

Discrimination complaint filed against city

By ERIC A. HOWALD
Of the Keizertimes

A Keizer man has lodged a discrimination complaint with the U.S. Justice Department against the city of Keizer citing poor conditions in the city's parks and lack of compliance with standards required by the Americans with Disabilities Act. "When I appeared before the parks board, I was basically told I should find the money (to make upgrades) and they would pay for it. But at the same meeting, they suggested using \$50,000 in matching money for a Big Toy grant application at Keizer Rapids Park," said Eamon Bishop, who filed the complaint. "That same grant can be used for restoration. They could have put in for more and redone everything. They could have made everything ADA-compliant and fixed all the problems I'm finding."

City officials have yet to receive a copy of the complaint and declined to comment. Bishop was unable to supply the Keizertimes with a copy and said it was all done online earlier this month.

Bishop was wrestling with a bout of insomnia one night earlier this year when he landed on the Keizer public access channel on his television.

His ears pricked up when he saw Richard Walsh, a member of the Keizer Parks Board, talking about visiting the city's parks to see which ones were seeing the most usage.

"He said that the Big Toy

and (Carlson) Skate Park were packed, but that the kids at the skate park were all in the streets because the surfaces at the skate park were in such bad condition," Bishop said. "I questioned why he would raise the issue and not suggest doing something about it."

Bishop took it upon himself to launch his own investigation into the state of Keizer parks and appeared at the March meeting of the parks board with a list of needed repairs.

He found strangulation, crushing, pinching, laceration and entrapment hazards, missing or loose fasteners, and a myriad of other concerns. He also took issue with play structures installed at Keizer Rapids Park as recently as last summer.

When Bishop received a request for an interview, he chose Meadows Park in north Keizer as the meeting place. He wanted to give a first-hand account of what he saw as problematic.

He started with the swings, on which he found chipping paint during his first visit to the park. He tested it for lead content using a commercial testing kit and it came back positive. The swings had since received a fresh coat of paint, but Bishop was able to strip it away with a fingernail.

"There are industry-wide standards. According to those codes, you can't just paint over lead paint, you have to paint over it with a special sealant. A child could pick up one of those chips and eat them, but

the bigger problem is paint getting in the soil and then building up — then someone get a mouthful of dirt or they get it on their hands and touch their mouths," Bishop said.

He also took issue with the depth of bark chips around the swings. Meadows Park likely had the required depth at one point, but most of the underlying chips have turned into soil. There are only three or four inches of actual bark chips above that.

"With a swing that is more than 10 feet tall, it should be 10 to 12 inches deep," Bishop said.

Bishop said neither he nor any close relations have been impacted by the parks' shortcomings, but he worried about the liability.

"There's liability issues if these parks continue to decline. Something bad is going to happen, and what price are we willing to put on that possibility?" he said.

He claimed that the entrance to the play structure area in Meadows Park resembled "quicksand" after heavy rains and the width and quality of asphalt pathways varied widely.

"Both of those are violations of the Americans with Disabilities Act because a wheelchair comes in and it can't go anywhere," Bishop said. "It seems minor but, once you have a child in a wheelchair, it matters."

On the play structures themselves, Bishop points out the bases of wooden supports



KEIZERTIMES/Eric A. Howald

Keizer resident Eamon Bishop says the disrepair and neglect in some Keizer parks prompted him to file an ADA discrimination complaint with the U.S. Department of Justice. Pictured: Connections of a climbing net to a play structure in Meadows Parks is one of the hazards Bishop has catalogued.

that are nearly rotten through, missing and loose fasteners, and a wire cable net for climbing that is becoming loose and frayed. Then he crawls under the structure to draw attention to where the net is fastened to the play structure.

There are four connection points, two appear to have the original connection with a cap on the end of the wire. The other two are less inviting. One's cap has fallen off resulting in a frayed end with small-gauge wire that might puncture

fingers. Another connector has escaped its anchor and has been rolled in duct tape and refastened to the larger structure with U-shaped fasteners. It's not hard to imagine a child running under the structure during playtime and finding themselves with a small wound.

He said falling branches from the tall trees in the park present a hazard because the trees are not limbed on a regular basis, and suggests the lack of fences around waterways in Bob Newton, Claggett Creek

and Ben Miller parks are a drowning hazard.

Bishop still sees the grant application to make The Big Toy at Keizer Rapids Parks more ADA-friendly as a missed opportunity, but said there might be other remedies available.

"I think a parks district is a solution, but that's going to be expensive to form and will take a long time. What if we paired up with Salem and some of the other cities in the area to form a regional parks district?" he said.

City council takes up budget at June 20 meeting

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The Keizer City Council has a stacked agenda for its June 20 meeting and one of the hot topics will be approval of the city budget.

The city expects to see a 4

percent increase in revenues over the 2015-16 fiscal year, primarily because of a 3 percent increase in assessed property values, 1 percent growth and increases in charges for services.

At the most recent meeting of the Keizer Budget Committee, some members of the advisory board bristled over the city officials' decision to not include funds for a new police officer.

Longtime committee member Ron Bersin questioned the hold-up in adding another position to Keizer Police Department's existing 38 officer contingent. "Earlier we talked about a 15 percent reserve fund," Bersin said. "Right now we're 2.7 percent over that. We should be at \$1.4 million, but we're actually at \$1.7 million. There's \$273,000 there, so we should be able to get a police officer in (the budget)," Bersin said.

The reserve fund is used to cover bills in the time between the start of the fiscal year in July and income from the tax rolls in November. City Manager Chris Eppley said he wanted to see more sustainability in the budget before adding personnel.

It's the second consecutive year that adding an officer has topped the wish list for the city and funding hasn't been available.

In an interview last week, Keizer Police Chief John Teague said the department is understaffed, particularly on the night shift.

Other increases and changes for the coming fiscal year include:

- A 4 percent increase for personnel services to cover salaries and benefits.
- A proposed 4 percent increase to water rates.
- A proposed 3 percent increase to sewer rates, which is set by the system manager, the City of Salem.
- A \$34,000 increase in maintaining retirement benefits.
- Increases in the costs of health and dental plans, 7 percent and 9 percent, respectively.
- A \$4.2 million increase in capital outlay to cover the city's portion of a planned ODOT project to redevelop the southbound I-5 on-ramp. No date has been set for the project.
- An \$800,000 decrease in principal and interest payments, which was the result of a balloon payment earlier this year.

The council will also hold a public hearing on proposed uses for the city's State Revenue Sharing Funds at the meeting. Funds available are estimated to total approximately \$300,000. The public is invited to propose ideas for using the money.





