MINUTES

KEIZER CITY COUNCIL
Monday, May 18, 1992
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Orcutt called the regular session to order at 7:35 p.m. Roll call was taken as follows:

Present
Andrew J. Orcutt, Mayor
Dennis Koho, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Bob Newton, Councilor
Joe Van Meter, Councilor

Absent
Mike Hart, Councilor

Staff
Donald H. Otterman, City Manager
John Morgan, Community Development Director
Wally Mull, Public Works Director
Kevin Wickman, Parks Director
Shannon Johnson, City Attorney
Susan Darby, City Recorder

PUBLIC TESTIMONY

A gentleman, representing homeowners on Linda Avenue, stated that he was prepared to testify with respect to the scheduled public hearing tonight on the Pizza Hut zone change. However, since the public hearing will be continued to June 15, he will reserve his comments for that time.

Jerry Horner, 7050 Wheatland Road, stated that he would like to address the Council regarding the one foot reserve strip along Nottingham Drive. Mayor Orcutt indicated that this will be discussed under Other Business this evening.

COMMITTEE REPORTS

Mr. Wickman addressed the Keizer Parks System Development Plan. He stated that the Parks Committee and staff have been working on this project since last fall. The final product includes park classifications,standards and analyses, inventory of facilities, results of public opinion phone survey, proposed park

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improvements, and existing and proposed facilities costs. The document also includes current and proposed maintenance costs, potential funding sources, maps, and aerial photographs. The reasons for adopting a parks system plan include developing the direction and goals for the future, having the plan in place which is required when applying for government grants, and to assess systems development fees to help keep the parks at their current levels as the city grows. He introduced Don Hanson, project manager representing OTAK.

Mr. Hanson indicated that he would focus on an overview of the existing parks and discussion of improvements, a discussion of proposed new parks, budget costs and funding alternatives, especially systems development fees. Mr. Hanson presented slides of the parks.

Mr. Hanson noted that Sunset Park is surrounded by single family homes and is in its natural state with soft surface trails. Improvements might include some minor brush cleaning, paving the trail into the park, and placing picnic tables. Responding to a question from Mayor Orcutt, Mr. Hanson noted that while Sunset River is within the Willamette River Greenway, public recreational uses are allowed in the Greenway. The proposed viewpoint would need to be elevated above the floodway.

Palma Ceia Park is a very restricted park with poor access. It would be difficult to make any improvements because they would intrude on the privacy of the neighbors. He suggested this may be considered as surplus property that might be sold to generate funds for the overall project. Responding to a question from Councilor Newton, Mr. Hanson indicated that Palma Ceia Park is where the Willamette River dike begins.

River Edge Park is being transferred from the City of Salem to the City of Keizer. It is unimproved, and is densely trees with an open meadow towards the road. The proposal is to develop this parcel as a neighborhood park, including playground/sport court, multi-use lawn area, picnic areas, etc., to support the surrounding residential uses.

Willamette Manor Park is improved with a trail system, tennis court and playground. Proposals for this parcel is to renovate and upgrade the existing facilities but not to introduce any new improvements. The play area and sport court could be modified and upgraded. He suggested the installation of an irrigation system to keep the lawn areas green throughout the summer.

Fernwood Park is located behind a shopping center and the building is currently being renovated. There is an existing paved area behind the shopping center, and the field beyond the building forms a buffer from residential and more intensive uses. Improvements would be anchored to the building and its potential use. Maintenance costs have been factored into the current parks budget. If the building is developed and intensely used, he suggested that additional parking and landscaping space be provided to meet code requirements.

City Hall property functions as a park. He proposed that the multi-use playground be improved and perhaps a trail around the perimeter of the entire site. Potential building and parking sites were also identified. Councilor Koho asked if the proposal includes any land acquisition. Mr. Hanson indicated that he is generalized and cleaned up the property lines surrounding the existing parcel, noting that some residential uses may ultimately come into city ownership.

The Mike Whittam Park is now unimproved and lies at the southern edge of the Keizer Little League field. This park has substantial trees and drainage and is adjacent to a church and its parking lot. He proposed to develop the park into a neighborhood park to stand on its own as well as to support the Little League facility. Picnic and playground improvements would be made, and the parking lot expanded extending from the church. He also suggested a trail system linking the west neighborhood with the Little League facility, as well as doing some thinning and clearing. This would be necessary in order to construct a trail system through the park.

Improvements to the Keizer Little League Park focused on parking needs. He suggested only portions of the parking areas be paved which handle the more intense level of traffic, i.e., the aprons and loops closest to the park. Also, portions of the parking lot should be paved to provide better access for disabled individuals. In addition, Mr. Hanson suggested paving some areas within the park to allow the disabled to gain closer access to the games.

The Meadows Park has a mature stand and fir and cedar trees. It is relatively new, and has been rough graded and seeded along with some drainage improvements. The main concern is potential blow down of the trees now that the wind pattern has been opened up. He suggested reducing and thinning the trees and to establish the park as a neighborhood facility with pedestrian access. There is no access proposed from the main road along the back side. He also suggested introducing some neighborhood park elements such as a playground or sports court.

Wilark Park is a beautiful neighborhood park with a stream meandering through it. There is a tennis court and an existing foot bridge. Recommended improvements include renovation, paving portions of the parking lot, paving a trail system, a new foot bridge and changes to the drainage channel. This latter improvement would relieve the flooding problem.

Claggett Park functions as a community park. Proposals include paving both parking areas, paving a loop trail system, ultimately locating a restroom, and providing lighting, mainly along the trail along the creek. This would allow someone to stroll through the park in the evening without the lights bothering the nearby residential uses.

Improvements to Northview Park would include renovation of the existing improvements, paving a trail system, providing a barrier free access ramp to the park, and renovations to the play equipment and irrigation system.

It is proposed that Northridge Park be left mainly in its natural state as an urban wetland preserve area. Any improvement might include a viewing platform.

Mr. Hanson proposed that three new parks be added to the system. One would be about four acres in size near Staats Lake adjacent to Keizer School, which would be developed with two softball fields and a picnic area. A second park would be about 1-1/2 acres in size located somewhere on the south end of town where it is park deficient. The third would be a park on the north end near Clearlake School. He suggested a five acre park in conjunction with the new school planned in that area.

Mr. Hanson indicated that this new parks would add 10.5 acres to the city's existing 76 acres. The school system park inventory shows 55 acres in Keizer. Combining the two would give the city over 140 acres.

With respect to the cost of improvements, Mr. Hanson calculated about $1.2 million. The new parks would cost $838,000 including acquisition and improvement, for a grand total cost of $2.12 million.

Mr. Hanson then addressed funding alternatives, including a system development fee. This fee would maintain the parks at their adopted level and new growth would pay for the new parks development. Calculating the amount of growth, Mr. Hanson indicated that the systems development fee would be about $400 per unit. This, he explained, is very comparable to other communities in the area.

Mr. Hanson expressed appreciation in working with the Parks Committee.

Responding to a question from Councilor Newton, Mr. Hanson stated that the proposed new parks would cover those area of the community that are deficient in parkland, as illustrated in the comprehensive plan document.

Councilor Newton also asked about the irrigation costs which are close to the entire maintenance costs. Mr. Hanson indicated that he would recheck the figures.

Councilor Newton complimented Mr. Hanson and the Parks Committee on the comprehensive plan. Councilor McGee agreed, adding that he would prefer that the Council not adopt the $400 systems development fee at this time. He said that he could not accept the report if it is dependent on this formula by which the systems development fee was calculated.

Councilor Koho noted that it will require a Council ordinance to adopt the systems development fee, rather than a form of resolution. Councilor Koho indicated that General Fund money will still be needed for the acquisition and improvements if the systems development fees cover maintenance. Mr. Mull explained that the systems development fees would cover only the cost of new parks or expansion of existing parks; not maintenance costs.

Terry Witham, Chairman of the Parks Committee, expressed the unanimous support of the comprehensive plan by the Parks Committee. He stressed that the plan is a guidebook for the future, and is not intended to be implemented immediately. He believed the document is fairly conservative but still comprehensive and will suit the future park needs of this community.

Mayor Orcutt agreed with the concept of the plan being a guidebook.

Mr. Morgan stated that staff is recommending that the Council hold a public hearing on the plan on July 6. The document will go to the Planning Commission for review at its June meeting and will be referred to other jurisdictions, LCDC and State Parks Division. Mr. Morgan explained that under ordinance, the city now charges a $100 single family condominium charge. He proposed that any application coming in be subject to the whatever charge the city eventually determines, adding that several hundred dwelling units are expected to come in within the next six to eight weeks.

Councilor Koho did not favor this approach since developers would not know what their upfront costs would be. Councilor Miller agreed. He asked about the status of the systems development charge for multi-family uses. Mr. Morgan explained that this is the discussion tonight. The recommendation is for a $400 systems development fee per unit, apartment, single family house, mobile home, etc. Councilor Miller said that he is not sure he would agree with that. If there is a concern about new housing, they could adopt something in the interim but not necessarily raising it to $400 per unit.

Mayor Orcutt suggested holding the debate over until legal counsel has had the opportunity to draft a proposed ordinance for the June 1 Council meeting. Mr. Morgan said that this could be done, and copies mailed to the homebuilders to obtain their input.

Councilor Koho moved to accept the parks system comprehensive plan as presented. Councilor Van Meter seconded the motion. The motion passed unanimously as follows:

AYES: Orcutt, Koho, McGee, Miller, Newton, Van Meter (6)
NAYS: None (0)
ABSENT: Hart (1)

Councilor Koho moved to direct staff to prepare an ordinance for June 1 to adopt a systems development charge of $400 per unit and to leave the types of density separate in the ordinance. Councilor Miller seconded the motion.

Councilor McGee moved to amend out the dollar amount. Councilor Miller seconded the motion. The amendment passed by the following vote:

AYES: Orcutt, Mcgee, Miller, Newton (4)
NAYS: Koho, Van Meter (2)
ABSENT: Hart (1)

Councilor McGee said that putting the dollar amount of the systems development fee in the ordinance may shade the concept that may work to a negative or positive reaction. Mayor Orcutt said that having it in the staff report will let developers know up front what the City is proposing.

In response to a question from Councilor Van Meter, Mr. Morgan stated that the City of Salem charges a $400 per dwelling unit parks system development fee. Councilor Van Meter indicated that he would oppose the motion because he believed it is fair to let the developers know what amount the city may be proposing, and because much work went into the document which recommends that fee amount.

The motion, as amended, passed by the following vote:

AYES: Orcutt, McGee, Miller, Newton (4)
NAYS: Koho, Van Meter (2)
ABSENT: Hart (1)

Mayor Orcutt said that the staff report calls for a $400 systems development fee for parks.

Councilor Van Meter, as liaison to the Parks Committee, introduced the members of the committee who were in attendance at tonight's meeting. They included Terry Witham, Gary Bulen, Ed Bartlett, Rosalie Herber-Moore, Jim Taylor and Shannon Blake-Thiess. Don Crownover was present but had to leave earlier.

KEIZER TOMORROW PRESENTATION

Keizer Tomorrow Committee Chairman Bob French stated that the committee began its work in October of 1990 and met continuously throughout 1991.

Special commendation goes to John Morgan who spent countless hours working on this project. Mr. French said that, without exception, the committee wants the City Council to know how well Mr. Morgan served not only the committee, but also the entire community on this project.

Mr. French stressed that implementation of the recommendations in the Keizer Tomorrow report will take many years. He noted that a couple of things need special attention.

Mr. French indicated that there may be some minority reports coming at a later time. He asked that these reports be held off for the present time.

Mr. French stated that the committee fell into a trap early on during the process. One vision and value statement addressed the great interest in and support of the Keizer public education system. The statement indicates that Keizer schools will be the highest at all grade levels. However, reviewing the voting records for Keizer over the past ten years makes a pretty dismal picture of Keizer's support of public education. Some years ago, the entire community rejected the kindergarten proposal by a margin of about 10% greater than the rest of the Salem/Keizer community. The second time around, Keizer rejected it again. Two years ago, Keizer rejected a bond issue for temporary buildings, rejected a $96 million bond issue substantially below the 50% mark. If it were not for the four precincts around Gubser and Whiteaker schools in the last ten years, Keizer would have passed very few school levies. While many people have a greater burden than they can stand, Keizer, overall, is not that poor. If the city doesn't want to make that statement and stand on it, that's fine. If the city does wish to make that statement, then priorities need to be reassessed.

The second area of concern involves housing. This, Mr. French noted, was a volatile issue on the committee. The statement indicates that the city values the vibrancy, quality and diversity of the neighborhoods. However, there are some areas in this city where the aspects are not valued. As Keizer's representative for the last few months on the Salem Housing Authority, he has become even more aware of the urgent need to provide some low income housing. In order to purchase an average home in the Salem/Keizer area, it is necessary to earn $19,000 per year, or better than $10 an hour. There are many employees in Keizer where they do not earn $10 an hour. He questioned whether the community will become only single middle and upper class, or will the city have the diversity it says it wants. Mr. French noted that while these two things may not need immediate action, they do need the Council's immediate thought; they cannot wait 10 or 20 years.

Mr. French addressed the values set forth in the Keizer Tomorrow report and the recommendations of the committee.

Councilor McGee said that the word "decent" is shown in the report in four or five places where he believed the word should be removed as it refers to housing. Mr. French indicated that it was the committee's intent to remove the reference to "decent" housing.

The Council members expressed their appreciation for the work that has been done by the committee and by Mr. French as chairman.

Councilor Newton asked about the statement, on page 3, that there has been great pressure placed on the city to provide a wider range of services. Mr. French stated that this stems from the substantial number of requests made to City staff, primarily from new residents moving into Keizer after coming from full services cities.

Councilor Newton noted the flexibility in some target areas. He suggested that the library service not be limited to only those strategies outlined in the report, but that should the residents decide they do not want a library, then the City would have this also as an option. Mr. French indicated that this was to place pressure on the City, however, the community would be the final decider.

Councilor Koho moved to accept the report and refer it to the public for review and comment. Councilor Miller seconded the motion.

Mr. French stated that the committee tried as much as possible to leave the recommendations open to interpretation. He expressed the intent that all of the vision areas are open to the City Council's judgment.

The motion passed unanimously as follows:

AYES: Orcutt, Koho, McGee, Miller, Newton, Van Meter (6)
NAYS: None (0)
ABSENT: Hart (1)

PUBLIC HEARING ON APPEAL OF ZONE CHANGE 92-1

Mayor Orcutt announced that the applicant has requested that the public hearing be held open until June 15 because they are unable to attend tonight due to conflicts. Mayor Orcutt opened the public hearing and announced that staff would hold their comments until June 15. The sign up sheet for testimony will be entered into the record and the comments will be held over to June 15.

Mr. Beck, applicant, stated that he has appeared to show the Council their interest in the project. Mr. Beck noted that he was surprised by the planning action after Pizza Hut had received assurances regarding the process.

Mayor Orcutt recessed the public hearing to June 15, 1992. He indicated that another notice of public hearing would be published.

CONSENT CALENDAR

The Consent Calendar included:

- Hearings Officer Award of Contract
- Resolution certifying that the City provides four or more municipal services
- Resolution regarding local agency agreement Federal-Aid Urban Project Construction and Construction Engineering of Lockhaven Drive between Joan Drive and Windsor Island Road (Phase II)
- May 4, 1992 Regular Session Minutes

Councilor Newton asked that the Hearings Officer contract be removed from the Consent Calendar.

Councilor Koho moved for approval of the remainder of the Consent Calendar. Councilor Van Meter seconded the motion. The motion passed unanimously as follows:

AYES: Orcutt, Koho, McGee, Miller, Newton, Van Meter (6)
NAYS: None (0)
ABSENT: Hart (1)

Hearings Officer Award of Contract

Councilor Newton asked that the Hearings Officer award of contract be postponed until the next meeting. He indicated that he was unaware that the current Hearings Officer's services had been terminated. Councilor Koho indicated that Ms. Gangle submitted a proposal, however, she was one of the most expensive proposals. Councilor Newton expressed his concern that the City Council, as a body, was unaware that Ms. Gangle's services were going to be terminated. He indicated he would prefer to explore the qualifications beyond what appears in the staff report. Councilor Koho recalled that this had been discussed at least two times, as well as the fact that an RFP would be issued about a month ago.

Mr. Otterman stated that there has been nothing in the City Council weekly update regarding this issue. It was discussed at a Council meeting as part of the discussion on some appeals that had come before the Council. Mr. Otterman said that he did receive notification from Ms. Gangle that she would be increasing her hourly rate from $50 to $60.

Councilor Miller said that the memo states that the contract was terminated on May 1. He didn't recall this being brought before the City Council. He questioned who authorized termination of the contract. Mr. Morgan responded that the Hearings Officer contract is not one that was originally issued by the City Council. It was the joint decision of Mr. Otterman, Mr. Morgan, Mayor

Orcutt. Councilor Miller said that he has heard some concerns expressed by Councilor Koho in the past, but this is his first knowledge that the contract was terminated.

Mr. Otterman explained that Ms. Gangle violated the terms of the contract by increasing her hourly rate. Mr. Morgan interjected that Ms. Gangle did bill the City at the higher rate. Councilor Miller said that he would appreciate being informed of the matter at the time rather than one to two months after the fact. Mayor Orcutt stated that this has been discussed at City Council meetings in the past. When Ms. Gangle communicated the increase in her hourly rate, it was in the City's best interest to cancel that contract.

Councilor Newton asked that the Council have additional time to explore the background of this action further. He noted that Ms. Gangle's notice to increase her fees was a significant written communication.

<u>Councilor Newton moved to defer a decision on the Hearings Officer Award of Contract until the next regular City Council meeting. Councilor McGee seconded the motion.</u>

Councilor Koho indicated that a contractor cannot change the terms of their contract with the City.

Mr. Morgan indicated that there are two pending planning cases staff had hoped to schedule for Wednesday of next week.

Councilor Koho indicated that he would defer to those Council members who need additional time. Mayor Orcutt indicated that he is prepared to make a decision tonight, considering the cases which are ready to move forward.

Responding to a question from Councilor Van Meter, Mr. Morgan stated that Ms. Gangle's contract set out a $50 hourly fee, and a 30 day cancellation clause. He said that Ms. Gangle sent a bill and a notice indicating that she would be charging $60 per hour. Staff gave her 30 days, to May 1, to cancel the contract and the City paid that bill at $50 per hour.

Councilor Miller said that he has the distinct feeling that Mayor Orcutt and Councilor Koho have been fully informed as this matter has been going on. He asked for a copy of the existing contract and any written communications back and froth between the parties. He said there are three members of the Council who have never seen any of that.

Councilor Koho said that he has not communicated with the Mayor regarding this matter nor has he seen any items that the Mayor might have seen. Councilor Koho stated that he presumed that he was asked to sit in on the interviews because he expressed concerns about the quality of work the City was receiving.

Councilor Van Meter indicated that he does not wish to see the items requested by Councilor Miller, and that he doesn't feel the need to micro-manage the City. This is up to the City Manager and Mr. Morgan and the Mayor to assign.

The motion failed in a tie vote as follows:

AYES: McGee, Miller, Newton (3)
NAYS: Orcutt, Koho, Van Meter (3)
ABSENT: Hart (1)

Mayor Orcutt indicated that this will be set over to the next meeting when the full Council is present.

Terrace Green Reserve Strip

Mr. Johnson briefly reviewed the situation involving the Terrace Green reserve strip. He stated that this strip was required by the county in its planning process around the edge of property to control driveway access. Because many of these have caused problems, driveway permits are now issued instead.

Mr. Johnson explained that when Terrace Green Subdivision was approved, a condition of approval was for the reserve strip to be conveyed to the county upon completion of Nottingham Drive. However, rather than doing so, the developer deeded Lot 41 - the reserve strip - to the homeowners association rather than to the county. At one time, Marion County legal counsel appeared to be interested in pursuing the matter, however, Mr. Bob Cannon now indicates that this is more of a planning decision than a legal matter.

Mr. Johnson indicated that Mr. Horner's position on the matter is that he cannot gain access to his property from Nottingham Drive because of the one foot strip. Mr. Johnson has talked with Mr. Horner's attorney and they are not asking at this time for the City to take any legal against the homeowners' association but to sent a letter to Terrace Green to see if they will deed it to the city to resolve the problem.\

Gerald Horner, 7050 Wheatland Road North, indicated that he did request assistance from former City Manager Roy Payne regarding this matter. He indicated that while the county has worked slowly with Terrace Green, nothing has been accomplished. Mr. Horner noted that he does have a driveway permit although he has not yet exercised it. Mr. Horner stated that he would like to develop his property and bring into the city more taxable lots, but this reserve strip prevents him from doing so. He solicited the City's assistance in getting this matter resolved quickly.

Mr. Horner also expressed concern about a tall cedar tree row that is planted on the right of way which encumbers his use of his property. He stated that the trees overhang his property and the roots are invasive. He indicated that he would like the trees removed.

Mr. Horner, responding to a question, stated that there are two homeowners affected, the other being Oakwood Mobile Home park which has 200 to 300 feet of frontage on Nottingham Drive. Mr. Horner said that he accesses his property off of Wheatland Road at the present time.

Councilor Newton noted that some Council members were not on the City Council when this matter was originally discussed. He suggested that Terrace Green Homeowners' Association be notified that the Council will be bringing this matter up again, and that the history on this situation be researched.

Mayor Orcutt suggested this matter be set for the June 1 City Council meeting.

Responding to a question from Councilor Newton, Mr. Johnson stated that Marion County apparently forgot about its land use condition of approval for the reserve strip. Therefore, the driveway permit was issued to Mr. Horner in error because the City cannot give access over private property.

Mr. Cannon now believes that this is a policy decision for the City to make. Mr. Johnson noted that regardless of how old the original planning decision may be, conveying the reserve strip to the county is still a condition of approval.

Councilor McGee asked a member of the audience who is a resident in Terrace Green to comment on this matter. Charles Lawson stated that Terrace Green has taken the position in the past that it would take whatever legal action necessary to fight conveyance of that reserve strip to the county. There is a new president now and a new board, and he did not know what their thinking might be in this regard.

Mayor Orcutt indicated that this would be held over to June 1 for discussion.

OTHER BUSINESS

Councilor Miller asked for copies of communications regarding the hearings officer proposals. Mr. Morgan indicated that the material consists of about 50 pages and that it would be available for the Council members. Councilor Miller said that he would come into City Hall to review the material. Councilor Koho commented that he left his interview notes at City Hall when the interviews were completed.

Councilor Miller asked for a status report on the property by Sandy Drive. Mr. Morgan said that he understands they are in a position of coming back to the City and striking a deal where they would lower the price of the land for sale to the City in exchange for a lesser or no contribution to the street improvement and traffic signal. Those points are yet to be negotiated. There is a potential buyer that Mr. Rhoten is representing.

AGENDA INPUT

The June 1 agenda will include a public hearing on the Ackerley Communications sign. Mr. Otterman said that the agenda will also include an award of insurance agent of record. He had requested that any Council members may wish to sit in on the interview panel, but has had no volunteers to date. Three insurance agent of record proposals have been received, from Sedgwick James, Huggins and Wilson-Heirgood of Eugene. Councilor McGee said that if no one else wishes to sit on the panel, he will do so.

Councilor McGee asked if a policy has been developed regarding the confiscation of vehicles. He believes this needs to be addressed.

Councilor McGee urged the Council to consider cutting down the 10% amount for uncollectibles in the 1992-93 tax levy. Mr. Otterman has agreed to drop that amount to 7%. Councilor McGee said that this can be shaved down more.

WRITTEN COMMUNICATIONS

There were no written communications to come before the Council.

ADJOURNMENT

The meeting adjourned at 9:20 p.m.

Susan Darby

Susan Darby, City Recorder

APPROVED:

MAYOR

R Newton

Al Miller

Doris Kelly

Jmy McGee

(COUNCILOR HART ABSENT)