



MINUTES
KEIZER CITY COUNCIL
Monday, November 1, 2010
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the meeting to order at 7:00 pm. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Jim Taylor, Council President
Richard Walsh, Councilor
Cathy Clark, Councilor
Mark Caillier, Councilor
David McKane, Councilor
Brandon Smith, Councilor
Youth Councilor Hugo Nicolas

Staff:

Rob Kissler, Acting City Manager
Shannon Johnson, City Attorney
Nate Brown, Community Development
Marc Adams, Police Chief
Tracy Davis, City Recorder

FLAG SALUTE

Mayor Christopher led the pledge of allegiance.

**PUBLIC
TESTIMONY**

Chief Cowan, Fire District, commended Keizer Police Department, Public Works, Community Development, administrative staff and Council members. He reviewed activities of the Fire District including training through "burn to learn" and thanked the City for the working relationship which the District/City enjoy.

Wilbur Bluhm, Keizer, addressed the Linda Avenue tree issue from a different perspective than Council heard two weeks ago. He noted that the problem is not the tree but the safety of children and others on the street. He explained that there is excessive traffic on Linda because drivers are using it as a by-pass to avoid the signal light on Dearborn and that there is a great deal of pedestrian traffic on the street. He provided information regarding the planting of the tree, reminded Council that neighbors had agreed to a compromise which includes removal of the tree and urged that some action be taken to protect residents on the street from the by-pass traffic which will endanger the lives of everyone.

Mr. Kissler urged the neighborhood to go through the Neighborhood Traffic Management Program to address the traffic concerns for Paulette and Linda streets. Discussion then took place regarding traffic calming devices such as landscape "bulb-outs" to narrow the roadway, speed humps, and sidewalk construction. Mr. Kissler explained that Public Works is planning on removing the tree in November. Mayor Christopher added that if traffic calming proves to be necessary, City staff will put in some sort of

landscape barrier. Mr. Kissler noted that the 25 mph sign will be relocated to a post, low branches of nearby trees will be trimmed and options to improve the parking will be explored.

PUBLIC HEARINGS

a. Keizer Development Code Text Amendment – Section 2.120 (Special Agriculture) and Comp Plan Amendment

Community Development Director Nate Brown explained that staff has been working diligently to assure that all the appropriate steps have been taken to allow acquisition of the Buckholz property in a timely manner. Marion County changed the language in their Comp Plan to assist in this matter as well. He explained that because the City's current EFU Zone does not have certain provisions, staff is proposing establishment of the Special Agricultural Zone which is geared toward park uses and intended to meet statute requirements. He added that in response to testimony received, the Planning Commission had recommended strengthening of the review criteria for a park so Item number 6 was added and Item number 5 was expanded. He then fielded questions regarding State restrictions on improvements to rural parks and the process for initiating any improvements.

Mayor Christopher opened the Public Hearing. Hearing no testimony, Mayor Christopher closed the Public Hearing.

Councilor Taylor moved to adopt Keizer Development Code Text Amendment – Section 2.120 (Special Agriculture) and Comp Plan Amendment. Councilor Walsh seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Caillier, Taylor and Clark (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

b. ORDINANCE ~ Declaring Lien Against Property at 476 Marino Drive N (Nuisance Abatement)

City Attorney Shannon Johnson reported that anything under \$1,000 does not need to come before Council but anything over, does. He explained that there is significant abatement here that has spanned a long period of time, and there have been significant disposal costs.

Mayor Christopher opened the Public Hearing. Hearing no testimony, Mayor Christopher closed the Public Hearing.

Councilor Taylor moved to adopt an Ordinance Declaring Lien Against Property at 476 Marino Drive N (Nuisance Abatement). Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Caillier, Taylor and Clark (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Director Brown noted that this is the 11th abatement that the City has done this year; normally 2 or 3 are done during the year. Last year 5 were done. These are mostly foreclosure issues.

ADMINISTRATIVE

Taken out of order.

ACTION
a. Fluoride Issues
– Moratorium
on Purchasing
of Future
Fluoridation
Equipment

City Attorney Shannon Johnson explained that this issue is whether or not to go forward with additional capital improvement purchases for fluoride equipment, not to remove the current fluoridation system. Currently fluoride is not in five wells and is in nine. The issue is to consider expenditure of funds to expand the program which was planned and budgeted. Mayor Christopher summarized that there are nine wells with fluoride, one under construction for which funding for fluoridation has been provided with the discussion being: Do we add fluoridation to the additional five wells because during the summer, when the water use is high, the fluoride level in the water drops.

John McDonald, DDS, Keizer, urged fluoridation of all Keizer wells because fluoride has changed dentistry by allowing everyone to enjoy their teeth well into their later years and it is a safe, effective way to prevent tooth decay.

Daniel Saucy, DDS, Salem, urged fluoridation of all Keizer wells noting that Grand Rapids in 1945 added fluoride to its public water supply as a test site and the city experienced a reduction in tooth decay which subsequently led to the adoption of fluoridation as an accepted health measure and is second to washing hands in effectiveness.

Ben Sutter, DDS, Salem, urged fluoridation of all Keizer wells noting that at the last meeting addressing this issue there were 12 dentists in favor of fluoridation and one opposed.

Cat Livingston, Portland, speaking as a mother, a family physician and on behalf of the Oregon Public Health Association urged fluoridation of all Keizer wells citing that there is solid evidence to support the benefits of fluoridation of water.

Raquel Boumenesque, Portland, Co-director of Upstream Public Health, urged fluoridation of all Keizer wells stating that it is one of the top ten health achievements of the 20th century and has the support of many health organizations.

Ken LeDuc, Keizer, speaking as a parent urged fluoridation of all Keizer wells and suggested offsetting the cost of this program by outsourcing the IT Department and turning out lights and monitors in the Civic Center at night.

Marc Iwahiro, DDS, Keizer, urged fluoridation of all Keizer wells and highlighted a few of the organizations that endorse fluoridation of water including the CDC, American Academy of Pediatrics, World Health Organization, American Public Health Association, American Dental Association, US Surgeon General, British Dental Journal, American Dental Association, National Academy of Science, US Department of Health and Human Services and the National Research Council.

H. Clayton Stearns, DDS, Salem, urged fluoridation of all Keizer wells adding that the issue has been studied for over 60 years and every legitimate body has come to the same conclusion: when used in optimal levels, fluoride is safe and effective in reducing tooth decay.

Tricia Ray, DDS, Portland practicing in Salem, urged fluoridation of all Keizer wells by showing pictures of two-year old patients who live in non-

fluoridated communities.

Phillip Mann, DDS, Portland, urged fluoridation of all Keizer wells explaining that with the use of bottled, non-fluoridated water, it was even more important to provide consistent fluoride in the City's tap water.

Jo McIntyre, McMinnville, voiced opposition to fluoridation of all Keizer wells noting that the City would be spending nearly \$100,000 on fluoridation and pumps that would only be used a few times a year and that only 1% of the water is consumed by drinkers.

Jason King, McMinnville, voiced opposition to fluoridation of all Keizer wells noting that he had done research and he felt it would not be beneficial to his health to ingest fluoride through drinking water.

Howard Wideman, Keizer, voiced opposition to fluoridation of all Keizer wells suggesting that perhaps a toxicologist opinion should be reviewed prior to a decision being made.

Brian Gilmore, DDS, Salem, urged fluoridation of all Keizer wells reiterating the importance of fluoride in dental health. He noted that when he was in school, debates for/against fluoridation were held and dental students were unable to find anything valid against fluoridation.

Vic Backlund, Keizer, explained that after listening to the evening's testimony he recommended fluoridation of all Keizer wells and urged the City to "Dang the torpedoes! Full speed ahead!" with water fluoridation. Responding to questioning regarding federal government not addressing this issue, Mr. Backlund voiced the opinion that the issue has not come up because there are several different government levels and this has always been a local issue. The State could preempt the issue but has chosen to continue it as a local issue.

Roger Burt, Portland, voiced opposition to fluoridation of all Keizer wells noting that infants under 12 months should not have fluoride in their water and that there is a strong connection of fluoride to cancer, IQ issues, autism, mental retardation, learning disabilities and ADHD and that the real factor in tooth decay is socio-economic.

Linda Coons, Keizer, voiced opposition to fluoridation of all Keizer wells stating that it is considered a pharmaceutical and should therefore be distributed through a pharmacy. She requested that a warning be included on the water bill which would provide information regarding the inconsistent levels of fluoride in the water and that results of water tests be made available for public viewing. Concluding her testimony she noted that it was wasteful to have fluoride in water used for bathing, cooking, and watering plants and that eventually ends up in the waterways. She questioned if Keizer has liability insurance in case there is an over-dosage.

10 Minute Recess

Don Coons, Keizer, stated that he was not against fluoride but was opposed to infusing it into his body without his consent. He urged those who want fluoride to obtain it through mouthwash or toothpaste and

suggested that the American Dental Association lobby the government to make fluoride pills non-prescription.

Gib Gilmore, DDS, Keizer, urged fluoridation of all Keizer wells expressing dismay that citizens are being condemned to dental disease if fluoride is taken out of the water.

Brad Ebel, Keizer, voiced opposition to fluoridation of all Keizer wells noting that dental caries is associated with poverty not fluoride. He provided statistics regarding allergies and over exposure to fluoride and reminded Council of their mission statement to keep city government costs and services to a minimum by providing city services to the community in a coordinated, efficient and least cost fashion.

Emily, McNulty with Marion County Health Division, read a letter from the Division Director for the Public Health Division of Marion County Health which provided history of water fluoridation and key points in favor of fluoridation from the CDC.

Chris Martin, DDS, Salem, urged fluoridation of all Keizer wells reminding Council that he had been among the dentists in 1979 who urged the original fluoridation of Keizer water. He noted that it has been proven across the United States that 1 part per million of fluoride in water will decrease tooth decay by 67%. He concluded noting that he is not aware of anyone with fluoride allergies.

Jim Eyre, DDS, Oral Surgeon, Salem, licensed in both medicine and dentistry in Oregon and Washington, urged fluoridation of all Keizer wells, reiterating previous testimony and noting that serious dental caries often brings severe infections and disease and could be avoided with access to daily fluoride.

Charlie White, Portland, voiced opposition to fluoridation of all Keizer wells suggesting "when in doubt, leave it out" and reiterating previous testimony regarding the expense of removing fluoride at the user level and the inadvisability of giving fluoride to infants.

April Love, DDS, Newberg, provided explanation regarding optimal levels of fluoridation and urged fluoridation of all Keizer wells noting that statewide polls have indicated that 60% of Oregonians are in favor of water fluoridation and 30% are opposed. Ms. Love also fielded questions at length regarding studies referred to in previous testimony and fluoride in prepared foods.

Lowell Gunselman, Keizer, explained that fluoride comes from the extraction of radon refining, enhanced uranium, plutonium, etc. nuclear waste. HREX was an offspring of the nuclear testing and research and development of fluoride came out of this.

Ruth Abraham, DDS, Salem urged fluoridation of all Keizer wells noting that scientific research is based on dosage and not simply on exposure to an element. She urged basing facts on what is known not on the fear of the unknown.

Rhonda Rich, Keizer, urged fluoridation of all Keizer wells noting that the residents of Keizer voted for fluoridating Keizer water in 1980 and trusted the government to provide fluoride yearly and not three quarters of the year. She reminded Council that it is their charge as representatives of the citizens to carry out decisions made by voters and do whatever is necessary to find funds to carry out the charge until voters vote otherwise.

Rick Hammerquist, urged fluoridation of all Keizer wells year round noting that according to Wikipedia the cost of fluoride per person is 94 cents per year.

Jeff Phillips, DDS, Salem, representing patients of Keizer and Northwest Medical Teams, urged fluoridation of all Keizer wells so that optimal fluoridation could be provided year round and provided information about the mobile dental van services and the detrimental effects of dental caries on children.

Public Works Director Rob Kissler explained that all Keizer wells have some level of natural fluoride and staff adds what is needed to bring the level up to the optimum level. Wells are looped together but during the summer months people near McNary well will have low levels of fluoride, people further away where the fluoridated well water is blended with that particular well will begin to receive the optimum level of fluoride.

Garry Whalen urged fluoridation of all Keizer wells adding that the community voted and approved fluoridation and the City should be providing the proper level for the entire year.

Councilor Walsh moved to direct staff to revise the Water Capital Improvement Fund to be sized to meet the ordinary high winter flows rather than peak summer flows. Councilor Smith seconded.

Mr. Kissler then provided a detailed explanation regarding variance in the levels of fluoride noting that Keizer has multiple injection points and does not have a single "pot" where the fluoride can be injected and "stirred" in before distribution.

Each Councilor then provided input on the issue:

Councilor Clark stated that her point of view was based on public health and knowing that dental caries is a communicable disease and that the best way to deal with it is prevention by providing appropriate levels of fluoride to citizens year round.

Councilor McKane stated that he believed Council had a contract and a master plan to provide year round a stable level of fluoride in the water to residents of the community; that he did not intend to micromanage the Public Works Department but had confidence that they would maintain the water system and upgrade the wells as needed.

Councilor Caillier stated that he had spent a great deal of time researching this issue and could not find a better alternative to providing appropriate levels of fluoride to citizens year round.

Councilor Taylor reminded everyone that this issue was originally brought

up at last year's budget meetings so it needed to be addressed prior to budget meetings for the next fiscal year. He noted that the vote to raise water rates did not pass last year but it was necessary to spend money for the most important thing human beings need to survive concluding that he felt fluoridation of water is good, viable, inexpensive health care.

Councilor Walsh stated that he was disappointed that fluoridation could not be discussed at the budget level even though the costs were going up. He thanked everyone for participating in the process noting that he felt like everyone wants what is best for the community. He concluded that he was not sure that the additional 75 days of fluoridation was worth \$400 per day or \$30,000 per year, that Keizer teeth are in good shape and if it isn't broken, it doesn't need to be fixed with taxpayer money in a fiscally conservative government.

Councilor Smith thanked Councilor Walsh for his extensive research on this issue; stated that he did not feel it is the role of the city government to provide a medical service to citizens; noted that he had told Councilor Walsh that he would not vote to remove fluoridation of water but felt this motion was a compromise that he could support.

Mayor Christopher stated that Keizer voted a few years back and the citizens of Keizer said they wanted their water fluoridated; Keizer has grown and there are more wells now, but without a vote from the citizens of Keizer she would continue to support fluoridation of the water.

Motion failed as follows:

AYES: Walsh and Smith (2)

NAYS: Christopher, McKane, Caillier, Taylor and Clark (5)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher explained that fluoridation would continue with additional fluoridation taking place in accordance with the master plan and eventually all wells will be fluoridated.

Youth Councilor Hugo stated that he would have voted no to the motion and agreed that the decision should be based on what we know and not fear of the unknown and that the testimony had been very educational.

b. ORDER ~ In the Matter of the Application of the City of Keizer for Approval of the Keizer Station Master Plan (Area B – Keizer Station)

City Attorney Shannon Johnson explained that this matter had come before Council in a public hearing after which Council directed staff to prepare an appropriate Order for the Master Plan approval with the lot line adjustment and conditional use for the transit station which is before Council for review and adoption.

Councilor Taylor moved to adopt an Order In the Matter of the Application of the City of Keizer for Approval of the Keizer Station Master Plan (Area B – Keizer Station) Lot Line Adjustment, and Conditional Use (Master Plan/Lot Line Adjustment/ Conditional Use Case No. 2010-10). Councilor Smith seconded.

Councilor McKane questioned if the order reflected exactly what was

**Lot Line
Adjustment,
and Conditional
Use (Master
Plan/Lot Line
Adjustment/
Conditional Use
Case No. 2010-10)**

agreed to at the last meeting. Mr. Johnson directed attention to Exhibit E at the end of the packet and reviewed the contents noting that alternative traffic mitigation may be submitted by the developer and is subject to approval by City staff.

Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Caillier, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. RESOLUTION ~
Authorizing
Mayor to Sign
Intergovernmental Agreement
for Salem
Parkway –
KROC Center
Access Study**

Community Development Director Nate Brown explained that a study is being developed to provide the level of detail necessary to go forward with grant applications, federal appropriation requests, etc. for the access to the Kroc Center primarily from the south Keizer neighborhoods and this is an agreement that will allow that to move ahead working with partners in the City of Salem.

Councilor Taylor moved to adopt a Resolution Authorizing Mayor to Sign Intergovernmental Agreement for Salem Parkway – KROC Center Access Study. Councilor Smith seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Caillier, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**d. RESOLUTION ~
Authorization
for
Supplemental
Budget – Civic
Center
Furnishings**

Finance Director Susan Gahlsdorf provided information about the Internal Services Fund which tracks an account for shared administrative costs including civic center facilities. Up to \$2400 is needed to furnish office space to accommodate city staff hired in September 2010. Notice was published and staff recommends adoption. City Manager Chris Eppley added that the office furniture is for stormwater staff occupying cubicles that were previously unfurnished.

Mayor Christopher moved to adopt a Resolution - Authorization for Supplemental Budget for Civic Center Furnishings. Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Caillier, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**CONSENT
CALENDAR**

a. Approval of October 4, 2010 Regular Session Minutes

Councilor Taylor moved to adopt the Consent Calendar. Councilor Smith seconded. Motion passed unanimously as follows:

AYES: Walsh, Smith, McKane, Caillier, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: Christopher (1)

ABSENT: None (0)

**COMMITTEE
REPORTS**

Due to the late hour, no committee reports were given.

**OTHER
BUSINESS**

No other business was presented.

**WRITTEN
COMMUNICATIONS**

None

AGENDA INPUT

November 8, 2010

5:45 p.m. – City Council Work Session

- 911 Emergency Communications

November 15, 2010

7:00 p.m. – City Council Regular Session

- Ordinance – Sign Code Amendments

December 6, 2010

7:00 p.m. – City Council Regular Session

December 13, 2010

5:45 p.m. – City Council Work Session

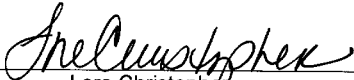
- Long Range Plan Budget Issues

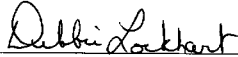
ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:23 p.m.

MAYOR:

APPROVED:

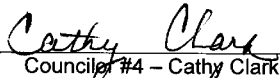

Lore Christopher

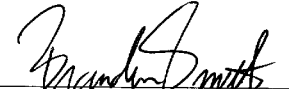


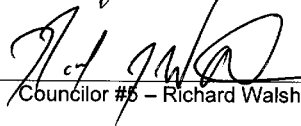
Debbie Lockhart, Deputy City Recorder

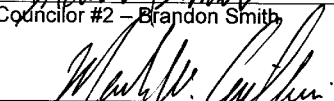
COUNCIL MEMBERS

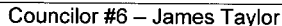

Councilor #1 – David McKane


Councilor #4 – Cathy Clark

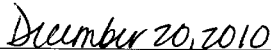

Councilor #2 – Brandon Smith


Councilor #5 – Richard Walsh


Councilor #3 – Mark Caillier


Councilor #6 – James Taylor

Minutes approved:


December 20, 2010