAL OF AMENDMENT TO THE PLANNING COMMISSION RULES*

DATE: May 27, 1998

The Planning Commission at a recent meeting determined that it wished to change the Planning Commission Rules on two matters. First, was a housekeeping matter with regard to the time and date of the meetings. The second was with regard to subjecting a Planning Commissioner to sanctions for unexcused absences. Planning Commission Rule 3 indicated that a Commissioner would be subject to sanctions only if he or she was absence without excuse for three or more meetings within six months. The Commission moved to amend that rule to subject a Commissioner to sanctions if they had unexcused absences for three or more meetings within any calendar year.

Though there has been no problem with severe absences recently, the Commission wanted to make sure the individual Commissioners took their job seriously, and felt that, since the Commission meets only once per month, the change was appropriate.

Ordinance No. 83-006 which created the Planning Commission, calls for the Council to approve any rules or amendments thereto. The Planning Commission is requesting Council approval of these amendments and I have attached a resolution for Council consideration which approves adopting the rules by the Planning Commission. If the Council passes such resolution, the Commission can then formally adopt these amendments.

I have also attached copies of Ordinance No. 83-006, as well as the current Planning Commission Rules for your convenience. Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh
enclosure

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R98-_____

3 IN THE MATTER OF APPROVING PLANNING
4 COMMISSION RULES AMENDMENT

5 WHEREAS, Ordinance No. 83-006 calls for approval by the City Council of any rules
6 or amendments to the rules by the Planning Commission;

7 WHEREAS, the Planning Commission has proposed to make amendments to the
8 Planning Commission Rules;

9 WHEREAS, the Keizer City Council, having considered the request of the Planning
10 Commission to approve such rules and agreeing with such request;

11 NOW, THEREFORE,

12 BE IT RESOLVED that the City Council of the City of Keizer approves the attached
13 Planning Commission Resolution amending such rules.

14 PASSED this _____ day of _____, 1998.

15 SIGNED this _____ day of _____, 1998.

16 _____
17 Mayor

18 _____
19 City Recorder

1 PLANNING COMMISSION, CITY OF KEIZER, STATE OF OREGON

2 Resolution R98-_____

3 IN THE MATTER OF AMENDING THE "RULES OF THE
4 COMMISSION"; AMENDING PLANNING COMMISSION
5 RESOLUTION 83-1

6 WHEREAS, the Keizer Planning Commission at its regular April 8, 1998 meeting
7 directed staff to prepare a Resolution amending the rules of the Commission;

8 NOW, THEREFORE, BE IT RESOLVED by the Keizer Planning Commission that
9 the Planning Commission Rules are amended as follows:

10 Section 1. MEETING TIMES AND DATES. Rule 3 is amended by changing the
11 meeting time and date to the second Wednesday of each month at 7:00 p.m.

12 Section 2. UNEXCUSED ABSENCES. Rule 3 is hereby amended with regard
13 to unexcused absences at the third paragraph, second sentence to read as follows:

14 Any Commissioner absent without excuse by the chairman from three or
15 more meetings within any calendar year is subject to sanctions as provided in
16 this section.

17 Section 3. AMENDMENT OF RESOLUTION 83-1. Resolution 83-1 (Planning
18 Commission Rules) is amended as set forth above.

19 PASSED this _____ day of _____, 1998.

20 SIGNED this _____ day of _____, 1998.

21 _____
22 Chairman

23 _____
24 Vice-Chairman

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Ordinance No. 83-00 6

3 AN ORDINANCE CREATING A PLANNING COMMISSION;
4 PROVIDING FOR ITS COMPOSITION AND ORGANIZATION;
5 PROVIDING ITS POWERS AND DUTIES.

6 The City of Keizer ordains as follows:

7 Section 1

8 KEIZER PLANNING COMMISSION;
9 COMPOSITION; TERMS AND VACANCIES.

10 a. The Keizer Planning Commission is hereby created.

11 The commission will have the powers and duties hereinafter set
12 forth and such additional powers and duties as may be conferred
13 on such commission by the constitution and laws of the State of
14 Oregon, by the Charter of the City of Keizer or by Ordinances,
15 Resolutions or orders of the City Council.

16 b. The commission will consist of the City admin-
17 istrator as an ex-officio, non voting member and seven other
18 members to be appointed by the City Council. No more than one
19 voting member shall be engaged principally in the buying,
20 selling or developing of real estate for profit as individuals,
21 or be members of any partnership, or officers or employees
22 of any corporation, that engages principally in the buying,
23 selling or developing of real estate for profit. No more
24 than one voting member shall be engaged in the same kind of
25 occupation, business, trade or profession. No more than one
26 member shall be a non-resident of the City of Keizer.

c. The term of office of the appointed members shall

1 be three years, or until their successors are appointed and
2 qualified. The terms of office for appointed members shall
3 be staggered so that the term of office of not more than three
4 will expire in the same year. No appointive member shall
5 serve more than two consecutive terms. Notwithstanding the
6 other provisions of this section, the initial term for com-
7 mission members originally appointed upon the passage of
8 this ordinance may be established by council resolution in
9 order to achieve the proper staggering of terms.

10 d. The City Council shall fill any vacancy in the
11 commission by appointment for the unexpired term of the
12 predecessor in office. Prospective members of the commission
13 may be required to qualify by submitting a written application
14 and/or appearing before the city council for a personal
15 interview. Before entering upon the duties of a planning
16 commissioner, each commissioner shall take an oath or shall
17 affirm support for the constitution and the laws of
18 the United States and of the State of Oregon and that each
19 commissioner will faithfully and impartially perform duties of
20 that office.

21 e. The members of the commission shall receive no
22 compensation but shall be reimbursed for duly authorized expenses.

23 Section 2

24 ORGANIZATION

25 a. The commission shall elect a chairman and
26 vice chairman, who shall be members appointed by the City

1 Council and who shall hold office during the pleasure of the
2 commission.

3 b. Four members appointed by the City Council shall
4 at all times constitute a quorum.

5 c. The commission shall meet at least once each
6 month and the regular meeting place of the commission shall
7 be the City Hall.

8 d. The commission may make, establish and alter
9 rules and regulations for its government and procedure
10 consistent with the laws of the State of Oregon and with the
11 charter and ordinances of the City of Keizer. Before any
12 rules, amendments or deletions become effective, the commission
13 must submit them to the City Council for approval.

14 Section 3

15 ANNUAL REPORT TO COUNCIL

16 The commission shall on or before the first day of
17 October each year make and file with the City Council a report
18 of all transactions of the commission for the preceeding fiscal
19 year.

20 Section 4

21 POWERS AND DUTIES

22 Except as otherwise provided by the City Council,
23 the city planning commission may:

24 a. Recommend and make suggestions to the council
25 and to other public authorities concerning:

26 A. The laying out, widening, extending and locating

1 of public thoroughfares, parking of vehicles, relief of traffic
2 congestion;

3 B. Betterment of housing and sanitation conditions;

4 C. Establishment of district for limiting the use,
5 height, area, bulk and other characteristics of buildings and
6 structures related to land development;

7 D. Protection and assurance of access to incident
8 solar radiation; and

9 E. Protection and assurance of access to wind for
10 potential future electrical generation or mechanical application.

11 b. Recommend to the council and other public
12 authorities plans for regulating the future growth, development
13 and beautification of the city in respect to its public and
14 private buildings and works, streets, parks, grounds and vacant
15 lots, and plans consistent with future growth and development
16 of the city in order to secure to the city and its inhabitants
17 sanitation, proper service of public utilities, including
18 appropriate public incentives for overall energy conservation
19 and harbor, shipping and transportation facilities.

20 c. Recommend to the council and other public
21 authorities plans for promotion, development and regulation
22 of industrial and economic needs of the community in respect to
23 industrial pursuits.

24 d. Promote the advantage and opportunities
25 of the city and availability of real estate within the city
26 for development.

1 e. Encourage economic development within the
2 city.

3 f. Make economic surveys of present and potential
4 commercial and industrial needs of the city.

5 g. Study needs of local industries with a view to
6 strengthening and developing them and stabilizing employment
7 conditions.

8 h. Do and perform all other acts and things
9 necessary or proper to carry out the provisions of ORS 227.010
10 to 227.170, 227.175 and 227.180.

11 i. Study and propose such measures as are advisable
12 for promotion of the public interest, health, morals, safety,
13 comfort, convenience and welfare of the city and of the area
14 within six miles thereof, except where by law such powers and
15 duties devolve upon some other public body as to the area
16 outside the city.

17 j. For the purposes of this section:

18 (a) "Incident solar radiation" means solar energy
19 falling upon a given surface area.

20 (b) "Wind" means the natural movement of air at an
21 annual average speed measured at a height of 10 meters or at
22 least eight miles per hour.

23 Section 5

24 EMERGENCY

25 This ordinance being necessary for the immediate
26 preservation of the public health, safety and welfare, an

1 emergency is declared to exist and this ordinance shall take
2 effect immediately upon its passage.

3
4 Passed this _____ day of _____, 1983.

5 Signed this _____ day of _____, 1983.

6
7
8 _____
Mayor

9
10 _____
City Recorder

PLANNING COMMISSION, CITY OF KEIZER, STATE OF OREGON

Resolution 65-1

IN THE MATTER OF ADOPTING "RULES OF THE
COMMISSION"

It appearing that the Planning Commission may make,
establish and alter rules for its government and procedure
with the approval of the City Council; and

It further appearing to the Planning Commission
that it is appropriate and necessary to adopt rules to govern
its meetings, business and members;

It further appearing to the Planning Commission that
the City Council has approved the following rules for adoption
by the Planning Commission; it is therefore

RESOLVED by the Keizer Planning Commission that the
following rules and regulations are hereby adopted by the
Commission for the proper conduct, order and government of its
meetings, business, and members, the same to be known as the
"Rules of the Commission" and any and all previously adopted
rules be and the same are hereby repealed.

RULE 1

OFFICERS

At the regular meeting in October, the Commission
shall elect a chairman and a vice chairman from its appointive
membership, each of whom shall serve for a one year term, ending
at the adjournment of the regular October meeting, or until a
successor is elected.

RULE 2

OFFICERS PRO TEM

In the case of the absence of both the chairman and the vice chairman at any meeting, a quorum being present, the office of either or both of them shall be filled pro tem from the commissioners present and the business transacted as though the regular officers were present.

RULE 3

MEETINGS OF THE COMMISSION

Regular meetings of the Commission are to be held on the ²⁴~~Third~~ Wednesday of each month. Meetings shall be convened at ^{7:00}~~7:30~~ p.m. at the City Hall, or if the City Hall shall be unavailable, at some other suitable place designated by the chairman. Meetings shall adjourn prior to 11:30 p.m.

Special meetings may be called by the chairman, or in the chairman's absence, by the vice chairman, or at the request of a majority of the members; provided that notice of such special meeting so called shall be given each member of the commission.

Attendance of commissioners at duly convened meetings of the commission is mandatory. Any commissioner absent without excuse by the chairman from three or more meetings within any ^{Calendar year}~~six month period~~ is subject to sanctions as provided in this section. The chairman may excuse any commissioner from attendance at a meeting for a good cause. A commissioner denied excuse may appeal the ruling of the chair at the next meeting at which he or she is present. Sanctions available to the commission for

excessive unexcused absences shall include censure, or recommendation to the mayor and council that the offending commissioner be removed from office, either of which may be imposed by a majority vote of the commission, a quorum being present. The accused commissioner may speak in his or her own behalf, but shall not vote on the question of the sanction.

RULE 4

ORDER OF BUSINESS

The general order of business on the regular session agenda shall be as follows:

1. Roll call.
2. Approval of the adjustments, resolutions, minutes and reports.
3. Communications from the council.
4. Appearance of interested citizens.
 - (a) Time for this item not to exceed 30 minutes.
 - (b) Each speaker is to be limited to 5 minutes.
 - (c) Additional time for this item will be the final agenda item if needed.
5. Public hearings.
6. Work sessions.
7. Report of officers.
8. Additional agenda items.
9. Continuation of item 4, if needed.

The order of business may be modified by the members of

the commission when such a change will make a more logical sequence of subjects for consideration by the commission.

RULE 5

DISQUALIFICATION OF COMMISSION MEMBERS

A member of the commission shall not participate in discussion of the proposal and shall refrain from voting on the same when:

1. Any of the following persons has a direct or substantial financial interest: the commissioner, or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business which he or she is then serving or any business with which he or she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;
2. The commissioner owns property within the affected area of the proposal;
3. The commissioner has a direct or indirect personal interest in the proposal; or,
4. The commissioner was not present during the public hearing on the proposal; provided, however, if said commissioner reviewed the evidence presented at the hearing including tape recordings of the proceedings and declares such fact for the record, the commissioner may participate in discussing and vote on the matter.

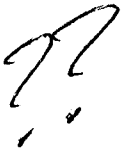
Members of the commission shall reveal any employment or service within the previous two years for a business which has a direct or substantial financial interest in the proposal, and any significant pre-hearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have impaired a commission member's impartiality or ability to vote on the matter, he or she shall so state and shall abstain therefrom.

RULE 6

MOTION AND VOTING

The chairman may require that any motion or amendment to a motion be reduced to writing by the moving party before a vote is taken.

The chairman of the commission, or the presiding officer, if another commissioner presides, shall vote with the other commissioners in the transaction of any business and on all matters coming before the commission.

 When a question is taken, an appointive member shall vote unless a majority of the commission, for a special reason, shall excuse him or where he has declared a conflict of interest which would clearly prohibit him from voting by these rules. Two members may demand the ayes and noes on any question. Unless otherwise provided in these rules, the majority vote of the members voting shall decide the question.

RULE 7

RECONSIDERATION

When a question has been put once and decided, and before

the action becomes effective or before the City Council of Keizer has taken jurisdiction, it shall be in order for any member who voted with the majority to move for reconsideration thereof, and such motion shall take precedence over all other questions, except a motion to adjourn. No motion shall be considered more than once.

RULE 8

MINUTES

The chairman shall cause minutes of the commission meetings to be taken and expeditiously presented to the commission for approval.

All motions, orders, resolutions, petitions, communications, and other documents coming before the commission for consideration at a meeting shall be referenced in the minutes and kept on file as public records of the commission by the city recorder.

RULE 9

ROBERT'S RULES OF ORDER

In cases not provided for by these rules, the commission shall be governed by the law and practice laid down in Robert's Rules of Order Revised.

RULE 10

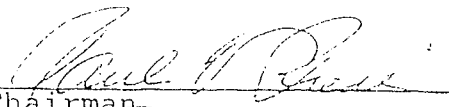
SUSPENSION AND AMENDMENT OF RULES

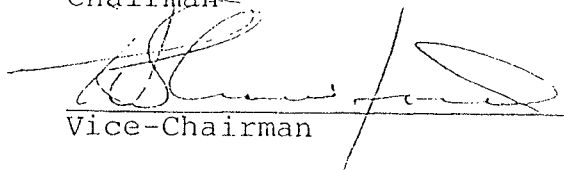
No rules shall be suspended without the concurrence of two-thirds of the members present; and no additional rule or

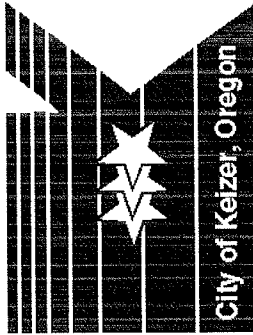
amendment shall be made without giving at least 10 days notice
and the concurrence of two-thirds of the members present.

Passed this 21st day of September, 1983.

Signed this 27th day of September, 1983.


Chairman


Vice-Chairman



June 1, 1998

AGENDA ITEM 7b

WETLAND MITIGATION PROJECT – CLAGGETT CREEK

COUNCIL MEETING: June 1, 1998

AGENDA ITEM NUMBER: 7b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

**THROUGH: WALLY MULL
CITY MANAGER**

**FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS**

SUBJECT: CLAGGETT CREEK PARK WETLANDS MITIGATION

BACKGROUND:

Great West Construction Company is proposing to develop an apartment site off of Fisher Road in Marion County. The development of the site will impact a low quality wetland. They are required by The Oregon Division of State Lands to improve the local wetlands and mitigate additional wetlands at an alternate site. To compensate for the wetland impact, Great West Construction is proposing to enhance and add wetlands along Claggett Creek at Claggett Park.

The proposed project was presented to the Keizer Parks and Recreation Board and the Claggett Neighborhood Association President. The Parks Board took official action supporting the proposal at their meeting April 14, 1998.

The Claggett Creek Water Shed Council has not been formally recognized to date. However several members have endorsed the wetlands mitigation at Claggett Creek Park.

Great West Construction has offered additional funds of \$4,000.00 dollars to partially construct a viewing path along the Creek consistent with our Park's Master Plan.

ISSUE:

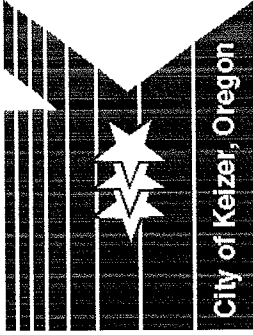
Shall the City of Keizer enter into an agreement with Great West Construction to create and enhance wetlands along Claggett Creek at Claggett Park.

FISCAL IMPACT:

The costs associated with the development of the wetlands would be born by Great West Construction 100% and maintained for a period of five years so the plants can get established.

RECOMMENDATION:

Council direct staff to enter into an agreement with Great West Construction to do wetlands mitigation and a partially viewing path along Claggett Creek at Claggett Park.



June 1, 1998

AGENDA ITEM 8a

**RESOLUTION – APPROVING ENGINEER’S REPORT
JACOB ESTATES PHASE II STREET LIGHT DISTRICT**

COUNCIL MEETING: June 1, 1998

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER



SUBJECT: JACOB ESTATES PHASE II STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT

ISSUE:

Upon review of the City Engineer's report filed for Jacobe Estates Phase II Street Lighting Local Improvement District, should City Council adopt a Resolution approving this report - or amend and approve the report as amended - and set a public hearing date to receive remonstrances to the project; or, in the alternative, abandon formation of the district.

BACKGROUND:

On May 4, 1998, the City Council adopted Resolution R98-1035 declaring the City's intent to initiate Jacobe Estates Phase II Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an 8.5% administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Utility Fund.

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and setting the public hearing date for June 15, 1998 to consider remonstrances and other comments on the district's formation and objections to proposed assessments, and directing the City Recorder to provide notice of public hearing.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R98-____

4
5 APPROVING THE CITY ENGINEER'S REPORT; DECLARING
6 THE CITY'S INTENT TO FORM JACOB ESTATES PHASE II STREET LIGHTING
7 LOCAL IMPROVEMENT DISTRICT; PROVIDING NOTICE AND SETTING HEARING
8

9 BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

10 Section 1. That the City Council hereby finds the City Engineer's Report,
11 marked as exhibit "A" and by this reference incorporated herein, containing preliminary
12 plans and an estimate of probable costs for Jacobe Estates Phase II Street Lighting
13 Local Improvement District which was filed with the City Recorder on March 30, 1998 to
14 be satisfactory, and the same are hereby approved and adopted.

15 Section 2. That the City Council hereby declares its intention to form the Jacobe
16 Estates Phase II Street Lighting Local Improvement District and to make the lighting
17 district improvements to serve Jacobe Estates Phase II Street Lighting Improvement
18 District.

19 Section 3. That the City Council hereby directs the City Recorder to give notice
20 of its intention to form the Jacobe Estates Phase II Street Lighting Local Improvement
21 District and to make the improvements by sending notice to the property owners within
22 the district stating a public hearing will be held on June 15, 1998, said notice to also
23 provide that information required under City of Keizer Ordinance 94-278, an ordinance
24 providing for procedures for municipal lighting districts and special assessments.

25 PASSED this ____ day of _____, 1998.

26 SIGNED this ____ day of _____, 1998.

27
28 _____
29 Mayor

30
31 _____
City Recorder

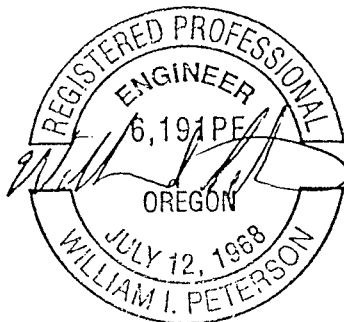


City of Keizer

P.O. BOX 11000 KEIZER, OR 97138

ENGINEER'S REPORT
FOR
JACOB ESTATES PHASE 2
STREET LIGHTING DISTRICT

For City Council Action June 1, 1998



Renew date: December 31, 1998

PREPARED BY:
William I. Peterson
Engineering Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303

Date: May 12, 1998

Project File 98-0564

(503) 390-7402

May 12, 1998

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for Jacobe Estates Phase 2

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 98-1035** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefited by the street lights proposed to be installed.

Lighting Plan The lighting improvements will consist of 4, 100 Watt, high pressure sodium luminaires mounted on 4 foot long mast arms and attached to 30 foot aluminum poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Portland General Electric (PGE) would supply, install and maintain the luminaires, poles and underground or overhead wiring. PGE would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

4 Poles & 100 Watt luminaires @ \$16.78 per month each x 12 mos. =	\$805.44
Administrative Fee @ 8.5%	68.46
Engineering @ \$14.00/Lot:	<u>252.00</u>
Total Assessment	\$ 1,125.90
(1)Per Lot Assessment (First Year , 18 Lots)	\$ 62.55

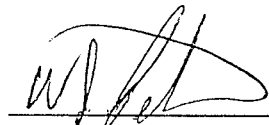
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$ 44.75 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefited properties and the first year assessments to be levied against each.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. I. Peterson', is written over a horizontal line.

William I. Peterson, PE

PRELIMINARY ASSESSMENT ROLL

JACOB ESTATES PHASE 2 STREET LIGHTING DISTRICT

*Assessors Map 6 3W 25CD

Tax Lot #	Owners Name and Address	Cost per Lot	Lots	Assessment
3500-3800	Jacobe, Kenneth R. & Peggy J.	\$62.55	4	\$250.20
3900	Walker, William R. & Marcie K.	\$62.55	1	\$62.55
4000-4500	Jacobe, Kenneth R. & Peggy J.	\$62.55	6	\$375.30
4600	Hood, Drake A.	\$62.55	1	\$62.55
4700-5200	Jacobe, Kenneth R. & Peggy J.	\$62.55	6	\$375.30

TOTAL ASSESSMENT \$1,125.90

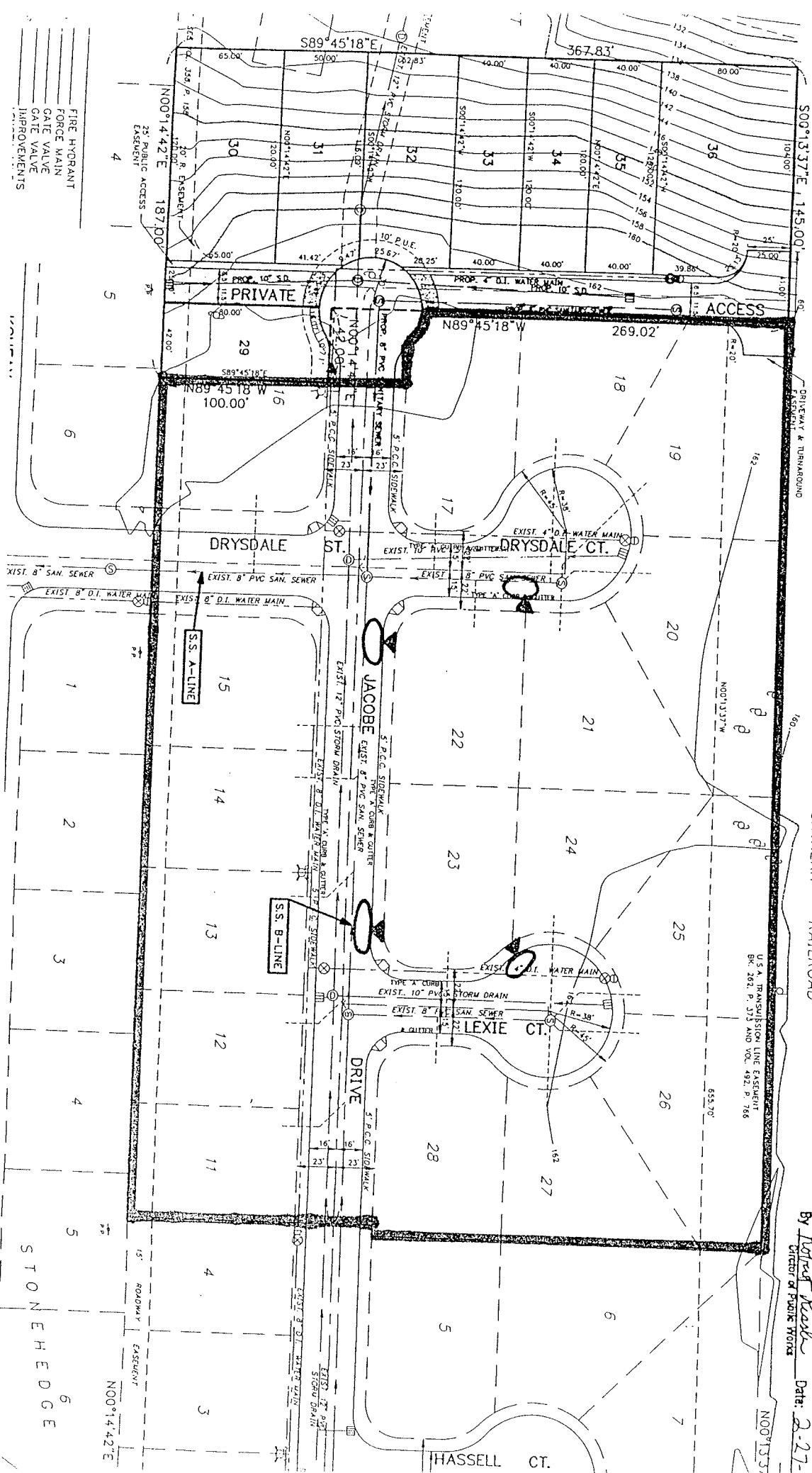
SECTION OF HARTON COUNTY, GA.
 #1901 AT THE INTERSECTION OF 14TH
 AVE. & LOCKHAVEN DR. (ELEV. 133.24)

SCALE 1" = 50'

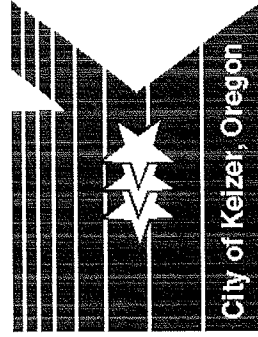
BURLINGTON NORTHERN RAILROAD

U.S.A. TRANSMISSION LINE EASEMENT
 BK. 262, P. 315 AND VOL. 492, P. 766

CITY OF KENNESAW
 C/O City Engineer
 4300 Cherry Ave. N.
 Kennesaw, GA 30144
 (503) 390-7402
 By *Robert J. Smith*
 Director of Public Works
 Date: 2-27-
 NOTE: PLAN APPROVED BY
 6 MONTHS FROM N.
 DATE OF A CONSTRUCTION
 PERMIT HAS BEEN ISSUED.



FIRE HYDRANT
 FORCE MAIN
 GATE VALVE
 GATE VALVE
 IMPROVEMENTS



June 1, 1998

AGENDA ITEM 8b

APPROVAL OF OCTOBER 6, 1997 CITY COUNCIL MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, October 6, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:08 p.m.
Roll Call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee Councilor
Garry Whalen, Councilor (left at 9:38 p.m.)
Dawn Meier, Councilor

Absent

Al Miller, Councilor

Staff:

Wally Mull, City Manager
John Morgan, Community Development Director
Shannon Johnson, City Attorney
Diane Suek, Administrative Assistant-Personnel Officer
Susan Gahlsdorf, Finance Officer
Pat Bowe, Police Lieutenant/Acting Police Chief
Tracy Davis, City Recorder

PUBLIC TESTIMONY

Presenting testimony to the Council was:

Bob Ohm, 7950 Timothy Lane NE, Keizer, Vice Chair of the Clear Lake Neighborhood Association, reported that he and Chair Jim Warner were now aware of the need to submit an annual report to the City Council. At last week's KNAG meeting he agreed to help bring the neighborhood association into compliance with the City ordinance. Mr. Ohm requested that Council allow the neighborhood association another month to hold a meeting, elect new officers, and prepare their annual report for submittal to the Council.

The Council agreed by consensus to allow the Clear Lake Neighborhood association an additional month to submit their annual report.

COMMITTEE REPORTS

There was no other public testimony to come before the Council.

Marion County Gas Tax - Bob Hansen, Marion County Public Works Director, made a presentation to the Council on five upcoming measures placed on the November ballot by Marion County.

With regard to the proposed transportation package, Mr. Hansen noted that Marion County is acting in unison with several other counties who are submitting similar transportation-related proposals to the voters in their counties. He talked about the projected annual cost to the average citizen, and the financial benefits to Keizer and the other cities within the county, as well as to Marion County.

Mr. Hansen briefly commented on the other measures including a proposed tax on aggregate, and a proposed transient occupancy tax for the unincorporated areas of Marion County.

Mr. Hansen responded to questions from the Council as to justification for the proposed taxes. The Council debated with Mr. Hansen the need for additional funding for roads in Keizer.

Mayor Koho thanked Mr. Hansen for his presentation.

Planning Commission - Councilor Keller had been unable to attend the Planning Commission meeting. He deferred to Community Development Director Morgan to give the report.

Mr. Morgan reported that a special meeting of the Planning Commission last Wednesday night was devoted to further review of the proposed Development Code. The Commission addressed issues raised in the public hearing process. The Commission's will make recommendations on the disputed issues when the draft Code is submitted to the City Council.

Traffic Safety Commission - Mayor Koho read the goals developed by the Traffic Safety Commission at their last meeting. He deferred to Traffic Safety Commission Chair Mike Kirby who wished to report to the Council.

Mr. Kirby was pleased to report that the Commission again had full membership, and had elected a Vice Chair. He related concerns and solicited information from staff about projects the Commission has worked on including the Ridge Drive speed humps, and the Commission's vision clearance proposal.

Mr. Mull provided information on how and when the Ridge Drive Speed humps will be reconfigured to match more closely what was originally proposed by the Traffic Safety Commission. Mr. Kirby talked about the Commission's current efforts to come up with criteria for the installation of traffic calming devices.

With regard to the vision clearance proposal, Mr. Kirby stressed the Commission's primary interest in seeing regulations in place to deal with existing hazards, not just new development. The Commission was also concerned that its full proposal was not being advanced to the Council. City Attorney Johnson commented on the advisability of addressing vision clearance triangle requirements as part of the Development Code. Portions of the proposal dealing with tree trimming could be addressed separately.

Community Policing Committee - Councilor Meier noted that minutes of all three district Community Policing meetings, and minutes of the main Community Policing meeting were provided to the Council. She briefly reported on a presentation made at the last main meeting by the Marion County District Attorney, and a resolution that will be submitted to the City Council on October 20. A proposed prostitution ordinance will be discussed at the next main meeting.

River Road Redevelopment Board - Councilor Beach anticipated that at its next meeting the Urban Renewal Agency would consider a resolution renaming R3B the Keizer Urban Renewal Board (KURB).

Councilor Beach reported on project updates given by staff at the September R3B meeting including street lighting at the new Walgreen's store, Lockhaven/River Road landscaping, the Chemawa Activity Center development, the Iris Lane project, and the UNOCAL property at the SW corner of River and Chemawa.

Councilor Beach also mentioned the Board's interest in seeing something done about the fencing around the site

formerly occupied by the Fortune Cookie restaurant. City Attorney Johnson responded to questions from Mayor Koho about actions the City might take to get the fencing removed.

Councilor Beach brought up one final issue--the banner program proposal worked on by Board Member Goesch and the Chamber of Commerce. Because many issues dealing with storage, maintenance, and changeover were still unresolved, the banner program was tabled by R3B.

Councilor Meier expressed disappointment with the landscaping improvements done by Walgreen's at the NW corner of River and Chemawa.

OTHER BUSINESS

Councilor McGee expressed appreciation to staff for the additional informational material now being put in Council boxes. He specifically mentioned a rainfall report and a report on current litigation.

Councilor Meier, also on the subject of written correspondence sent on to Council separate from agenda material, questioned whether a process was in place to identify what correspondence is part of the record. She specifically mentioned receiving from the Fire District a letter concerning the hotel/motel tax. Mayor Koho pointed out the difference between the two terms "as part of the record" and "in the record." He noted that only correspondence received relative to an open public hearing would be a part of an official record. He pointed out that Council receives numerous communications in many different forms including written, verbal, and now, electronic. He believed it would be unreasonable to include everything in the record (the minutes).

Mayor Koho noted that he intended to bring up the Fire District's letter at the appropriate time tonight. Councilor Keller commented that he was under the assumption that the letter was directed to Mr. Morgan on staff, who would compile information on the issue and bring a full report to Council. Mr. Morgan acknowledged that he received a copy of the letter.

After further discussion, Mr. Mull indicated that he would continue to forward the informational material to all members of the Council. In the event he receives a request for a particular correspondence to be included in the record,

he will be sure that it makes it to a Council meeting to be read into the record. Mayor Koho believed Mr. Mull's suggestion, coupled with staff's review of incoming material, would bring to the record correspondence meriting public review.

City Manager Mull commented on staffing changes now in process. He introduced Keizer's new Finance Director Susan Gahlsdorf, and noted the appointment of Rob Kissler as Acting Public Works Director for the six month's Mr. Mull will serve as City Manager. Additionally, two new Public Works employees are on board, and a part-time Municipal Court Clerk, a Utility Billing Clerk, and a Code Enforcement Officer have been hired.

Police Lieutenant Bowe gave an update on recent arrests connected with a 7-11 Store shooting, a sexual assault on a 17-year old, and a stabbing at the Town and Country Bowl.

Personnel Officer Diane Suek outlined the process for hiring a new police chief. Of the thirty-nine applicants, six will participate in the final interview process. An announcement is anticipated around the first of December, with the new chief coming on board in January, 1998.

Councilor Whalen asked the status of the property sale at Trail and Manzanita. Mr. Morgan advised that when given the City's final offer, Mr. VanCleave, the property owner, withdrew his offer.

Councilor Whalen asked if any public feedback was received regarding the change in traffic flow eastbound on Lockhaven at River Road. Mr. Mull had received none.

PUBLIC HEARINGS
ORDINANCE - Amendment
to Zoning Ordinance to
Add Conditional Use for
Child Foster Homes for up
to Ten Children

Mayor Koho opened the public hearing.

Community Development Director Morgan brought to recollection a presentation to the Council about six weeks ago made by Jim Seymour of Catholic Community Services. Mr. Seymour had come to make the Council aware of a potential project in the community that would involve a child foster home for eight children. Because the proposed home didn't meet current zoning standards, Mr. Seymour had asked Council to work towards some resolution of the zoning impasse.

Mr. Morgan recalled Council's direction to the Planning

Commission to consider the proposal and consider initiating an amendment to the Zoning Ordinance. Subsequently, the Planning Commission, by motion, recommended an amendment to the Development Code which would add as a conditional use in the Single Family Zone a child foster home for five to ten children, appropriately accredited by the Council on Accreditation for Child and Family Programs.

Mr. Morgan described the conditional use process which would allow for notification to surrounding properties plus the neighborhood association, and opportunity for public comment on any application. He advanced staff's recommendation that, if approved, the change also be extended to the Urban Transition Zone, opening the market to some of the larger homes on larger lots which are found within the UT zoned areas.

Staff recommended that Council conduct and close the public hearing, and then consider adoption an ordinance amending the Zoning Ordinance to allow child foster homes (six to ten children) as a conditionally permitted use in the RS Zone and UT Zone.

Presenting testimony to the Council were:

Jim Seymour, Catholic Community Services, 124 Glynbrook, Keizer, introduced Karen Keller, Chairperson for Keizer United, and Lt. Mark Caillier with the Salem Police Department and a resident of Keizer. He noted that they would be testifying along with him as proponents of the proposed ordinance change. He named the issues that each speaker would address. Mr. Seymour circulated amongst the Council a brochure on the home, and a copy of their budget.

Community Development Director Morgan, for clarification, pointed out that hearing is on a code amendment, not on a specific proposal. Mr. Seymour's proposal would be an example of something that could happen--the amendment, if adopted, would be applicable throughout the City.

Mr. Seymour provided background relative to the reasons for the proposal, and why Catholic Community Services proposed to operate the home. He talked about the great need in the State for stable foster care, and specifically, the need in Keizer. The proposed facility would be just for Keizer's children. He believed that other communities would follow suit.

Mr. Seymour shared information on the budget, emphasizing that theirs was not a money-making situation. He spoke about Larry Tokarski, a donor who has pledged that the funds will be available. With Mr. Tokarski's backing, and the desire to provide a stable home situation for Keizer's kids in need, Catholic Community Services was proposing to move forward with the project. The reason for proposing that eight children be allowed in a single home was to ensure that a facility could serve two families at a time without splitting-up siblings.

Karen Keller, 700 Dietz Avenue NE, Keizer, a Keizer United board member, explained that Keizer United is Keizer's Community Progress Team. Their volunteer group, in existence for two years now, is committed to strengthening families and building community. Ms. Keller noted that she and her husband have lived in Keizer for 19 years and are raising two children in the community. She talked about the value of providing a stable environment for children, and called upon the Council to support the proposed ordinance change that would allow plans for the proposed worthwhile project to proceed. Ms. Keller asked that everyone in the audience who supported the project stand. Many did so.

Lt. Mark Caillier, 1388 Marigold Street NE, Keizer, gave his perspective as a police officer working with youth. He talked about the great need, and the limited number of foster homes now available. He believed the proposed ordinance would allow for accredited and certified foster care to provide a stable home for kids in need. Also, that the review process would allow for community input on any specific proposal. He urged that Council take all this into consideration in their deliberations.

Mayor Koho allowed for questions from the Council.

Mr. Seymour responded to questions about population statistics relative to the number of Keizer kids that might be served. He was confident that the estimated 20 to 25 Keizer cases was accurate. He also acknowledged that the proposed facility was anticipated as long-term care for children whose parents were not likely to reclaim them. When asked about fire-safety provisions, Mr. Seymour noted that accreditation standards require that the home be certified by the fire marshal. Mr. Morgan added information about fire safety compliance for new construction, and

Councilor McGee commented on County occupancy requirements for existing properties.

Mr. Seymour responded to questions about how the proposed foster home would be different from those now in existence. He explained how the foster care parents might change over time, but the children would remain in the home, be allowed to stay with their siblings, and thus continue in their school and community activities. He noted that the community home parents would be a married couple caring for up to eight children at any given time, resulting in a maximum of ten people living in the home. Additionally a 40-hour a week staff member will provide assistance and support to the parents. Mr. Seymour talked about how the home would be maintained and cared for to make it fit in with other homes in the neighborhood. He answered questions about accreditation square footage per person requirements.

Councilor Meier had serious concerns about the proposed ordinance provision for up to ten kids in the home. She noted that six bedrooms would be required for the twelve occupants. Mr. Morgan explained that the Planning Commission, after considering the proposed eight maximum and the possibility for other applications, initiated the amendment with ten children as the maximum number allowed.

Notwithstanding the Planning Commission's recommendation, there was talk by other members of the Council about amending the ordinance to allow eight children. Councilor McGee recalled the State Legislature fighting hard for the five cap. He felt a more appropriate approach would be to have two homes, each with a five-child maximum. Mr. Seymour pointed out that Salem, as well as some other cities, allows more than five with a conditional use permit. Mayor Koho noted that Keizer now allows the homes, but not in the proposed zone designations.

At Councilor Meier's request, Mr. Morgan explained the conditional use appeal process. He acknowledged that although the notification area covers all properties within 250 feet of the land use, a greater number could be specified. However, he commented on the Planning Commission's strengthening of noticing requirements, and discouraged Council from making a change. Councilor Meier indicated that she would like to see it 500 feet.

Mr. Seymour responded to questions about homes now operated by Catholic Community Services. He stressed that they are seen as a responsible, good neighbor. He responded to questions about their national accreditation.

Mayor Koho noted that many others had signed the public hearing sign-up sheet. He suspected that many had signed just to show support, however, he now allowed opportunity for anyone else wishing to testify.

Richard Schmidt, 512 Wayne Drive N, Keizer, stated his credentials as a 12-year resident of Keizer, a former member of the Marion County Planning Commission, and board member from time-to-time over the last 30 years of both the Catholic Community Services Foundation and the Service Organization. Mr. Schmidt emphasized that the proposed facility would be a family home, not a group home as he suspected many believe. He spoke in support of the ten-child maximum, and stressed the need for such facilities in Keizer.

Norman Ford, 4293 47th Avenue NE, Salem, a member of the Friendship and Support Organization, agreed that the ideal figure is five children per home. He, however, pointed out how the system currently operates in contradiction to the ideal, often putting more than five kids in a five-bed certified foster home because of the lack of available care facilities. He saw the key to addressing the problem as having resources to match the need. He urged that Council look at the issue and do the conditional use until a balance is met.

Linary Kingdon, 212 Triple Tree Circle N, Keizer, expressed support for the proposed ordinance as a good solution to a problem she had experienced first hand. She related her feelings coming from a family of six children who were split up with four going to one family, and two to another. She pointed out that many families do well with eight to ten children, and that the proposed ordinance was a good solution to splitting up siblings.

On a related subject, Ms. Kingdon urged everyone to attend a meeting organized by Marion County and Keizer United, on October 16 at 6:00 p.m., to address issues related to troubled youth in Keizer.

Jerry Watson, 1237 Manzanita Way NE, Keizer, urged the Council to carefully weigh all the implications of the

proposed zone change. He agreed that a need existed in the community, and he did not doubt the good intentions of Catholic Community Services nor the reasonableness of the accreditation standards. He, however, offered three reasons why the proposal might not be a good idea--the first being that it changes the reasonable expectations of the general public. He brought up the political debate that occurred at the State level when the maximum number per home was set at five, and talked about a family's expectation when moving into a single-family residential neighborhood. He also felt the conditional use process left little opportunity for effective opposition from neighboring property owners.

Secondly, Councilor Watson believed the proposal would deal unequally with segments of the public--that it would never apply equally across the community. Although theoretically applicable to all, in his opinion, the proposed conditional use would almost certainly be confined to areas of the community without restrictive covenants that would prohibit them. Thus, homes would likely be located in older and often less affluent neighborhoods.

Mayor Koho disagreed, noting that a group home is located in his neighborhood.

Third, Councilor Watson believed that the conditional use might not be capable of effectively limiting the users to the type of foster care facility proposed by Catholic Community Services. He noted that once a conditional use is added to the Zoning Ordinance, neither staff, nor the City Council is free to refuse the conditional use so long as it can be appropriately conditioned. Councilor Watson listed criteria for a conditional use determination. He believed that one of the criteria allowed opportunity for controversy. Councilor Watson posed several questions about possible legal challenges that might result from denial of a conditional use application.

Councilor Watson encouraged the Council to ask planning and legal staff the following questions: (a) Under the definition of Child Foster Care Homes, could homes serving a different kind of clientele than contemplated by Catholic Community Services (and probably the Council) be allowed; (b) Can legal counsel give assurances that "similar" conditional uses, i.e., other kinds of group homes, might not have to be granted, on the basis that there is no reasonable distinction between them; (c) Can legal counsel give

assurances that the children to be served by any proposed child foster home would be children from the Keizer Community; and (d) Would group homes of this size be allowed in single family residential areas of Salem under the Salem zoning ordinance, or in other Oregon communities.

Councilor Watson indicated his reluctance to oppose such a good cause, but stressed the importance of considering the impact upon other people in the community. He noted that zones other than the Single-Family Residential and Urban Transition are available to fill the group-home need, and suggested that Council consider very carefully altering Keizer's code from the statute-required five.

There was no further testimony to come before the Council. Mayor Koho closed the public hearing.

Mayor Koho moved a bill for an Ordinance Amending the Keizer Zoning Ordinance at Chapter 23 and Chapter 36 to Allow Child Foster Homes (Six to Ten Children) as a Conditionally Permitted Use in the RS Zone and UT Zone, Amending Ordinance No. 87-0878 and changing all references to ten children to eight. Council President Keller seconded the Motion.

Councilor McGee stated that he would like to have seen the issue referred to KNAG. He indicated that he had heard no compelling reason for a single home to accommodate up to ten children rather than two homes that would each serve five. He applauded the efforts of Catholic Community Services, but encouraged them to proceed with the accepted standard.

Councilor Beach preferred the amendment to allow a maximum of eight rather than the ten in the proposal, however, he believed former councilor Watson had raised some valid questions that needed to be addressed.

Councilor Keller appreciated all the information provided by Catholic Community Services, and indicated support for the program and the concept of keeping siblings together. He, however, agreed with having staff bring back answers to the questions brought up by Mr. Watson.

Councilor Meier acknowledged the merits of the foster care program and keeping siblings together. However, she would not be supporting the proposed change to the Single Family Residential Zone. She believed that the opportunity

for group homes now existed in other zones in Keizer.

Councilor Whalen indicated that he came to the meeting prepared to support the proposal with some modifications. He still supported the concept, but, after hearing all the testimony, he believed some significant issues needed to be addressed. He suggested that rather than voting on the motion at this time, it be withdrawn to allow staff and legal council opportunity to research and answer some of the questions raised.

Noting Council's division on the issue, Mayor Koho commented on the options available to the Council: passing on first reading; tabling for two weeks; and defeating the motion. He indicated his strong support for the proposal and his willingness to work with the group to make it happen.

The Council agreed by unanimous consent to hold the motion over until the November 2, 1997 meeting.

The Council requested that staff report back on issues raised during the public testimony portion of the hearing.

Bonneville Street Vacation

Mayor Koho opened the public hearing.

Community Development Director Morgan noted that the City Council initiated the proposed vacation of Bonneville Street to eliminate some ancient right-of-way between Claggett Creek and Verda Lane, immediately northwest of Salem Parkway.

After confirming with Mr. Morgan that due to a noticing issue, the Council could not act on the proposed vacation before October 20, Mayor Koho directed that the staff report be submitted at that time.

There was no testimony to come before the Council.

Mayor Koho continued the public hearing until Monday, October 20, 1997 at 7:00 p.m.

(Councilor Whalen left the meeting at 9:38 p.m.)

ADMINISTRATIVE

Community Development Director Morgan brought to recollection the recently adopted zoning amendments for

ACTION

Resolution Authorizing City Manager to Enter Agreement for Telecommunication Facility

the siting of cellular towers. He noted that the proposed tower installation on City Hall property next to the Police Department is in keeping with the emphasis to locate towers in areas other than on River Road and deep within residential neighborhoods.

Mr. Morgan outlined the terms of the lease agreement with Western Wireless Company and responded to questions about zoning provisions for wireless communication facilities, and revenue the City will derive from the lease.

Mayor Koho moved a Resolution Authorizing the City Manager to Sign Site Lease Agreement with Western PCS I Corporation for Lease of City Property for Wireless Communication Facility. Councilor Beach seconded the Motion.

The Motion passed with the following vote:

AYES: Beach, Keller, Koho, McGee, and Meier (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller and Whalen (2)

CONSENT CALENDAR

a. **RESOLUTION** - Authorizing City Manager to Enter Agreement for Vehicle Maintenance

b. **RESOLUTION** - Check Signers

c. Approval of May 29, 1997 City Council Special Session Minutes

d. Approval of June 23, 1997 City Council Special Session Minutes

e. Approval of July 14, 1997 City Council Special Session Minutes

f. Approval of August 11, 1997 City Council Special Session Minutes

g. Approval of September 3, 1997 City Council Special Session Minutes

Mayor Koho pointed out that Item "a" should specify that the agreement be signed by the Mayor rather than the City

Manager.

Council President Keller pulled item "a" from the Consent Calendar.

Mayor Koho moved for approval of the remaining items on the Consent Calendar. Councilor Meier seconded the Motion.

The Motion passed with the following vote:

AYES: Beach, Keller, Koho, McGee, and Meier (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller and Whalen (2)

With regard to Item A, Councilor Keller asked if the City went through a bidding process with local vendors. He indicated his preference to keep the business in Keizer. City Manager Mull indicated that the bid process was not used. He explained how work has been done in the past getting quotes from local business for major work, and doing oil changes, etc. in-house. He pointed out the advantages of using the County and the anticipated cost-savings.

Councilor Meier moved a Resolution Authorizing the Mayor to Sign an Intergovernmental Agreement with Marion County for Vehicle Fleet Maintenance. Councilor McGee seconded the motion.

The Motion passed with the following vote:

AYES: Beach, Keller, Koho, McGee, and Meier (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller and Whalen (2)

WRITTEN COMMUNICATIONS

Mayor Koho noted the receipt of a letter from the Keizer Fire District in regards to the Hotel/Motel Tax issue.

AGENDA INPUT

OCTOBER 13, 1997

5:30 P.M. City Council Work Session

OCTOBER 20, 1997

7:00 P.M. City Council Meeting

- Hotel/Motel Tax
- Baseball Revenue/Expense Report
- Community Policing Resolution
- CDBG Housing Program Refinance Policy

NOVEMBER 3, 1997

7:00 P.M. City Council Meeting

Mayor Koho announced that the October 13, 1997 work session would be canceled.

ADJOURNMENT

The meeting was adjourned at 9:48 p.m.

APPROVED:
MAYOR:

Tracy L. Davis
City Recorder

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

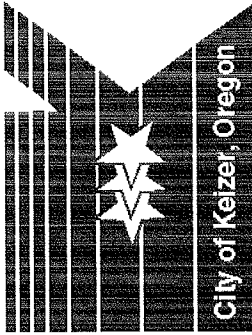
Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



June 1, 1998

AGENDA ITEM 8C

APPROVAL OF OCTOBER 20, 1997 CITY COUNCIL MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, October 20, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:01 p.m.
Roll Call was taken as follows:

Present:

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

Absent

Al Miller, Councilor

Staff:

Wally Mull, City Manager
John Morgan, Community Development Director
Rob Kissler, Public Works Director
Susan Gahlsdorf, Finance Director
Pat Bowe, Acting Police Chief
Dianne Hunt, Human Resources Officer

PUBLIC TESTIMONY

Presenting testimony to the Council was:

Cynthia Vannoy, 683 Faymar Drive NE, Keizer, spoke in her capacity as secretary-treasurer of KNAG. Ms. Vannoy explained that KNAG was originally created, over two years ago, to combine forces between the various neighborhood associations. One of its established goals was to obtain an IRS group exemption for all of the associations. To date, the organization has not received its 501 (C) (3) status from the IRS.

Ms. Vannoy commented on the failure of past KNAG leadership to pursue the exemption status. It was her understanding that documentation regarding the application was now in the hands of City Hall. She had not received a copy of same.

Ms. Vannoy distributed copies of a letter KNAG received from the IRS listing documentation/information it must receive from KNAG prior to granting the exemption. Ms. Vannoy called attention to the November 6 deadline for submitting the information. She noted that formal recognition by the City Council is necessary in order to qualify. She expected that KNAG would come before the Council on November 3 asking for formal recognition of its existence.

Ms. Vannoy responded to questions from the Council about why KNAG was organized, and what function and authority it has. She saw it as functioning much like the Main Community Policing Committee; allowing a single source for the receipt and distribution of information to the various neighborhood associations. Ms. Vannoy also answered questions about the need for the exemption status. She pointed out that the 501 (c) (3) status would exempt them from paying federal taxes, allow contributors to write-off donations, and allow them to apply for grants.

There was no other public testimony to come before the Council.

COMMITTEE REPORTS

a. Five-Year Service Awards

Lt. Bowe introduced Officer J. R. Baker and Officer David LeDay and presented each with a five-year service award plaque.

Mayor Koho thanked the officers for their continued service with the City.

b. Clear Lake Neighborhood Association Annual Report

Community Development Director Morgan had just become aware that proper Board action was not taken in forwarding the report to Council. He recommended that the agenda item be deferred to a later date.

After hearing comments from the Council on the form and content of the written Annual Report as it was presented, Mayor Koho deferred it to a November meeting.

c. Volunteer Coordinating Committee Appointment

Councilor Keller advised Council of the resignation of Kim Carter from the Volunteer Coordinating Committee. He put forward the name of Norm Cobb to fill the vacancy created by Ms. Carter's resignation.

Councilor Keller moved that Council approve the nomination of Norm Cobb to the Volunteer Coordinating Committee.
Mayor Koho seconded the Motion.

The Motion carried unanimously by those members present as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

d. Council Liaison Reports

Planning Commission - Councilor Keller deferred to Community Development Director Morgan to give the report.

Mr. Morgan reported that the Planning Commission, at its last meeting, continued deliberation on the Development Code and reached a general consensus on each of several revisions. They asked to review a revised final draft in November before sending the Code on to Council for public hearings.

Mr. Morgan responded to questions from the Council. He confirmed that neighborhood associations had been given opportunity to comment on the proposed Code draft over the course of its assembly, and at the Planning Commission public hearing. He also confirmed that the Hearings Officer had looked at, and provided input on the procedural elements in the Code.

Councilor Beach suggested that Mr. Morgan have the Planning Commission, in its final review, look at regulating against substantial excavation and the cutting of trees prior to issuance of a final permit.

Claggett Creek Task Force - Mayor Koho had been unable to attend the last meeting. He deferred to Chair Derek Hernandez to give the report.

Mr. Hernandez reported that the Task Force has been looking into forming a watershed council. At the meeting, Gary Miller, a member of the Task Force, presented a set of "best management practices." The Task Force would like to see the Planning Commission incorporate them into the Code to lessen any future impact caused by new development.

Mr. Hernandez noted that the Task Force also discussed the results of the September "clean up" event.

Community Policing Committee - Councilor Meier requested that her report be deferred to item 7 a. later in tonight's agenda.

Parks Advisory Board - In Councilor Miller's absence, there was no report.

OTHER BUSINESS

New Business

Councilor Keller had just today learned of a problem at the south end of town wherein a newly installed radio antenna was creating "bleed-over" in the phones of neighboring residents. He asked Mr. Morgan if the City had any regulation in place to deal with the problem. Mr. Morgan answered that the City does not; complainants are referred to the FCC.

At Councilor Keller's request, Mr. Morgan agreed to have the Planning Commission look at establishing in the Development Code, a standard for no RF interference.

Councilor Meier noted that the McNary High School students have submitted an application for a variance to put up a couple signs inside the football field. Although the signs will hang from the stadium cover, they will face the football field, not Lockhaven Drive.

Councilor Meier moved that the City waive the variance application fee of \$200. Mayor Koho seconded the Motion.

The Motion carried unanimously by those members present as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

City Manager Mull advised that a public hearing will be set for November 12 at 4:00 p.m. in the Council Chambers to receive public input in adopting the new FEMA 100-year flood plain map. The new map will affect the Country Glen, Lazy Creek area. Staff will be sending out press releases, and will notify the people that are affected in both of those subdivisions.

City Manager Mull reported on the status of the Keizer Heritage renovation project. He noted that the interior building plans are currently in the Marion County permit system, with hopes of going to bid on the project in the near future. They would like to have occupancy sometime in January.

Lieutenant Bowe reported that the DARE program received a check for \$640 from Jim Warner and his colleagues. The funds represented a percentage of the proceeds they received at their back examination booth at the Fair.

Lieutenant Bowe reported that the Police Department is working to come up with a suspect in connection with the October 7, Wells Fargo Bank robbery. It is believed there may be a connection with a robbery the same day in West Salem. A suspect has been developed for a bank robbery that took place in Keizer last April, and the FBI is working on the case.

Community Development Director Morgan referred back to the KNAG tax exemption issue. He noted that he and KNAG President Jacque Moir met today and discussed how to go about getting the group on track. Mr. Morgan and City Attorney Johnson will help with some of the exemption filing issues. Mr. Morgan noted that he just received from former Secretary-Treasurer Jim Warner a copy of all the filing materials, so they expect to move forward with the application very soon.

A second issue brought up by Mr. Morgan was the Salem/Keizer entryway sign. Keizer has been pursuing with Salem the idea of making changes to the structure to lessen the damage if and when another accident occurs. Mr.

Morgan went on to describe proposed changes which include the use of pea gravel ground cover to dissipate a vehicle's energy before it reaches the structure. He also commented on proposed measures that would improve visibility. Mr. Morgan noted that Salem preliminarily agreed to the changes, however, he had not yet discussed them with the benefactor.

Mr. Morgan responded to questions about additional lighting, landscape improvements, and on-going maintenance. He noted that staff is working on coordinating efforts to accomplish the proposed changes.

Old Business Report

- **Multi-Purpose Skate park Status Report**
- **City of Keizer 15th Anniversary Celebration**
- **Keizer Baseball Stadium Fund - Revenue/Expenditure Report**

Councilor McGee requested that City Manager Mull clarify some aspects of the **Keizer Baseball Stadium Fund** written report that might be misinterpreted.

Mr. Mull explained that the spread sheet represented an operational revenue versus expenditure report for the period January through September 1997. He noted that staff will be following up the report in the next few weeks with a complete breakdown on the budget including construction costs, the debt service and everything associated with the baseball stadium.

Councilor McGee requested that City Manager Mull elaborate on what is planned for the **City of Keizer 15th Anniversary Celebration**.

Mr. Mull commented on plans underway for the City Hall open house scheduled for November 3 from 5:00 to 7:00 p.m.

PUBLIC HEARINGS

a. Bonneville Street Vacation (Continued from October 6, 1997)

Mayor Koho reopened the public hearing.

Community Development Director Morgan pointed out on a map the location of Bonneville Street, a right-of-way in the southeast portion of Keizer that generally is parallel to and between Claggett Creek and Verda Lane. It connects existing streets to the west via extensions of Seeburg and

Alder Streets. Mr. Morgan noted that the vacation area is being referred to as Bonneville Street, but also includes the extensions of Seeburg and Alder. He noted that the rights-of-way are decades old and have never been improved with any street development. No utilities are located within the alignments.

Mr. Morgan noted that the area through which Bonneville Street passes is vacant, but proposed for development by Staats Corporation in accordance with the Single-Family Zone. He explained how the proposed vacation involves reconfiguring the rights-of-way so that they meet both the City's and developer's needs. It will allow for a better housing lay out, and will create a better alignment for Alder Street in the event it is extended to Verda at some time in the future. Staff is proposing that Bonneville Street be vacated to the property owners, and, in exchange, the property owner will dedicate the Alder Street right-of-way. Mr. Morgan emphasized that the proposed vacation is not necessary to develop the property, as the platted streets can be improved and used to serve future housing.

Mr. Morgan briefly commented on how the proposed manufactured home park development will be accessed by way of Seeburg Lane if the street vacation is approved.

Staff recommended that Council receive testimony, close the public hearing, and direct staff to prepare an order approving the vacation with the condition that the Alder Street right-of-way be dedicated.

Councilor Meier asked if there was any reason why the developer should not take some responsibility in building the road. Mr. Morgan explained how the existing Development Code allows a manufactured home park in a Single-Family Zone with virtually no discretionary authority over approval. In the revised Code, the Planning Commission is recommending that manufactured home parks be conditional uses in a Single-Family Zone, allowing for a degree of discretionary review. He acknowledged that a single-family dwelling development would require a discretionary review process.

Mr. Morgan responded to questions about access to the proposed manufactured home park and street circulation within the park. He reiterated that access would be by way of Seeburg; the portion of the Seeburg right-of-way

proposed for vacation lies within the proposed development. By law, the City has no control over street circulation within the park. Mr. Morgan noted that they are also not required to do improvements externally. Although the developer has indicated they will pave Seeburg which is now a gravel street, they are not required to do so.

Mr. Morgan commented on the disadvantages of keeping the current Alder Street alignment. He acknowledged that the proposed agreement would give the developer greater land square footage, but, noted that the developer's design using the existing right-of-way allows one additional lot within their development. Staff believed the proposed exchange represented the best option for the City.

There was no public testimony to come before the Council.

Mayor Koho closed the public hearing.

Mayor Koho moved to direct staff to bring back an Ordinance vacating Bonneville Street and portions of Seeburg and Alder, along with the necessary documentation to provide for the new Alder Street right-of-way as proposed. Councilor Beach seconded the Motion.

The Motion carried unanimously by those members present as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

**b. Subdivision Appeal
Case No. 97-04 - Derek L.
Brown & Association**

Mayor Koho opened the public hearing.

Shannon Johnson, City Attorney announced the applicable criteria for this case is cited in the Keizer Zoning Ordinance sections 8.30, 8.20, 36.03 and 18.09(a). He inquired of any objections to the waiving of the criteria. Being none, the reading of the applicable criteria was waived. Mr. Johnson reviewed the procedures that will be followed for this hearing. Furthermore there were not any defective notice or conflict of interest issues raised.

John Morgan, Community Development Director reported

this is a complex land use case that involves the appeal of the Zoning Administrator's original approval of a conditional use application, the Hearings Officer sustaining the appeal thereby denying the application, and both the applicant and the opponents appealing the case to the City Council. He indicated this is a conditional use to create a 13 space manufactured home park within the UT (Urban Transitional) zone on property located between Wheatland and O'Neill Roads at the south end of Timothy Lane. Indicating this development on a map of the area, Mr. Morgan stated this park is an expansion of a 90-space park previously approved and now under construction.

Mr. Morgan reviewed the Hearings Officer's decision which found the appellants did not meet a burden of proving the criteria was met in all cases, except one. Therefore he rejected all arguments except the finding that the applicant had not shown there was adequate fire flow to serve this development. This was the basis for the denial of the application, and thus the appeal by the applicant. In addition, an appeal was filed by the opponent based on the Hearings Officer erring in finding that the other points raised at the hearing were without merit.

Mr. Morgan advised the Council there have been three items submitted for the record this evening; a letter with photo exhibits by Mr. and Mrs. Alleman who are in opposition of this matter, an analysis from Multi-Tech Engineering on behalf of the applicant reviewing the criteria and rebuttal and a letter from Joel Stein of the Keizer Fire District.

Mr. Morgan believed the criteria have been met for approval of this conditional use. He requested the hearing be opened, testimony received, and direction be provided to staff for preparation of an order to be considered on November 3, 1997. In addition, he requested the hearing remain open to allow additional written testimony to be entered into the record.

Addressing an issue raised in the memorandum submitted by Shannon Johnson, City Attorney, Mayor Koho requested a determination of whether this hearing should be held de novo. Mayor Koho expressed his desire to hear this case in the same fashion, as a de novo hearing, as other land use cases have been heard previously. He believed the Council should be consistent in all cases.

Mayor Koho moved to hear this case and all other similar land uses cases in this category as de novo.

The motion died for a lack of a second.

Councilor McGee stated he is in favor of hearing this specific case as de novo, however he was not sure this should be the protocol for all cases in the future. Each should be determined on its own merit.

Councilor Keller indicated due to the ongoing negotiations between the parties, he would suggest only dealing with the issue the hearings officer declined to approve.

Supporting Councilor Keller's position, Councilor Whalen noted the appeal was filed based upon the hearings officer's denial of the case due to the fire flow issue. He believed the testimony should be limited to this issue only.

Mayor Koho pointed out there were two appeals filed in this case; the applicants and the opponents. Both are different and therefore the hearing cannot be limited only to the fire flow issue.

Councilor McGee moved to proceed with a de novo hearing on this matter tonight.

The motion failed for a lack of a second.

Councilor McGee moved that the proceedings tonight will be de novo and will be de novo in the future unless a public decision is made to the contrary. Mayor Koho seconded the motion.

Mayor Koho reviewed the procedure for the hearing and announced all time limits will be enforced.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

Presenting testimony to the Council were:

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, Salem, Oregon 97302 indicated he is representing the applicant, Derek Brown and Associates who are developing the Berkshire Mobile Home Park. He pointed out this is the second phase of a manufactured home park located within the UT (Urban Transitional) zone. The first phase, which includes 90 spaces, is presently under construction. This application for a second phase that includes 13 spaces, in which one space contains an existing residence.

Mr. Grenz submitted a memorandum addressing the criteria as set forth in chapter 8, chapter 23 and chapter 36 of the Keizer Zoning Ordinance. This packet also contains a copy of the site plan, information regarding drainage, and a letter addressed to Mr. Joel Stein of the Keizer Fire District.

In summarizing this packet of information, Mr. Grenz pointed out the conditional use criteria for the UT (Urban Transitional) zone is addressed as follows:

- The use will not increase traffic beyond the capacity of the existing roads. The access to this development will be to Wheatland Road, a collector street not Timothy Lane. Therefore no impact will be generated from this development.
- The site plan shows there will not be any significant unused portion of the property. All the property which is presently owned will be developed by the applicant.
- The development will utilize existing or extended urban services in the area. Water services will be extended from Wheatland Road. This project is part of the Northwest Keizer Drainage Basin and development of a new storm drain facility from Clearlake to this upper area is currently under construction.
- This use meets all the criteria spelled out in the RS zone, which is the most restrictive zone allowed under the Comp Plan designation.

Continuing with the information packet, Mr. Grenz addressed the conditional use criteria as listed in section 8.30 of the Keizer Zoning Ordinance:

- The use is listed as a conditional use in the UT (Urban Transitional) zone.
- The parcel is suitable for the proposed use as shown in the site plan attached to the information packet.
- The proposed use will not materially alter the character of the surrounding area because the development of this site as a manufactured home park has not prohibited developing surrounding properties. Currently surrounding properties are being developed that include a 32 lot single family development on the north boundary of phase one, a 57 lot single family project on southern portion of phase one, and a proposed 52 lot development to the south. Each of these developers were aware of the plans for the manufactured home park and none are being negatively affected.
- There will not be any impacts on existing solar or wind energy systems.
- In regards to public facilities, streets will not be impacted with access only to Wheatland Road. An eight-inch sanitary sewer line has been constructed through this site and extended to the west, which is capable of servicing 40 acres. Water service will be received from the new system recently completed within the Bower Place subdivision, Pinehurst Estates, and Berkshire Phase One. This will provide adequate fire flows to the area. The drainage system presently being constructed and the construction of a detention basin on site, will adequately address any drainage issues.

In conclusion, Mr. Grenz indicated the information packet addresses the compliance with section 14.30 of the Keizer Zoning Ordinance relating to low density mobile home parks, the issue of a lot line adjustment, and a soil information report referring to the lack of wetland in the area.

In response to a question from Councilor Beach, Mr. Grenz explained Keizer Fire District and Marion County Fire District One require all residential developments to have a minimum of 1000 gallons per minute fire. When this amount is delivered, the residual pressure remaining on the hydrant should be no less than 20 pounds per square inch. Mr.

Grenz pointed out the pressure in normal cases ranges from 40 to 50 pounds per square inch. Based upon calculations derived from the Keizer Fire District and future water line additions, Mr. Grenz believes there will be adequate fire flow for this area.

Norm Hill, Attorney at Law, 1114 12th Street SE, Salem, Oregon 97302, indicated he is the attorney representing the opponents and in this conditional use appeal, there are a few critical issues the residents of Timothy Lane would like to have addressed. Mr. Hill pointed out the existing neighborhood has accepted this area is changing and will be developed, however they are concerned their properties will suffer serious adverse consequences. The issues of concern are access, storm drainage, need of lot line adjustments, and the impact to the land.

Mr. Hill noted the residents believe Timothy Lane cannot provide for additional traffic and therefore were pleased to hear the access will be on Wheatland Road.

Mr. Hill pointed out that with all of the development in this area, the residents are worried about the decrease in the storm drainage capacity. They would like some assurances that new development will not cause them to become the retention area for the over flow of drainage. The hearings officer decision, even though it denied the conditional use, noted that chapter 14 of the Keizer Zoning Ordinance (manufactured home parks), does not apply to this conditional use application. Mr. Hill stated this section specifically points out storm drainage for manufactured home parks must be sufficient to handle the water that is generated up stream. The residents believe the drainage pattern moves westerly and linger on this potential site. This problem is compounded if this area is raised and causes the water to move to their properties. Mr. Hill concluded this area will not become a manufactured home subdivision but a manufactured home park, which will not be rezoned as single family residential. Therefore all of the chapter 14 requirements will not apply. He requested the City should include a condition to require the developer to comply with all of the drainage issues as outlined in chapter 14.

Mr. Hill explained this development is occurring on three parcels, originally owned by Mr. Woods, which have

remained separate and distinct parcels. He believed a formal land use process should be initiated to create one single parcel removing the lot lines. Mr. Hill envisioned potential legal problems in relation to separate parcels and density requirements.

The final issue of concern is the impact on the land itself. Mr. Hill believed the criteria outlined as outlined in chapter 8, must find that the conditional use will not materially alter the neighborhood. He perceives this development will impact the neighborhood. Mr. Hill supported the suggested staff conditions in regards to creating a buffer between this development and the neighborhood should be strengthened to surround the entire perimeter. There is room to create this buffer using the City's right of way area.

Mr. Hill requested the record remain open for seven (7) days to respond to the testimony submitted by the applicant. In addition, he requested all evidence and arguments presented during the previous hearing before the hearings officer be entered into the record at this time.

In response to a question from Councilor Keller, Mr. Hill believes by allowing the parcels to remain separate and distinct, it could cause legal issues for the property owners as well as the residents of the manufactured home park. The lots should be combined through a land use process to make it one large single parcel.

Mr. Hill reiterated the storm drainage issues must be addressed to assure the residents there will not be future impacts. The plans submitted by Mr. Grenz only address this conditional use application and do not indicate what the other potential changes in the land will bring forth in regards to drainage. By bringing infill to this development, the storm water may remain on the existing properties. Mr. Hill noted the house that will remain on the property has been known to have flooding problems over the years.

Ken Dawson, 7890 Timothy Lane, Keizer indicated he has lived in this area for ten years and he is very concerned with the access and drainage problems this development might deliver. He noted the water pools around Timothy Lane therefore disagreeing with the assumption the water drains away from Timothy Lane.

Mr. Dawson also expressed his concern that the trunk lines for sewer and water are bypassing Timothy Lane which may cause increased costs for connection in the future. He has no desire to develop his property at this time, however these costs are a future concern. Mr. Hill also expressed his concern that a manufactured home park might decrease the value of his property and cause an effect on his lifestyle.

In rebuttal, **Mark Grenz** understood the public works staff would thoroughly review the adequacy of the storm drainage system regardless of whether chapter 14 applied or not. He acknowledges this is a significant issue and will develop a storm drainage system that works best for this development and surrounding area. Mr. Grenz has researched the elevation and topography of the area in order to create this storm drainage plan. Furthermore, Mr. Grenz stated the developer is planning on constructing a fence and providing landscaping which will create a visual buffer between the residents and the development.

In regards to the lot line adjustment, Mr. Grenz referred to section 17.401 of the Keizer Zoning Ordinance which requires the intended structure to be located on an individual lot, which a manufactured home park may be considered a single structure on a single parcel. In addition, the section goes on to note that a structure may be placed on two or more lots under single ownership, as is the situation in this case, and will be considered as a single lot under this ordinance. Based upon this, Mr. Grenz does not feel it is necessary to initiate a land use process to combine the three parcels as requested by Mr. Hill.

Responding to a scenario suggested by Mayor Koho, Mr. Grenz noted the developer is not opposed to proceeding with the lot line adjustment, it is just another step that he feels is not necessary. However, if the staff imposed this as a condition of approval, the developer would comply.

Mr. Grenz explained based upon his investigation and research on the elevations of the area, all information points to the drainage running away from the site. However, if the public works staff deems this is incorrect, the developer will revise the plan and bring the drain line to the end of Timothy Lane. Mr. Grenz believes this will not be necessary but will be willing to comply.

In response to a question from Councilor Beach, Mr. Grenz indicated the remaining residence will be incorporated into the park. It may be a caretaker home or used for other purposes, however it will remain on a space in the park and not be sold separately.

Referring to the storm drainage plan, Mr. Grenz indicated the Alleman property is a part of the drainage plan. The topography in the area indicates the elevations are lower and the water should flow away from Timothy Lane. Again, Mr. Grenz reiterated if public works feels this is not adequate, he will revise the plan to make sure he has not created a plan that will be detrimental to surrounding residents.

Responding to an inquiry by Councilor Whalen, Rob Kissler, Public Works Director indicated the plans submitted by Mr. Grenz will be thoroughly reviewed as is the case in all land use actions. As of this date, Mr. Kissler noted he has not seen the actual plans for this development, however he is comfortable with the Berkshire Estates phase I storm drainage system. He believes this will be an extension of that plan and should be adequate, however they will be fully reviewed by staff.

Responding to the issues discussed, **Norm Hill**, voiced his concern that staff has not reviewed the drainage plans to date. He needs assurance this plan is adequate and will not cause problems for the surrounding property owners. Mr. Hill indicated this process is the only area where the citizens can intervene in the planning process to make sure this development does not impact their neighborhood. Therefore, it is essential the Council impose conditions of approval which protect the citizens.

In reference to the lot line adjustment, the issue is in regards to the density requirements not lot ownership. Under section 17.05 of the zoning ordinance it states only one dwelling unit per lot is allowed. By not rezoning or creating a single parcel, this development violates this section. In addition, Mr. Hill is concerned with potential legal issues which may arise if these three parcels are not combined. Now is the time to implement the land use process for this lot combination. Mr. Hill announced he is raising this concern on behalf of the citizens on Timothy Lane and other citizens in Keizer to make sure all conditions are met and this area is developed correctly. He does not believe

the developer should be allowed to take a short cut in the process.

Shannon Johnson, City Attorney announced the 120-day limit expires tomorrow, however the applicant has agreed to extend this for 2 weeks. He requested the Council provide direction on preparation of the Order.

Councilor Meier requested Mr. Johnson review the lot line adjustment issue prior to next meeting.

Councilor Keller asked that the storm drainage plan be reviewed by the public works staff prior to the next meeting to assure it is adequate for this area.

In addition, Mayor Koho request the staff review the applicant's fencing and landscaping plans to assure they meet d the needs of the opponents.

Mayor Koho announced the record will remain open for seven (7) days for submission of written testimony only.

Mayor Koho continued the hearing until Monday, November 3, 1997 at 7:00 p.m.

ADMINISTRATIVE ACTION

a. RESOLUTION - Reestablishing Community Policing Committee

City Manager Mull deferred to Community Services Coordinator Jodi Sherwood, and Craig Campbell, chair of the Ad-hoc Community Policing Committee, to present the report.

Ms. Sherwood explained that the proposed resolution reestablishing the Community Policing Committee would repeal Resolution 97-980. That resolution was adopted in August to allow the Ad-hoc Committee to work on its current structure and improve the scope of the committee. Ms. Sherwood noted that the proposed resolution was the result of review by committee members, department personnel, and City Council members. City Attorney Johnson has reviewed and approved the current language.

Craig Campbell, 6736 Fenwick Court, Keizer, commented on how the proposed resolution differed from the previous one. He noted that the new resolution speaks more to the committee's mission, values, and function. It puts emphasis on communication and partnership with the City, Police

Department, and members of the community. Mr. Campbell noted that the resolution sets out the structure of the Main Committee, but does not define district committees, allowing for fluctuation in the future.

Under the section of the resolution providing for "Officers," Mayor Koho suggested adding language at the end of the sentence: "neither of whom shall be Keizer Police Department employees."

Under "Elections," Councilor McGee referred to the subparagraph dealing with "Vacancies." He wondered if the intent was to hold an election to fill a vacant Chair position rather than having the Vice Chair automatically succeed. Mr. Campbell indicated that it was; should the Vice Chair be elected Chair, a new Vice Chair would be elected.

Councilor Keller indicated his appreciation for all the hard work that went into developing the document. He believed it embodied all the elements brought up and discussed during the review period.

Councilor Keller moved a Resolution Reestablishing Community Policing Committees; Repealing Resolution R97-980, as amended to include language under "Officers": "neither of whom shall be Keizer Police Department employees." Mayor Koho seconded the Motion.

Councilor McGee believed that language in the resolution indicating a three-way partnership; the Police Department, the City Government and the Community, gave the impression of three separate entities. He proposed using a slash (/) between Police Department and City Government rather than a comma.

Councilor Keller accepted as a friendly amendment to his motion, Councilor McGee's proposal to change language, throughout the document, from the Police Department, the City Government, and the Community, to Police Department/City Government and the Community. After confirming with Mr. Campbell that the friendly amendment was acceptable, though perhaps not preferable, Mayor Koho indicated his acceptance as the Motion's second.

Also accepted by the maker of the motion and second was a suggestion from Councilor McGee to delete the word "safe" as it appears under the "values" section, as follows:

"... the ability to try new and non-traditional approaches to problem solving, in addition to those that are safe, proven and traditional to address community concerns."

Finally, Councilor McGee questioned language dealing with "empowerment" of employees. After discussion, no additional changes were made.

The Motion, including the agreed-upon friendly amendments, carried unanimously by those members present as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

**b. RESOLUTION -
Amending Salary Range
Structure (Amendment for
Community Services
Coordinator and
Administrative Assistant)**

Human Resources Officer Hunt presented the staff report. Ms. Hunt explained that the proposed resolution amends the salary range for the remaining two positions that were withheld when Council approved the Salary Range Structure on August 4. After listening to Council's concerns, the concerns of citizens, and talking with the employees who currently hold the Community Services Coordinator and Administrative Assistant positions, the job descriptions were revised and the positions were re-evaluated. Staff recommended that Council amend the compensation resolution to reflect the appropriate salary ranges for the two positions.

Mayor Koho moved a Resolution Amending the New Salary Range Structure Effective July 1, 1997. Councilor Keller seconded the Motion.

The Motion carried unanimously by those members present as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

c. Hotel/Motel Tax Issue

Finance Director Gahlsdorf presented the staff report. Ms. Gahlsdorf recalled Council's direction to staff to proceed with a study on developing a hotel/motel tax. Her report

presented the results of the study. Included was a summary of interviews conducted with members of the community as well as other interested parties.

Ms. Gahlsdorf noted that staff looked into the tax amount imposed by other Oregon cities and how they are using the revenues. Then, staff developed various scenarios identifying anticipated annual revenues from a TOT levy. Finally, staff developed a recommendation for the allocation of TOT revenues. It included a percentage distribution for various services and programs totaling 55%, with the remaining 45% proposed to be used to promote recreation and the community. Staff recommended that Council discuss alternatives and provide direction to staff on preparing a draft ordinance for consideration at a public hearing.

Mayor Koho indicated support for a transient occupancy tax. He suggested that rather than getting into a detailed discussion of where to earmark all the funds, Council, for now, pick a percentage appropriate for a tax. He agreed that some should go to the operators for a collection fee, and a percentage should go to the Fire District, but beyond that the rest should be left for a future decision.

Councilor Keller was also supportive of the tax. He liked the allocation proposal presented by staff, and pointed out that they would be the ones administering the program.

Councilor Meier supported imposing the tax, but had concerns with doling out small amounts to so many different people and programs. She believed it would be better to allocate larger amounts for big issues, but agreed that the distribution could be worked out at a later time.

Councilor Whalen indicated that he would like to move forward in giving direction to implement the TOT, and work out the details later. He, however, indicated a strong interest in making sure the funds are dedicated to ensure that a good use is made of the resource.

Councilor McGee registered his continued dislike for the tax. He believed suggesting that it would go to promote tourism was totally unreasonable in Keizer. He conceded that the TOT would pass even without his support, and indicated that when the issue of distribution is discussed, he will push for some to go to the Fire District and the remainder to the

General Fund.

Councilor Beach indicated support for a 6% TOT, to be consistent with most other Oregon entities. He also agreed with designating 5% of the revenue as the operator's collection fee. With regard to distribution of the balance, he felt that it should be left open until the budget process.

Mayor Koho invited **Paul Wittenberg**, owner of the under construction Wittenberg Hotel, to respond to the proposal to allocate 5% of the TOT to compensate a hotel operator for the costs of collecting the tax. Being new to the hotel business, Mr. Wittenberg was unsure what the cost would be to administer collecting the tax. Finance Director Gahlsdorf was called upon for comment. She indicated that she was advised by the Oregon Lodging Association that a five percent operator fee was standard.

Councilor McGee asked for a response from the City Attorney as to whether Mr. Wittenberg would become an agent of the City of Keizer for collecting the tax if the tax proposal is passed. City Attorney Johnson was unsure but suspected it would be similar to the utilities franchise fee. Sensing that Council would direct staff to bring the issue back on a future agenda, City Attorney Johnson requested a little extra time to double check the Measure 50 requirements to be certain imposing the tax would not require a vote of the people.

Mayor Koho, with Council's concurrence, directed staff to bring back, when the City Attorney has had opportunity to answer the legal questions, the necessary documentation to impose a six percent transient occupancy tax, leaving at least one blank left in for an amount to be earmarked for the Fire District and some flexibility for additional earmarking by the Council.

**d. RESOLUTION - Keizer
Housing Rehabilitation
Program - Refinancing
Policy**

Due to a possible conflict of interest, Mayor Koho indicated that he would not participate in the discussion or vote on the issue.

Community Development Director Morgan noted that over the last two years, 28 rehab projects have been financed through the housing rehab program. Some of the City's clients are now interested in taking advantage of lower interest rates by refinancing their mortgages. A situation

has arisen with refinancing involving requests for the City to subordinate its position. Mr. Morgan noted that the proposed resolution establishes a policy for the subordination of housing rehabilitation loans.

In providing further detail, Mr. Morgan gave an overview of situations where subordination might be requested, and the implications if the City were to agree to subordinate. He noted that staff researched the policies of other cities and found a broad variety of approaches, from absolute refusal to approve any new financing to having no position on refinancing. Staff believed the most realistic approach, found in several of the cities, would be to allow refinancing resulting in the City being in a second position as long as the 80% loan to value ratio is maintained. Mr. Morgan noted that the proposed policy is consistent with the philosophy and criteria used to evaluate and approve loans in the first place. He pointed out that a cost-recovery clause is built into the proposed policy.

A discussion followed regarding the original intent of the program. It was the feeling that even though the proposed policy included a safeguard against the currently popular "beyond value" financing, the intent of the program was to recirculate the dollars and allow more property owners to make improvements to their homes. There was strong opposition to doing anything that would lessen the City's position.

After further discussion, it was the consensus to continue under the current policy, and to reject the proposed resolution establishing a policy for the subordination of housing rehabilitation loans.

CONSENT CALENDAR

The consent calendar consisted of the following:

- a. RESOLUTION - Deed to Reserve Strip - Springtime Court
- b. RESOLUTION - Designating Portion of Delight Street N as NO PARKING

Councilor Keller pulled item "b" from the consent calendar. Councilor McGee also requested that item "b" be pulled.

Mayor Koho moved for approval of the remaining item on

the consent calendar. Councilor Beach seconded the Motion.

The Motion carried unanimously by those members present as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

item "b"

With regard to background information provided in the staff report, Councilor McGee questioned the authority for a comment that a parking problem had existed adjacent to Cummings Elementary School since 1953. City Manager Mull had personal knowledge of the problem, being a second grade student at the newly constructed school in 1953.

Councilor Keller asked what contingency plans were in place to handle the traffic, and if there would be monitoring to be sure the transition occurs smoothly.

Mr. Mull noted that in addition to meeting with the principal at Cummings School and the LSAC committee, he and Councilor Meier had worked all summer to put a plan together. He described improvements that will be put in place including the provision for a designated area for parents to pickup their children after school. He also commented on striping and signage that will be done to direct the flow of traffic. The school will send out flyers to all the kids so that everyone will be aware of the new policies that will be in effect. The Police Department will do the monitoring.

Councilor Keller moved a Resolution Designating a Portion of Delight Street North as a "No Parking" Zone. Councilor McGee seconded the Motion.

The Motion carried unanimously by those members present as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

WRITTEN COMMUNICATIONS

There were no written communications to come before the Council.

AGENDA INPUT

City Manager Mull requested that Council members join staff tomorrow on a field trip to the proposed FEMA bridge location. The group will meet at the McNary Golf Course parking lot at 4:00 p.m. Engineering staff will explain elevations, and the flow, rise and fall of the water if the bridge goes in. Mr. Mull believed the information would give the Council a better understanding of what is proposed before proceeding with the contract on the grant for the bridge. Mayor Koho indicated that he would be unable to attend because of another meeting he had scheduled. Councilor McGee encouraged Mr. Mull to follow up on inviting a representative from the McNary Homeowners Association.

Mayor Koho reminded Council members of the November 3 Fifteenth Anniversary Celebration, and the November 12 FEMA Hearing

ADJOURNMENT

The meeting was adjourned at 10:03 p.m.

APPROVED:
MAYOR:

Tracy L. Davis
City Recorder

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

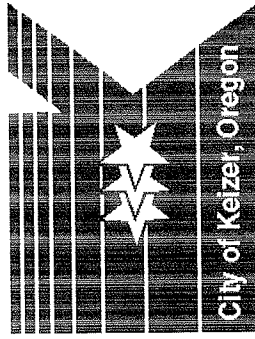
Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



AGENDA ITEM 8d

June 1, 1998

APPROVAL OF NOVEMBER 3, 1997 CITY COUNCIL MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, November 3, 1997
Keizer City Hall
Robert L. Simon Council Chambers
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
Garry Whalen, Councilor
Dawn Meier, Councilor

Staff:

Shannon Johnson, City Attorney
Susan Gahlsdorf, Finance Director
Dianne Suek, Human Resources Officer
John Morgan, Community Development Director
Rob Kissler, Public Works Director
Kent Barker, Police Sergeant
Tracy Davis, City Recorder

PUBLIC TESTIMONY

Presenting testimony to the Council was:

Wayne Trucke, 6330 14th Avenue NE, Keizer,
representing the Gubser Neighborhood Association,
presented the association's concerns and
recommendations regarding the stadium traffic and noise.

Mr. Trucke recalled Council's pledge to the neighborhood association that they would be involved in any city meetings associated with the stadium traffic. He expressed disappointment that the neighborhood association was not notified of an October 24 meeting to discuss stadium issues. Had the meeting not been rescheduled for a date later than originally planned, he would not have known of it in time to attend.

Mr. Trucke attended the October 24 meeting. Subsequently the Gubser Neighborhood Association Traffic and Noise

Committee met and came up with recommendations essentially the same as ones previously presented to the Council, but with a few changes based on the information obtained at the October 24 meeting.

Mr. Trucke presented the following recommendations: (1) Keep Radiant Drive two-way at all times; (2) Identify and advertise both gates; (3) Have the gate attendant at the south gate direct traffic to the east gate; (4) Develop maps of the area for distribution, posting within the stadium and use by the media; (5) Announce entrance and exit routes at the game and on the radio; (6) Implement directional signs to the stadium along alternate routes; (7) Consistently provide four ticket takers at the south gate; and (8) Keep Tepper Lane use restricted to the same level as the 1997 season.

Additionally, Mr. Trucke withdrew a prior recommendation to lower the speed limit on Radiant Drive to 25 MPH. The Gubser Neighborhood Association also would like from the City, updates and information regarding future infrastructure plans. The Association Traffic committee supports advanced ticket sales if the traffic flow recommendations are not impacted. Finally, the Association Traffic Committee vigorously opposes the Salem Transportation suggestion to use the Gubser neighborhood as a park-and-ride.

Mayor Koho apologized for the oversight in notifying the association of the stadium issues meeting. Mr. Trucke distributed copies of the Gubser Neighborhood Association's recommendations.

There was no other public testimony to come before the Council.

COMMITTEE REPORTS

a. Claggett Creek Task Force Report - Gary Miller

Gary Miller, 4375 Bren Loop, Salem, a teacher at McNary High School, speaking as a representative of the Claggett Creek Task Force, presented the Task Force's proposal for measures to mitigate damage to the creek that has occurred over the last ten years.

Mr. Miller recalled Council's direction to the task force to seek ways to improve the ecosystem and develop steps toward restoration of the creek and adjacent habitat. To that end, the task force developed two proposals. The first

proposal was that the City adopt additional regulations to apply to development in the riparian zone, molded around a suggested list of "Best Management Practices" (BMP's).

Mr. Miller noted that other municipalities have adopted local ordinances implementing the BMP's within the riparian zone to protect against further loss of habitat and degradation of the ecosystem. Copies of the list of suggested BMP's was distributed to Council members.

The second proposal submitted by the task force was to establish and participate in a "watershed council." Mr. Miller explained that a watershed council is a voluntary local organization designated by a governing body to address problems and concerns throughout the watershed. He mentioned specifically impacts on the watershed such as backyard pesticides, new development, park planting, and creek restructuring.

Mr. Miller indicated that with Council's endorsement and assistance, the task force would be happy delineate the watershed, and to bring together interested parties to meet and establish a steering committee and mission statement. He urged that Council not delay taking action to address such an urgent and important issue.

Mr. Miller responded to questions from the Council about what a local watershed council would oversee, and the impacts of watershed outside the City's boundaries. He explained that once the watershed area is identified, ownership along the watershed is inventoried and the various entities and private owners meet to coordinate efforts. He noted that the City of Salem has participated in a number of watershed council's, but there currently is no coordinated effort to look at the issues along Claggett Creek.

After further discussion, the Council concurred that more information was needed before coming to any decision. Councilor McGee proposed a joint work session with the Claggett Creek Task Force to further educate the Council on all the aspects of a watershed council. Mayor Koho suggested that the issue be set for discussion at the December Council work session. He suggested that Mr. Miller invite all the members of the task force. A suggestion was made to invite potentially impacted property owners. Mr. Miller believed it would be better to first inform the Council and then talk about bringing in interested parties.

Mayor Koho directed that the issue be scheduled for discussion at the December 8, 1997 Council work session.

b. Planning Commission Appointment

Community Development Director Morgan submitted the Volunteer Coordinating Committee's recommendation to reappoint Elaine Smith to another three-year term on the Planning Commission; her term to expire September 30, 2000.

Mayor Koho moved to reappoint Elaine Smith to a three-year term on the Keizer Planning Commission. Councilor Keller seconded the Motion.

The Motion carried unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. Budget Committee Appointments

City Manager Mull submitted the Volunteer Coordinating Committee's recommendation to reappoint Ted Anagnos and Jim Nightengale to the Keizer Budget Committee, each to serve an additional three-year term ending August 31, 2000.

Mayor Koho moved to reappoint Ted Anagnos and Jim Nightengale each to a three-year term on the Keizer Budget Committee. Councilor Beach seconded the Motion.

The Motion carried unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

d. Council Liaison Reports

Traffic Safety Commission - Mayor Koho had been unable to attend the October Traffic Safety Commission meeting.

He deferred to City Manager Mull to give the report.

Mr. Mull reported that the Traffic Safety Commission further discussed vision clearance standards and vision hazards related to overhanging trees. They are also proceeding with putting together a parade and event permit procedure for recommendation to the City Council. ADA requirements were also mentioned as an issue they hoped to address in the future.

Mr. Mull indicated that subsequent to the Traffic Safety Commission meeting, he met with Commissioner Smyres and Community Development Director Morgan to go over the Traffic Safety Commission's vision clearance recommendations relative to the proposed Development Code. Those recommendations will be submitted to the Council in the Development Code hearing process. The Commission's recommendations regarding tree trimming are currently covered in the City's Tree Ordinance. Mr. Mull intends to proceed with sending flyers to the public to inform them of the tree trimming requirements.

When asked what opportunity the Council would have to consider the Traffic Safety Commission's Development Code related recommendations, Community Development Director Morgan affirmed that the Council will have opportunity to look at the Traffic Safety Commission's recommendations as well as the Planning Commission's recommendations as part of the hearing process.

Volunteer Coordinating Committee - Councilor McGee reported that the Committee met and came up with the appointment recommendations considered by Council earlier in this meeting.

Councilor McGee took the opportunity to commend Volunteer Coordinating Committee Chair Ann Rasmus for her hard work and leadership in arranging the City's 15th Anniversary Celebration that took place earlier this evening.

Park & Recreation Advisory Board - Councilor Miller reported on issues discussed at the October 14 Parks Board meeting. The new Willamette Manor Park play structure and the associated curbing and pathway improvements have been installed. All the improvements meet ADA requirements. With regard to a proposed toddler play structure at the Meadows Park, the proposal has been referred to the Meadows Homeowners Association for

comment. The Parks Board expects to forward a recommendation to the Council in December or January. If approved, installment of the toddler play structure will occur in the Spring, 1998. Councilor Miller noted that the November meeting of the Parks Board has been rescheduled for Thursday the 11th because the normal meeting date falls on a holiday.

OTHER BUSINESS

a. New Business

Sgt. Kent Barker reminded the Council of the upcoming Neighborhood Watch Conference scheduled for November 15 at 9:00 a.m.

Public Works Director Kissler reported on what the Public Works Department is doing to prepare for the rainy season. He commented on measures the City is taking to monitor river water levels and rainfall amounts. He also talked about cooperative efforts with Marion County to have sand bags available if they are needed; and, Marion County's assistance in cleaning out storm drains. City Manager Mull added that the Corps of Engineers has funded the completion of a "RECON" study on the dike; and, the City is pursuing getting the dike certified.

Human Resources Officer Suek reported that recruitment was just opened for two police officer positions, up to ten reserve officers, and one community service officer. Filing for the positions closes on November 14. She also reported that four semi-finalists for the Chief position will participate in interviews this Friday.

Community Development Director Morgan reported on code violations being pursued by the new code enforcement officer. She is currently focusing on solid waste cases, but will soon direct efforts to cleaning up sign code violations.

City Manager Mull thanked Volunteer Coordinating Committee Chair Ann Rasmus and members of City staff for the planning and preparation that went into the 15th Anniversary celebration.

Mr. Mull also brought to the Council's attention a letter he received from the International Institute of Municipal Clerks announcing the certification of City Recorder Tracy Davis as a Certified Municipal Clerk. Mr. Mull extended his

congratulations to Ms. Davis and saluted her for her professional excellence.

b. Old Business Report

Policy Review Committee

Councilor Meier reported that the Policy Review Committee extensively reviewed a draft resolution adopting comparable cities for salary and job classifications. The Committee found the resolution to be unnecessary at this time, and that it would be inappropriate to come up with a list of cities for some possible future application since the characteristics of those cities might change over time. The Council agreed.

Audit Report

Mayor Koho announced that Councilor Beach will chair the Audit Committee, and appointed Councilors Meier and McGee to also serve on the Committee. Councilor Beach will appoint the two citizen members of the Committee.

Cherry Avenue Update

There were no questions regarding the written report that was submitted to Council.

PUBLIC HEARINGS

a. ORDINANCE - Conditional Use Appeal Case No. 97-04 - Derek L. Brown & Associates (Continued from October 20, 1997)

Mayor Koho reopened the public hearing on Conditional Use Appeal Case No. 97-04, which was continued from October 20, 1997 for written testimony only.

City Attorney Shannon Johnson advised that the City Council, at the October 20 public hearing, held the record open for seven days for the submission of written testimony. Mr. Johnson called attention to copies of written comments and photos (included in the agenda packet) which were received within the seven-day period.

Mr. Johnson presented the staff report which addressed the following four items of concern to the Public Works Department: storm drainage, access, fencing, and landscaping. He noted that the measures proposed in the staff report have been incorporated into the proposed Order. In addition to a drainage plan, attached as an exhibit to the Order, conditions of approval include disallowing vehicular access from the mobile home park to Timothy Lane, installation of a six-foot high fence along the entire

easterly portion of the proposed mobile home park, and landscaping on the east side of the park to be maintained by the mobile home park owner. Mr. Johnson believed the proposed measures would respond to the major concerns of Mr. Allman, the appellant in opposition to the proposed development.

Mayor Koho closed the public hearing.

Councilor Miller announced that he would abstain from voting on the matter due to his absence from the previous meeting.

Council President Keller moved an Order in the Matter of the Application of Derek Brown Association for Conditional Use Permit to Create a Manufactured Home Park in the Vicinity of the 7700 Block of Timothy Lane NE (Conditional Use Case No. 97-04). Councilor Whalen seconded the Motion.

The Motion passed with the following vote:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: Miller (1)

ABSENT: None (0)

ADMINISTRATIVE ACTION

ORDINANCE - Amendment to Zoning Ordinance to Add Conditional Use for Child Foster Homes for up to Ten Children (Continued from October 6, 1997)

Community Development Director Morgan recalled that Council, on October 6, closed the public hearing and agreed by consensus to hold over until November 3 further discussion on the proposed ordinance to allow child foster homes in the UT and RS Zones as a conditional use. Council had agreed to the delay to allow staff opportunity to report back on issues raised during the public testimony, and also to solicit the opinions of the various neighborhood associations.

Mr. Morgan brought to recollection concerns presented to the Council on October 6 by former councilor Jerry Watson. Mr. Morgan distributed copies of a proposal drafted by Mr. Watson subsequent to that meeting and subsequent to a meeting he had with Jim Seymour of Catholic Community Services. Mr. Morgan noted that the proposal was reviewed by City Attorney Johnson and was found to be adequate. It would add some locational and some development standards not in the existing code.

Mr. Morgan reviewed the proposal which would add to the ordinance the following five additional standards: (1) Homes be located on a lot not less than 16,000 square feet; (2) Homes be no less than 2400 square feet in size, excluding attached garages, carports, patios, all unfinished space; (3) Homes have setbacks for structures of no less than 16-feet on a side, 30-feet along the back; (4) Homes have paved off-street parking for no less than six vehicles, plus one additional parking space for each foster child that owns or is the driver of a vehicle; and (5) At least half of the lot area must be open space grass or landscaping.

Mr. Morgan noted that Mr. Seymour concurred with the more stringent standards since his proposed project will meet all of them. Other than the proposed parking requirements which appeared somewhat excessive, staff considered the proposal workable, and worthy of Council's consideration.

Councilor Miller questioned whether his absence from the last meeting would preclude him from participating in the discussion and vote. He acknowledged that he had read the materials and believed himself to be sufficiently informed on the subject. City Attorney Johnson suspected that the safer course would be not to participate. He noted, however, that in the past the procedures have been suspended in cases involving an administrative action rather than a public hearing. Mayor Koho left it up to the Council to decide.

The council agreed by unanimous consensus to allow Councilor Miller to participate in the discussion and voting on the issue.

Councilor Miller indicated that he would like to see included an additional requirement to the effect that no two homes could be within one-half mile of each other. City Attorney Johnson acknowledged that it would not be inappropriate to add such a condition.

When asked by Councilor Keller about the appropriateness of the accreditation requirement, City Attorney Johnson acknowledged that he had some concern that the requirement might make the ordinance a little more challengeable. Mr. Johnson also confirmed Councilor Meier's understanding that Keizer residency for the kids being served could not be a requirement.

Councilor Keller was concerned about the impacts a home of possibly eight teenagers might have on Keizer's residential neighborhoods. Mr. Morgan noted that the limiting factor is the location on an arterial or collector street. He named the arterials in Keizer, and commented on the types of streets that are collectors and intended to carry heavier loads of traffic. He noted that there are few lots of 16,000 sq. ft., but conceded that some exist on Shoreline. He believed, however, that property values on Shoreline would lessen the likelihood for homes in that location. Councilor McGee noted that Mr. Watson had identified only 20 to 30 sites in Keizer that would meet all the requirements.

Councilor McGee reiterated his preference for the State-wide imposed standards to serve five children. He noted that the imposition of more and more restrictions could lead to the less than desirable spot zoning. He wondered if it might not be better to encourage applicants to pursue a zone change to multi-family housing which now allows such homes.

Councilor McGee, however, in looking specifically at Mr. Seymour's proposal, had come up with a list of restrictions, similar to Mr. Watson's. He submitted for discussion the following list, adding that he would also like included the previously mentioned distance requirement:

- size of lot be 4/10th of acres - slightly larger than 16,000
- house 2400 square feet
- 8000 feet landscaping
- 16 foot set backs
- fenced or buffer to separate from other neighbors
- bedrooms should be 100 square foot and no more than 2 per bedroom
- if under six - single sex bedrooms
- no basement bedrooms
- arterial and collector street (public transportation line)
- separate living quarters for house parents
- separate living quarters for other live in staff
- 1/2 mile radius of any other congregate care - do support impact radius so not center street location
- parking space - 6 cars for staff, etc. - additional parking for each child over 16 years of age
- comply with life safety code
- comply with ADA
- comply with fair housing act

- standard on number of baths - at least 3
- clause at end that any part of this ordinance is unconstitutional then the rest can be divided from this - propose this not be case - all unconstitutional or constitutional.

Councilor McGee noted the responses from three of the neighborhood associations; two in opposition to the proposed zone change, and one divided on the issue. He suggested that staff meet with Mr. Seymour to discuss which of the above proposals are practical and doable and which are not.

Councilor Whalen disclosed that although he had conversations with both Mr. Seymour and Larry Tokarsky, he was prepared to vote on the issue. He expressed concerns, however, that the discussion was getting into trying to design/build Mr. Seymour's project, rather than focusing on the real issue; whether or not it's appropriate to adopt a zone change that might allow something to happen that might alter the makeup and character of a neighborhood.

Councilor Keller believed that many of Councilor McGee's suggested requirements very likely exist through other regulating agencies.

Councilor Meier disclosed that she too had an ex-parte conversation with Jim Seymour, but heard no new information that would sway her vote. She, however, had some concerns about one issue on Councilor McGee's list. She wondered if the Fair Housing Act would prohibit age discrimination and not allow an 18-year age limit for people served by the facility. City Attorney Johnson noted that other jurisdictions make the distinction. He was unsure, but suspected it would be similar to the 55 and older retirement home exception.

Councilor Meier also had some concern as to whether a 16,000 sq. ft. lot would provide room if the maximum number of parking spaces were required.

Mayor Koho believed some of the proposals were a little onerous, but also believed that it would take some fairly severe restrictions for the Council to allow at least one such facility to exist in Keizer.

Mayor Koho moved to direct staff to prepare an Ordinance

to allow up to eight children in a residence with the restrictions submitted by Jerry Watson, and in addition those suggested by Councilor McGee which are workable, and to bring the Ordinance back to the Council for consideration at the next meeting. Council President Keller seconded the Motion.

Councilor McGee voiced his opposition to any deviation from the current ordinance, and stated that he would vote against the motion. Should Council decide to proceed with developing an ordinance, he would work hard to get reasonable restrictions, if not all of his suggestions, included.

Councilor Miller indicated that he would support the motion in order to allow staff opportunity to research the proposed restrictions and come back with something they believed would be reasonable and workable. City Attorney Johnson interjected that he and Mr. Morgan would be looking at the Housing Code adopted by Council a few years ago to consider its application.

Councilor Miller noted that he had also received calls from Mr. Seymour, Mr. Tokarsky, and a Richard Schmidt. Since this was not a land use case, he had not mentioned the calls earlier, but he also was not swayed by the conversations.

Councilor Beach indicated that he would support the proposed ordinance with the amendments proposed by Mr. Watson with the exception of the six vehicle parking requirement. He believed four parking spaces would be adequate. He also agreed with the proposed half-mile restriction for a similar facility. He, however, disagreed with many of the restrictions proposed by Councilor McGee, and would not support the motion.

Councilor Keller indicated that in conjunction with the ordinance, he would like to see additional written testimony from Mr. Seymour as to how the home would be laid out and run.

Councilor Meier was concerned about designing an ordinance to fit a single proposal. Looking at what might develop based on Mr. Watson's suggested restrictions, she saw it as totally inconsistent and inappropriate for Keizer's single family neighborhoods.

Councilor McGee had high praise for the work of Catholic Community Services, but stressed that changing the City's laws could open the door to "other unknowns."

Mayor Koho emphasized the need for a facility that would serve only three additional children. He called for the vote.

The Motion failed with the following vote:

AYES: Keller, Koho, and Miller (3)

NAYS: Beach, McGee, Meier, and Whalen (4)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho moved to direct staff to prepare an Ordinance allowing up to eight children with the conditions submitted by Jerry Watson, plus, to include a condition that no two residences alike will be within a half-mile radius. council President Keller seconded the Motion.

The Motion passed with the following vote:

AYES: Beach, Keller, Koho, Miller, and Whalen (5)

NAYS: McGee, and Meier (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. RESOLUTION - Ratifying
a Hazard Mitigation Grant
Contract for Construction
of River Road Bridge**

City Manager Mull presented the staff report. He recalled Council's direction to staff to provide assurance that the installation of a bridge at River Road would not cause additional damage downstream during a 100 year flood. Subsequent to presentations to Council by three different engineering firms, staff, Council, representatives of the McNary Golf Course, other interested parties, and the press met and walked portions of Labish Ditch and Claggett Creek from the future River Road Bridge location area to the West end of McNary Heights Drive. Mr. Mull noted that Council was convinced of the benefits of the bridge, and a contract with the Oregon State Police and the Oregon Office of Emergency management was signed. Staff recommended that Council adopt the proposed Resolution ratifying the signing of the contract.

Mayor Koho moved a resolution Ratifying a Hazard Mitigation Grant Program Contract Between the Oregon State Police, Office of Emergency Management and the

City of Keizer for Construction of the River Road Bridge.
Councilor Beach seconded the Motion.

Councilor Keller indicated that he was unable to comprehend an explanation by Preston VanMeter with Peterson Engineering of how the water will flow where Claggett Creek and Labish Ditch come together. He noted that Mr. Mull has agreed to provide a water soluble dye to add to the water when the next high water event occurs. The dye will indicate how the water gets through.

The Motion passed unanimously by the Council as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. City Manager
Recruitment**

Mayor Koho presented the issue to the Council for discussion.

Councilor Keller indicated that in reflecting on the City's administrative leadership since Mr. Mull was appointed temporary City Manager six months ago, he has had a change of attitude about going out for another recruitment. Councilor Keller commented on the outstanding work being performed by each member of the management staff. He believed City Manager Mull had demonstrated the talent and organizational skills to very capably lead the organization.

Council President Keller moved to direct staff to come back with a Resolution appointing Wally Mull as City Manager.
Councilor Beach seconded the Motion.

Councilor McGee agreed with Councilor Keller's assessment. He believed that not just recently, but, over the years, Mr. Mull had demonstrated the ability to manage the City's two most significant resources; its people and its budget. He concurred that Mr. Mull should be appointed on a permanent basis as any other manager has been in the past.

For clarification, City Attorney Johnson asked if the direction to staff was to prepare a contract and come back with the

resolution with the contract attached. The Council concurred. Mr. Johnson suggested including the contract as a friendly amendment to the motion. He also suggested that Mr. Zagar, rather than himself, negotiate the contract with Mr. Mull.

Councilor Keller restated his motion including the friendly amendment.

Council President Keller moved to direct staff to come back with a Resolution appointing Wally Mull as City Manager, and an appropriate contract for Council approval. Councilor Beach seconded the Motion.

Councilor Miller recalled that Council met in executive session about seven or eight weeks ago and made the temporary six-month appointment of Mr. Mull as City Manager. He noted that staff was directed to change the job description and proceed with recruitment. It appeared to Councilor Miller that there was a substantial delay in proceeding with the recruitment. He asked for an explanation for the delay.

Mayor Koho had been absent from the executive session. Councilor Whalen recalled that because of other staff changes, there was discussion of holding the process for about 30 days.

Councilor Meier commented on a delay in receiving the revised job description after the direction was given to staff.

Councilor Miller related his strong belief that appointing someone as city manager who had not attained a college degree would be compromising the minimum requirements the City has had in place for the 14+ years of its existence. He believed that the State's 14th largest, and one of its fastest growing cities should have a manager with the highest possible qualifications and experience. He had high praise for Mr. Mull as a person, but considered his tenure as public works director inadequate preparation for the job of city manager. Councilor Miller's preference was to proceed with the search and then compare Mr. Mull to the other candidates for the position.

Councilor Beach recalled the disappointing results of the recent review and recruitment process. He disagreed that Mr. Mull lacked the criteria to lead the City. He believed that Mr. Mull possessed the ability to lead a staff of individuals

proven to have the skills and expertise to manage their respective areas. He cited the good spirit and good working relationship now evidenced at City Hall, and urged against wasting time and resources to bring in an unknown.

Councilor Meier indicated that she would be voting against the motion, not as an opposition to Mr. Mull, but as a protest against the process, including the manipulation she had experienced in the last couple days.

Councilor Whalen also had disdain for the recent "behind the scenes politicking." He, however, praised Mr. Mull as "a man not out there to build a resume", but only to continue to serve a community he has spent a lifetime in." He also believed that Mr. Mull had the ability to manage both people and money. With regard to negotiating a contract, Councilor Whalen indicated that he would like the issue of severance pay discussed. He believed it appropriate that the contract reflect what previous city managers have had.

Mayor Koho pointed out pressing issues facing the City in the immediate future including the on-coming rainy season, and the hiring of a new police chief. He agreed that the recent recruitment process was disappointing and could see no reason to spend additional time in the hopes of finding better candidates than found last time. Mayor Koho called for the vote.

The Motion passed with the following vote:

AYES: Beach, Keller, Koho, McGee, and Whalen (5)

NAYS: Meier and Miller (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

**d. RESOLUTION -
Recognition of the City's
15th Birthday**

Mayor Koho moved a Resolution in Recognition of the 15th Birthday of the City of Keizer. Councilor Beach seconded the Motion.

The Motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

a. RESOLUTION - Recognizing Keizer Neighborhood Association Group

b. Approval of September 2, 1997 Regular Session Minutes

c. Approval of September 15, 1997 Regular Session Minutes

Mayor Koho moved for approval of the items on the consent calendar. Council President Keller seconded the Motion.

The Motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

There were no written communications to come before the Council.

AGENDA INPUT

Mayor Koho announced the agenda input items. A December 8 work session to discuss Claggett Creek watershed issues was added.

City Manager Mull informed the Council that he discussed with CCTV the possibility of getting an overlay on the screen during the meeting to let TV viewers know the point of discussion on the agenda, and inform them of upcoming agenda items.

ADJOURNMENT

The meeting was adjourned at 8:51 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

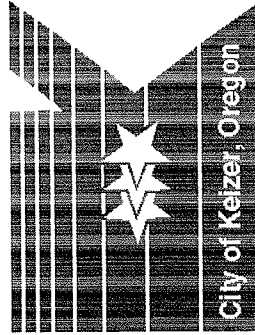
Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



June 1, 1998

AGENDA ITEM 8e

**APPROVAL OF NOVEMBER 17, 1997 CITY COUNCIL
MINUTES**

MINUTES
KEIZER CITY COUNCIL
Monday, November 17, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:12 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
John Morgan, Community Development Director
Tracy Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

**COMMITTEE
REPORTS**

a. Salem-Keizer School District "American Education Week" Proclamation

Mayor Koho signed the proclamation and presented it to Councilor Meier in her capacity as a representative of the school district.

b. Volunteer of the Quarter Award

Police Support Specialist Rita Powers introduced Mike Hood, the Police Department's recommendation for the Volunteer of the Quarter Award. Mr. Hood volunteers his time doing paperwork and data entry for the Police Department. Ms. Powers commented on Mr. Hood's excellent qualifications as a LEDS (Law Enforcement Data Systems) retiree, and expressed gratitude for his help and dedication.

Mayor Koho presented Mr. Hood with a clock with the inscription "City of Keizer Volunteer of the Quarter Award, 3rd Quarter of 1997.

c. Salem Transportation System Plan

Community Development Director Morgan introduced Peter Fernandez, Transportation Services Manager with the City of Salem, and Mark Beckett, Principal Transportation Planner with the City of Salem. Mr. Beckett and Mr. Fernandez were present to talk about the draft Salem Transportation System Plan. Mr. Morgan noted that over the next year, Keizer's Planning Commission will be focusing its efforts on developing a local plan for Keizer. He believed the presentation by Salem staff would give Council some sense of the issues that will have to be addressed in Keizer's plan.

Mr. Beckett began the presentation by pointing out how the transportation systems of the two cities are linked together. He also noted the need for both cities to fulfill the same legal requirements imposed by the State. He commented on how a transportation plan adopted by Salem in 1990 now needed to be redone to address new growth.

Mr. Beckett talked about Salem's Plan review process which includes opportunity for comment from Keizer and other impacted jurisdictions. He referred to a handout that was distributed to Council members, and expanded on the information it provided including Salem's philosophy for transportation improvements, elements that would be included in the final plan, growth forecasts, and typical travel characteristics within Salem. Identified in the document were capital improvements needed and funding sources. Mr. Beckett talked about studies that will be done, and some of the Plan goals. He also commented on some of the "road blocks" that Salem has encountered so far in the planning process.

Mayor Koho asked Mr. Beckett if Salem had any plans to do any improvements to Cherry Avenue concurrent with the Cherry Avenue improvements now underway in Keizer. Mr. Beckett knew of no immediate plans for improvements.

Mayor Koho thanked Mr. Beckett for his presentation and invited him to return in the future.

d. Clear lake Neighborhood Association Annual Report

City Manager Mull recalled that Council, at its October 6 meeting, concurred to allow the Clear Lake Neighborhood association an additional month to submit their annual report. A letter submitted by the association at that meeting was sent back for review by Association Vice President Bob Ohm. Mr. Mull called attention to the resubmitted letter which included an additional paragraph and was signed off by Mr. Ohm.

Council President Keller moved to accept the annual report with the caveat that staff meet with the association board to discuss the intent of the ordinance for neighborhood associations. Councilor McGee seconded the Motion.

Councilor Beach indicated that he would be voting against the motion. He noted that the association board's elections are being held tonight. He believed the still inadequate report should be referred back to the new board to be redone to conform with what is expected from a neighborhood association.

Councilor Keller agreed that the report was still deficient, but believed the City should move ahead and work with the new board rather than "saddle it" with past mistakes.

The motion passed with the following vote:

AYES: Keller, Koho, McGee, Meier, Miller and Whalen (6)

NAYS: Beach (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

e. Council Liaison Reports

Community Policing Committee - Councilor Meier deferred to Community Policing Committee Chair Craig Campbell to give the report.

Mr. Campbell reported that the Committee met last week with the principal and vice-principal of McNary High School to talk about measures being taken by the school in response to the recently adopted truancy ordinance. They discussed steps the school is taking to ensure that day passes cannot be changed or altered. The Committee also discussed with the school representatives lesser-level crimes, such as smoking, and approaches the school can take rather than involving law enforcement.

Mr. Campbell noted that the Committee also reviewed the City's prostitution ordinance. They hope to present a revised ordinance to Council in January.

Additionally, the Committee will be holding elections in January which will also include selection of some at-large members; possibly representation from one of the schools or even from the home schooling community. Mr. Campbell suggested that any suggestions from members of the Council as to representation be submitted to either Jodi Sherwood, Councilor Meier or himself.

Finally, Mr. Campbell informed the Council of contributions to the DARE program; \$500 from the Walker's, and \$600 from Jim Warner. And, he informed Council of receipt of a \$12,000 grant for community policing-related overtime.

Parks Advisory Board - Councilor Miller reported that the Parks Board met on November 13 and received a lengthy report from Charlene Carlson regarding the status of the skate park. Ms. Carlson had reported on fund-raising efforts including receipts from cookie sales, T-shirt sales, and a fund-raising event held at Chalmers Jones Park. She also talked about arrangements made with Loren's Sanitation and Valley Garbage to contribute funds they will receive from Christmas Tree recycling. Architectural drawings of the proposed skate park are expected to be completed this week. Once the drawings are received, plans for labor and materials can be finalized. Catholic Community Services has set up a tax deductible account to receive contributions.

Mayor Koho asked if the Parks Board had discussed or taken a position on whether the City should consider some sort of matching funds for the skate park. Councilor Miller answered that the issue was previously discussed, but the decision was to delay taking action until a clearer picture of the need is presented.

Councilor Miller noted that traditionally, the Parks Board does not meet in December. The next regular meeting is January 13.

OTHER BUSINESS

a. New Business

Councilor Whalen brought up the issue of **department-**

head contracts. He voiced his objection to the inclusion of provisions for severance pay in any future new department-head contracts. He believed the process allowing appeals to the City Council provided at-will employees protection against dismissal based on some disagreement, and at the "whim" of the city manager. He proposed that all future new department-head contracts have no buyout effective with any employment contract tendered from this day forward.

Mayor Koho indicated that the issue could be placed on an agenda for consideration by the Council. He noted that the attorney handling the City's personnel matters is drafting a template contract. Mayor Koho believed it might be appropriate to discuss the template at the same time the proposed city manager contract is considered. Mayor Koho also believed employees should have opportunity to participate in discussion of any transitional changes. When asked by Councilor Whalen if the issue could be considered prior to tendering an offer to any new department heads, Mayor Koho answered that he expected a draft would be completed within the next week or so.

A second issue brought up by **Councilor Whalen** dealt with the **Urban Growth Boundary**. He commented on the lengthy and excessive process necessary to identify and make any proposed changes to the UGB. He saw a need, as a city close to being built out, to possibly initiate a review process to determine where the city will be in the near future, and look at other issues involving compliance.

Mayor Koho believed the issue might be appropriate for a work session in the near future. He directed City Manager Mull to put it on the list of work session topics, for discussion in the not too distant future.

Councilor Beach wished to publicly recognize the **McNary High School Celtic football team** for their successful season. He expressed the City's pride in having them as a representative of the community.

Councilor Beach also mentioned recent **positive articles in the Keizertimes regarding the Keizer Police Department**. He congratulated the Keizer Police Department and, specifically, Officer Heidi Smith for their good work.

Councilor Miller recognized the **McNary High School girls**

volleyball team for their 18 - 0, undefeated season.

Councilor Miller requested that staff take a look at a pothole on River Road in front of the bowling alley.

There was no other New Business to come before the Council.

b. Old Business Report

Council/Management Committee Schedule

Some Council members pointed out inequities in the weekly Council/Management meeting scheduling. City Manager Mull agreed to look at it again to see if revisions should be made.

Chief of Police Recruitment Update Electronic Payment Option

There were no questions regarding the two remaining written reports submitted to Council.

ADMINISTRATIVE ACTION

ORDINANCE - Amendment to Zoning Ordinance to Add Conditional Use for Child Foster Homes for up to Ten Children

City Attorney Johnson recalled Council's direction to staff to prepare a new Ordinance to allow up to eight children in a child foster home, adding conditions suggested by Jerry Watson, and also a requirement that such homes be at least one-half mile apart. He presented the draft Ordinance which reflected the proposed changes.

In response to concerns raised during the hearing that the proposed ordinance might "open the door" to other kinds of uses, Mr. Johnson conceded that, although not high, there might be at least a potential for someone to make that claim.

Ms. Meier had provided Mr. Johnson with a copy of a memo she sent to City Manager Mull proposing an amendment that would require any designated child foster home to be brought up to current code requirements. Mr. Johnson had also received a call from Councilor Meier regarding the issue. In his memo to Council, Mr. Johnson had pointed out that a property owner is not usually required to retrofit a home to current building code requirements. After looking into Councilor Meier's suggestions, he now saw some room for modification and had prepared a short amendment to

deal with the issue. He proposed adding a sentence to the last provision in both Sections 2 and 3 to read, "all child foster homes shall meet all applicable laws and regulations including but not limited to all applicable building codes."

Mr. Johnson recalled one final issue brought up last month; whether or not proposed parking requirements were excessive. Should Council agree that the requirements were excessive, he suggested deleting the parenthetical in subsection (6), which would mean that the entire garage and driveway could be included when calculating the parking area for six vehicles. Mr. Johnson additionally suggested adding a sentence to the parking space requirements to read, "All vehicles used by the residents must park on a paved space."

Councilor Miller suggested that for clarity it might be better to say "shall have useable paved off-street parking for no less than six vehicles." Mr. Johnson concurred.

City Attorney Johnson and Community Development Director Morgan responded to questions about the accreditation requirement. Some concern was expressed about requiring accreditation by one specifically named non-governmental agency. Councilor McGee strongly objected to relying on anything other than state standards and state licensing procedures. Mr. Johnson confirmed that any certification would be in addition to and not preclude the state licensing requirements.

Councilor Keller indicated that he was ready to make a motion which would include City Attorney Johnson's and Councilor Miller's suggested changes.

City Attorney Johnson clarified with Mr. Keller the exact content of his proposed motion. City Attorney Johnson suggested the following changes/additions:

Section 2(i)(6) and Section 3(f)(6) - shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle.

Addition of a paragraph following Section 2(l)(8) and Section 3(f)(8) - All child foster homes shall meet all applicable laws and regulations, including, but not

limited to, applicable building codes.

Council President Keller moved a bill for an Ordinance Amending the Keizer Zoning Ordinance at Chapter 23 and Chapter 36 to Allow Child Foster Homes (Six to Eight Children) as a Conditionally Permitted Use in the RS Zone and UT Zone; Amending Ordinance No. 87-078 to include the amendments suggested by City Attorney Johnson. Mayor Koho seconded the Motion.

Councilor Meier read a prepared statement. Her contention was that the voice of Keizer's citizens was being ignored by a majority of the Council. She noted the overwhelming rejection of the proposed ordinance by neighborhood associations who had been asked by the Council to provide comment. She believed the ordinance was wrong for the City and wrong for the neighborhoods, and would not be supporting it.

Mayor Koho noted that no response was received from KNAG, to his knowledge, the only group that was asked to provide comment.

Councilor Miller indicated that when the proposal first surfaced, he shared Councilor Meier's concerns. He believed, however, that the added restrictions developed by the Council after considerable debate would prevent a facility from being inappropriately located. He intended to support the motion.

Councilor Beach agreed that all of the Council had some very realistic concerns about the proposal as it was originally proposed. He believed the added conditions were thoughtfully incorporated into the ordinance and would serve to alleviate any concerns the community might have had.

Councilor Whalen believed that looking at the issue objectively, Council was talking about three lives that would, or would not be added to foster care homes. He contended that a facility established under the proposed regulations would change the character of a neighborhood; and, that such homes could be sited in existing neighborhoods anywhere within the community. With regard to the currently proposed facility, Councilor Whalen disagreed that it would be going into an undeveloped area. He pointed out that approximately 300 residences are proposed to be constructed within a few blocks of the proposed site.

Councilor Whalen agreed with Councilor Meier that that the input from neighborhood associations, regardless of whether it came from their collective bodies, should be listened to. He did not dispute the need, but believed that State regulations allowing for five children in a home, arrived at after much debate, should be adhered to. He intended to oppose the motion.

Councilor McGee reiterated his strong opposition to the proposed Zoning Ordinance amendment. He also cited the opposition expressed in the written comments from neighborhood associations and the main Policing Committee. In looking at the land use issue, Councilor McGee contended that applying all the proposed restrictions would, in effect, be spot zoning. He strongly objected to allowing such a facility in the Single Family Residential Zone. He believed the proposed facility could be developed in Keizer on land currently available and zoned for such a use. Councilor McGee also saw flaws in the proposed model, citing the potential for more than the allowed number of children, the difficulty in meeting State-defined standards, and, the concept of a permanent home for children rather than temporary care which is the standard for foster care. Councilor McGee opposed any change to the current State standards, and would vote against the motion.

Councilor Keller indicated his strong support for neighborhood associations and their voice in the community. He, however, pointed out that concerns raised by Jerry Watson were addressed by the Council, and Mr. Watson no longer objected to the proposal. He suspected that neighborhood associations, having assurance that their concerns were addressed, would respond similarly. He saw need for a process to get all the information and resources to the neighborhood associations to allow them to make good sound decisions. Councilor Keller saw the current foster care program as sometimes ineffective and, in some instances, directly related to serious juvenile problems. He believed it was time to try a new program, and indicated that he would be supporting the motion.

Mayor Koho called for a vote on the motion.

The motion passed as follows:

AYES: Beach, Keller, Koho and Miller (4)

NAYS: McGee, Meier and Whalen (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho announced that the Ordinance would return for a second reading on December 1, 1997.

WRITTEN COMMUNICATIONS

Mayor Koho acknowledged the receipt of the 1997 Portland State University Population Census - 28,340 (7-1-97)

Mayor Koho announced a meeting to be held on the Courthouse Square project on Wednesday, November 19, 1997 at 7:00 p.m.

Mayor Koho noted the receipt of a letter from a property owner in the McNary Estates area who indicated his intent to file a lawsuit if the construction of the bridge at River Road causes any damage to his property.

AGENDA INPUT

Mayor Koho announced the agenda input items.

ADJOURNMENT

The Council recessed at 8:21 p.m. to reconvene the meeting of the Keizer Urban Renewal Agency. Council reconvened at 9:34 p.m.

The Council meeting was adjourned at 9:35 p.m.

APPROVED:
MAYOR:

Tracy L. Davis
City Recorder

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: CARL BEACH, CHAIR
AUDIT SUBCOMMITTEE

SUBJECT: LEAVE ACCRUALS

BACKGROUND

This subcommittee was formed at a City Council Executive Session held Thursday, May 14, 1998. Subcommittee members are Councilors Carl Beach, Chairman, Jerry McGee, Garry Whalen, and the City's Human Resources Officer, Dianne Hunt. The subcommittee met Thursday, May 21 for the following purposes:

1. audit vacation leave for all employees;
2. audit administrative leave for all department heads;
3. ensure a system is in place to prevent overages.

The members reviewed current City policies and procedures. A review of accruals indicated that there had been some mechanical errors in posting. The committee acknowledged management's decision to implement a change in the computerized payroll system, effective June 1, 1998. This software change prevents posting over the maximum allowed for each employee.

RECOMMENDATION:

The following recommendations are made:

- Personnel Policy Article 6, Section 6.2.5. reads:
Employees may accrue vacation leave to a maximum of the amount earned over the preceding twenty-four (24) month period. It shall be the employee's responsibility to arrange vacation in order to reduce the total to the maximum accrual. Vacation time shall not be earned or accrued over the maximum and will not be posted to the employee's vacation bank.

*not exceed
the total
of max
accrual.*

The committee recommends eliminating the second sentence to avoid conflicting statements between the second and last sentences.

- The use of vacation leave by the City Manager shall be approved by the Mayor or designee, in writing, prior to its use.

Wally -
FYI!
cc ✓
Amy ✓
Wally ✓

May 8, 1998

Mayor Dennis Koho
930 Chemawa Rd NE
Keizer, Or 97303

To the Honorable Mayor Koho:

My name is Lynnette Comstock and I live at 7402 O'Neil Rd NE, Salem, Oregon, now Keizer, Or. and have for the past 14 years this July.

I am enclosing a few letters explaining our troubles that started 2½ years ago when a new neighbor moved in, but do not think repeating a lot of this information will help you, as I am hoping you will read thru all the correspondence I am sending you. Realizing this is time consuming, I thank you very much for your time in advance. Time is also short as we have been asked to sign by June 1, an agreement giving up most of our property rights.

I am not a public person, I deal with my grandchildren on a daily basis, except to work on Marion County Elections. I did not want to make a big issue out of the neighbor's actions or almost obsessed behavior towards us, and thought we could resolve this quietly and quickly. I feel we have not been treated fairly, or listened to and our request for a zone variance in August 1996. (a non-use compliance or grandfather use) This was the first time we were aware we were possibly doing anything wrong. We requested being grandfathered into the UT zone as doing what we had for 13 years, parking our trucks on our own private driveway, using them for transportation back and forth to work. Our son was living with us at the time. We have two trucks and have had for 20 plus years.

The neighbor has bombarded the city hall with complaints, half truths and false statements, misleading information and the city and then to be ignored about our request.

July 1996, the original complaint was received by us.

August 11, 1996 our original reply asking for a variance to the city ordinances and codes, a grandfather clause, pre-existing before it became a city out here. a Non-conforming use. No reply.

December 30, 1996, city responded listed violations that were not true, most had been corrected before August 96 except the truck parking. We were told by community liaison officer Mark Banks, now officer Banks that we were in compliance with all codes, Case Closed

Jan. 97, Out of desperation of not being heard, we hired an attorney to help us get the variance as we needed specific city codes in our legal request and no one could tell them what those were.

One year later, May 97, City attorney first response saying we were

a question as to what zone we were. City letter states UT, but we might not be any more?

We talked to a few of our neighbors and they (7) sent letters to the city stating their feelings about taking away a person's personal property rights and that the trucks did not bother any of them. One of the neighbors had 3 trucks himself. One neighbor said he could not deal with retaliation from the new neighbor, afraid he would be a target too. We kept this out of the public eye.

We met with two gentlemen at City Hall before this got way out of hand and one of them said it sounded like a neighbor dispute and an arbitration could be brought in to find an even middle both parties could live with, since our neighbor had sooo much to complain about. That never happened. We feel we have been discriminated against as to our right to be heard. The city council, to our knowledge, never discussed our situation. Our day in court will cust us a minimum of \$1,500.00 in attorney fees, added to the \$3,000.00 already spent. The neighbor has spent 0.

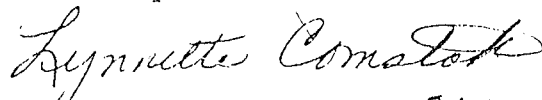
I watched the City Council meeting televised Tuesday, May 5, 1998 from the May 4th meeting, noting the UT zone was upheld North of Barnick road. We live $\frac{1}{2}$ block south of Barnick. Until last week we had horses in the field next to our house. Chickens and Trucks are friendly.

In November 1997 my husband was awakened by a knock on the door and was presented with TWO (2) tickets each for \$8,000.00. One was for truck parking in excess of 1 ton not enclosed. The second was conducting a business or maintaining a use not permitted in RS zone, Trucking business. Our current tax assessment shows 111 (101) which means RS (UT). My husband uses his truck for transportation two and from work only. We do not have anything for sale, and do not store anything here, but I do send out monthly statements and pay bills.

We have been in contact with quite a few neighbors in the last week and a few have been contacted recently by the city. There are alot of people this will effect, and none are happy at all about this.

Please, your honor, I am begging you to look into this matter for us. Please call me with any questions or more details. Some of the other neighbors said they might wright and would come to a meeting regarding this.

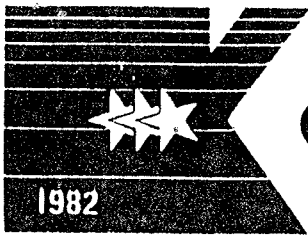
Sincerely,



Lynnette Comstock

393-2708

cc: City counselors



City of Keizer — Community Development

Phone: 390-3700 • Fax: 390-8295

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

July 5, 1996

Robert R. Comstock Jr.
7402 O'Neil Road NE
Keizer, OR 97303

RE: Zoning Violations located at 7402 O'Neil Road NE.

Dear Mr. Comstock:

This office has received numerous complaints and has completed an investigation into the violations present on the property addressed as 7402 O'Neil Road NE in Keizer. This property is located in the UT (URBAN TRANSITION) Zone. The UT Zone is a holding zone for those areas that do not currently have full urban services and currently allows one single family residence on an individual lot.

Information was provided and a site visit confirmed that the following Zoning Ordinance violations exist on the site:

1. A Home Occupation (business) is being operated on the property which does not comply with the restrictions contained in Section 12.20 of the Keizer Zoning Ordinance.
- (a) Section 12.20 (b) requires that *"The home occupation shall be continuously conducted in such a manner as to not create any off premise nuisance, public or private, known at law or equity; including but not limited to noise, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference."*

Information supplied indicates that you operate heavy machinery (trucks and repair equipment) at odd hours of the night potentially creating both public and private nuisance from excessive noise and vibration. The operation of machinery, trucks, repair equipment, or the movement of vehicles or persons on and off the subject property at odd hours is a violation of the Zoning Ordinance and a possible violation of the Keizer Ordinance 93-269 (Noise Ordinance).

- (b) Section 12.20 (d) requires that *"In a residential Zone, the home occupation shall be conducted entirely within the dwelling and any attached garage. In a UT or EFU zone, the home occupation shall be conducted entirely within the dwelling, any attached garage, or in an unattached accessory building."*

Apparently you are operating the business out of your home and are also utilizing a 5th wheel trailer parked on the property. A 5th wheel trailer is not considered a residence, or accessory structure and cannot therefore be used for a home business office or for sleeping quarters. It also appears that the 5th wheel trailer is hooked up to electrical service within the shop building and that an illegal surface connection to the on-site septic system has been made.

The use of the 5th wheel trailer for an office or residence with any semi-permanent or permanent utility connections is a violation of the home occupation provisions and of Section 12.40 (c) of the Keizer Zoning Ordinance regulating recreational vehicle spaces in residential areas. A recreational vehicle (including a 5th wheel trailer) may be stored on a property only if the following requirements are met:

- (1) The space shall have an all weather surface and be drained to prevent standing water.
- (2) The RV space cannot be located closer than 10 feet to any other RV space or any buildings, unless the RV is within a building.
- (3) The RV space may be used for an occupied RV for no more than 120 days in any calendar year, other wise the space must be in a RV Park.
- (4) The space shall not be located in any required off-street parking space or required yard areas.
- (5) Unless located in a recreational vehicle park, no permanent electrical, water, or sewer connections are permitted.

- (c) Section 12.20 (h) requires that *"All visits by suppliers or customers shall be between the hours of 8:00 a.m. and 8:00 p.m."*

Complaints have been received that trucks and other vehicles are arriving and leaving the property as early as 4:00 a.m. and as late as 11:00 p.m.

- (d) Lastly, Section 12.20 (j) requires that *"Repair of vehicles shall only be allowed as a home occupation in UT and EFU zones. Vehicles awaiting repair or pick-up shall be screened by a sight obscuring fence or be parked in a building. All repair must occur within a building."*

Complaints have been received that you are repairing vehicles outside of a building and without screening the vehicles from adjoining properties. No repair on any vehicles may occur unless it is entirely within a building. Any vehicles parked on the property must be screened from view by a sight obscuring fence or parked inside a building. In addition, you may not park vehicles on another persons property, or park within any established utility or access easements.

2. There have been complaints that you have dumped engine cleaning solvents, oil, and diesel fuel on the property. This is a violation of the City of Keizer's Solid Waste Ordinance. Any continued activity which allows the dumping of hazardous or toxic materials on the property will be reported to the State of Oregon Department of Environmental Quality. In addition, the City will exercise enforcement action as allowed under Ordinance No. 94-281 (Solid Waste Ordinance).
3. At the time of the site visit a tractor trailer combination was parked on the subject property. City of Keizer Ordinance No. 87-097 states that *"It shall be unlawful for any person to park any motor truck, trailer, or truck tractor in any residential area of this City adjacent to any residence or multiple dwelling or in any area of the City adjacent to any church, school, park, or playground..."*

The tractor trailer combination parked on the property may not be parked on the property except to unload or load goods, wares, or merchandise. Any parking for loading or unloading may only be for the time necessary to complete the loading or unloading operation.

Zoning Ordinance Violations are considered an infraction and if the City of Keizer proceeds against you in Court you may be fined up to a maximum of \$500.00 per day that you are in non-compliance. This office is directing you to move the 5th wheel trailer onto an approved RV pad away from the shop building and to remove all semi-permanent or permanent connections to water, electricity, and sewer. In addition, the home occupation currently in operation MUST CEASE until such time as it complies with all of the standards contained in Section 12.20 of the Keizer Zoning Ordinance.

The above actions must be completed by August 15, 1996, or this office will begin the process of filing the infraction citations against you in Municipal Court as provided for in Keizer City Ordinance No. 86-063.

Please call me at the Planning Office at 390-3700, if you have any further questions.

Sincerely,



Roger D. Evans
City Planner

cc: Dotty Tryk, Keizer City Manager
John Morgan, Community Development Director
Jodi Sherwood, Community Policing

August 11, 1996

City of Keizer
PO Box 21000
Keizer, Or 97307

Dear Roger Evans:

This letter is in response to your numerous complaints, all filed by only one person, Mr. Andy Stypes. We would like to respond in this way.

We have lived at 7402 O'Neil Rd since September of 1984, purchasing the house in August of 1984. We were in rural Marion county, farmland, strawberry fields, cherry orchards, cows, horses, farm crops and wide open spaces. This remains true to this day. The Cherry orchard at the end of our street has been replaced with 7 new houses, but the rest of the street remains about the same. Our house sits on almost one acre, as do most of our neighbors, because it had truck parking in use for our two rock trucks, good neighbors and a large house for our family we bought it. I enjoy being awakened in the summer mornings by crop dusters, (5am) farm tractors plowing or cutting fields making life's noises.

We still owned our house in Redmond when we purchased this one. It also sat on a large lot with truck parking along the west side. It too was out of the city when we purchased it, but the city moved to us. We were not restricted in our use as long as it remained the same operation and we continued to go about our life in the same manor until we sold the house.

When we started looking in the Keizer area to buy, our main focus was truck parking with a small shop. Gladys Blum, our real estate agent and my wife spent months and many long hours looking for the right home near the schools the boys already were attending. We did much research and visited with the neighbors and saw that there were many trucks parked in yards on the street. Well drilling equipment across the street, a fleet of trucks behind our house, tank truck down the street, and a large delivery truck occupying our house. We fit right in!

Our home in Keizer is surrounded on 3 sides by other homes all on one acre parcels. The fourth side is a large horse pasture, and not in the city, at least not all of it. To the best of my knowledge, our East corner is the city limit. My neighbor, Jeff Jackman says he is in the city. He thinks the city limits are the second row of Arbivida trees in front of his old home on river road, that Deans Concrete now owns. The single wide trailer is not in the city. I am confused, the maps are not giving details I understand.

Jeff Jackman built his new home next to his old home on River Road in 89 i think, and Dean's Concrete Cutting Co., moved into his old house which is behind us and Mr. Stypes. They operate many trucks and trailers, big and small and park them in his back yard. He has employees coming and going in business vehicles and personal vehicles. They come and go 24 hours a day 7 days a week. We feel this could be a source of noise and vibrations Mr. Stypes is contributing to us. Since Dean is the only neighbor he has made acquaintance with, we are the bad guy. His almost obsessive behavior to control us nerve wracking.

We live a very short distance from River Road, Mr. Stypes lives closer yet. There is constant traffic 24 hours a day 7 days a week and many large trucks use this road. They are traveling at 55 miles an hour or more and this definately makes for noise vibrations, etc.

Mr. Stypes has tried to intimidate us by constantly complaining about anything and everything to our community service officer Mark Banks. We feel he is discriminating against us. We have enclosed an example of our immediate neighborhood in pictures. We are not alone in our quest to live peacefully and harmoneously. We have also enclosed a copy of a tax return showing we do claim the land for business purposes ^{Parking} and have since 1984. Enclosed are a copy of a PUC report showing this is our garaged address for our trucks. A map obtained in 1984 showing urban growth boundary, with Jackman property as part of the city is also enclosed. May we stress the fact again that we do not want to move. We cannot afford to move nor can we afford to buy more land or rent somewhere to garage our trucks. It would severely hurt our way of life, our livelihood and we would not be able to survive more financial hardship.

We hope this is enough information for you to grant us a variance on the city ordinance now in effect for our land. If you have any further questions or need more information please feel free to contact us.

Sincerely,

Mr & Mrs Robert Comstock Jr

Mr & Mrs. Robert R. Comstock Jr
7402 O'Neil Rd NE
Keizer, Or 97303
393-2708

City of Keizer
PO box 21000
Keizer, oregon 97307

Re: Zoning

To try and answer your letter dated July 5, 1996, we will do our best as follows.

1. We DO NOT sell, buy or do anything to generate income from our house. We own 2 trucks engaged in the rock, sand and gravel business and one long haul highway transportation truck. We have done so since October 1975. There is no job function performed on the premeses. The only way these personally owned DOT legal vehicles are used is when traveling to or from a job site, which is our only livelihood. During the winter months the rock truck is parked 80% of the time. The second rock truck was shipped to Central Oregon in January of 96 to Grandpa's cinder pit. It will not be returning. The long haul truck is home on an average of one nite a week.

A. Parked vehicles do not emit or make odors, fumes or smoke. The only equipment on the premises are licensed street legal vehicles. We have a small air compressor in the shop. We don't feel they create a violation by producing any odors, smoke, vibrations, fire hazards, or electronic electrical as described in Section 12;20

Due to the geological formation the property is on there are numerous vibrations from normal traffic from both River Road and O'Neil Rd, as in school buses, garbage trucks, farm equipment, tractors and construction vehicles, and local traffic are a natural everyday occurance.

Repair of such equipment (our trucks only) is not done at nite and rarely done during daylite hours. We have a repair shop we use in Silverton for all large jobs. We have no idea what Mr Stypes is talking about when he speaks of heavy machinery and repair equipment.

B. Any objections about the 5th wheel trailer seem directed solely at us without considering similar situations in and thruout the neighborhood, which were in existance and acceptable in the neighborhood before this area was incorporated into the city.

The 5th wheel has been moved onto the asphalt and is 10 feet away from the shop. It is not permanently hooked up to power, it never was, and is not hooked up to sewer.

C. We do not have suppliers or customers come to the property. We do not sell anything from the property therefore we have no customers to come to the property. The only coming and going nites are friends and they visit us at our residence.

D. WE DO NOT DO ANY REPAIR WORK FOR HIRE on our property, never have. We work occasionally on our own personal vehicles and this is minor maintenance and is not viewed from the street. The only view is obtained by driving down Mr. Stypes private drive.

In fact Mr. Stypes is the ONLY one in the neighborhood who has objected to our life. He has singled us out and in our opinion he is harassing us.

2. Any complaints concerning dumping of engine cleaning solvents, oil and diesel fuel is unfounded and untrue.

There was a time in the past when the previous owner sprayed an oil mixture on the driveway.. The driveway was surfaced with recycled asphalt gridings done by the previous owner and myself. (by the way made an excellent driveway) Shortly after Mr. Stypes purchased the property, during the flood of 95-96 he took it upon himself, it is his driveway , to grade the drive. He asked us to help buy rock, which we delivered 2 loads at his driveway beginning. The balance of the drive did not get any rock and this agitated the oils previously placed on the surface and created the slight visibility of oil during the extreme run-off. This has caused excessive dust all summer, all year actually, and has agitated my wife's sinus problems. Mr. Stypes owns the driveway.

3. This property was purchased in August 1984. At that time it was rural farm land outside the City of Salem. It was purchased for the express purpose of residing where our trucks could be parked adjacent to our home. The cryteria for the property purchase included ample parking for trucks and a small shop for maintenance. The property has been used for this purpose ever since we acquired it. No complaints have ever been received from any of our neighbors from the time of purchase up to and including the present. The scope of our operation on this property has actually decreased substantially from it's insepction.

It should be brought to your attention that the previous owner of the Stype property, Irene and Greg Corey - DBA LA-Seattle Motor express or Sea-Trans Inc, and various other names conducted an operation consisting of approximately 8 semi trucks and trailers and local delivery vehicles from the house, driveway and barn on a 24 hour a day basis. Operations also included transfer and storage of assorted freight on the property, sometimes spilling onto the easement and our property, 24 hours a day 7 days a week. There is no question many of the residents in our area operate small businesses from these rural property sites and have done so continuously since before the inclusion of this area into the City of Keizer.

Also, We declare that all activities on this property have not changed since Mr. Stypes purchased his property. He knew the nature of the business conducted out of his address, and planned a very small scale operation of the same kind himself. There is no question on our minds Mr. Stypes knew what type of neighborhood he was moving into. Mr. Stypes did take delivery from large semi trucks on his land, and parked semi trailers in his driveway and stored materials for sale on and in his property.

Mr. Stypes purchased his property at a reduced price because of a distress sale of the previous owner and intervention of the IRS. It is our opinion that Mr. Stypes has begun a campaign to revitalize the neighborhood for the express purpose of his financial gain with no regard to the neighbors in this area who would prefer to conduct their lives now as they have done in the past.

Enclosed are several letters from neighbors in our area confirming our position that nothing has changed over the years in our operations since we moved in in 1984.

We must reaffirm the fact that this property was not part of the City of Salem or City of Keizer at the time of purchase, and for years thereafter and any deviation in our activities would severely inhibit and disrupt our lives and cause us undue financial hardship.

Every attempt will be made to coexist peacefully with Mr. Stypes as a neighbor but we feel he is being unreasonable and should consider the fact that he chose to move into our neighborhood - Not the other way around.

We are asking for a variance in the new city code to continue to park our vehicles on our property based on the grounds that this was a pre-existing condition. We are americans living in the United States of America and we have a right to continue to lawfully exist and earn a living as we have in the past.

Sincerely,

Mr. & Mrs. Robert Comstock Jr.

Mr. & Mrs. Robert Comstock Jr

Enclosures
pictures enclosed
cc

December 30, 1996

CERTIFIED MAIL

Robert R and Lynnette Comstock
7402 O'Neil Road NE
Keizer, OR 97303

Dear Mr. And Mrs. Comstock:

On July 5, 1996 you were notified of potential zoning violations on your property at 7402 O'Neil Road NE. You responded to the letter with answers to each of the raised points on August 11, 1996.

Since August 11, we have observed the property several times and have found zoning and other ordinance violations consistent with our July 5th letter.

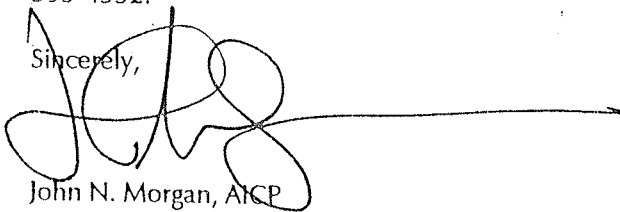
You are hereby notified that the following violations have been found to exist. The listed activities must cease by March 1, 1997 or you will be cited into Keizer Municipal Court for violations of the City's Infraction Ordinance. Such violations carry a fine of up to \$500 per day of each violation.

The violations include:

1. Occupancy of a recreational vehicle for more than 120 days. (12.40(c)).
2. Connection of a recreational vehicle to electrical, water, and sewer connections. (12.40(c)).
3. Parking of a recreational vehicle on a space other than an approved recreational vehicle parking pad. (12.40(c)).
4. Parking more than one recreational vehicle on the property. (12.40(c)).
5. Parking of a commercial vehicle in excess of a one ton capacity rating outside on the property when it must be parked within an enclosed structure. (KZO 21.02(e)(3)).
6. Parking of more than one commercial vehicle on the property. (KZO 21.02(e)(3)).
7. Parking of a truck tractor and trailer in a residential area. (Ord. 87-097).
8. Accumulation of trash and debris on the property. (Ord. 94-281).

We will appreciate your prompt cooperation. If you have any questions, please contact me at 393-4532.

Sincerely,



John N. Morgan, AICP
Community Development Director

cc: Skip Wendolowski, City Planner
Jodi Sherwood, Police Department



930 Chemawa Rd. N.E.
P.O. Box 21000
Keizer, Oregon 97307-1000

•
Administration
Public Works
Community Development
Municipal Court
Phone 503.390.3700
Fax 503.393.9437
Police (business only)
Phone 503.390.3713
Fax 503.390.8295
•

Incorporated 1982
Pride, Spirit, Volunteerism

Pierson, LaMont & Carlson

Attorneys at Law

Dirk L. Pierson
Kristin LaMont
David L. Carlson

(503) 585-0700
Fax (503) 585-9181

January 30, 1997

John N. Morgan, Community Development Director
City of Keizer
P.O. Box 21000
Keizer, OR 97307-1000

Re: Comstock Property, 7402 O'Neil Road N.E.

Dear Mr. Morgan:

Please be advised that this office represents Robert and Lynette Comstock with regard to alleged zoning violations on the property located at 7402 O'Neil Road N.E. Please direct all correspondence regarding this matter to this office.

I have reviewed your letter of December 30, 1996 and I have reviewed the relevant city ordinances. Upon reviewing those ordinances it is apparent that there are several areas of disagreement that require additional attention by the city. First, you allege that the Comstocks are parking a recreational vehicle on a space other than an approved recreational vehicle parking pad, a violation of Keizer Ord. 12.40(c). Keizer Ord. 12.40(c) indicates that a recreational space must have "...an all-weather surface and be drained to prevent standing water." Ordinance 12.40(a)(3) defines a recreational vehicle space as, "The area under a parked *and occupied* recreational vehicle." Although the Comstocks have several recreational vehicles, none of them are occupied at the present time. As such, they do not need to comply with Ord. 12.40(c) regarding proper space construction.

Second, you allege that the Comstocks are in violation of Ord. 12.40(c) in that they are "[p]arking more than one recreational vehicle on the property." Keizer's ordinance 12.40(c)(3) indicates:

If the space is occupied by one or more occupied recreational vehicles for more than 120 days in any calendar year, the space shall be located in a recreational vehicle park.

Although the Comstocks are fortunate enough to own both a truck camper and a fifth wheel trailer, both of which are recreational vehicles under Ord. 12.40, none of those vehicles are currently occupied. In addition, the ordinance indicates that unless the space is located within a recreational park it is improper to park more than one occupied vehicle on a space in any 120 day period. The ordinance does not indicate that it is improper to have more than one recreational vehicle on the property; rather, the ordinance applies to parking more than one recreational vehicle on each *space*. As indicated above, the Mr. & Mrs. Comstock do not need to create a recreational vehicle space to store their recreational vehicles on their property, nor have they parked more than one recreational vehicle on any space.

Third, you indicate that you believe the Comstocks are in violation of Ord. 21.02(e)(3) for "(p)arking of

Promontory Plaza
4035 12th Street SE, Suite 160
Salem, Oregon 97302-1740

a commercial vehicle in excess of a one ton capacity rating outside on the property when it must be parked within an enclosed structure." You additionally allege that the Comstocks are violating Ord 21.02(e)(3) for parking more than one vehicle on their property. Ordinance 21.02(e)(3) states:

Vehicles parked on a lot in a residential zone shall be for the personal use of the occupants of the dwelling. One vehicle used in conjunctions with a home occupation or other employment may be parked on the lot provided that in the RS, RL, RM and RH zones the vehicle shall be parked in an enclosed structure if it is rated at more than 1 ton capacity.

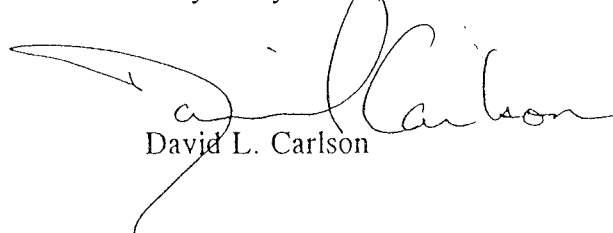
X As noted in the City's July 5, 1996 letter, the Comstock's property is in an Urban Transition Zone, not a residential zone, a RS, RL, RM or RH zone. As such, the Comstocks have no restrictions on the number of vehicles that they may park on their property, nor are they required to park in an enclosed structure if the vehicle is rated at more than one ton capacity.

Fourth, you allege that the Comstocks are in violation of Ord. 87-097 for parking a truck trailer in a residential area. As pointed out above and in your July 5, 1996 letter, the Comstock's property is not within a residential area, but rather within an Urban Transition Zone. As such, the parking restriction within Ord. 97-097(5) does not apply to the Comstock property. In addition, Ord. 87-097 Section 1(d) defines "park" as "...to stop...or permit to remain stopped, any... vehicles... on any public street or other public right of way..." As your own letter notes, the vehicles are parked on the Comstock's own property, not on a street or public right of way.

Finally, you allege that the Comstocks are in violation of Ord. 94-281. Presumably you are referring to "Section 6. Solid Waste Accumulation Prohibited." None of the items which are currently on the Comstock's property are offensive or hazardous to the health and safety of the public, nor do they create any offensive odors. In addition, none of the items on the property creates a condition of unsightliness as defined by Section 4(3). Specifically, none of the items on the Comstock's property is a partially uncovered or uncovered inoperable vehicle or solid waste as defined by Section 4(9).

If there are further issues that need clarification, please do not hesitate to call my office regarding the Comstocks and their property. It is my understanding that Mr. & Mrs. Comstock's neighbor, Mr. Stype, has complained to the city on several occasions regarding the Comstock property. If Mr. Stype has issues that he wishes to discuss with Mr. & Mrs. Comstock, please feel free to direct him to my office. Many times conflicts between neighbors can be resolved between the parties and there are several neighborhood mediation programs available that the parties may wish to avail themselves of in order to better resolve any issues that Mr. Stype may have. I would be more than happy to direct Mr. Stype to an appropriate program.

Very Truly Yours,



David L. Carlson

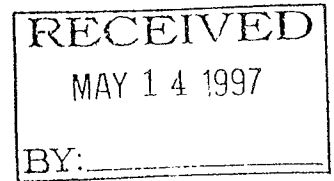
DLC:wbd

cc: Rob & Lynette Comstock ✓
file

LIEN & JOHNSON
Attorneys At Law
4855 River Rd. N.
Keizer, Oregon 97303

John A. Lien
E. Shannon Johnson

Telephone 503-390-1635
Fax 503-390-6557



May 13, 1997

David L. Carlson
Attorney at Law
4035 12th Street SE, Ste. 160
Salem, OR 97302

Re: *City of Keizer v. Comstock*

Dear Mr. Carlson:

I am in receipt of your May 12, 1997 letter addressed to John Lien. Please address all further correspondence to the undersigned.

I am sorry that I have not gotten back to you sooner. I recently viewed the Comstocks' property. Unfortunately, it appears that the property may be in violation of several ordinance provisions. The city staff and I are discussing the matter to arrive at a proper course to bring the Comstocks' property into compliance.

Without going into further detail at this time, I would say that the most difficult problem for both the city as well as the Comstocks is that the trucking business being operated from the Comstocks' property appears to be an illegal, non-conforming use. The property is zoned single-family residential (RS). I am aware that the business operation predated the zoning. However, as I am sure you know, unless the use was a permitted use or a validly non-conforming use prior to the city zone change, then the Comstocks can not maintain an argument for a legal non-conforming use. The information I have at hand is that the use may have been an illegal, non-conforming use for some time, possibly even before the city incorporated.

*Requested
Aug. 96*

In any event, I will contact you when the city determines what course of action to take, and before any citations are issued. Please let me know if you have any questions in this regard.

Yours truly,

LIEN & JOHNSON

A handwritten signature in dark ink, appearing to read "E. Shannon Johnson".

By: E. Shannon Johnson

ESJ/tmh
c: City of Keizer

CITY OF KEIZER MISSION STATEMENT
**KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY
SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST
FASHION**

A G E N D A
URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, June 1, 1998

7:30 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Urban Renewal Agency on matters not on the agenda.

4. **PUBLIC HEARINGS**

5. **ADMINISTRATIVE ACTION**

a. Urban Renewal Financing – Maximum Debt/Financing Options

6. **OTHER BUSINESS**

This time is provided to allow Urban Renewal Agency members the opportunity to bring matters before the Agency which are not on tonight's agenda.

7. **WRITTEN COMMUNICATIONS**

To inform the Urban Renewal Agency of significant written communications and petitions.

8. **ADJOURN**

Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at 390-3700 at least two working days (48 hours) in advance.

Memo

To: Wally Mull, Keizer City Manager
From: John Morgan 
Date: 05/28/98
Re: Urban Renewal Agency Meeting on Renewal Finance

This memorandum will highlight the steps the Renewal Agency and the Council need to take to finalize adoption of an amendment to the Urban Renewal Plan to come into compliance with the requirements of Ballot Measure 50.

On June 1, the Renewal Agency needs to take two actions which are embodied in one resolution:

1. The Board needs to adopt the "maximum debt" the District will undertake.
2. The Board needs to adopt one of the three financing options allowed by the ballot measure.

These issues have been discussed with the Council before, but in this report I will highlight the issues and specific actions needed. First, I will deal with the maximum debt.

MAXIMUM DEBT - Ballot Measure 50 requires a renewal district to adopt a Plan amendment establishing a maximum debt ceiling. This number represents all the possible debt the District will undertake between the time of the amendment's adoption and the closure of the District. This number is based on the actual costs of the projects planned in the renewal plan, adjusted to current figures, plus any existing debt principal.

The maximum debt figure is the most that can be spent on capital projects over the life of the district. However, it is not bound by the original list of projects in the urban renewal plan. If circumstances arise where the District Board wishes to add a new project, it can do so as long as the cost of the project is offset by reductions in other project budgets so that the total project cost is not exceeded.

I am attaching two worksheets which establish our recommended maximum debt amount. The first sheet lists all uncompleted projects from the 1993 Plan amendment and the 1996 Plan amendment adjusting the budgets to 1998 figures using the accepted methodology of indexing costs by the "Engineering News Record" index of construction labor and materials costs for the Portland metropolitan market. The second worksheet further projects and indexes these costs out to 2006, the ending year of the renewal district. Adding in the principal on current bonds, a maximum debt amount is determined of \$22,390,384.00.

The Agency Board is asked to adopt this number by passing the attached resolution. This gives the staff direction on completing the draft Plan amendment, which will come before the Board for public hearing and adoption on June 22, 1998.

Second, in passing the resolution the Board will adopt one of the three financing options. The Board reviewed these options earlier this year and selected Option 1. That selection needs to be formally confirmed.

As a reminder, Option 1 provides the maximum revenue to the Renewal District allowing it to finish its work and close out as quickly as possible, releasing the new valuations to all taxing bodies. The amount taken is determined through the "division of taxes" method used by the Assessor. None of the amount taken is a levy showing as a tax on property tax statements.

Our schedule for completing this work is:

- | | |
|---------|---|
| June 1 | Agency Board meeting to adopt a resolution establishing the maximum debt and selecting Option 1. |
| June 10 | Board of Commissioners considers Keizer's selection of Option 1 and either concurs or objects. |
| June 22 | Agency Board holds public hearing on draft plan amendment after notice has been given to all overlapping taxing jurisdictions. Agency Board makes recommendation to City Council. If Board of Commissioners has not accepted Option 1, Agency Board reaffirms its choice by a new resolution. City Council by ordinance adopts Plan amendment incorporating maximum debt. (NOTE: Ordinance must be passed and Plan adopted by July 1. Therefore, a special meeting for a second reading will be required if it does not pass on first reading.) |

Charlie Kupper and/or I will be at these meetings to help you and the Council move through this process. Please contact me if you have any questions.

CITY OF KEIZER
RIVER ROAD RENEWAL AREA
UPDATING PROJECT COSTS TO 1998

Year	Beginning Balance	Outlays	Ending Balance
1998	\$12,903,104	\$2,187,103	\$10,716,001
1999	\$10,983,901	\$1,233,885	\$9,750,016
2000	\$9,993,767	\$1,380,883	\$8,612,884
2001	\$8,828,206	\$1,440,778	\$7,387,428
2002	\$7,572,113	\$1,550,609	\$6,021,505
2003	\$6,172,042	\$1,657,494	\$4,514,549
2004	\$4,627,412	\$1,775,726	\$2,851,686
2005	\$2,922,978	\$1,885,840	\$1,037,138
2006	\$1,063,067	\$1,063,067	\$0
Project Costs		\$14,175,384	
Principal Bala Prin Bal		\$8,215,000	
Total Project costs		\$22,390,384	

CITY OF KEIZER
RIVER ROAD RENEWAL AREA
UPDATING PROJECT COSTS TO 1998

COSTS AS OF AMENDMENT 1, 1993

<i>Total Uncompleted Project Costs</i>		1993	1998
Streetscaping & Undergrounding	\$ 706,000	\$	812,190
Pavement Overlays	\$ 150,000	\$	172,562
Signal Interconnect	\$ -	\$	-
Signage & Identity	\$ 150,000	\$	172,562
Sign Conformance	\$ -	\$	-
Widen Right of Way	\$ 700,000	\$	805,288
Cherry Avenue	\$ 700,000	\$	805,288
Lockhaven Drive	\$ 1,200,000	\$	1,380,494
Chemawa Avenue	\$ 500,000	\$	575,208
Trail Ave./Harmony	\$ 800,000	\$	920,329
Iris Lane	\$ 549,000	\$	631,576
Water System	\$ 230,000	\$	264,595
Storm Drainage	\$ 1,750,000	\$	2,013,220
Cherry/Appleblossom Stormdrain	\$ 274,000	\$	315,213
Sewer Improvements	\$ 300,000	\$	345,123
Public Transit Center	\$ 100,000	\$	115,041
Civic Center	\$ 300,000	\$	345,123
Revolving Loan Fund	\$ 50,000	\$	57,521
Management and Marketing	\$ 320,000	\$	368,132
Administration	\$ 145,000	\$	100,000
Design Guidelines	\$ 40,000	\$	48,016

COSTS ADDED, AMENDMENT 2, 1996

<i>Total Uncompleted Project Costs</i>			
Water, Sewer, Streets - Phase 2	\$ 2,000,000	\$	2,046,690
Legal, Engineering, Contingency	\$ 117,000	\$	119,731
Plymouth Drive	\$ 480,000	\$	491,208
Total Project Costs, Beginning of year		\$	12,903,104

THE URBAN RENEWAL AGENCY OF THE CITY OF KEIZER, OREGON
Resolution No. 98-_____

A RESOLUTION SELECTING OPTION NUMBER ONE
FOR THE METHOD OF COLLECTING AD VALOREM PROPERTY TAXES
TO PAY INDEBTEDNESS ISSUED OR INCURRED
TO CARRY OUT THE AGENCY'S URBAN RENEWAL PLAN

WHEREAS, the City of Keizer adopted the North River Road Redevelopment Plan in 1990, and amended the plan in 1993 and 1996; and

WHEREAS, as part of the legislation implementing changes to the Oregon Constitution adopted by the voters on May 20, 1997 (Ballot Measure 50), the 1997 Oregon Legislative Assembly amended ORS Chapter 457 to allow a municipality which had adopted an urban renewal plan by ordinance prior to December 6, 1996, to collect ad valorem property taxes using one of three options to pay, when due, indebtedness issued or incurred to carry out the plan as permitted by section 11(16), Article XI of the Oregon Constitution; and

WHEREAS, the City Council of the City of Keizer sits as the Board of Directors of the Urban Renewal Agency, and as said Board considered the materials and information presented by staff and finds that using Option One as the method of collecting ad valorem property taxes is sufficient to pay, when due, indebtedness issued or incurred to carry out the Urban Renewal Plan as permitted by Section 11(16), Article XI of the Oregon Constitution; and

WHEREAS, the Agency Board of Directors has considered an appropriate figure for maximum indebtedness to be incorporated into the Urban Renewal Plan and finds that \$22,390,384 represents the maximum indebtedness needed by the District;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE URBAN RENEWAL AGENCY OF THE CITY OF KEIZER, OREGON RESOLVES:

Section 1. The Board selects Option One as the method to collect ad valorem property taxes to pay indebtedness incurred or issued by the Keizer Urban Renewal Agency to implement its Urban Renewal Plan, and requests concurrence of this selection by the Marion County Board of Commissioners as part of the process to implement the provisions of Senate Bill 1215; and

Section 2. The Board establishes \$22,390,384, as the maximum indebtedness needed by the District.

PASSED THIS _____ DAY OF JUNE, 1998.

Dennis Koho, Mayor

ATTEST:

Tracy Davis, City Recorder