

MINUTES
KEIZER CITY COUNCIL
Monday, May 17, 1999
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Newton called the regular meeting to order at 7:14 p.m.

Roll Call was taken as follows:

Present:

Bob Newton, Mayor
Garry Whalen, Council President
Craig Campbell, Councilor
Lore Christopher, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor

Staff:

Wally Mull, City Manager
Shannon Johnson, City Attorney
Tracy Davis, City Recorder
Susan Gahlsdorf, Finance Director
Rob Kissler, Director of Public Works
Amy Drought, Senior Planner
Dianne Hunt, Human Resources Officer
Marc Adams, Chief of Police

PUBLIC TESTIMONY

City Attorney, Shannon Johnson interjected before public testimony and urged caution regarding the Council's comments pertaining to the upcoming school land use hearing. He also noted that any comments made during public testimony will not be part of the land-use hearing record.

Denny Muchmore ~ 5968 Sir Lancelot Court, Keizer -
Indicated that his comments were general in nature and not relating to any specifics of the land use application which is pending before the City. He reflected upon previous decisions by the Council to move forward rapidly on issues that are of great importance, i.e. baseball stadium. He urged the Council to place the new schools high on the priority list and not cause any delay in the openings. He submitted his written testimony to the Council.

Mr. Muchmore implored the Council to work together with the school district to see that the new middle and elementary school open in time for the fall of 2000. He reminded the Council to keep the public's best interests in mind.

Sam Goesch ~ 1338 Marigold Street NE, Keizer – noted there were several citizens in attendance for the meeting to show their support and desire for the Council to not delay the opening of the new schools. The citizens of Keizer supported the recent school bond levy due to the great need of the new schools. Upon request, many members of the audience raised their hand as a show of support for Mr. Muchmore and Mr. Goesch's comments.

Responding to questions from Councilor McGee, Mr. Muchmore indicated many residents have been in contact with the school board to voice their support for the schools and their timely opening. However, in regards to the tonight's presentation, he noted that it had not been submitted to the school board. Mr. Muchmore added that he will be attending the public meetings to express his concern.

Wendel Mann, 5264 7th Avenue NE, Keizer – voiced his opposition to the increase in the proposed Systems Development Charges by the Parks Advisory Board. He felt a study would be in order to assess the users of the parks in order to divide the costs accordingly rather than having these costs to be paid solely by the purchasers of homes. He submitted his written testimony.

Bob Ohm, Clear Lake Neighborhood Association Representative, 7950 Timothy Lane NE, Keizer - Spoke in regards to the Hearings Officer's decision on Case No. 99-03 which was previously scheduled for a public hearing. Mr. Ohm indicated that this decision was conditional and required further public hearings if subjective and discretionary decision making is to take place. He expressed his concerns with drainage issues that have taken place in the new subdivisions surrounding his home in the Clear Lake area. Mr. Ohm shared examples from the code regarding drainage and expressed his opinion that there are not any objective, non-discretionary criteria in the code.

Mr. Ohrn requested another public hearing regarding storm drainage and asked to review the master storm drainage plan or something that shows the drainage basins for the Clear Lake area. He felt in the long term the code should be changed to indicate that information would be available during the public hearing process.

Councilor McGee acknowledged Mr. Ohrn's concerns with the process and noted he felt the method of the drainage plan being presented at the time of permitting should be adjusted allowing public input before the hearings process.

Mr. Ohrn read a quote from the Hearings Officer's decision on Page 12 stating, "However, any preliminary subdivision/Plat approval rendered by the Hearings Officer will cease to exist as an effective approval if any post-approval review by the City or any other entity implicates any subjective, discretionary decision-making; in that event, the matter shall be reviewed by the Hearings Officer via another public hearing. Otherwise, the public would be deprived of any opportunity for comment".

Responding to Council's questions Mr. Ohrn indicated he felt the drainage and erosion control plans should be made available for review at the public hearings.

Ms. Drought indicated that the Planning Commission is reviewing drainage standards and revising the Development Code to include something in the public review process.

Responding to questions, Mr. Johnson agreed with the Hearings Officer's decision regarding cities doing a better job of offering these issues for discussion with the public and should be reviewed.

Mr. Johnson went on to note that the Hearing's Officer decision should be final and he shared his concerns with some of the wording in the decision of which Mr. Ohrn read. Mr. Johnson stated that holding a public hearing after the formal review with no appeal was not possible.

Mr. Ohrn explained that he was concerned with the consequences of the Hearings Officer's decision and felt an appeal was not necessary.

Councilor Keller expressed his desire that the Planning Commission moves forward quickly to make the necessary changes to the Development Code. He expressed his concern with holding public hearings with inadequate information being brought to the public's attention.

Council President Whalen believed using this subdivision as an example would not serve a practical purpose. He indicated it was still the responsibility of the public works department and the city engineer to make sure the storm drainage issues are met.

Mr. Johnson pointed out the land use portion of the process was final and he was unsure how the Council could require another public hearing. The procedures do not allow this action without the appeal.

Ms. Drought shared that the Planning Commission meetings would be a good place for the public to supply input regarding the adjustment of the Development Code.

Marcia and Neil Bednarczyk, 7775 O'Neil Road, Keizer- expressed their frustrations that there is not an ordinance or criteria that requires accountability regarding storm drainage issues on the part of the City or developers. Ms. Bednarczyk identified a piece of property that Council President Garry Whalen is building on near her home and believed he was not following the drainage and site plans. She indicated there was over a foot of additional fill on the property.

Ms. Bednarczyk requested that public hearings be held to allow the chance for the City to receive input from the public and assist in the creation of making new ordinances pertaining to drainage issues.

Ms. Drought shared that the Planning Commission would need to decide how to proceed in amending the Development Code regarding drainage issues and the type of provisions to change and/or add. After these things have been reviewed a timeline could be established for public hearing.

Responding to Council's questions Ms. Bednarczyk indicated that she would provide a list of property owners who are affected by drainage issues in the Clearlake area.

Mr. Bednarczyk stressed the grading and drainage in the Highland subdivision is not being followed and he requested either the City or the County follow through on this inspection. He specifically made note of the property, which Council President Whalen is building on.

Ms. Drought indicated she would check with the county to see if the property in question had been inspected and would relay this information to the Council and the Bednarczyk's.

Pam Kingsbury, 7750 Timothy Avenue, Keizer-asked for clarification of the final approval of the Hearings Officer's decision on case no. 99-03. She felt the decision stated another public hearing should be held to review the drainage issues.

Mr. Johnson noted as a practical manner he agreed with the Hearings Officer's issues that were raised although he felt the solution to the problem was unworkable. He believed it would be unlikely another formal hearing would be held regarding this subdivision.

Councilor Campbell noted that since the City does not have a post approval review, that the findings could not be found as subjective. The City Council is not in a position to make a determination regarding subjectivity of the findings.

COMMITTEE REPORTS

a. Parks Advisory Board Update ~ Chair Amy Ellison

Amy Ellison, 6661 Koufax Lane NE, Keizer- advised she is chair of the Parks Advisory Board and they are seeking direction from the Council regarding changes in the Parks Systems Development Charges (SDC's) currently being collected. She reviewed the history of the Parks SDC's noting in 1992 all phases of the Parks Master Plan were adopted and approved with the exception of the consultants recommended amount for the Parks SDC's and definitions of living units. She indicated that it had been seven years since the plan had been reviewed and she requested input from the Council as how to proceed to determine if an adjustment should be made to the Parks SDC's.

Mayor Newton stated he felt the emphasis should be to revise the Parks Master Plan, to identify the costs associated with the plan and return with this information to the Council. He indicated that the Board should not

concern itself at this time whether the funds come from SDC's or the General Fund.

Councilor Christopher shared that the Boards discussions included how to fund the current Master Plan in addition to incorporating the five new parks. She reviewed the history of the Council's change to the consultants recommendations. Councilor Christopher stated even though there were changes to the definition of living unit and the decrease of the recommended SDC's, the Master Plan was not modified. She also pointed out it was felt the Council wanted to accomplish what the consultant outlined in Master Plan, even with the reduced funding. In addition, she outlined another concern of the Board which was the lack of a formal review process of the Parks Master Plan as stated in the Ordinance.

Councilor McGee indicated that the Master Plan was accepted as a guide and does not state that it would be funded exclusively by Parks SDC's. He shared that his understanding is a portion of the funds would come from Parks SDC's and any shortfall from the General Fund.

Councilor Moir noted she attended the last meeting of the Parks Advisory Board and gained a great deal of knowledge from the discussions. She was unsure why the "unit" definition distinguishes between single and multiple family dwellings. She believed it should be uniform. Councilor Moir also believed park development should not solely rely on SDC funding.

Councilor Keller urged the Parks Board to participate in the budget process next year and to set and establish priorities of what they would like to see done in the city parks.

Mr. Mull stated the City had acquired four pieces of ground in the last year and a concern of the Parks Board was there would not be enough money to fund projects in these new areas. Also, with the additional time it would take to update the Master Plan the City would be losing out on additional Systems Development Charges during the peak building season.

Responding to questions Mr. Mull indicated that SDC's could appropriately be used for parks acquisition and capital improvements.

Mayor Newton shared that the Council would like a summary from the Parks Board of the needs of the parks and major capital improvements. He also requested the per capita ratio of the number of acres of parks the city should have.

He indicated that this information would allow the Council to make the appropriate decision of how the parks should be funded.

Council President Whalen requested staff review how the SDC funds have been expended in relation to the ordinance.

Mayor Newton thanked Ms. Ellison and the Board for all their work.

b. Council Liaison Reports

Parks Advisory Board ~ Councilor Christopher
Submitted letter from Wendal Mann who spoke at the last meeting regarding SDC's. She also noted that Public Works Director, Rob Kissler stated that volunteerism had been a major source of work that had been completed in the parks and without their help the parks would be farther behind than they currently are.

Councilor Christopher noted that the new Keizer Little League baseball field will be open for summer tournaments and had been completed with volunteer work and donations in the amount of \$27,000.

Councilor Christopher noted Staff Liaison, Terry Witham recommended reservation fees be set for the Claggett Creek covered area and consideration of the fees for the use of the sports fields. She stated that the Parks Board unanimously accepted his recommendation and this will be coming to Council in the next couple of weeks.

Councilor Christopher also relayed another concern voiced at the meeting regarding Keizer not having a leash law. She indicated that unless the animal is contained, Marion County Dog Control would not respond. There was a question as to what the pet owner's fees were being used for.

Mayor Newton directed staff to contact Marion County to review their policy.

Councilor Christopher noted Chair Amy Ellison appointed Ed Bartlett to be the liaison to the aquatic committee, that is currently working on bringing a regional aquatic center to Keizer. Chair Ellison also requested that Clark Williams make contact with local sports programs regarding the possibility of starting summer recreation programs, along the lines of summer camps or one day events and possible expansion of the program as it grows.

Councilor Christopher shared that the Annual Parks Tour is tentatively scheduled for August 9, 1999 and the next Parks Advisory Board meeting is scheduled for June 8, 1999.

Youth Compact ~ Councilor Christopher- reported the last Youth Compact meeting was held April 28, 1999 which included discussion regarding jurisdictional budgets. Jean Collins, Director from HOST was the guest speaker talking about their youth shelter for children in crisis. Councilor Christopher explained how this program offers mediation services for parents and children from the ages of 12-18. Councilor Christopher gave an update on the Gang Intervention Project and how acquired funds would be distributed throughout the jurisdiction.

Community Policing Committee ~ Councilor Campbell- explained there was not a quorum present at the last meeting. The next main community policing meeting will take place Tuesday, June 15th at 7:00 p.m. District One Meeting will take place June 8th; District Two on June 9th and District Three on June 10th.

Bikeways Committee ~ Mayor Newton reported the main topic discussed was the coordination of the entry for the Keizer Iris Fest Parade. A Cautious Kids Seminar will take place at Cummings Elementary on July 12, 1999. Sgt. Teague was in attendance and spoke regarding bicycle helmets.

Library Task Force ~ Mayor Newton shared that this issue would be coming before the Council later in the fall. He noted this would be a library district encompassing Salem, Keizer, Turner and the unincorporated areas that are not receiving library service at this time. Mayor Newton indicated that subcommittees are currently working on forums, finance, names and boundaries and existing assets of the Salem Library. Mayor Newton

shared that by holding these forums they are trying to develop a comprehensive package to take back to each jurisdiction and look for support to place the issue on the ballot.

Responding to questions Mayor Newton indicated the next meeting of the Library Task Force is on Wednesday, May 19th and that the members of the Task Force should be able to answer many of the Council's concerns and questions.

Planning Commission ~ Council President Whalen indicated he was unable to attend the last meeting and turned the report over the Senior Planner ~ Amy Drought.

Ms. Drought reported drainage issues were discussed and will be discussed at next months meeting. Other issues included a draft of the Transportation System Plan. Ms. Drought noted there were many residents in attendance to voice their opposition to the proposed expansion of Verda Lane. She shared at this time it was not a proposal recommended in the Transportation System Plan, but had been identified as an issue that needed further study.

Responding to questions from an article in the Statesman Journal Ms. Drought shared as part of the Transportation System Plan there is a capital improvement project list that called for improvements to the streets in Keizer. She indicated that Verda Lane in the future would have sidewalks, curbs and storm drainage.

Mayor Newton clarified that the City's intention is to improve Verda Lane between Chemawa Road and the Parkway and not the north end. He stated his understanding was that the plan does not include the widening or improvement to make Verda the main thoroughfare between Lockhaven and the Parkway.

Keizer Urban Renewal Board ~ Councilor Keller reported they met and discussed the Urban Renewal Board Budget which was then passed on to the Budget Committee.

Keizer Heritage Foundation ~ Councilor Keller announced the present total of funds raised is \$176,000 and is continuing to grow. Councilor Keller indicated that they are still collecting items for the garage sale to take

place on June 2, 1999. Any items can be taken to Tom Bauer at Bauer's Insurance.

OTHER BUSINESS

a. New Business

Councilor Campbell indicated that a law which expanded the capacity of the city to handle juvenile cases in municipal court had gone before the Governor and had been signed into law.

Chief Adams noted that the Iris Parade would take place on Saturday, May 22nd at 10:30 a.m. The parade begins at River Road and Lockhaven and ends at Glynbrook. During this time River Road will be closed. He urged residents to use alternative routes.

Council President Whalen added that the parade will begin assembling at 8:00 a.m. on Lockhaven west of River Road and indicated that most of this area will be closed off most of the morning.

Chief Adams reminded the public that Wednesday, May 19th from 5:00 p.m. to 8:00 p.m. there would be an open house at the police department.

City Manager Mull announced the public hearing for the school will be held on Thursday, May 20th at 7:00 p.m. in the City Police Auditorium.

b. Old Business

Mayor Newton shared a letter from Marion County regarding the tour of the Juvenile Department at 3030 Center Street, scheduled for May 21st at 7:30 a.m. Mayor Newton and Councilor Keller will be in attendance.

Councilor Moir reported the next date for the Emergency Operations Committee volunteer training will be June 5th from 10:00 a.m. to noon in the police auditorium.

Councilor McGee pointed out members of the Budget Committee had contacted him with concerns regarding the quick passage of the Urban Renewal Budget. He advised these costs are projections and before any projects would be started, bids and further Council discussion was necessary.

Responding to questions Ms. Hunt indicated that the city's computer support contractor indicated they would review the possibility of manipulating the computers by changing

the year to 1972. She will provide an update to the Council on this issue at a future meeting.

➤ **Year 2000 Update**

Ms. Hunt gave a brief history of what the Y2K problem is and what steps the City has taken steps to minimize any type of foreseeable problems. The completion date for compliance is set for September 1, 1999.

Ms. Hunt distributed handouts of the City's systems and what is and is not currently Y2K compliant. She also shared the tentative dates non-compliant systems will be in compliance.

➤ **Update on Nuisance Complaint at 5185 Verda Lane**

Ms. Drought reported Cheryl Vafakos, Code Enforcement Officer has had an open case file on the above-mentioned property. Ms. Drought indicated that renters are currently living at this address and they are in the process of moving and cleaning up the area.

PUBLIC HEARINGS

**a. Appeal of Hearings
Officer Decision ~
Whispering Firs ~ Case
No. 99-03**

Mayor Newton announced the appeal filed by Derick Brown had been withdrawn on case no. 99-03. Therefore there would not be a public hearing on this matter.

**b. Housing and
Community
Development Strategic
Plan**

Mayor Newton opened the public hearing.

City Manager Wally Mull reported in 1996 Keizer and Salem entered into a joint Housing Consortium Agreement. The agreement made Keizer eligible to receive Federal HOME funds to assist with housing projects for low and moderate-income families and individuals with special needs.

Mr. Mull shared that each year both cities must adopt a local action plan that details the annual projects. Mr. Mull shared that the proposed budget for the expedition of HOME Funds in Keizer is \$529,000.

Mr. Mull noted that this program had allowed the City to become involved in a block grant program where \$300,000 in funds were used for Keizer residents to do major remodeling and upgrades to their homes and those funds continue to roll over on an annual basis.

There was no public testimony regarding the Housing and Community Development Strategic Plan.

Mayor Newton closed the public hearing.

Councilor Keller moved a Resolution approving a three-year Consortium Cooperation Agreement between the City of Salem and the City of Keizer. Council President Whalen seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Keller moved a Resolution Approving the 1999 Keizer Action Plan for Housing. Council President Whalen seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

a. RESOLUTION-Keizer Heritage Lease Agreement

Shannon Johnson, City Attorney reported the amendments to the lease agreement for Keizer Heritage Foundation have been incorporated as directed by the City Council on May 3rd, 1999. These amendments include a default date, clarification of landscaping, adding a section regarding the financial statement and the item regarding notice.

Council President Whalen moved a Resolution Authorizing the City Manager to Enter into First Amendment of Ground Lease (Keizer Heritage Foundation). Councilor Keller seconded the Motion.

**b. ORDINANCE -
Approving the 5th
Amendment to the
North River Road Urban
Renewal Plan**

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir,
Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Shannon Johnson, City Attorney reported this amendment allows for identification of properties to be possibly acquired, including the Unocal site, and properties in the vicinity of the City Hall complex. Mr. Johnson indicated that there is no obligation to purchase such properties and the Agency and the Council would make such future decision. Mr. Johnson indicated this would also make the Plan consistent with the requirements of Ballot Measure 50.

Council President Whalen moved a bill for Ordinance Approving the Fifth Amendment to the North River Road Urban Renewal Plan for the City of Keizer. Councilor Campbell seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir,
Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**CONSENT
CALENDAR**

Items on the consent calendar were as follows:

a. RESOLUTION- Authorizing City Manager to Award Bid for River Road Manhole Conversions

b. Approval of May 3, 1999 Regular Session Minutes

Councilor Keller moved for approval of the Consent Calendar. Councilor Moir seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir,
Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

No written communications were brought before the Council.

AGENDA INPUT

June 7, 1999

6:00 p.m. Urban Renewal Agency Meeting

- 1999-2000 Urban Renewal Budget Public Hearing
- Adoption of 1999-2000 Urban Renewal Budget

7:00 p.m. City Council Meeting

1999-2000 City of Keizer Budget Public Hearing

- Child Foster Homes Public Hearing
- Traffic Safety Commission ~ Traffic Calming Devices
- Parks Reservation Fees ~ Claggett Creek Park

June 21, 1999

7:00 p.m. City Council Meeting

- Adoption of 1999-2000 City of Keizer Budget
- Floating Structures Ordinance Public Hearing

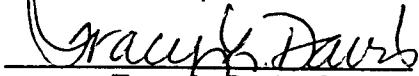
July 6, 1999 (Tuesday)

7:00 p.m. City Council Meeting

Mayor Newton noted the agenda items.

ADJOURNMENT

The meeting was adjourned at 9:17 p.m.

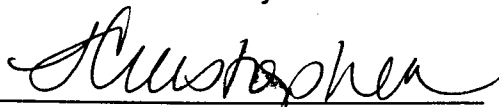

Tracy L. Davis, CMC
City Recorder

APPROVED:
MAYOR:

Bob Newton

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen



Councilor #2 - Lore Christopher

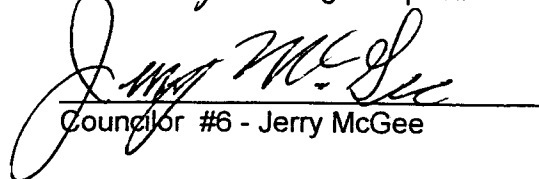


Councilor #3 - Jim Keller

Councilor #4 - Jacque Moir



Councilor #5 - Craig Campbell



Councilor #6 - Jerry McGee