

CITY OF KEIZER MISSION STATEMENT
KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT, AND LEAST COST FASHION

AGENDA

KEIZER CITY COUNCIL **REGULAR SESSION**

Monday, October 3, 2011

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

5. **PUBLIC HEARINGS**

6. **ADMINISTRATIVE ACTION**

a. Holiday Festival of Lights Parade

b. Harcourt Community Garden

c. ORDINANCE – Repealing Ordinance No. 2011-643 (Amending City of Keizer Development Code Regarding Section 2.303 – Off Street Parking and Loading); Declaring an Emergency

d. RESOLUTION – Transfer for Essential Training Expenses

7. **CONSENT CALENDAR**

a. Approval of September 6, 2011 Regular Session Minutes

b. Approval of September 12, 2011 Work Session Minutes

8. **COMMITTEE REPORTS**

- a. Keizer Channel 23 Advisory Committee Report
- b. Appointment to the Keizer Planning Commission
- c. Appointments to the Keizer Budget Committee

9. **OTHER BUSINESS**

This time is provided to allow the Mayor, City Council members, or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

- a. New Business or Old Business Issues

10. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

11. **AGENDA INPUT**

October 10, 2011

5:45 p.m. – Urban Renewal Work Session

- Urban Renewal District Issues

October 17, 2011

7:00 p.m. – City Council Meeting

November 7, 2011

7:00 p.m. – City Council Meeting

12. **ADJOURNMENT**

<i>Upon request, auxiliary aids and/or special services will be provided. To request services, please contact us at (503)390-3700 or through Oregon Relay at 1-800-735-2900 at least two working days (48 hours) in advance.</i>

CITY COUNCIL MEETING: October 3, 2011

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**FROM: CHRIS EPPLEY
CITY MANAGER**

SUBJECT: HOLIDAY FESTIVAL OF LIGHTS PARADE

ISSUE:

Cheryl Mitchell will be attending the City Council meeting to present a formal request for City sponsorship for the December 2011 Holiday Festival of Lights Parade.

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS**

SUBJECT: HARCOURT COMMUNITY GARDEN

DATE: SEPTEMBER 26, 2011

BACKGROUND:

City staff has been approach by Tanya Hamilton who is interested in establishing a community garden on an undeveloped right of way known as Brandon Ave between Harcourt and 12th ave NE. This portion of Brandon has underground utilities and is used for pedestrian conductivity. Staff is unsure if this type of use is appropriate in public rights of way. If Council chooses to consider the community garden, legal staff will need to research state statutes for determination of the use.

Issues listed below that I have identified at a minimum need to be considered for approval of the Harcourt Community Garden;

- 1) Parking
- 2) Insurance requirements
- 3) Existing building accesses on Brandon
- 4) Continued Pedestrian conductivity between 12th and Harcourt
- 5) Water costs and installations
- 6) Fall site cleanup
- 7) What type of irrigation is proposed?
- 8) Utilities
- 9) Planter box locations

ATTACHEMENTS:

Garden proposal and layout
Aerial photo and site pictures
Adjacent property owner e-mail

FISCAL IMPACT:

To be determine when Council provides direction to staff.

RECOMMENDATION:

Staff recommends City Council receive testimony and determine if an undeveloped public right way should be considered for a community garden project. If Council wishes to proceed with the community garden, legal staff will need to research state statues to determine if the use is allowed.

Harcourt Community Garden Proposal

Tanya Hamilton, Harcourt Community Garden Coordinator (if garden is established)
(503) 510-2779
trmhamilton@hotmail.com

Ian Dixon-McDonald, Community Gardens Program Director, Marion-Polk Food Share
(503) 581-3855 x329
imcdonald@marionpolkfoodshare.org

July 6, 2011

We propose to use the City of Keizer owned vacant lot, just south of 4700 Harcourt Ave. NE, for the purposes of establishing and maintaining a community garden. Community gardens are a wonderful way to beautify the city, bring people together, provide healthy food for local families, and create a sense of community in a neighborhood. Community gardens have been successful in Keizer, which is already home to four community gardens. These are: Whittam Community Garden in the Mike Whittam Park, John Knox Community Garden at the John Knox Presbyterian Church, Southeast Keizer Community Garden at the Mennonite Church, and Candide Community Garden at the United Way offices.

Whittam Community Garden is on city owned land, and is run and maintained as a collaborative effort by the City of Keizer, the Keizer Parks Foundation, the Church of Jesus Christ of Latter Day Saints, community volunteers, and Marion-Polk Food Share (MPFS). The Harcourt project aims to repeat the successes and learn from the challenges of other garden projects. Like Whittam, we will operate with a broad base of support and collaboration.

Planning

We aim to work with City of Keizer staff to plan a successful project that meets all needs of the city. MPFS staff is experienced with community garden start up and planning, and, if the City of Keizer finds the project agreeable, will lend full support to planning and finding resources for the Harcourt project.

Garden Aesthetics

Attached you will find a rough drawing of a potential garden. We've maintained a walkway wide enough for pedestrians, bikes, and city equipment to travel through the area. This can be widened if necessary. In order to reduce theft of family garden beds, we propose to plant edible landscaping, such as blueberries, along the path. This will create a natural barrier and a tasty distraction from private beds.

Due to the compacted, rocky soil on the site, we propose to use 6'x12' raised beds, bordered with 2x10 lengths of lumber, similar to those found at Whittam Community Garden. This is generally more aesthetically pleasing and easier to maintain than "in-ground" garden beds. 16 beds can easily fit into the area, as well as a small area for storage, composting and seating.

Partners and Collaboration

Currently, the following are confirmed or potential partners for this project, and their role:

- Rick Day, local business owner, Advantage Precast. Resources, advocacy, capital projects.
- Jeanne Bond-Esser, Keizer Parks Foundation. Resources, fiscal agency.

- Bob Zelinski, Keizer Rotary. General resources, finance.
- The other 4 community gardens of Keizer. General collaboration and support. The other gardens are near capacity – referring gardeners.
- Local neighborhood association. Finances, general support.
- Highway Fuel Landscape Supply. Donated or discounted supplies.
- Parr Lumber. Donated or discounted supplies.
- Boys & Girls Club of Salem. Labor for construction.
- Marion County Work Center. Labor for construction.
- Marion-Polk Food Share. Volunteers, coordinator support and training, seeds, plant starts, garden supplies, fiscal agency.

Neighborhood Response

Neighborhood resident Tanya Hamilton, coordinator the Harcourt Community Garden effort, has gone door to door asking residents about this potential project. Response has been entirely positive. All four neighbors directly adjacent to the property support the project. Ten neighbors already expressed interest in having a plot for their family, including residents of a nearby apartment complex.

Needed Supplies, Finances

A major concern of starting community garden projects is obtaining supplies and necessary funding. Fortunately, MPFS has assisted in starting several gardens in our area, and has existing relationships with businesses, other nonprofits, and foundations that have a history of supporting community gardens. Lumber, garden soil, compost, plants and seeds are examples of items MPFS has obtained at discounts or as donations. MPFS also continuously applies for grants and general funding for garden projects.

Water access is another primary issue to figure out for this project. We have been unable to identify any water access on the site. If this project goes forward, we will work with the City of Keizer Public Works to provide water access at the site.

Organization Style

As discussed between Ian Dixon-McDonald of MPFS and Tanya Hamilton, we propose that this garden will offer rental plots for individuals or families. Plots will be available for a nominal fee (\$10-\$20) and gardeners will be encouraged to grow an extra row for donation to Keizer Food Bank. Gardeners will also be required to assist in the maintenance of common areas of the garden, and help keep the garden clean. MPFS volunteers will also be available to assist with work parties and clean up.

Tanya Hamilton has agreed to take on general coordination duties of this garden should the project move forward. These duties include: management of plot rentals and rental contracts, resolution of disputes between gardeners and/or neighbors and serving as the contact point and spokesperson for the garden. MPFS will provide fiscal agency if asked to do so, volunteer labor as necessary, and donations of garden supplies as available. MPFS will also provide general garden consultation and organization as needed. In the event that Tanya Hamilton declines to be involved in the garden, it will be the responsibility of MPFS to find and train another garden coordinator. A sample rental contract is attached to this document.

Special Concerns

Pedestrian Walkway: A neighbor said that in previous discussion with the City of Keizer, the city wanted to keep a wide, clear walkway open through the property. We are happy to make sure that happens.

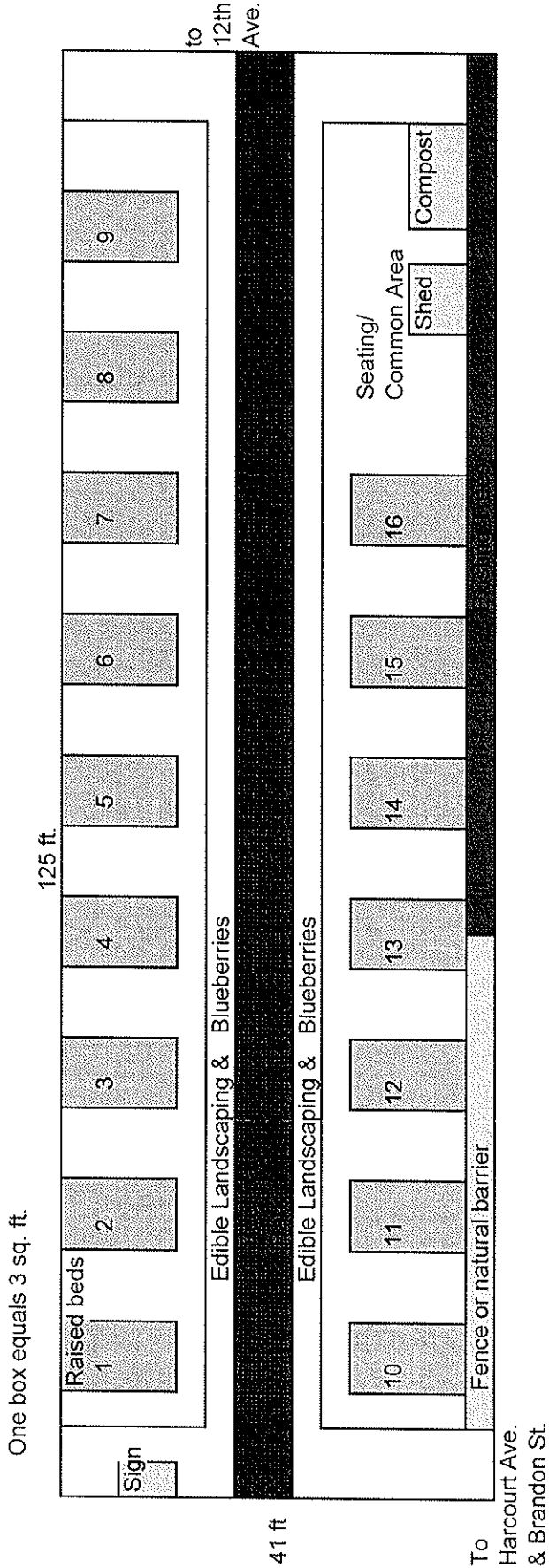
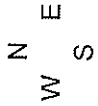
Neighbors: This garden is very close to adjoining private property. While neighbors have all supported the project, they did express that gardeners must respect their property. It will be the responsibility of MPFS and Tanya Hamilton to make sure gardeners do not trespass. We may elect to build a fence or plant a natural barrier to block access to the house to the south of the garden.

Property Lines: After talking with neighbors, it's apparent that there is some confusion over the property lines of the vacant lot and neighboring homes. We will need to resolve this issue and clearly demarcate where the garden can and cannot be. Neighbors will need to be notified where the garden begins and ends.

Driveway Access: The neighbor bordering the northwest section of the garden has built a driveway access gate leading from the garden site into his backyard. While he is supportive of the project, we will need to find out if he plans on driving a vehicle in and out of that gate, and if the land he would be driving on is, in fact, his own. If he does own some of the land in the proposed garden area, we can accommodate for a vehicle exit next to the garden, and cease from developing gardens on his land.

Potential Design for Harcourt Community Garden
South of 4700 Harcourt Ave. NE, Keizer, OR

Ian Dixon-McDonald & Tanya Hamilton









Lawyer, Bill

From: Steven J. Willett [stevenjwillett@yahoo.com]
Sent: Thursday, September 08, 2011 6:56 PM
To: Lawyer, Bill
Subject: Brandon Ct. Vegetable Garden

Dear Mr. Lawyer,

I've decided after some thought that a vegetable garden on the section of Brandon Ct. running from 12th St. to Harcourt Ave. is not a good idea. My property would be the most exposed since no fence runs along it. I'm concerned that the workers might damage my Andromeda hedge or inadvertently knock down one of the woodshed posts and cause injuries. A further problem is water: where would those tending the garden find water without using mine or my neighbor's across Brandon? This site is simply too small and too close to houses for such a project. I already must pay for an umbrella liability policy to cover injuries to pedestrians who use the unimproved road as a shortcut between 12th St. and Harcourt. Putting in raised beds would hardly improve access for cyclists or pedestrians, and detours around the beds could lead to damage on my property or injuries.

While I generally approve the use of spare park space for vegetable gardens, this short stretch of road is not the proper site.

I'm leaving for Japan on Sept. 25th and will not be back in Keizer until early April. I cannot as a result attend the city council meeting that will consider the project in October. Please include this letter in the agenda of the council's deliberations.

Best regards,

Steve Willett

Steven J. Willett
stevenjwillett@yahoo.com
steven.willett@gmail.com

US phone/fax: (503) 390-1070
Japan phone: (053) 475-4714

CITY COUNCIL MEETING: October 3, 2011

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: REPEAL OF ORDINANCE NO. 2011-643 (HOME OCCUPATION – OFF-STREET PARKING)

At the September 6, 2011 meeting, the Council adopted an Ordinance amending the Keizer Development Code to change the weight reference for vehicles used in conjunction with the home occupation. Upon reviewing it recently, we realized that there needs to be a change in the language. Here is the change that was made:

3. Vehicles parked on a lot in a residential zone shall be for the personal use of the occupants of the dwelling. One vehicle used in conjunction with a home occupation or other employment may be parked on the lot provided that in the RS, RL, RM, RH, RC and MU zones the vehicle shall be parked in an enclosed structure if it has a gross vehicle weight rating not more than 16,000 pounds. ~~is rated at more than 1-ton capacity.~~ (5/98)

It appears at first blush that the intent was simply to change the type of weight from “capacity” to gross vehicle weight. However, as you can see by the above language, there is some confusion about what was accomplished. The above language could be interpreted to mean that a vehicle with less than 16,000 pounds gross vehicle weight must be placed in an enclosed structure.

After discussing the matter with staff, we were in agreement that this cannot be classified as a simple scrivener’s error. Therefore, we are going to have the Planning Commission review the matter and recommend the appropriate language.

In the meantime, it would be appropriate to repeal the Ordinance that made this change and use the old language until the matter can be resolved.

RECOMMENDATION:

Adopt the attached Ordinance Repealing Ordinance No. 2011-643.

Please let me know if you have any questions. Thank you.

ESJ/tmh

1 BILL NO. _____ A BILL ORDINANCE NO.
2 2011-_____
3 FOR
4
5 AN ORDINANCE
6

7 REPEALING ORDINANCE NO. 2011-643 (AMENDING
8 KEIZER DEVELOPMENT CODE REGARDING SECTION
9 2.303 – OFF-STREET PARKING AND LOADING);
10 DECLARING AN EMERGENCY
11

12 WHEREAS, on September 6, 2011, the Keizer City Council adopted
13 Ordinance No. 2011-643 amending the Keizer Development Code to change the
14 weight reference for vehicles used in conjunction with the home occupation;

15 WHEREAS, upon further review, the Keizer City Council has determined that
16 further amendments in the language must be made to clarify the intent of such code;

17 WHEREAS, the Keizer City Council has determined that it would be
18 appropriate to repeal Ordinance No. 2011-643 and refer the matter to the Planning
19 Commission to recommend appropriate language;

20 NOW, THEREFORE,

21 The City of Keizer ordains as follows:

22 Section 1. REPEAL OF ORDINANCE NO. 2011-643. The City Council
23 of the City of Keizer hereby repeals Ordinance No. 2011-643 (Amending Keizer
24 Development Code Regarding Section 2.3030 – Off-Street Parking and Loading) in
25 its entirety.
26

1 Section 2. REFERRAL TO PLANNING COMMISSION. The City
2 Council of the City of Keizer hereby refers this matter to the Planning Commission to
3 review the matter and recommend appropriate language to the City Council.

4 Section 3. EFFECTIVE DATE. This Ordinance being necessary for the
5 immediate preservation of the public health, safety and welfare, an emergency is
6 declared to exist and this Ordinance shall take effect immediately upon its passage.

7 PASSED this _____ day of _____, 2011.

8
9 SIGNED this _____ day of _____, 2011.

10
11
12
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14
15
16

Mayor

City Recorder

COUNCIL MEETING: October 3, 2011

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR

SUBJECT: Resolution Authorizing Resolution Transfer for Essential Training

ISSUES: ORS 294 provides that transfer of appropriations and a like amount of budget resources may be made between funds of the municipal corporation when authorized by an official resolution of the governing body.

Staff has identified needed training for Finance staff. This will be in-state training only and represents funds carried over from FY10-11 above the amount expended that year.

The Finance Director requires 80 hours of continuing education, each biennium, to keep her certification current. Training must be completed by June 30, 2012. The FY11-12 Finance Department training budget is not sufficient to cover the hours needed to complete this training.

FISCAL IMPACT: In FY10-11 the Finance Department's Travel & Training budget was \$3,300; approximately \$1,900 was expended leaving \$1,400 unexpended. The training budget for FY11-12 is \$1,300 and insufficient for needed continuing professional education.

The unexpended training in FY10-11 has caused Working Capital Carryforward in FY10-12 to be above budget. These funds need to be appropriated in FY11-12 to complete required training.

RECOMMENDATION: Staff recommends the council adopt the attached resolution if you so choose.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2011-_____

**AUTHORIZATION FOR RESOLUTION TRANSFER OF UNANTICIPATED WORKING
CAPITAL CARRYFORWARD FOR TRAINING EXPENSES**

WHEREAS ORS 294.450 allows for the transfer of appropriation authority and a like amount of resources between funds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2012:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
General Fund				
Resources	8,684,600.00	900.00		8,685,500.00
General Administration Expense	1,232,400.00	900.00		1,233,300.00
Street Fund				
Resources	4,157,900.00	100.00		4,158,000.00
Materials & Services	571,300.00	100.00		571,400.00
Water Fund				
Resources	2,975,800.00	100.00		2,975,900.00
Materials & Services	1,006,000.00	100.00		1,006,100.00
Urban Renewal Fund				
Resources	8,434,800.00	300.00		8,435,100.00
Materials & Services	186,500.00	300.00		186,800.00
Administrative Services Fund				
Resources	2,011,300.00	1,400.00		2,012,700.00
Materials & Services	635,500.00	1,400.00		636,900.00
The Finance Department needs funds for required training in FY11-12. Funds appropriated in FY10-11 for this purpose were unexpended and available for appropriation to cover the cost of training. Costs are to be expended from the internal services fund and reimbursed from various operating funds.				

PASSED this ____ day of _____, 2011

SIGNED this ____ day of _____, 2011

Mayor

City Recorder



MINUTES
KEIZER CITY COUNCIL
Tuesday, September 6, 2011
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Council President Clark called the meeting to order at 6:09 pm. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor (6:12)
Cathy Clark, Council President
Jim Taylor, Councilor
David McKane, Councilor
Brandon Smith, Councilor
Joe Egli, Councilor
Mark Caillier, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community Development
Marc Adams, Police Chief
Bill Lawyer, Public Works
Tracy Davis, City Recorder

FLAG SALUTE

Council President Clark led the pledge of allegiance.

**SPECIAL
PRESENTATION**

Councilor McKane presented Certificates of Appreciation and checks to Rick Adams from Keizer Young Life and Pastor Tom Fox from Lakepoint Community Church as partial reimbursement for costs incurred hosting breakfasts for Good Vibrations participants in July. Mr. Adams and Mr. Fox thanked the City. Councilor McKane added that all donations collected were spent on the two breakfasts at City Hall.

**PUBLIC
TESTIMONY**

Dave Bauer, Keizer, thanked Council for their recent Transit District partnership decision and voiced appreciation for the decision making process which included extensive discussion and questions. He then criticized the Mayor's response to his testimony at that meeting stating that correcting citizen input is not the Mayor's job; the job of the Mayor and Council is to listen.

Ron Baumer, Color Me Mine in Keizer Station, reported that he is involved in an international program called "Pinwheel for Peace" wherein pinwheels are flown around the world on September 21. A portion of the proceeds from sales of the pinwheels will be donated to Keizer Public Arts. He requested permission to participate in this event by placing pinwheels in the Civic Center Park. He also provided additional information regarding how various projects are used for fundraisers for area schools.

Sherrie Gottfried, Keizer Renaissance Inn, reported that Keizer was well represented at the State Fair. She reviewed handouts that were distributed, displays, room nights at the Renaissance Inn that were directly related to the State Fair as well as impacts to area businesses. Ms. Gottfried also thanked business and Council participants and noted that many who had stayed in Keizer were looking forward to returning. Councilor Clark commended Ms. Gottfried for her tireless labor and noted that this was a great opportunity for outreach for Keizer.

PUBLIC HEARING

a. ORDINANCE ~ Withdrawing Territory from Marion County Fire District No. 1

City Attorney Shannon Johnson explained that this matter was re-opened from an earlier Public Hearing. He noted that first the question of whether or not this is a two-step process needs to be determined, and second, if that is approved, the annexation would need to be addressed. Because there was a question as to whether or not this is a legislative issue or a quasi judicial issue, he read the Oregon Revised Statute noting that the main criteria in the withdrawal is the best interest of the city; the other criteria set forth are lengthy dealing with the different goals. He suggested that, if there were no objections, he would not read those exact criteria. Chris Crean, attorney for Marion County Fire District, stated that the statute requires this to be read at the first hearing and this meeting was well past the first hearing; there was no point in reading them now so he would not object.

RESOLUTION ~ Authorizing Mayor to Sign Intergovernmental Agreement Relating to Fire and Emergency Services Within the City of Keizer

Responding to Mr. Johnson's query regarding ex parte contacts, conflicts or bias from Council, the Mayor and each Councilor listed meetings and contacts to the best of their knowledge. They had no declaration of bias. Councilor Clark specifically stated that neither she nor her husband has any financial connection with either Keizer Fire District or Marion County Fire District. Mr. Johnson encouraged audience members to state objections to ex parte contacts, bias, prejudice, notice, opportunity to be heard or jurisdiction for the record at this time. There were none.

RESOLUTION ~ Proposing Annexation to Keizer Fire

Mr. Johnson then reviewed voting procedures and options, provided suggestions regarding the public testimony and clarified voting and referendum issues.

Mayor Christopher Re-Opened the Public Hearing.

RESOLUTION ~ Declining to Withdraw Clear Lake Area from Marion County Fire District No. 1

KEIZER FIRE DISTRICT

Joe VanMeter, Keizer, President of the Fire District Board, noted that attorneys for both Keizer and Marion County agree that this withdrawal is on solid legal foundation. He explained that withdrawal will allow improved services to Keizer and Clearlake and provided details regarding emergency services, trainings, open houses, work with youth, equipment replacement plans and volunteer recruitment.

Chief Cowan, Keizer, noted that campaigning has been taking place in the Clearlake area but not through the Keizer Fire District. He added that the petition circulated was not legal and used misinformation. He

explained that Keizer Fire District fields all calls from Keizer citizens so if Clearlake is annexed, Clearlake calls will be fielded by Keizer Fire.

Bob Blackmore, Attorney from Lake Oswego, stated that the Keizer Fire District believes this request is on solid legal footing and announced that he was available to answer any questions. He noted that some figures offered by Marion County Fire were speculative and he provided clarification regarding taxes.

Chief Cowan, Mr. VanMeter and Mr. Blackmore then fielded questions and provided clarification regarding benefits to the remainder of Keizer if the District is serving Clearlake, the Marion County Commission legal briefing which voiced agreement with Keizer Fire, election details, ambulance services, and personnel changes.

MARION COUNTY FIRE

Randy Franke, Marion County, current president of the Marion County Fire District Board of Directors, noted that the most important issue tonight was what those most affected by the proposal want, i.e. the Keizer citizens living in the Clearlake area. He refuted the accusation that this matter was brought about because Marion County cancelled the ambulance service agreement noting that after the first public hearing, a meeting had taken place to revise ambulance boundaries and Keizer Fire District offered nothing for the change. He noted that the majority of the Clearlake residents did not ask for this change; petitions turned in tonight represented over 660 Clearlake residents opposing the annexation. Mr. Frank concluded his testimony stating that this is about money, not service.

Chris Crean, Portland, attorney for Marion County, stated that the Marion County Commission legal opinion says only that the matter is unclear and that it will be a long, complicated, and expensive process to resolve. He asserted that Clearlake residents will see their taxes go up under one condition and, under the other condition the City does not have the right to withdraw. He questioned if the City had investigated the Keizer Fire budget and the District's ability to indemnify Keizer for expenses incurred for this issue and provided suggestions for equitable voting that would be defensible under the statute.

Kevin Henson, Marion County, suggested that the system is not broken and that both Districts should work together to develop mutually beneficial solutions to stabilize both budgets and service delivery models for both districts. He suggested sharing administrative expenses, healthcare plans, training divisions, fire prevention and investigation, fleet maintenance, etc. noting that much more can be done by working together. He concluded noting that Clearlake currently enjoys terrific service by two good fire districts and requested not to be put into a position to battle over fire service delivery models for Marion County Fire simply to address Keizer Fire District's financial shortfalls.

Mr. Franke, Mr. Henson and Mr. Crean then fielded questions and provided clarification regarding increased taxes for Clearlake residents, ambulance service areas, email discussions to reach a compromise between the two parties, the legal opinion from Marion County attorney, signatures on the petition, state statutes, ambulance deployment, petitions submitted, Clearlake emergency response, election details and Clearlake boundaries.

Ken Dawson, Keizer, Clearlake resident, urged both Fire Districts to work together to provide fire services to the Clearlake area noting that, because the tax rate for Clearlake would be lower and because of the demographics of the area, he supported the withdrawal and annexation.

Bill Quinn, Keizer, Keizer Fire District Budget Committee member, spoke in support of the withdrawal and annexation noting that the Fire District short- and long-range plans make sense and that Clearlake residents will benefit.

Hank Tarter, Keizer, voiced support for the withdrawal and annexation noting that Keizer Fire has been a good steward of tax dollars and if they feel it is necessary to annex the Clearlake area to continue the type of service Keizer citizens have become accustomed to, he supports them.

Ron Raleigh, Keizer, a volunteer with Keizer Fire, explained that he and 7 others own property that is partially in the Marion County Fire District so they pay taxes for both fire districts but cannot vote on Marion County Fire District issues. He voiced support for the withdrawal and annexation.

Kris Lockard, Keizer, spoke in support of the withdrawal and annexation noting that turning over Station 6 to Keizer Fire is the right thing to do. She noted that legal expenditures for Marion County are six figures due to conflict within Marion County Fire District and poor leadership and that she pays more in taxes to Marion County Fire District than she does to the entire City of Keizer.

Cal Ekstrand, Keizer, voiced support for the withdrawal and annexation. He commended the Keizer Fire District for their commitment to this cause and objected to several signatures on the petitions because they were not from Keizer and were not accompanied by a written statement. Mayor Christopher noted that the petitions did in fact have written statements on the top of each page.

Alex Miller, Keizer, spoke in support of the withdrawal and annexation. He shared an experience where he lost his child, noted that property taxes and insurance rates would go down, and expressed the opinion that Keizer neighborhood citizens would be better served by Keizer Fire District and rural areas would be better served by Marion County Fire District.

Raeann McDonald, Falls City, Executive Director at Willamette Lutheran Retirement Community, voiced opposition to the withdrawal and

annexation noting that Marion County Fire District has served the community well. She provided details of past service, including emergency, educational and volunteer services. Noting that everyone is facing budget shortfalls, she challenged the Keizer Fire District to dig deep and address their budget issues but not at the cost of their neighbor. She explained that Keizer Fire and Marion County Fire have both always provided ambulance service to her facility.

Wayne Miller, Keizer, resident of the Clearlake area and Board member of Marion County Fire, urged Council not to withdraw from the Marion County Fire District.

Orville Downer, Salem (River Road), Board member of Marion County Fire voiced opposition to the withdrawal and annexation.

David Hillis, Keizer, declared opposition to the withdrawal and annexation noting that the proposed annexation would diminish Clearlake response time.

Tony Goodsell, Keizer, expressed opposition to the withdrawal and annexation noting that if the annexation goes through, Clearlake residents will be double taxed.

Daniel Chapin, Keizer, spoke in opposition to the withdrawal and annexation noting that current service is outstanding, Marion County Fire District is involved with the community and annexation will destroy that, and if the annexation goes through it will have a detrimental effect on the residents of the rural area outside Keizer.

Bill Dyer, Keizer, employee of Marion County Fire District voiced opposition to the withdrawal and annexation. He questioned the finances of the Keizer District and where the money would come from to pay the costs arising from this issue. Mr. Johnson explained that there would be an intergovernmental agreement between the Keizer Fire District and the City. The City would be responsible for direct costs and Keizer Fire would reimburse the City for those costs.

Claudia Black, Keizer, expressed opposition to the withdrawal and annexation for the following reasons: short response time and nearby emergency facility, new and efficient equipment, a history of successfully working closely with Keizer Fire District

Bruce Chapin, Salem (Wheatland Road), declared opposition to the withdrawal and annexation noting that this issue effects the area around Keizer, the fire districts have worked together successfully in the past, and a rural fire department is more geared to fight fires in areas with no fire hydrants and to address emergencies related to farm equipment.

Mike Welter, Keizer, resident of the Clearlake area, voiced opposition to the withdrawal and annexation noting that it appeared that the important issue is capturing of tax revenue and not public safety and the best

interest of the City. He noted that Marion County Fire District had shown financial responsibility by making appropriate cuts when they experienced budget difficulties and suggested that Keizer Fire do the same. He also questioned if it was legal to develop a public budget in executive session as the Keizer Fire District had done.

Debi Welter, Keizer, resident of the Clearlake area, spoke in opposition to the withdrawal and annexation and explained that the Vineyards One Board has worked hard to find out and relay to residents all information regarding this matter. The petition was circulated to allow residents who want to keep things the way they are to sign it but no one pressed anyone into signing. She added that before any government gets involved in something like this there must be a clear reason to do so and the burden of proof lies with the party requesting the change and she felt the Keizer Fire District had not made their case. She reiterated previous testimony requesting a business plan or budget from Keizer Fire District.

Duane Byerley, Keizer, President of Cedar Bluff Homeowners Association, expressed opposition to the withdrawal and annexation noting that it doesn't need to be "fixed" and common sense would indicate it would be best to leave it unchanged.

Greg Miller, Keizer, Board member of the Vineyard Subdivision, declared opposition to the withdrawal and annexation. He encouraged Council to make a defensible, business-based decision for the citizens and asked them to consider the net benefit and protection of families.

Joan Johnson, southeast Salem, spoke in opposition to the withdrawal and annexation noting that she had signed the petition because everyone is in this together. She asked Council to keep in mind that their decision will affect everyone and to move forward to draw both districts together to work cooperatively to provide excellent service at the level citizens expect and pay for. She added that it was likely that this change would have no effect on insurance premiums.

David Zahn, Keizer, voiced opposition to the withdrawal and annexation noting that he had gone door to door to talk with residents of Clearlake and was pleased to find so many people who were aware of what was going on and who opposed the current efforts of the Keizer Fire District. He added that many residents were unaware of the letter that had been submitted to the KFD asking for them to take over the area, and they had signed the petition opposing same. He urged Council to draw both districts together to work together and combine their efforts in an area which will help each fire district, save taxpayer money, work under one group and bring the administration, training, public information, and maintenance staff, etc. together to prevent duplication of resources and waste of taxpayer money. He added that in response to questions when he was circulating the petition, he had stated that if Keizer Fire District found they did not have enough funds to operate both stations, it would

be their decision, but they would most likely close the Clearlake station rather than the Chemawa Road one.

Don Zielinski, Keizer, Marion County Fire, expressed opposition to the withdrawal and annexation voicing the belief that Keizer will have to raise taxes whether or not this area is annexed.

Jonathan Louthan, Keizer, declared opposition to the withdrawal and annexation. He corrected some information that had been transmitted via email, suggested that Clearlake residents be allowed to vote on this issue and not the remainder of Keizer, and reviewed impact on staffing that the annexation would cause.

Mark Jennings, Keizer, resident of Clearlake and Marion County Fire volunteer, voiced opposition to the withdrawal and annexation. He suggested that there must be a better way to solve the problem; a solution that does not harm one over the other; the best situation is the way it is right now with the two districts working side by side for the common good of the community.

Greg Ego, Keizer, a member of the Keizer Fire Board, denied that the Keizer Fire District had conducted their budget meetings in closed sessions, that the District was planning to initiate a bond election for equipment and that the annexation issue is related to budget problems. He noted that the District is operating on a balanced budget in 10-11 and 11-12. Regarding paying for the cost of this litigation, Mr. Ego noted that Fire District employees had volunteered to forego their cost of living raises in order to cover those costs. Discussion followed regarding these costs and how to pay them.

Austin Chapin, Salem, living north of Keizer, a fourth generation farmer in the area and involved with Keizer all his life, discouraged voting for the withdrawal and annexation. He added that he had participated in collection of the signatures for the petition and felt it inappropriate to discredit the signatures. He noted that he felt compromise was not an option because Marion County is not fighting for control of Keizer, Keizer is fighting for control of Marion County and this is not a compromise situation.

Dan Zahn, Keizer, Clearlake resident voiced opposition to the withdrawal and annexation noting Chief Cowan's statement that 'it is not what is best for Clearlake, it is what is best for Keizer,' bothered him. He felt that staying the way it is would be best for Clearlake. He concluded his testimony noting that he hoped the decision of Council tonight did not reflect where they lived.

Chief Cowan then fielded questions and provided clarification regarding communications between Chief Henson and Chief Cowan, the ambulance services agreement, service levels and response times, automatic mutual aid and computer automated dispatch, sustainability,

staffing, concern about the transition and ensuring that the Clearlake station remains open, and Keizer Fire District's equipment replacement plan.

Rebuttal

Keizer Fire District Chief Cowan voiced concern regarding volunteers on duty collecting petition signatures using fire apparatus and saying that the Clearlake station would be closed. He noted that some testimony indicated that insurance rates would drop, and that currently Clearlake revenue supports areas outside of Keizer and this change would keep those revenues in Keizer. Regarding compromise, he explained that the relationship with Marion County had made that impossible and Board direction had been to handle this in a formal public process and let the public vote.

Mr. Blackmore, attorney for Keizer Fire District, discussed the Marion County legal opinion noting that legally it was consistent on all the legal points throughout. He also discussed "Qualified Tour of Duty" employees used by Marion County Fire District.

Marion County Fire District Chief Henson addressed the rumors regarding closure of Clearlake Station stating that MCFD has no intention of closing Station 6 or giving up their assets. He then fielded questions regarding dispatching fire trucks, the use of paramedics vs. Qualified Tour of Duty (QTOD) staff, and the MCFD equipment replacement plan.

Mr. Crean, attorney for Marion County Fire District, expressed the opinion that if Council did not move to solve Keizer Fire District's budget problems it would force them back to the negotiating table with MCFD. He noted that he too was in agreement with Marion County's legal opinion but as indicated by Keizer City Attorney, Marion County was addressing a different issue. He stated that he felt the City could call for an election exclusively in Clearlake area so there would be one election in the Fire District and a separate election in the Clearlake district and it would require the majority of both to approve.

Chief Henson added that Turner Fire District has nothing to do with Marion County Fire District. He then suggested that instead of getting 'snippets' of information during this sort of testimony, both parties should be working together to find a way to partner.

With no further testimony, Mayor Christopher closed the public hearing.

Councilor Clark moved that Keizer City Council Adopt a Bill for an Ordinance Withdrawing Territory from Marion County Fire District No. 1. Councilor Taylor seconded.

Councilor McKane explained why he would not support this motion stating that the City of Keizer does not provide fire service, they leave it

to the professionals and as stated throughout the hearing, the city probably has two of the best fire services around. He expressed disappointment that the Districts cannot work together to remedy this issue, and noted that he did not feel qualified to decide on who can provide the best fire service. He voiced concern that if the City moves forward and holds this election the voice of Clearlake will not be heard because it will be drowned out by the rest of Keizer. He encouraged both Districts to put the past behind and move forward.

Councilors Caillier and Ego voiced agreement with Councilor McKane but felt the citizens should decide this matter.

Councilor Clark noted that tonight she heard two fire districts dedicated to saving lives and protecting property, and she heard citizens concerned about economy. She voiced concern regarding legal expenditures and how to provide public safety and make it sustainable, and concluded stating that the Fire Districts have trained personnel but the citizens are paying the bills so should decide the issue through a vote.

Councilor Taylor noted that all who testified were persuasive but he was not persuaded by either. He added that the Council's mission is to do what is best for all of Keizer, not just Clearlake, and would therefore support this.

Councilor Smith noted that there had been extensive documents and comments from both sides and he felt he was not the best qualified to determine which entity would serve Keizer best so he would let the voters decide.

Mayor Christopher noted that her decision was not about money. The men and women in Keizer Fire and Marion Fire both put their lives on the line for all citizens when the bell rings, so it is not about those individuals. It is about the management and leadership of the organizations and moving forward. The Keizer Fire District works with CERT and EVAK and the City on a more consistent basis than does Marion County, however, day to day either one will give excellent service. In a disaster situation, however, service is best held to an urban fire service provider and the organization training our personnel. She noted that if this goes to a vote, both districts have until December to work something out but she would vote in favor of this.

Motion passed as follows:

AYES: Christopher, Egli, Smith, Caillier, Taylor and Clark (6)

NAYS: McKane (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

a. ORDINANCE ~ Amending Keizer Development Code Regarding Section 2.203 (Permitted Uses Generally); Amending Ordinance 98- 389

Mr. Johnson reminded Council that this was addressed in a public hearing and Council directed staff to prepare an ordinance. This has to do with clarifying the weight limitations for vehicles used in home occupations. Planning Commission decided not to change the gross vehicle weight, but clarified it; they declined to change the parking ordinance. Council supported the Planning Commission position.

Councilor Clark moved that the Keizer City Council adopt a Bill for an Ordinance Amending Keizer Development Code Regarding Section 2.203 (Permitted Uses Generally); Amending Ordinance 98-389. Councilor Taylor seconded. Motion passed unanimously as follows:

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

b. Resolution ~ Authorizing Filing of Explanatory Statement Relating to Charter Amendment Election – Public Safety Communications Fee

Mr. Johnson reminded Council that at their previous meeting they had authorized the filing of a Charter Amendment having to do with a Public Communications Fee and because of the timeline it needs to be brought to Council. The explanatory statement has been drafted for Council review and needs to be adopted tonight. Informal approval has been received from the Secretary of State's office.

Councilor Clark moved that the Keizer City Council adopt a Resolution Authorizing Filing of Explanatory Statement Relating to Charter Amendment Election – Public Safety Communications Fee. Councilor Taylor seconded. Motion passed as follows:

AYES: Christopher, Egli, Smith, Caillier, Taylor and Clark (6)
NAYS: McKane (1)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

- A. RESOLUTION – Authorizing the City Manager to Enter Into Web Development and Maintenance Agreement with Kentucky Underground Storage, Inc.
- B. RESOLUTION – Amending the Resolution Establishing the Keizer Channel 23 Advisory Committee; (Amending R2008-1837, Repealing R2008-1905)
- C. RESOLUTION – Amending City Summer Concert Band Selection Task Force (Amending R2010-2081)

Councilor Clark moved to approve the Consent Calendar. Councilor Taylor seconded. Motion passed unanimously as follows:

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

**COMMITTEE
REPORTS**

Postponed due to late hour.

**RECESS TO
EXECUTIVE
SESSION (11pm)**

- a. Executive Session in Accordance with ORS 192.660(2)(f) – To consider information or records that are exempt by law from public inspection.

**DECISIONS
FOLLOWING
EXECUTIVE
SESSION**

Reconvened at 11:25 p.m.

City Manager Chris Eppley noted that based on discussions during the Executive Session he would ask the City Attorney to provide the potential language for a Minute Motion regarding directing City staff to begin the appeal process to the Court of Appeals for the LUBA decision. Mr. Johnson explained that he had given proposed language to Councilor Clark.

Councilor Clark moved that Keizer City Council direct staff to file an appeal regarding the Land Use Board of Appeals Case Number 2011-043. Councilor Taylor seconded. Motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

Councilor Clark invited everyone to the September 11 Memorial Ceremony and noted that the Commissioners Breakfast was cancelled so that everyone could attend the Red Cross Real Heroes breakfast.

**WRITTEN
COMMUNICATIONS**

None

AGENDA INPUT

September 12, 2011

5:45 p.m. – City Council/Parks Advisory Board Work Session

- City of Keizer Annual Parks Tour

September 19, 2011

7:00 p.m. – City Council Meeting

October 3, 2011

7:00 p.m. – City Council Meeting

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:28 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 – Joe Egli

Councilor #3 – Mark Caillier

Councilor #6 – James Taylor

Minutes approved:



MINUTES
KEIZER CITY COUNCIL/PARKS ADVISORY BOARD
WORK SESSION
Monday, September 12, 2010
Keizer Civic Center
Keizer, Oregon

CALL TO ORDER The Work Session was called to order at 5:50 in Room A of the Civic Center. The following were present:

Councilors:

Lore Christopher, Mayor
Joe Egli, Councilor
Cathy Clark, Councilor
Brandon Smith, Councilor
David McKane, Councilor
Mark Caillier, Councilor
Jim Taylor, Councilor

Parks Advisory Board:

Jeanne Bond-Esser
Garry Whalen
Clint Holland
Danny Boyd
Rick Day
Jason Bruster
Richard Walsh
James Parent

Absent:

David Philbrick

Also Attending:

Rhonda Rich
Ken LeDuc
Rick Hammerquist

Staff:

Bill Lawyer, Public Works
Terry Witham, Parks
Robert Johnson, Parks
Debbie Lockhart, Deputy City Recorder

Participants carpooled from the Keizer Civic Center at 6:00.

**KEIZER RAPIDS
PARK**

Participants walked a portion of the Disc Golf Course with discussion taking place regarding keeping the course as natural as possible which is the desire of Capitol City Disc Golf Club. Mr. Lawyer reported that he, Terry Witham, and Jason Bruster had met with Capitol City Disc Golf and all they want is a clear 10 meter circle around the baskets. Jason Bruster added that members of the Club are willing to volunteer their time to mark the trails with fallen tree trunks so that pathways are established and plants are protected.

**WILLAMETTE
MANOR PARK**

Terry Witham explained that the City has spring riders for this park and when time allows they will be installed. The slide on the play structure was damaged and therefore removed; there are no funds available to replace it. He estimated that it would take \$50,000 to replace the slide and upgrade the area with a smaller play structure and better play surface; \$3,500 to replace the slide alone. It was noted that children are getting slivers from the current play structure.

**NORTHVIEW
PARK**

Clint Holland reported that he had asked Rotary for more picnic tables and the Board has approved this pending Foundation approval. It was noted that the slide at this park cost \$15,000 and suggested that this type be installed at Willamette Manor. Participants discussed repairing the sports court, enlarging it, and making it a dual purpose court. It was noted that there was very little

available parking at this park.

SUNSET PARK

Mr. Witham explained that benches at this park are removed in winter. Suggested improvements included irrigation, portable toilets, barbeques and horseshoe pits. Mr. Lawyer pointed out trees that had been planted on park property by an adjacent landowner. Jason Bruster introduced a volunteer who helps maintain Sunset Park and urged participants to encourage volunteers to help maintain City parks.

SUMMARY

Discussion took place regarding the need for a new mower (\$18,000) and funding. Income from rent of the Buchholz house was considered. Discussion took place regarding the Charge house and the Buchanan house. Mr. Lawyer pointed out that the parks look good because it is the end of the season, but in the spring they are quite overgrown.

ADJOURNMENT

Meeting adjourned at Sunset Park at 7:45 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 – Joe Egli

Councilor #3 – Mark Caillier

Councilor #6 – James Taylor

Minutes approved:

CITY COUNCIL MEETING: October 3, 2011

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: TRACY L. DAVIS, MMC
CITY RECORDER**

SUBJECT: KEIZER PLANNING COMMISSION APPOINTMENTS

ISSUE:

On September 30th, the Planning Commission terms of John Rizzo (Position #4) and Doug Schneider (Position #5) expired. Since Mr. Schneider has served two consecutive three-year terms, he is ineligible to serve an additional term. A media release was distributed and three volunteer applications were received.

At the September 15th Volunteer Coordinating Committee meeting two of the three applicants appeared and gave a brief overview of their qualifications and interest in serving on the Keizer Planning Commission. The Volunteer Coordinating Committee voted to recommend the following individuals to the Keizer Planning Commission:

- Position Number 4 – John Rizzo
- Position Number 5 – Matthew Chappell

RECOMMENDATION:

It is recommended the City Council accept the recommendations of the Volunteer Coordinating Committee and appoint John Rizzo to position number 4 and Matthew Chappell to position number 5, each to serve a three-year term on the Keizer Planning Commission.

CITY COUNCIL MEETING: October 3, 2011

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: TRACY L. DAVIS, MMC
CITY RECORDER**

SUBJECT: KEIZER BUDGET COMMITTEE APPOINTMENTS

ISSUE:

On August 30th, the Keizer Budget Committee terms of David Dempster (Position #3), Joseph Gillis (position #4) and Sandi King (Position #5) expired. A media release was distributed and three volunteer applications were received.

At the September 15th Volunteer Coordinating Committee meeting two of the three applicants appeared and gave a brief overview of their qualifications and interest in serving on the Keizer Budget Committee. The Volunteer Coordinating Committee voted to recommend the following individuals for the Keizer Budget Committee:

- Position Number 4 – Joseph Gillis
- Position Number 5 – Ronald Hart
- Position Number 6 – Jeff Lewis

RECOMMENDATION:

It is recommended the City Council accept the recommendations of the Volunteer Coordinating Committee and appoint Joseph Gillis to position number 4, Ronald Hart to position #5, and Jeff Lewis to position number 5, each to serve a three-year term on the Keizer Budget Committee.