# MINUTES

**KEIZER CITY COUNCIL**
**Monday, May 21, 2001**
**Keizer City Hall**
**Robert L. Simon Council Chambers**
**Keizer, Oregon**

## CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:02 p.m. Roll Call was taken as follows:

**Present:**
Lore Christopher, Mayor
Ray Kelly, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

**Staff:**
Chris Eppley, City Manager
Susan Gahlsdorf, Finance Director
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

## PUBLIC TESTIMONY

**B.J. Quinlan, 1423 Woodward, Street, Keizer**
**Debra Scott, 3785 Brooks Ave NE, Keizer**
**Robin Yankus, 1432 Woodward Street, Keizer-**
Ms. Yankus spoke as the representative of areas of the Southeast Keizer regarding children in that area being designated to be bussed to West Salem High School. They felt these boundary changes would sever them from the community. She requested support from the Council pertaining to these suggested boundary changes.

Mayor Christopher noted that the decision regarding the boundaries had not been made and encouraged everyone to participate in the School District Boundary Meeting on Wednesday, May 23 at 7:00 p.m. She noted concerns of the school board include the increase of population at McNary and the socioeconomic and diversity issues. She urged the group to address other options during the meeting.

Council President Moir urged the group to get in touch with the President of SEKNA, Ken Gierloff.

Councilor Walsh congratulated the group for acting on



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this prior to a decision being changed. He expressed his agreement with the Southeast Area's cause and declared his unhappiness with some of the suggested changes.

The remainder of the Council expressed support of the group's concerns.

Mayor Christopher thanked them for coming.

## COMMITTEE REPORTS

**a. Presentation of Award for 2001-2002 Budget Cover Winner-Greg Westervelt, Clearlake Elementary School (taken out of order before public testimony)**
Mayor Christopher provided a background regarding the contest for the Budget Cover. She read the proclamation submitted to Greg Westervelt a student at Clearlake School and noted that he received a $100 Savings Bond for being selected as the winner of the contest.

**b. Volunteer of the Quarter Award-Family of John Copeland (taken out of order)**
Council President Moir reported that the Volunteer Coordinating Committee recently selected John Copeland as the Volunteer of the Quarter. She noted some of Mr. Copeland's volunteer accomplishments. Due to Mr. Copeland's recent death the award was presented to his wife, Shirley.

**c. Council Liaison Reports**

- **Parks Advisory Board**-Mayor Christopher reported that the budget process was discussed.

- **Planning Commission**-Council President Moir reported that the Commission recognized the changes that needed to be made in the Development Code pertaining to Pet Grooming Facilities which would be coming to the Council in the near future.

  The Commission also agreed that Chalmers Jones Park should be designated as a community park and referred the issue of definition of boundaries back to the Council for consideration.

- **Keizer Urban Renewal Board**- Councilor Walsh reported that the Board met on May 9th to finalize the urban renewal budget. He noted some of the amendments to the 21st Century Plan and shared that two applications would be coming before the board requesting landscaping funds during the June meeting.

- **Library Services Task Force**-Councilor Walsh reported that they were unable to reach a quorum at this meeting.

- **Community Policing Committee**-Councilor Kelly had nothing to report.

- **Bikeways Committee**-Councilor Smith reported that the next helmet give away would take place on May 26th at 10:00 a.m. at the Skate Park. She shared that the Fire Safety Open House was that evening and that the Bikeways Committee was participating at this open house.

  Councilor Smith noted the committee addressed the lack of crosswalks, specifying Lockhaven from 14th to River Road. She indicated she would be presenting this issue during the next Traffic Safety Commission meeting.

- **Fire Department Meeting**-Councilor McGee reported that he and Councilor Moir met with two representatives from the Fire Department. He suggested that a quarterly meeting be formalized with the fire department to allow the city and the fire department to address issues.

  It was noted that this would be addressed during the Council work session pertaining to committees.

## OTHER BUSINESS

**a. New Business**

***Library Task Force Resignation***

Council President Moir noted that due to other commitments Roy Tribe had tenured his resignation on the Library Task Force. She indicated that she would like the consensus of the Council to appoint Alan Bennett to this position.

It was the consensus of the Council to appointment Mr. Bennett to the Library Task Force.

**City Manager Evaluation Process**

Mayor Christopher requested that members of the Council complete their evaluation by the first Council meeting in June with an Executive Session taking place the second meeting in June.

Councilor Smith requested a copy of the six-month evaluation to review Mr. Eppley's progress.

The Council and staff discussed the process that should be undertaken for the City Manager's evaluation process and the opportunity for public input. Mr. Johnson read the statutes pertaining to the evaluation of Chief Executive

Officers.

Mayor Christopher requested that this issue be brought back at the next meeting under Administrative Action.

Councilor Lee suggested that someone else other than Mr. Eppley receive the surveys and compiled the information regarding the City Managers evaluation.

After further discussion Mayor Christopher agreed to compile the information regarding the City Managers' evaluation.

**b. Old Business**

***Harmony Drive***

Councilor Smith provided a copy of a letter from the resident along Harmony Drive. She requested consensus from the Council to have the City Manager direct staff to review the situation on Harmony Drive.

Councilor McGee noted that the petition from this area came in prior to the approval of the Neighborhood Traffic Management Plan and it was felt that the group might have wished to go through this process since it required 75% approval of citizens in the area.

Councilor Kelly felt that the residents on Harmony Drive needed to go through the formal process before staff became involved.

Councilor Smith noted an exception to this stating that the neighbors in the area had gone through the petition process but that their paperwork had been lost. She urged the Council to make the necessary direction to enable staff to review the traffic situation on Harmony Drive.

The issue of the allegedly lost petition was discussed and Mayor Christopher directed Mr. Eppley to check into the situation and report back to the Council at the next meeting.

Chief Adams shared that an informal traffic check was done and volume was the issue along Harmony Drive. He indicated that he was not aware of any petitions being submitted to the city.

***Gateway***

Councilor Lee requested feedback on the Gateway Sign from Mr. Kissler at the next Council meeting.

**Claggett Creek Park Easement for Watershed Council-** City Attorney Shannon Johnson reported he had submitted a draft regarding an easement for this project. He indicated that he would supply information, as it became available.

***Iris Festival***
Chief Adams shared the success of the festival and the work that the police department played in its achievement.

***FBI Academy***
Chief Adams noted that Captain Kent Barker had been invited to attend the FBI Academy.

***Chief Executive Officer Training***
Chief Adams reported that he had been selected to attend this training dealing with child abduction and/or missing and abused children.

***Parking Fee***
Mr. Johnson outlined the parking fee at the Volcanoes Stadium during the Iris Festival. He indicated that the fee was not charged because the city required it, but shared that the city did receive 20% or 20 cents per car minimum for events either in the parking lot or at the stadium with the exception of community events.

## PUBLIC HEARINGS

**a. RESOLUTION- Forming Beier Estates Street Lighting District**

Mayor Christopher opened the public hearing.

City Manager Eppley reported that on March 8, 2001 the developer of Beier Estates filed a petition to form a street lighting local improvement district. On March 19, 2001 the City Council adopted a resolution to initiate the formation of a street lighting LID. With approval of the Engineer's report on a notice of public hearing was set for May 15, 2001.

Mr. Eppley noted staff's recommendations to the formation of the district.

With no interested citizens wishing to testify Mayor Christopher closed the public hearing.

Council President Moir moved a Resolution forming Beier Estates Street Lighting Local Improvement District. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Council President Moir moved a Bill for an Ordinance Spreading Assessments to Beier Estates Street Lighting Local Improvement District. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

## ADMINISTRATIVE ACTION

**a. RESOLUTION- Initiating Changes to the Chemawa Activity Center Plan**

City Attorney Shannon Johnson reiterated that approval by the Council of the resolution does not mean that the Council approved the design plan but would allow for the public process to take place. He indicated on this type of process that there was no prohibition on exparte contacts. Although Mr. Johnson did go on to advise because of the high political profile of this project that the Council may wish to refrain from exparte contacts.

**Charlie Matschek with Ankrom Moisen Firm**-noted he was the team project leader and offered to answer questions from the Council.

**Don Jensen, Northwest National LLC; Tom Jones, WH Pacific and Frank Angelo Land Use Planner**-were also available to answer questions.

Councilor McGee felt that details should be outlined during the public process. He felt general comments or questions would be appropriate during this setting.

Mr. Johnson outlined Councilor McGee's perception encouraging the public to attend the public hearing to have their comments be made part of the record.

Mr. Matschek summarized the development and reviewed the information with display boards.

Councilor Lee felt that the name of Chemawa Activity Center should remain to refrain from confusion of a name change to Keizer Station.

City Manager Eppley proposed that the formal adopted Chemawa Activity Center Plan should be the document that the development team worked with until amendments had been made to the plan.

Responding to questions Mr. Johnson noted that a formal name change could be one of the amendments to the plan with adoption upon final Council vote.

***Doug Parrow, 6782 Amy Lane NE, Keizer***-encouraged the Council not take the approach to limit exparte contacts for this project, as the effects of the development were important to the city and its citizens. He indicated that he had been made aware that an updated version of the Comprehensive Plan was not available to the public. He urged the process to be delayed until an updated copy of the plan could be made available to the public.

Responding to questions Planning Director, Maria Meier indicated that the amendments had been compiled and could be incorporated into the document within 30 days.

***Bob Herberger, 2805 Chemawa Road NE, Keizer***-represents five families in Area "A". He encouraged the involvement of the landowners in the process including any meeting, which took place.

Councilor Kelly asked if it would be possible to make Mr. Herberger a non voting member of the Planning Commission during this process.

Councilor McGee strongly disagreed with this suggestion indicating that the meetings were all noticed and open to the public.

Mr. Herberger reiterated his wish that that the landowners be included in the process.

<u>Council President Moir moved to Adopt a Resolution Initiating Legislative Amendments to the Keizer Comprehensive Plan, Keizer Development Code Regarding the Chemawa Activity Center (1997)-**FULL REIVEW 2001**. Councilor Smith seconded the motion.</u>

Responding to questions Ms. Meier indicated that the 45-day time frame was to notice DLCD.

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

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**b. ORDINANCE- False Alarms**

Chief Adams supplied a history of the initiation of the False Alarm Ordinance. He indicated that the police department was responding to 700-800 false alarm calls annually. He indicated that 500-600 hours of police time were spent answering false alarms. Chief Adams shared that the draft ordinance would allow current alarm holders to register their alarms without a fee. Future alarm holders would pay a fee and abusers would be fined on an escalating fine schedule. He indicated that history showed a 50% reduction in false alarms by initiation of the ordinance.

Responding to questions Chief Adams noted that to identify current alarm users press releases would be done to allow current users 90-days to register their alarms free of charge. He stressed that education of this process was the key to the success of the ordinance.

Councilor McGee expressed his support of the false alarm ordinance, but did not support the permitting system. He supplied a brief history of how previous Council's had reviewed the ordinance and the permitting system. Councilor McGee stated that the majority of false alarms were dispatched to businesses and he would not have a problem with businesses being required to submit a permit for an alarm, but was not in favor of residential permits.

Responding to questions Chief Adams indicated that the registration of the alarms was necessary to effectively manage the process.

Councilor Walsh declared a potential conflict because he has a commercial and home alarm system. He went on to note that there were various categories of alarm usage that he felt needed to be addressed.

Councilor Smith spoke in support of the permitting system.

Councilor Kelly spoke in support of the permitting process, but felt incentives rather than fines would have a more positive outcome. He also felt that intentional alarms should be considered a crime. Councilor Kelly felt that the ordinance should be rewritten to address the issues discussed.

Mr. Johnson noted the criminal vs. civil infractions and the municipal courts limited jurisdiction.

Councilor Walsh also indicated he was in favor of a false alarm ordinance, but did not agree with the burden of proof being placed on the property owner regarding a false alarm.

Responding to questions Mr. Johnson indicated that the model of the ordinance was what was being used throughout jurisdictions in the United States.

Council President Moir moved to adopt a Bill for an Ordinance Regulating Alarm Systems, Requiring Permits and Providing Penalties for False Alarms, Fees and Penalties for Ordinance Violators. Councilor Smith seconded the motion.

Councilor Lee urged the Council to vote in favor of the ordinance to help alleviate a growing problem.

Responding to questions Chief Adams noted in his opinion the ordinance could not be administered without a permitting system and the use of the computer software to track the false alarms. He stressed that this would be labor intensive if done manually. Chief Adams stressed that the goal was compliance of the ordinance.

Councilor McGee felt the reduction of false alarms could be accomplished with an ordinance without a permitting system.

Council debated the issue of the permitting process, the ordinance and the confidentiality of the information being obtained during the permitting process.

Councilor Walsh suggested a friendly amendment to page 5 section 4 to read: "*The City of Keizer shall not, by virtue of the issuance of an alarm system permit alone, be obligated to respond or accord any additional priority in response to an alarm from a licensed system.*" Councilor's Moir and Smith accepted the amendment to the motion.

Councilor Lee urged the Council to move forward an adopt the ordinance as it was written.

Councilor Kelly moved a motion to table the ordinance until it could be rewritten and brought back to the Council in a different form. Councilor Walsh seconded the motion.

corrected June 4, 2001

The motion failed as follows:

Nays: ~~AYES~~: Christopher, Lee, Moir and Smith (4)
Ayes: ~~NAYS~~: Kelly, McGee and Walsh (3)
ABSTENTIONS: None (0)
ABSENT: None (0)

The main motion with amendment passed as follows:

AYES: Christopher, Lee, Moir and Smith (4)
NAYS: Kelly, McGee and Walsh (3)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Christopher recessed the meeting till 9:30 p.m.

**c. RESOLUTION-No Parking 35th Avenue adjacent to Keizer Stadium**

City Manager Eppley reported that the Salem Keizer Volcanoes brought to City staff's attention vehicles parking along 35th Avenue and Tepper Lane, which could be creating a hazard. The area of concern was reviewed by the City Manager and the Public Works Director and found to be a valid and safety hazard for pedestrians and the narrowing of vehicular traffic.

Mr. Eppley reported that the fiscal impact would be approximately $800-$1,000 for the placement of "No Parking" signs. Staff recommended that the Council adopt the resolution establishing the "No Parking" zone in the areas indicated by the staff report.

Council President Moir Moved to Adopt the Resolution Designating a Portion of Tepper Lane and 35th Avenue as "No Parking" Zones. Councilor Smith seconded the Motion.

Responding to questions, Chief Adams indicated that he was not aware of any accidents that had taken place in that area.

City Manager Eppley shared that the streets in question were narrow and contained no sidewalks. Also any vehicle parking on these streets protruded out into the street narrowing vehicle access.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)
NAYS: Kelly (1)
ABSTENTIONS: None (0)
ABSENT: None (0)

**d. ORDINANCE- Amending Park Regulations Ordinance 90-188 for Adoption of Regulations for Carlson Skate Park**

City Manager Eppley noted that the ordinance could not be adopted because the other regulations for Carlson Skate Park had not been adopted. He noted this could be brought back to Council during the next meeting. Mr. Eppley indicated that Council could direct staff to have a sign made and placed regarding the helmet regulations.

After further discussion Mr. Johnson asked if they felt an emergency clause was necessary. It was the consensus of the Council to include an emergency clause.

Councilor Kelly felt it was important to address how long a forfeiture of the use of the park for a violation would be.

Chief Adams felt a one-day ban from the park would be adequate since it would be difficult to track the offenders.

Mayor Christopher asked that remedies for repeat offenders be addressed in the ordinance and that the Council discussed the use of Peer Court for repeat offenders.

After further discussion it was the consensus of the Council to have the ordinance brought back during the June 4, 2001 City Council Meeting.

## CONSENT CALENDAR

**a. Approval of May 7, 2001 Regular Session Minutes**

Council President Moir moved for approval of the May 7, 2001 Regular Session Minutes as amended. Councilor McGee seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

## WRITTEN COMMUNICATIONS

Mayor Christopher shared a letter from Bob Newton regarding the ceremony at Pleasant View Park. Council President Moir agreed to attend the ceremony.

Mayor Christopher noted a letter from Greg Rands with Cascade Landscaping that indicated that they were contracted to mow five city parks.

Regarding the Marion County Growth Management Project City Manager Eppley indicated that he and Ms. Meier would be attending these meetings as it could hinder Keizer's participation in UGB expansion.

**AGENDA INPUT**

June 4, 2001
6:00 p.m. Urban Renewal Agency Meeting

- 2001-2002 Keizer Urban Renewal Budget Public Hearing

7:00 p.m. City Council Regular Session

- 2001-2002 City of Keizer Budget Public Hearing
- Telephone Franchise Fee Increase Public Hearing
- Transient Occupancy room Fee Increase Public Hearing
- Vehicle Impound Administrative Fee Increase Public Hearing
- Municipal Court Administrative Fee Public Hearing

June 11, 2001
5:30 p.m. City Council Work Session

- City Boards and Commission Appointment Process

June 18, 2001
6:00 p.m. Urban Renewal Agency Meeting

- Adoption of 2001-2002 Urban Renewal Agency Budget

7:00 p.m. City Council Regular Session

- Adoption of 2001-2002 City of Keizer Budget
- Supplemental Budget Resolutions for FY 2000-2001
- Adoption of Long Range Financial Plan for City of Keizer

Mayor Christopher noted the agenda items.

**ADJOURNMENT**

Mayor Christopher adjourned the meeting at 9:54 p.m.

Cindy Perry
Recording Secretary

APPROVED:

MAYOR: Christopher

Lore Christopher

COUNCIL MEMBERS:

Judy K. Smith
Councilor #1 - Judy K. Smith

Jacque Moir
Councilor #4 - Jacque Moir

Raymond J. Kelly
Councilor #2 - Ray Kelly

Councilor #5 - Richard Walsh

Charles E. Lee
Councilor #3 - Charles E. Lee

Jerry McGee
Councilor #6 - Jerry McGee

**Minutes approved:**

June 4, 2001