MINUTES
KEIZER CITY COUNCIL
Monday, August 16, 2010
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:	**Staff:**
Lore Christopher, Mayor	Chris Eppley, City Manager
Jim Taylor, Council President	Shannon Johnson, City Attorney
Richard Walsh, Councilor	Rob Kissler, Public Works
Cathy Clark, Councilor	Nate Brown, Community Development
Mark Caillier, Councilor	Kevin Watson, Assistant to the City Manager
David McKane, Councilor	Tracy Davis, City Recorder
Brandon Smith, Councilor	

FLAG SALUTE

Mayor Christopher led the pledge of allegiance.

PUBLIC TESTIMONY

Jeanne Bond-Esser, Keizer, reported on recent activities of the Parks Advisory Board. She reminded Council that the Parks Board would be taking Council on a Park Tour at their next work session and reported that the Board is working on developing a mechanism to allow volunteers to use larger equipment for park cleanups, and has indicated that they are unanimously in favor of funding and exploring options for irrigating the dog park. She added that the Parks Board is pleased with the Splash Fountain and commends City staff for their efforts which include working on weekends. Ms. Bond-Esser added that there was some confusion as to how many more concerts would be scheduled at the amphitheater.

Councilor McKane urged Council to hear the presentation regarding the improvements at the dog park and encouraged them to think broadly about other solutions which would help mitigate ongoing damage to the park.

Doug Schneider, Keizer, representing the Planning Commission, reported that the Commission had received a presentation from Elizabeth Sagmiller on the Stormwater program expansion and implementation. He noted that the Commission will review the Area B Master Plan for Keizer Station on September 8 and sign code changes on September 29.

Joe Egli, Keizer Chamber of Commerce, reviewed the successful events held in Keizer this past year noting that Keizer is quickly becoming a town that people like to come to. He noted that both events are looking for permanent locations; various locations are being explored including the north side of Volcano stadium. He distributed a list of additional festivals that might be added to the calendar and suggested that a task force be appointed including representatives from the City, Chamber, Keizer Youth Sports, Fire Department, etc. Council agreed by consensus to support a "Festivals Task Force" or "Visitors' Events Task Force" with Councilors Clark, Caillier and McKane indicating a willingness to serve.

David LeDoux, Keizer, requested a solution to his neighbor parking two vehicles in front of his house for the last 36 days. Mr. Brown explained that the ordinance specifies an allowed vehicle weight and the vehicle in question is allowed because it is under the specified weight. Lengthy discussion then took place regarding the spirit of the law, sidewalk obstruction, weight limits, limited space allocated to parking due to increased population density and oil leakage from the vehicle in question. Mayor Christopher assured Mr. LeDoux that further investigation would take place in an effort to remedy this problem.

Jane Mulholland, Keizer, representing "Keep Keizer Livable" explained that the group is a city-wide political action committee that has filed an initiative with the City in hopes of putting it on the March ballot. She distributed a sheet of "talking points" which had the text of the initiative printed out and explained that this is not an "Anti-Wal-Mart" campaign but is a measure to site a big box store in an area that is already developed and prepared for big box stores. The initiative would only allow a retail store 65,000 square feet inclusive of outdoor display area in Area A of Keizer Station. Ms. Mulholland then fielded questions regarding restricting footprints to less than 65,000 square feet on River Road and limiting retail growth outside of what is currently the urban growth boundary. Councilor Clark clarified that should the City urban growth boundary change, this restriction would prevent any potential for a Fred Myer store in the north. Community Development Director Nate Brown also noted that although no analysis has been done, two-thirds of the Circuit City area remains to be built but there are no other slots available for a 65,000 building.

Taken out of order. Clint Holland, Kim Girouard, and Garry Whalen, Keizer, distributed several documents relating to the proposed irrigation of the dog park, and the area along the roadway, along Chemawa and in front of the dog park. Mr. Holland noted that he is seeking donations from outside sources but will need to address their concerns regarding the ability of City staff to maintain the facilities once they are irrigated. Garry Whalen added that the Parks Advisory Board is in favor of this project and has recommended expenditure of $19,000 from SDCs with the assurance that a realistic plan for operations and maintenance be developed. Public Works Director Rob Kissler explained that as area parks are developed there will be a need to maintain them so Council, citizens and the Budget Committee will need to make decisions on what to fund in the Budget. No money has been budgeted in this budget to fund maintenance of this improvement. Discussion then took place regarding timing of the improvement, use of volunteers, available resources, shuffling priorities, funding highly used parks and asking help from neighbors to maintain neighborhood parks, use of decomposed granite, and sustainability. Mr. Kissler pointed out that the City has its own contracting rules and there are a lot of issues that need to be worked out prior to approval of the project. Councilor Walsh clarified that the request was for $19,000 of SDC funds to be designated for this project but that further donations will be solicited and additional details of the plan worked out. Dr. Girouard suggested purchasing a large tractor-drawn mower to complete the mowing quickly and voiced opposition to the use of decomposed granite. Councilor Taylor expressed concern over government standing in the way of volunteers trying to get something done. Councilor Walsh voiced enthusiastic support and gratitude for Mr. Holland's efforts noting that previous to this project Mr. Holland had spearheaded the building of the amphitheater which had greatly benefited the citizens of Keizer. Following lengthy discussion regarding upkeep and creation of a "Friends of the Dog Park" to step forward and help with ongoing maintenance, Council voiced support for this concept and urged Mr. Holland to move forward on the project while working closely with City staff. Mr. Holland requested a letter of support indicating that the City would maintain the park. Mr. Eppley agreed to give him a letter stating that the City would maintain the park to the best of the resources available. He explained that the City does not wish to look a gift horse in the mouth, but with limited staff, the level of maintenance may not be ideal.

Regarding the amphitheater Mr. Holland noted that dates for upcoming events are August 18, September 11, September 15 and September 25. City Attorney Shannon Johnson noted that the Amphitheater Task Force is supposed to approve the bands and questioned if the bands for these new dates had been approved. Mr. Holland noted that all bands are on the list.

PUBLIC HEARINGS

a. ORDINANCE – Establishing an Agreement with Clear Wireless, LLC for Placement of Wireless Facilities in the Public Rights-of-Way

City Attorney Shannon Johnson explained that Clear Wireless is not a cell phone company but a wireless internet service provider. He explained that they can put the antennae on power poles, light poles and private property; the franchise fee is a minimum of $10,000 per year, or $5,000 per facility. A land use agreement is already in place but moving forward is contingent to signing of the Right of Way Agreement.

Mayor Christopher opened the Public Hearing.

Ed Fournier, Agent for Clear Wireless LLC, Kirkland, Washington, fielded questions regarding the antennae structures, their appearance, operating units, noise, and possible restrictions and regulations. He explained that this is not technically wi-max and that the number of antennae required is capacity driven.

With no further testimony, Mayor Christopher closed the Public Hearing.

Councilor Taylor moved to adopt an ordinance Establishing an Agreement with Clear Wireless, LLC for Placement of Wireless Facilities in the Public Rights-of-Way. Councilor Walsh seconded.

Councilor Walsh confirmed that this agreement is non-exclusive and would not preclude other providers coming to the city.

Motion passed unanimously as follows:

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

b. Keizer Development Code Text Amendment for Section 2.315 (Development Standards), Section 2.205 (Junk and Junkyards), and the Abatement of Nuisances Created by the Accumulation of Solid Waste

Community Development Director Nate Brown explained that originally the City had two ordinances for this matter: Development Code requirements and a separate ordinance. In order to make the issue more enforceable and understandable to the general public, staff felt it appropriate to delete the section on "Junk & Junkyards" and roll all issues into the ordinance which would govern. Changes include regulation of inoperable vehicles and elimination of the term "junk".

Mayor Christopher opened the Public Hearing.

With no testimony, Mayor Christopher closed the Public Hearing.

Councilor Taylor moved to direct staff to prepare an ordinance to adopt the proposed revisions for Section 2.315 (Development Standards), Section 2.205 (Junk and Junkyards), and the Abatement of Nuisances Created by the Accumulation of Solid Waste. Councilor Caillier seconded.

Mr. Brown noted that this would apply to new construction, but remodels would fall under a different category.

Motion passed unanimously as follows:

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

ADMINISTRATIVE ACTION

a. RESOLUTION ~ Supporting Request for Transportation Enhancement Funds – Wheatland Road

Public Works Director Rob Kissler explained the funding process noting that the project for which the City is seeking funds is street improvements from River Road to the city limits. Salem Keizer Area Transportation Study Group has indicated via email that they will support this application. He explained that Notice of Intent was filed for a total of $1,700,000 of federal funds and that the city is proposing a match of over 35.3% (approximately $600,000) to show good intent with a plan to complete needed safety improvements for pedestrians, cyclists and the driving public. Application for this grant will require the expenditure of staff time and will commit the City to provide the required match when the project is constructed.

Councilor Taylor moved to adopt a Resolution Supporting Request for Transportation Enhancement Funds – Wheatland Road. Councilor Walsh seconded. Motion passed unanimously as follows:

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

b. RESOLUTION ~ Authorizing the City Manager to Sign the First Amendment to the Keizer Rotary Amphitheater Management Agreement for 2010 City Sponsored Concert Series

City Attorney Shannon Johnson explained that the City has an agreement with the Keizer Rotary Amphitheater LLC to sponsor five concerts but that KRA has requested that two more be allowed. He noted, however, that one more has been requested for September 25 and if Council agrees to that, it should be added to Section 2A.

Council discussed concert income and additional concerts.

Councilor Taylor moved to adopt a resolution Authorizing the City Manager to Sign the First Amendment to the Keizer Rotary Amphitheater Management Agreement for 2010 City Sponsored Concert Series as amended. Councilor McKane seconded. Motion passed unanimously as follows:

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

CONSENT CALENDAR

A. RESOLUTION ~ Authorizing the City Manager to Enter Into Adoption Agreement and Cafeteria Plan to Amend and Reinstate the City of Keizer Cafeteria Plan under Section 125 of the Internal Revenue Code, Repealing R99-1157

B. Approval of July 19, 2010 Regular Session Minutes

Items A and B were pulled from the Consent Calendar.

Item A: City Attorney Shannon Johnson explained that the original form had a signature line for the HR Director and because typically the City Manager signs these, the new signature line is for the City Manager.

Mayor Christopher moved for approval of Item A of the Consent Calendar. Councilor Taylor seconded. Motion passed unanimously as follows:

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

Items B: Councilor Taylor noted that he was absent from the July 19 meeting and would therefore abstain.

Councilor Taylor moved for approval of Item B of the Consent Calendar. Councilor Smith seconded. Motion passed as follows:

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

COMMITTEE REPORTS

Councilor Smith reported that he had attended the Good Vibrations Task Force debriefing meeting at the fairgrounds and most reports were favorable. Unfavorable reports had nothing to do with Keizer and overall it was a very successful event. He also reminded everyone of the upcoming Urban Renewal Board meeting.

Councilor Walsh reported on the upcoming Keizer Community Library and Personnel Policy Committee meetings and invited everyone to attend the open house at the Civic Center with the Secretary of Agriculture.

Councilor Caillier reminded everyone of the upcoming regular and special Planning Commission meetings.

Councilor McKane reported that news was received last week that the Good Vibrations promoter would like to come back in 2011 and has requested the dates of July 14-17. It will be bigger and better next year.

Councilor Clark reported on meetings she had attended including American Association of Planners, Mid Willamette Area Commission on Transportation and the Commissioners Breakfast.

Councilor Taylor noted that the County Commissioners are trying to get as much information as possible regarding the relocation and repair of County offices and to keep the public informed.

OTHER BUSINESS

Public Works Director Rob Kissler reviewed the schedule for Dearborn/Verda paving.

City Recorder Tracy Davis reported that there are two openings on the Budget Committee. Applications will be accepted through September 1.

Assistant to the City Manager, Kevin Watson reported that he and Rob Kissler had met with Salem Electric and Portland General Electric who are partnering with a group called Ecotality to install electric charging stations throughout the country. They chose Portland, Albany/Corvallis, Eugene/Springfield, and Salem/Keizer to install a total of 1,000 stations and are looking to partner with business where people will be parked between 45 minutes and 3 hours. This effort is to accommodate the new electric vehicles which will be unveiled in the near future. Mayor Christopher suggested the Transit Center. Mr. Watson added that the charger in the Civic Center parking lot is made with the ability to be upgraded to a faster charging unit.

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

September 7, 2010 (Tuesday)
7:00 p.m. – City Council Regular Session

September 13, 2010
5:45 p.m. – City Council Work Session
- Parks Tour

September 20, 2010
7:00 p.m. – City Council Regular Session

ADJOURNMENT Mayor Christopher adjourned the meeting at 9:50 p.m.

MAYOR: APPROVED:

Lore Christopher

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Cathy Clark

Councilor #2 – Brandon Smith

Councilor #5 – Richard Walsh

Councilor #3 – Mark Caillier

Councilor #6 – James Taylor

Minutes approved:

September 20, 2010