



**MINUTES**  
**KEIZER CITY COUNCIL**  
**Monday, September 7, 2004**  
**Keizer City Hall**  
**Robert L. Simon Council Chambers**  
**Keizer, Oregon**

**CALL TO ORDER** Mayor Christopher called the regular meeting to order at 7:04 pm.  
Roll Call was taken as follows:

**Present:**

Lore Christopher, Mayor  
Jacque Moir, Council President  
Richard Walsh, Councilor  
Chuck Lee, Councilor  
Michel Gaynor, Councilor  
Jim Taylor, Councilor  
Judy K. Smith, Councilor  
Delilah Calhoun, Youth Councilor

**Staff:**

Chris Eppley, City Manager  
Shannon Johnson, City Attorney  
Nate Brown, Community Development Director  
Rob Kissler, Public Works  
Dianne Hunt, Human Resources  
Captain Jeff Kuhns, Police Department

**FLAG SALUTE** Councilor Lee introduced the new Youth Councilor, Delilah Calhoun, a 17-year-old student at McNary High School. He added that last year she wrote for the McNary Piper and will work on the school yearbook this year. She enjoys playing tennis, watching sports, is interested in politics and is currently employed at Coldstone Creamery. Ms. Calhoun then led the Pledge of Allegiance.

**PUBLIC TESTIMONY** *Paul Gorlinsky, 977 Crystal Springs Lane, Keizer* spoke to Council regarding Senate Bill 179 regarding the school speed zone. He distributed some exhibits for council members to review and pointed out that, although new signs had been put up, there was no indication that traffic control had been changed. He added that he felt there were ambiguities in the implementation language and encouraged Council to inform the public more appropriately that the zones have been changed. Additionally, he pointed out that, considering the fact that

Keizer has a curfew law, this school zone law was ridiculous.

Councilor Taylor responded that perhaps a regular speed zone sign in areas subject to the 20 mph speed limit 24/7 rather than a "School Zone" sign would be appropriate. Captain Kuhns added that the Keizer Police Department is making every effort to educate motorists on the new law and work with the citizens. Rob Kissler added that he thought all of the signs met the requirements of the Manual For Uniform Control Devices which is federally mandated and ODOT enforced. He added that it was his understanding that the fines could not be doubled for school zone speeding offenses if the lights are not flashing. Salem and Keizer have reached an understanding that, for the safety of the children, the flashing lights would be turned on during times that children would most likely be present. There are no plans to put up warning signs noting the changes in the school zone because there has been a lot of publicity about the matter and it would be cost prohibitive. Mr. Kissler concluded that the Chiefs' Association and the League of Oregon Cities are actively trying to change this law.

Councilor Walsh introduced Michael Corser, 4342 Adam Court NE, Keizer, a Weeblo Cub Scout who participated in the Pinewood Derby. Mr. Walsh added that although Michael's car did not win the race, it was very creative and one of the best looking cars in the race and he concluded that Michael received an award for good sportsmanship which was the only one given out of 20 participating cities. Mayor Christopher added that Michael is a member of Pack 121 and his father, Roger, is the den leader.

Jim Reimann and Lee Sjothun, P.O. Box 21209, Keizer submitted two petitions representing multi-family dwelling owners (over 400 units) and asked Council to reconsider the decision made August 16 regarding water rates. He explained that in spite of the fact that notice was sent out with the bill, it was unlikely that the appropriate persons received it because of billing processes in the apartment business.

Mayor Christopher moved for reconsideration of the decision that was made regarding water rates at the August 16 meeting. Councilor Walsh seconded.

Councilor Smith noted that she would not vote in favor of this motion because the issue has been discussed for three months and every citizen in the city received notification through Public Hearings and articles published in the paper.

Councilor Taylor noted that he supported the reconsideration because he felt that testimony should be heard from all who wanted to testify.

He added that this did not mean he would change his original vote, but he considered it a disservice not to hear all arguments.

Councilor Moir echoed Councilor Taylor.

Motion passed as follows:

AYES: Christopher, Moir, Walsh, Taylor, Gaynor, and Lee (6)

NAYS: Smith (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mr. Reimann stressed that something was faulty with the notification system because otherwise more of the effected people would have participated in the decision making process. He added that fairness was the issue but in adopting the method that was chosen, \$105,000 was raised from the multi-family sector to cover an \$81,000 bill. He continued that this sector of the citizenry is the least able to support an increase. He commended the study done, questioned the fairness of the decision made by Council on August 16 and challenged the council to look at the fairness of the 2002 document concluding that he found it impossible to find fairness in the Council decision to ignore this study.

Mr. Sjothun noted that the study indicated that multi-family usage should be billed \$.78 instead of \$.58 and added that the single-family residents are putting 87% of the burden on the system, not the multi-family. Mr. Reimann continued that he and Mr. Sjothun supported the increase from \$.58 to \$.78 because the mathematics support that, but they are opposed to the \$.98 increase.

Responding to questioning from Councilor Moir, Mr. Sjothun noted that approximately 50% of their apartments have two bathrooms and 100% have washer/dryer hookups in the unit. Councilor Moir noted that multi-family units are more like a single-family dwellings because they have multiple baths and washer hookups, although in the summer, single-family residents have lawn watering.

Councilor Lee noted that there had already been three public hearings and a work session on this issue and, given the information available, a 6 to 1 decision was made to pass the rates in question. He questioned if a better solution might not be to accept the rates and revisit the issue in a year with more testimony and feedback as planned.

Councilor Taylor noted that it appeared that what was being

addressed was who can afford it and who cannot, but that is not relevant. He added that he appreciated the input and the argument given, and agreed that proper notice was not given, adding that if multi-family owners didn't receive notice, single family residents probably didn't either. For that reason, Councilor Taylor moved to have another public hearing at the next meeting to hear both sides and make a better decision if necessary. Mayor Christopher seconded.

Council added that notice should be given through both newspapers, Channel 23, and the web site. Councilor Taylor and Mayor Christopher agreed with this noticing.

City Manager Chris Eppley explained that the issue with the single family residents was not the dollar amount, it was the issue of "fair and equitable"; in that each residential customer, regardless of class, in the City of Keizer ought to pay the same amount for a gallon of water. It had nothing to do with the amount of the bill. He added that a fairly detailed demonstration and exhibit was presented at a Council Meeting Public Hearing on the topic which discussed fair and equitable and class systems. He concluded that although everyone understood the point that the distribution system costs were what made up the difference, it was not enough to change their opinion.

Councilor Smith pointed out that several Public Hearings had been held on this issue as well as workshops, power point programs and information in the newspapers. She concluded that she could not support opening another Public Hearing on this issue.

Councilor Walsh agreed with Councilor Smith, but added that he was concerned about the notification issue. He explained that there is a need for the water safety of these systems and any more delay would effect the commencement of these programs. He concluded that if the rates need to be changed, it can be addressed in a year.

Councilor Moir stated that nothing was brought up at this meeting that had not been addressed at previous Public Hearings and concluded that she felt it would be a mistake to re-visit the issue at this point because the city has a goal in mind to improve the water system and they are now a quarter behind in collecting the money needed for the improvements. She concluded that she was not in support of revisiting this issue.

Councilor Taylor stated that part of government process is to listen to the citizens and added that he might not be willing to change his vote on the rates, but he would like to hear more input from citizens. He concluded that he was in favor of holding another Public Hearing.

Councilor Gaynor pointed out that the city has one of the lowest water rates in the state so an increase looks bad in terms of percentage. He concluded that the issue is not written in stone and could be addressed in another year.

*The vote to have another public hearing at the next meeting to hear both sides and make a better decision if necessary was held.*

Motion failed as follows:

AYES: Christopher and Taylor (2)

NAYS: Moir, Walsh, Gaynor, Smith, and Lee (5)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Moir moved that the current Ordinance adopted at the last Council meeting remain in place. Councilor Smith seconded.

Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Taylor, Gaynor, Smith, and Lee (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher called for Rob Rosamond regarding the Claggett Street Neighborhood Development. City Attorney Shannon interjected that the issue is currently under the hearings process before the hearings officer and explained that it would be inappropriate to put the matter before Council at this point because, although it is a Public Meeting, it is not a Public Hearing and, consequently it would be considered an exparte contact. He advised that the testimony should not be taken at the present time.

Nate Brown interjected that the Hearings Officer is booked up through October, so this hearing will most likely appear in November. Every property owner within 250 feet will receive an individually mailed notice and notice will be published in the newspaper. He encouraged everyone to submit their concerns into the record so that staff may effectively evaluate all the issues raised at that time. Mayor Christopher added that the only time this issue would come back to City Council would be if there was an appeal of the Hearing Officer's decision.

Naomi Rodriguez pointed out that the group was not aware that a hearing had been set, nor have they talked to developers. All the

group has done is talk as a neighborhood and discuss the livability of Keizer. She concluded that the group just wanted to talk to Council about livability issues in the area.

After lengthy discussion on process, council agreed by consensus to limit testimony.

Ms. Rodriguez gave her name and address to City Recorder, Tracy Davis, so that notice could be sent to her and she could forward it on to interested parties.

## **COMMITTEE REPORTS**

### **OTHER BUSINESS**

- **New Business**
- **Old Business**

Jerry McGee, Chair of the **Keizer Points on Interest Committee**, 1030 Ridegepoint Street NE, Keizer submitted the committee's first annual report. He listed the committee members and reported that members have met monthly to identify, authenticate and memorialize points of historical, botanical or other unusual interest in the Keizer area. The group has researched the following areas: Wallace House, birth site of Charles McNary, Claggett Cemetery, Heritage School, 45<sup>th</sup> Parallel, replica covered bridge over Labish Creek, the old Indian Trail, the lost train of Labish or the legend of the lost train, a monument depicting the various flood levels from the 1850s to 1996 with room for more, Spongs Landing, Keizer Rapids, Welcome to Keizer signs on the river viewable to the river traffic and a monument to Thomas Dove Keizer, the city's namesake.

Mr. McGee gave a brief history of the founder of the city, Thomas Dove Keizer. He noted that the Oregon National Guard traces its first beginnings to Thomas Dove Keizer who organized and trained the Oregon Rangers (25 men). He added that there is no memorial to veterans in Keizer, Salem or in the mid-valley and his committee will be addressing this issue in depth at their next meeting.

Mr. McGee asked Council to authorize the City Manager, through his staff to assist with details of ordering and placement of the signs to be placed throughout the city at points of interest.

Councilor Taylor moved to suspend the rules to take action on this issue. Moir seconded.

Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Taylor, Gaynor, Smith, and Lee (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Taylor moved to direct staff to work with KPIC to design and

finalize the wording of the Iris Capital. Moir seconded.

Councilor Smith encouraged Council to hold a public hearing on this issue so that input could be received from citizens.

Motion passed as follows:

AYES: Christopher, Moir, Walsh, Taylor, Gaynor and Lee (6)

NAYS: Smith (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Garry Whalen with Parks Advisory Board announced that the next meeting would be Tuesday, September 14 at 6 pm in Conference Room B and anyone interested was invited to attend.

Councilor Smith reported that the Planning Commission will be meeting on Wednesday, September 8, at 7 pm; Volunteer Coordinating committee will be meeting on Thursday, September 9 at 6:30 pm.

Councilor Walsh reported that the RIVERR Task Force applied for and received grants from Marion County and Oregon State Parks. The grants were for \$300,000-\$400,000 and \$500,000 respectively. He pointed out that this project cannot be accomplished without the help of all the organizations that are involved: Marion County, Salem-Keizer-Independence Partnership, the Mid-Willamette Connections Workgroup; the Willamette American Heritage River Initiative, the Willamette Restoration Initiative, the Willamette Riverkeepers, the Oregon Parks and Recreation Department, the City of Keizer, the Keizer Chamber of Commerce, the Keizer Bikeways Committee, the Keizer Parks Board, the Keizer City Council, the City of Salem, the Bureau of Land Management and the Trust for Public Land, to name a few.

Mr. Walsh requested that thank you letters be written to Marion County and Oregon State Parks for their support. Council gave consensus to do this.

Councilor Walsh invited anyone interested to join in a river float the following day to view the water trail from Buena Vista to Willamette Mission.

Councilor Gaynor reported that the Economic Development and Government Affairs Committee meeting through the Keizer Chamber of Commerce is sponsoring a SAIF debate on September 8 at the

luncheon at Wittenberg Inn in a candidates forum and encouraged all to attend.

Councilor Taylor noted that there is a problem with young people driving scooters and pocket bikes on streets and using neighborhoods as race tracks. He asked Captain Kuhns to explain the rules for these vehicles.

Captain Kuhns responded that this was not a question easily answered because there are so many different kinds of scooters on the streets and there are a lot of new laws addressing legal operation. Operators must be 16 years old, but a driver's license is not required. However, operators must be eligible to apply for a license and must wear protective headgear. There are additional laws governing when and where they can be ridden. He concluded that he has brochures at the Police Department and Sergeant Inman is willing to meet with parents to provide more detailed information. Captain Kuhns concluded that Cop Talk will address the school zone issue and the scooter issue. Following lengthy discussion, Council agreed by consensus to direct City Attorney Shannon Johnson or staff investigate a method for the city to be stricter than state law regarding use of these scooters

Councilor Moir reminded Council that EVAK (Emergency Volunteers Assisting Keizer) will have a New Volunteer Orientation on Thursday, September 9, at 7 pm in the auditorium. Prior to that KARE (Keizer Animal Rescue in an Emergency) will hold a meeting at 6:30.

Councilor Lee reported that Today's Choices Tomorrow's Community Board has a Quality of Life Celebration which is an annual recognition of pioneer projects that sustain and build high quality of life in Marion/Polk County. Last year Keizer Village and the Keizer Focal Point (Keizer Corner) were honored. Nomination forms are available. He encouraged all to think about individuals and organizations who would merit this award.

Councilor Lee reported that the Task Force for No Meth, Not in Our Neighborhood has grown in size and is looking for grants to deal with meth-related issues in the community. The organization is coming under the organizational structure of Today's Choices Tomorrow's Communities and under the umbrella of the YMCA.

Youth Councilor Delilah Calhoun reported that a member of the community had come to her requesting that the city replace the "curve ahead" sign with a "stop ahead" sign at River Road and Manzanita. Mayor Christopher clarified that Ms. Calhoun was requesting that

Council direct staff to look into adjusting signage to warn of an approaching stop sign.

Ms. Calhoun continued that the intersection of Kelly and Kafir has a post where the stop sign has been removed. Public Works Director, Rob Kissler responded that he would look into this. Mayor Christopher clarified that Ms. Calhoun was requesting that Council direct staff to look into this issue.

Lastly, Ms. Calhoun questioned if the Iris Village lot off O'Neil was approved for a subdivision. Mr. Kissler explained that this referred to the conversion of the mobile home park to the individual lots off of the Leewood Meadows subdivision. Nate Brown noted that state law allows manufactured dwelling parks to be converted to subdivisions as long as the number of lots is not increased. They went through the process so that individuals can actually own their lots instead of renting them. City Attorney Shannon Johnson added that the subdivision has not yet been platted. Nate added that it has received preliminary approval but they have not seen the final plat.

Council agreed by consensus to comply with Delilah's request on the two other issues.

Captain Kuhns updated Council on the new recruit, Ben Humphrey who is in the academy, doing well and scheduled to graduate on September 24. Administrative Assistant recruitment is going well. The final 6 candidates were interviewed and have been narrowed down to 1. A background investigation will be done on that individual.

He also reported on three arrests for prostitution in Keizer and one "John", stating that this is a rare occurrence in Keizer. He explained that the City of Salem had arrested 14 prostitutes in the north Salem area so the problem was pushed further north into Keizer. Captain Kuhns asked Sergeant McCowan and the Community Response Team to develop a plan which resulted in these arrests.

Regarding school zones, Captain Kuhns encouraged citizens to err on the side of caution until the law is changed and, if they have any questions about a particular area, call him or Sergeant Inman. He added that the Police Department has three School Resource Officers servicing the ten public schools in Keizer and they are on duty 5 days a week in the schools.

Dianne Hunt, Human Resources Director, reported that:

- The City has a newly designed website which should go public no later than Monday, September 13.

- The telephone infrastructure has been installed and the phones should be delivered the week of September 23. The following month Phase 1 and 2 will be implemented. This new system will make it possible to access staff directly so the receptionist duties will include backing up the Municipal Court Clerk.
- City Hall receptionist, Molly Barrett has accepted the promotion to Municipal Court Clerk and will start her new duties on September 13. An open recruitment will begin for the Receptionist position.
- Initial screening and full-blown interviews for the Police Administrative Assistant have been done. A contingent offer has been made to one of the candidates.
- The Health and Wellness Fair will be held September 16 between 10 am and 2 pm and is open to employees, family members and Council members.

Public Works Director, Rob Kissler, reported that his department is moving forward on the pedestrian bridge across Labish ditch in the Gubser neighborhood. An open house will be scheduled soon to receive public comment on the style of bridge and potential of future amenities that Council may wish to place. The process will be to use the website, K-23, press releases, 250' radius, and contact the Hidden Creek, Country Glen and Gubser Neighborhood Associations, and school principals.

Community Development Director, Nate Brown, reported that the first meeting of the Transportation System Development Charge Task Force would be on Wednesday, September 8 at 5:30. He explained that the charge of the task force is to develop methodologies of establishing a Transportation System Development Charge (TSDC). The second Council meeting in October will be another Keizer Station night addressing Area D and Condition 54 of Area A Master Plan approval.

## **CONSENT CALENDAR**

- A. **RESOLUTION** – Ratifying a Collective Bargaining Agreement and Authorizing the City Manager to Enter Into Agreement with Keizer Police Association
- B. **RESOLUTION** – Authorizing the City Manager to Sign Contract for Slurry Seals
- C. **RESOLUTION** – Amending City of Keizer Personnel Policies Regarding Insurance Program and Alcohol and Drug Free Workplace
- D. Approval of Change of Ownership – Thai Cuisine Liquor License
- E. Approving August 16, 2004 Regular Session Minutes

Councilor Moir pulled Item A.

Councilor Moir moved to approve Consent Calendar items B, C, D and E. Councilor Gaynor seconded.

Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Taylor, Gaynor, Smith, and Lee (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Moir moved to ratify a Collective Bargaining Agreement and authorize the City Manager to enter into an Agreement with the Keizer Police Association with the exception of Item 8.1, the cap would be at 3.0 instead of 3.5. Councilor Taylor seconded.

Councilor Moir noted that the City's revenues are statutorily capped at 3%, therefore the Council will not agree to increasing expenses at a greater rate than revenues. Normally this type of action is not taken in open session but the KPA deserves to have this issue settled tonight rather than having the issue prolonged.

Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Taylor, Gaynor, Smith, and Lee (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

## **WRITTEN COMMUNICATIONS**

Mayor Christopher read a letter from:

- A Keizer resident regarding traffic issues on Cummings Street. By consensus council turned this over to City Manager for Public Works to investigate and follow up with a response letter.
- Comcast stating October 22<sup>nd</sup> is "Comcast Cares Day" and the project is "Family Building Blocks" on Lancaster. They asked for volunteers to help with the event.
- Oregon State Marine Board indicating that they have grant assistance available for projects providing public boating access and improvements that serve boaters. They wrote on behalf of the Willamette River Park. City Manager noted that because no design work has been done on the park, this may be premature.
- Keizer Sand and Gravel stating that they were concerned about their holding ponds and the possible dangers. City Manager reported that he had met with them and they are interested in serving on a committee to do the master planning on the park. He passed the information on to Mr. Walsh.

Councilor Walsh reported that a Land and Water Conservation Grant application will be applied for in the near future and commended Nate Brown, Debbie Lockhart, Chris Eppley, Rob Kissler, Jacque Moir and Shannon Johnson for their help in the application for grants.

## AGENDA INPUT

September 13, 2004

5:30 p.m. City Council Work Session

❖ Community Oriented Policing Committee Joint Work Session

September 20, 2004

7:00 p.m. City Council Regular Session

❖ Renewal of Keizer Little League Lease Agreement

October 4, 2004

7:00 p.m. City Council Regular Session

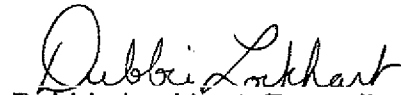
## ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:00 p.m.

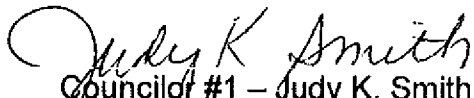
MAYOR:

  
Lore Christopher

APPROVED:

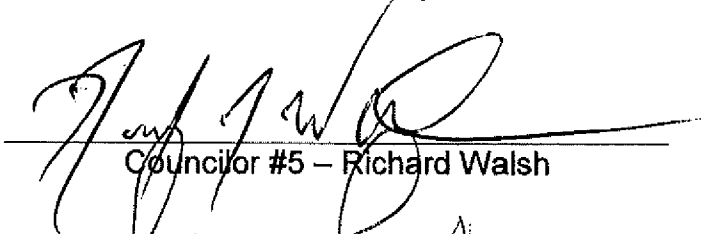
  
Debbie Lockhart, Recording Secretary

## COUNCIL MEMBERS

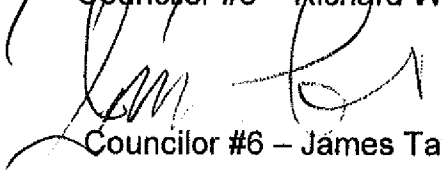
  
Councilor #1 – Judy K. Smith

Councilor #4 – Jacque Moir

  
Councilor #2 – Michel Gaynor

  
Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

  
Councilor #6 – James Taylor

Minutes approved:

