MINUTES
KEIZER CITY COUNCIL
Tuesday, September 2, 2003
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER Mayor Christopher called the regular meeting to order at 7:15 pm. Roll Call was taken as follows:

Present:
Lore Christopher, Mayor
Jacque Moir, Council President
Judy K. Smith, Councilor
James Taylor, Councilor
Richard Walsh, Councilor
Michel Gaynor, Councilor
Chuck Lee, Councilor
Crisel Perez, Youth Councilor

Staff:
Chris Eppley, City Manager
Marc Adams, Chief of Police
Shannon Johnson, City Attorney
Dianne Hunt, Human Resources
Nate Brown, Community Development Director
Cheryl Vafakos, Associate Planner
Tracy Davis, City Recorder

FLAG SALUTE City Councilor Judy Smith led the flag salute. Councilor Lee noted Councilor Smith represented Keizer for the Habitat for Humanity, recruiting 90 people to work on building the homes at the State Fair "Keizer Build Day" and getting $3,000 donated to the cause, led the Council in the flag salute.

ANNOUNCEMENTS Keizer Volcanoes tapes for our troops overseas are available for anyone involved in the Letters from Home Program. There will be pictures on the website later this week from the flag ceremony and the Habitat for Humanity project.

PUBLIC TESTIMONY

Byron Hendricks, 1220 20th Street SE, Salem – Spoke to Council as the 2003 Campaign Chair for the United Way of the Mid-Willamette Valley. He pointed out that the Mid-Willamette Valley United Way is a local agency helping the residents of our communities, noting that the need is greater than ever for public service agencies. The agency has $11.00 worth of requests for every $1.00 in funding that is raised. He listed agencies serving Keizer and concluded inviting Council to attend the campaign kick-off on September 12 at 7:30 at the Red Lion.

Mayor Christopher noted that the City of Keizer is honored to support United way and read a proclamation making September 12, 2003, as "United Way Day" in the City of Keizer.

Responding to questions about donations, Mr. Hendricks reported that contributions could be mailed to the United Way office at 455 Bliler Ave NE Salem, OR 97303 or donated directly at their website: www.uwmwv.org.

Monte Graham, 14000 Kirkwood Road NW, Yamhill County, District Manager for Marion County Soil and Water Conservation District, and Treasurer on Claggett Creek Watershed Council, spoke to Council regarding the Clagget Creek Watershed Project. He noted that most of the work on the project has been completed. Upcoming workdays are October 11 and October 18. The first workday is designated as a "Leaders Day" for planning. October 18 from 9 to 12 will be planting day. He noted that individuals or groups wishing to volunteer could contact him (503-399-5741, ext. 118) or Gary Miller. In conclusion Mr. Graham reporting that the easement is being worked on and should be completed in the near future.

Councilor Taylor commended the group for the hard work they have done and for their unwavering dedication.

Council President Moir reminded Council members that they need to be at the project at 9 am on October 18 to help with the planting.

Mr. Graham also noted that there would be a ceremonial event first thing in the morning on October 18, adding that everyone should bring a shovel and that lunch will be furnished to volunteers

PUBLIC HEARING
a. Minor Variance Case No. 2003-21 (Keizer Development LLC)

City Manager, Chris Eppley, introduced the new Community Development Director, Nate Brown.

City Attorney Shannon Johnson read the statutory outline as required by state law. He stated the applicable criteria under the minor variance

cases set forth in Keizer Development Code at Section 3.105.05 are in the staff report. There was no objection to waiving the reading of the exact criteria, therefore the reading was waived. There was no objection regarding notice or any bias declared from the public. The Council also did not declare any conflicts of interests or exparte contacts.

Cheryl Vafakos, Associate Planner, reviewed the case as follows: The subdivision in question is Barnick Estates which was established with Subdivision Case No. 2000-45 with a maximum density allowed of 6 units per acre. The property is 2.03 acres in area with 12 lots. This calculates to 5.9 dwelling units if 1 dwelling unit per acre is allowed. However, one of the lots in the subdivision was developed with a duplex which resulted in the subdivision reaching maximum density with one lot left undeveloped. Previously a request by the applicant for a variance to allow a maximum of 7 dwelling units per acre was denied by Council. The vacant lot in question is 1483 Barnick Road. The applicant is proposing to increase the maximum density of the subdivision to 6.5 acres, thereby allowing a single-family dwelling to be constructed on the undeveloped lot. Ms. Vafakos noted that comments from the City of Salem Public Works Department and Marion County Fire District No. 1 could be found in the Staff Report. She concluded that staff recommendation is that a Public Hearing be opened and conducted and Council approve the variance request.

Ken Nolan, P.O. Box 2125, Salem, owner of 1445 Edy Avenue NE in the Barnick Estates Subdivision, spoke to Council stating that he was very much in favor of getting the lot cleaned up and the sidewalk completed.

John Gooley, 650 Melandy Lane NE, Salem 97301, addressed the Council stating that all neighbors in the subdivision support the minor variance; the variance was approved by the staff and the hope is for Council approval.

Gloria Dean, 7575 Wotherspoon Drive NE, Keizer, requested a copy of the criteria. She voiced her concern as to the effect the variance would have, if any, on properties for sale on Barnick abutting Wotherspoon and stated that she felt the neighborhood density should not be increased. Ms. Vafakos responded that the proposed variance was for the Barnick Estates Subdivision only and would not affect the area she was referring to. Ms. Dean replied that, in that case, she did not object to the variance. Mr. Albert Dean asked if setbacks would be changed and was assured that they would not. City Attorney Johnson noted for the record that witness was given a list of criteria to review and was asked to address any questions in the matter to the Council before the hearing was closed.

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

Councilor Walsh briefed Council on the history of the variance. He noted that he had voted against it two years ago because the rules did not allow for this hardship situation. He stated that this case motivated him to come up with new variance criteria which was presented to the Planning Commission. Mr. Walsh noted that the applicant has done a good job working on this and closed stating that he was in favor of acceptance of the variance.

Ms. Vafakos interjected, for the record, that her calculations of the density came to 6.4.

Council President Jacque Moir moved to Approve Minor Variance Case No. 2003-21 (Keizer Development LLC) With Conditions As Identified In Staff's Recommendation. Councilor Gaynor seconded.

The motion passed unanimously as follows:

AYES: Christopher, Moir, Smith, Taylor, Walsh, Gaynor, and Lee (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

City Attorney Johnson noted that the final Order would be brought to the next meeting.

b. RESOLUTION – Forming Pierce Subdivision Street Lighting District

City Manager, Chris Eppley, provided a history of the formation of a Street Lighting Local Improvement District and noted that the Public Hearing was to consider remonstrances to project and objections to proposed assessments. He explained the billing process for the Lighting District and recommended the City Council open a Public Hearing to consider oral objections and written remonstrances to the formation of Pierce Subdivision Street Lighting Local Improvement District.

Mayor Christopher opened the Public Hearing.

With no one wishing to testify, Mayor Christopher closed the Public Hearing.

City Recorder, Tracy Davis, corrected the district spelling to PEIRCE.

Councilor Moir moved to adopt Resolution R2003 forming Peirce Subdivision Street Lighting Local Improvement District as amended. Councilor Smith seconded.

The motion passed unanimously as follows:

AYES: Christopher, Moir, Smith, Taylor, Walsh, Gaynor, and Lee (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

COMMITTEE REPORTS

None

OTHER BUSINESS

Volunteer Recognition – Councilor Smith reported that the Volunteer Coordinating Committee will be recognizing volunteers by attending their meetings, presenting certificates and providing cookies.

Habitat for Humanity Project – Councilor offered her thanks to all the volunteers who worked on the project. She noted there were approximately 90 volunteers from various groups and reported that another Habitat house is planned for the State Fair next year which she will be coordinating. Additionally, it is hoped that a Habitat House will be built at the 2005-2006 Iris Festival. Ms. Smith continued that the organization is looking for property available through donation or for a reasonable price. She invited everyone to attend a potluck on September 8 at 6 pm at Evergreen Court in Salem, which is where the Habitat houses are located.

Riverr Task Force – Councilor Walsh reported that the Task Force took a tour of the park escorted by a local land owner. He noted that SKIP (Salem-Keizer-Independence Partnership) has asked the Task Force to attend the September 17 meeting at the COG office where a resolution between the jurisdictions will be considered. This resolution is not mandatory, but offers the commitment to cooperate with each other on river projects. He noted that the Task Force has reviewed and approved it and recommends approval by Council. The final document will be available after the September 17 meeting.

Flag Raising Ceremony – Councilor Walsh reported that the flag was donated to the City of Keizer by the 162nd Infantry Division of the National Guard, which has several Keizer residents serving in it. The flag will fly throughout the month of September at which time Mr. Walsh will ask Council to decide how to retire the flag. He commended the Boy Scout Troop 121 on the presentation of the flag.

Councilor Moir added that the web site for those interested in the 162nd Infantry is: www.geocities.com\jagspecx

Councilor Walsh noted that, although the flag was a gift from the 162nd Infantry, it is being flown by the City in support of all our troops who are dedicating their lives for us. He continued that they have not been forgotten and that we are praying for the safe return.

Councilor Smith asked members to send additional names and addresses to her at Lettersfromhome@comcast.net . She noted that there were only two names left so additional names were needed.

Councilor Taylor echoed thoughts from Councilor Walsh noting that the war was far from over, that more troops have been killed in action since the declaration of the end of the war and troops were still in danger.

Traffic Safety Committee - Councilor Taylor thanked Councilor Moir for filling in for him at the Traffic Safety Commission and turned the floor over to her. Councilor Moir reported that Traffic Safety Commission will be applying for a grant from the Alliance for Community Transportation Safety (ACTS) to purchase traffic counters. Additionally, she referred to a letter report received from ODOT regarding a speed study done on North River Road which was based on data from 1999-2001 statistics. The report denied the City's request to reduce the speed limit on North River Road. Ms. Moir expressed the hope that Council would intervene and request that ODOT consider the schools and housing developments and resultant traffic. She requested this issue be made an agenda item for a future work session. The area of concern is River Road from Lockhaven to just past Country Glen and the entire length of Wheatland Road from River to just pass Clear Lake Road.

Councilor Smith requested a staff report addressing alternatives and remedies. Councilor Walsh noted his desire for more information concerning the impact of congestion noting that when traffic is slowed down, congestion is increased. Councilor Taylor pointed out that the issue was brought up by concerned citizens at the north end of Keizer and that with the addition of traffic lights at Wheatland, it would be prudent to lower the speed limit to Wheatland and it should continue from that point on. Councilor Gaynor disagreed. He noted that contradicting ODOT was not practical. Considering the existing slow traffic on River Road, he suggested that impeding traffic further would not be a good idea.

Councilor Moir moved to direct staff to bring back a report with further information on the possibility of reducing the speed limit to 35 mph on Wheatland and River Road either at a Council meeting or in a work session. Seconded by Taylor.

Responding to inquiry by Councilor Lee, Mr. Eppley indicated that staff

could provide some information on the topic. In review he noted that there has not been a significant number of accidents or issues, so justification in reducing the speed limit might not be there, but the information could be provided for further discussion. Councilor Walsh agreed with Councilor Gaynor saying that slowing down the traffic and increasing the congestion is not the proper direction without a problem existing.

Councilor Smith noted that the children going to and from school on Wheatland and River need protection. She voiced her opinion that 45 mph was too high, continuing that ODOT decisions sometimes need to be challenged. Councilor Taylor agreed noting that in his lifetime 6 people had been killed between Manzanita and Lockhaven and that this is a dangerous area. He concluded voicing his support of lowering the speed limit to 35 mph.

Responding to inquiry by Councilor Walsh, Chief Adams indicated that the referenced area is not in the top 10 major accident locations which are where speeds are slower. He recommended assessing the problem and going on from there.

The motion passed as follows:

AYES: Christopher, Moir, Smith and Taylor (4)
NAYS: Walsh, Gaynor, and Lee (3)
ABSTENTIONS: None (0)
ABSENT: None (0)

EVAK (Emergency Volunteers Assisting Keizer) Report – Ms. Moir reported calendar changes as follows: September 20, Core Volunteer and New Member Training in place of Assistance Group Training; September 27, Emergency Operations Center Training **Cancelled**; October 4, Core Group Volunteer Training and New Member Training replaces Information Group Training; October 18, All Group Exercise (tentative); November 6, EVAK Meeting, 5:30 pm, Conference Room B.

Soldiers in Iraq – Councilor Lee offered special thanks to IKE Media, especially Lisa and Jeff Walker, for their efforts recording the Volcanoes game for the purpose of sending a "piece of Keizer" to our soldiers in Iraq. He noted he would leave copies with Tracy Davis or interested citizens can call IKE Media at 800-299-6374.

Jerry
correct
11-3-03

Making After School Count Task Force – Councilor Lee reported that a draft of the final report was available for anyone interested. The next meeting is on September 3. Mr. Lee indicated that the task force is close to making a final recommendation to the Salem City Council on

how to fund the after school program.

Today's Choices Tomorrow's Communities – Councilor Lee noted that the committee is anticipating their annual celebration honoring Marion/Polk County organizations who work towards preserving the quality of life. Mr. Lee requested recommendations for nominations of Keizer organizations noting they could be given to him via City Hall or at his home number: 503-304-9135.

Mayor Christopher welcomed the new Community Development Director, Nate Brown.

Mayor Christopher read a proclamation making October Disability Employment Awareness Month.

Mayor Christopher announced that the Annual Mid-Willamette Valley Mayoral Pinewood Derby Race sponsored by the Boy Scouts of America would be on Saturday, September 6, 10-12 on the front steps of the State Capitol. She noted that her representative is Mathew, who built and raced his car and won first place in the Regional Derby held earlier this year. Additionally, she noted that the new City of Keizer logo would be on the car, and encouraged everyone attend.

Mayor Christopher joined members in thanking IKE Media for time and materials donated on behalf of the City of Keizer.

Mayor Christopher informed Council that Bill 666, regarding golf carts and the ½ mile radius, was approved and noted that it was now up to Council to deal with the ordinance regarding golf cart usage in the City of Keizer with the ½ mile radius removed. She continued thanking Representative Backlund for his help on this matter. The effective date will be 90 days after the Governor signs the bill. City Attorney Johnson pointed out that the ordinance should not be put on the agenda until after the governor signs the bill. Councilor Taylor offered his thanks to Representative Backlund as well.

River Road Task Force - City Manager, Chris Eppley, reported that he and Councilors Gaynor and Walsh and Mayor Christopher reviewed proposals and conducted interviews and awarded the project to the firm of Spencer & Kupper. He noted that the firm drew up the original Urban Renewal Plan and consequently are familiar with Keizer. He voiced the hope that the task force can be officially created and represented, and the Mayor can be authorized to sign a contract entering into an agreement with Spencer & Kupper soon. Mayor Christopher reminded Council members of chosen representatives.

Chief Marc Adams reported that the cadets recently competed in the Annual Law Enforcement Explorer Games and did very well. Additionally, he noted that Darcy Olfson from Newport was hired and would begin his assignment in a couple of weeks. Chief Adams advised Council that base fines for traffic offenses have gone up drastically due to legislation passed by the Oregon legislature.

Dianne Hunt reminded members that Policy Committee Meeting was on September 3 at noon. Additionally, she noted the new hires in addition to Nate Brown: Public Works Municipal Utility Worker 1, Juan Alman, and Information System Technician, Bill Hopkins. She also suggested that if, the Council thought it was appropriate, the geocities link could be published on the City of Keizer website.

The Council agreed by consensus to put the link on the website.

Cheryl Vafakos reported that she was happy to have Nate Brown on board. City Manager, Chris Eppley, commended Ms. Vafakos on her dedication, loyalty and hard work.

Nate Brown noted that he was excited to be part of the City of Keizer team and is looking forward to working with the Keizer organization.

City Attorney, Shannon Johnson, noted that he was pleased to announce that LUBA had issued its final opinion in the land use case involving Keizer Station and affirmed entirely Council's February decision. He reported that the appeal period is 21 days. If the appeal was filed by September 19, the case would go to the Court of Appeals. Mr. Johnson commended staff members, consultants and Maria Meier.

Mayor Christopher commended Mr. Johnson, City of Keizer staff and Maria Meier. Councilor Walsh offered thanks to the Planning Commission and to the Citizens of Keizer to participate in the process.

Chief Adams noted that Greg Wingett was the staff member who worked hard to get the new chairs for Council Chambers. Additionally, he noted that Mr. Wingett had gotten new chairs for the Police Department and that he had worked very hard to get a good deal.

Chris Eppley commended everyone at the City of Keizer for taking pride in their work,

Councilor Lee noted that Mayor Christopher has been doing a wonderful job. Regarding the Keizer Station project he noted that Mayor Christopher attended many meetings with other jurisdictions and that she did an excellent job in many forums stating the City's case.

ADMINISTRATIVE ACTION

None

CONSENT CALENDAR

Councilor Moir noted in the Minutes from June 2, page 6 the "Barber" should be "Barker" and on page 7 "reducte" should be "reduce".

Councilor Moir moved for approval of the June 2, 2003, Regular Session Minutes as amended. Councilor Lee seconded.

Councilor Walsh noted on Page 4, Item B, the statement that "Councilor Walsh reported that Salem-Keizer transportation corridor has been approved by the state" is incorrect. He noted that what was approved was that SKATS approved starting work with a consultant to make proposals on a Salem-Keizer Transportation Corridor.

Councilor Moir withdrew the motion. Councilor Lee withdrew the second. Minutes will be brought back with changes.

WRITTEN COMMUNICATIONS

Mayor Christopher read a letter from Mayor Janet Taylor, City of Salem, reporting that a core group was meeting to discuss ideas and goals for increasing regional promotion of Marion County. Mayor Christopher noted that she has been invited to the initial meeting scheduled for September 16 and to be a representative on the task force determining how tax dollars will be allocated.

Mayor Christopher noted that she had received a request from KYKN Radio to research the zoning conflicts which are preventing residents of Simonka Place (Union Gospel Mission for Women and Children) from receiving free dental work. Mayor Christopher asked staff to come back with a report showing the restrictions that are preventing this benefit and addressing the possibility of working with the organization to provide the service.

AGENDA INPUT

September 8, 2003

12:00 Noon City Council Work Session

September 15, 2003

7:000 pm City Council Meeting

- Comp Plan/Zone Change Public Hearing (Chapin-Marion County Fire District)
- Resolution – Authorizing City Manager t Enter into an Agreement for Hearings Officer Services

October 6, 2003

7:00 pm – City Council Meeting

ADJOURNMENT Mayor Christopher adjourned the meeting at 8:45 p.m.

APPROVED:

Debbie Lockhart, Recording Secretary

MAYOR:

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – Judy K. Smith

Councilor #2 – Michel Gaynor

Councilor #3 – Charles E. Lee

Councilor #4 – Jacque Moir

Councilor #5 – Richard Walsh

Councilor #6 – James Taylor

Minutes approved:

November 3, 2003