



MINUTES
KEIZER CITY COUNCIL
Monday, July 21, 2003
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
James Taylor, Councilor
Richard Walsh, Councilor

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Cheryl Vafakos, Interim Planning Director
Shannon Johnson, City Attorney
Tracy Davis, City Recorder

FLAG SALUTE

Tracy Davis, City Recorder, and President of Oregon Association of Municipal Recorders, led the City Council in the flag salute.

PUBLIC TESTIMONY

Kevin Baker, Chair of Community Oriented Policing Committee - Addressed the Council regarding establishing a new Peddler Ordinance. After reviewing the proposed ordinance, it was decided that it was targeting too specific of a business type and it had too narrow of a scope. The Community Oriented Policing Committee recommends that no action be taken on this ordinance. Mr. Baker answered questions from the Council.

He then addressed the current ordinance in place, No. 90-193, adopted in December of 1990. It is a vending ordinance prohibiting street vendors. He noted this ordinance was not being used and recommended it be repealed.

Mayor Christopher invited Mr. Baker to come to the August 4, 2003, meeting to hear discussion regarding the recommended repeal which would be addressed under Old Business.

Mr. Baker continued with discussion of the Noise Ordinance. After review of the ordinance and discussion with the Police Department, the COPC recommended no further action on the Noise Ordinance revisions.

Mr. Baker concluded with a request for input from the Council to the Community Oriented Policing Committee. Mayor Christopher suggested Council give thought to this and present it at the August 4 meeting.

Judy Chappell, 5025 Bailey NE, Keizer – Referred to a letter which she sent to the Council asking the City to initiate a Vacation Proceeding on the property located at 5015 Bailey. Ms. Chappell said she felt the property had been devalued because the City took 10 feet of right of way off of Chemawa and reduced the property area from 8000 square feet to 7900 square feet. She is asking for 2 feet on Bailey to make up the difference in the square footage.

City Attorney Shannon explained the requirements and the difficulties encountered because the City owns some of the specified area property. He suggested that it be put on the August 4 agenda as an agenda item, noting that this would not be a commitment by the Council that the vacation will be finalized, it would be only the initiation of the process. A map will be included in this proceeding.

Council President Moir requested more information. She would like Rob Kissler to provide input from Public Works as to how this vacation would effect upcoming projects. Councilor Smith requested that Mr. Kissler provide Council with information as to right of way existing on Bailey including possible room for improvements.

Michael Kelly, 685 Chemawa Road NE, Keizer – An employee of KT Contracting, which is owned and operated by Keizer residents, addressed the Council. He stated that recently KT Contracting submitted a bid on the "North River Road & Wheatland Road Intersection Improvements" project and was the low bidder. However, the bid was determined to be non-responsive, because the bid documents did not contain information about similar past projects of the same size and scope done by KT. Mr. Kelly wanted to know the status of this situation.

Mayor Christopher indicated that the City had responded to Mr. Kelly's query and she had signed the letter that morning. She noted that the documents are public documents and invited Mr. Kelly to

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view the other bid documents submitted on the project. She also noted that the bid had been awarded.

In response to Mr. Kelly's question about appealing the decision, City Attorney Shannon Johnson indicated that KT Contracting would need to engage legal counsel to pursue the issue.

Councilor Walsh indicated that it would be a good idea for Mr. Kelly to investigate the City rules for bidding. Mayor Christopher encouraged Mr. Kelly to call City Attorney John Lien to get a detailed description of why KT did not get awarded the bid. Councilor Gaynor encouraged Mr. Kelly to try again on another project.

Mayor Christopher asked if there were additional people in the audience who wished to speak. There was no response. Mayor Christopher thanked everyone for his or her testimony.

Appointment to Volunteer Coordinating Committee

Council President Moir publicly thanked Terri McCowan for her commendable service to the community while serving on the Volunteer Coordinating Committee. Councilor Moir shared information about Ms. Cathy Clark who is an active member of the community, volunteering with Budget Committee, the League of Women Voters, Keizer Soccer Club, the Keizer Backyard Burning Committee, CCTTV, Salem Area Christian Home Schooler Network, and Kids Voting. She is a home school teacher and Vice President of Palma Cia pool. Ms. Moir concluded by appointing Cathy Clark to the Volunteer Coordinating Committee.

Mayor Christopher read the proclamation.

River Task Force

Councilor Walsh indicated that the first River Task Force meeting was held. There were representatives from Salem, the Park Board, etc. Marion County did not come to the meeting because they had not had their County meeting yet. They are considering assigning a commissioner to the River Task Force. Members of the task force felt that would be appropriate. Councilor Walsh encouraged Council to forward to him any ideas they had regarding the park near the Willamette River.

Volunteer Coordinating Committee

Councilor Smith stated that the Volunteer Coordinating Committee would be meeting Thursday at 7:00 pm.

Civic Center Task Force

Councilor Gaynor informed Council that the task force has been meeting regularly and should have a report in the next few months.

Emergency Volunteers Assisting Keizer

Councilor Moir distributed the quarterly report. She indicated that the group had participated in the Iris Festival parade (as KARE - Keizer Animal Rescue in an Emergency) and the safety night at the Keizer Fire Department (as EVAK). Bob Emmerich and Ray Hansen have been contacted by the City of Gresham because that city is interested in EVAK as a model program. Upcoming events are noted in the report and Ms. Moir encouraged staff and/or Council members to attend.

Councilor Moir distributed emergency management information given to her by former Mayor Newton and asked Council members to review it and determine if it should be pursued with that decision being made at the August 4 meeting.

Making After School Task Force

Councilor Lee indicated that now that all major jurisdictions have finalized their budgets, the Making After School Task Force will reconvene and he will have more information on the group at the August Council meeting.

OTHER BUSINESS

Human Resources

Human Resource Director Dianne Hunt noted that, with one week left to closing of the position for an Information Technologist, there have been over 600 hits to the web site. Next week the interviews for the Community Development Director position will take place.

Public Works Updates

Public works director Rob Kissler advised Council members and Storm Water Task Force members that he has agreed to sit on the Marion County Storm Water Task Force. They are dealing with the same compliance issues with the NPDS Phase 2 permits and he is hoping this will be an opportunity to promote some coordination in those areas.

Planning Update

Cheryl Vafakos, Interim Planning Director, reported that she had received letters regarding a driving range west of McNary Golf Course. There was an application for a "conditional use" to allow the driving range on the property, which was withdrawn in December 2002. Staff does not know the status; there is no application on file, and there has been no contact with them since January, 2003.

➤ New Business

Carlson Skate Park Issues

Council discussed the condition of the skate park. City Manager Chris Eppley stated that the need for repairs would be reviewed with the Park Master Plan. It was agreed that Public Works should examine the

park and address any dangerous issues needing attention.

Councilor Taylor informed Council that a new state law will be in effect January 1 requiring anyone age 16 or younger operating a wheeled apparatus to wear a helmet. Taylor proposed getting the Keizer ordinance in line before the January 1 deadline. Councilors Smith and Walsh indicated that the Bikeways Committee should be involved with any change in the helmet regulation and emphasized that they felt the Keizer regulation should remain in effect.

Councilor Taylor indicated the need for a firm helmet policy and its enforcement. He informed Council that there may be a group of skaters willing to work with the Parks Board or Council giving them input regarding the park.

Councilor Smith questioned why there was need for any discussion on the helmet law since the ordinance is established and, as a law there should be no question as to whether or not it is enforced. City Manager Eppley indicated that the law is, in fact, being enforced, and Chief Adams confirmed but mentioned that all park users are not under the jurisdiction of Keizer Police. Additionally, he noted the enforcement of the law does nothing to improve the relationship of the Police force with the teens.

Council decided to refer the issue to Bikeways, Community Oriented Policing and Parks Board for input. The issue will be addressed at the first meeting in September.

Peddler Ordinance

As noted by Mr. Baker, chair of Community Oriented Policing, they are recommending that no action be taken on this ordinance. They are also requesting that Council repeal Ordinance No. 90-193. This issue will be brought back on August 4, 2003.

➤ Old Business

Keizer Station Plan - Development Disposition Agreement Update

Addressed in the Executive Session prior to Council meeting. Council will not take any action on it at this meeting.

Councilor Smith discussed "Keizer Build Day" - August 27 and the need for volunteers for Habitat for Humanity. Shifts are: 10-2, 2-6 and 6-10. Workers will have free admission to the Fair and will work on two houses. 40 people are needed for each of the first two shifts and 20 for the third shift. Also needed: \$5,000. Contributions would be appreciated. Contact Smith at home: 503-390-9297 or City Hall: 503-390-3700.

Councilor Walsh informed Council that his pen pal in Iraq has voiced his appreciation of the contact and personal support. Councilor Walsh indicated they want to fly a flag over their camp in Iraq and then send it to Keizer to be flown in the downtown park.

There was a consensus of the Council to allow this to happen.

Walsh will write back. Councilor Smith indicated that anyone interested in writing to a service person from the City of Keizer can contact her. (e-mail: lettersfromhome@comcast.net or home/City Hall)

ADMINISTRATIVE ACTION

a. ORDER- Appeal of Hearings Officer Decision - Major Variance Case No. 2003-08 (Weigel)

City Attorney Johnson reported at the last meeting Council directed staff to prepare an order denying the variance. Such order was provided for the Council's review.

Council President Moir moved to Adopt an Order in the Matter of the Application of Lloyd and Juanita Weigel for a Major Variance to Reduce the Required Street Side Setback for Property Located at 108 and 109 Shyrina Court NE, Keizer, Oregon (Case No. 2003-08) Councilor Smith seconded the motion.

Councilor Lee noted he would be abstaining due to his absence at the July 7, 2003 City Council meeting.

The motion passed as follows:

AYES: Christopher, Gaynor, Moir, Smith, Taylor & Walsh (6)

NAYS: None (0)

ABSTENTION: Lee (1)

ABSENT: None (0)

b. Inland Shores PUD Reduction of Application Fee

Cheryl Vafakos, Interim Planning Director, reported that on July 7, 2003, City Council requested staff to provide a cost estimate associated with the possibility of Inland Shores applying for an amendment to their PUD (Planned Unit Development). The cost estimate was provided for Council's review. Ms. Vafakos responded to questions from Council. Shannon Johnson, City Attorney, pointed out that the cost estimate was requested by Council as a result of a request from residents for a reduction or waiver in the application fee. Council wanted to know the actual costs involved. Discussion continued on initiating differentiation in fees depending on if the application was for an entire PUD or an amendment.

Council Walsh moved that the amount of the PUD Amendment Application for Inland Shores be reduced from \$925 to \$725. Councilor Taylor seconded the motion.

Councilor Lee noted he would be abstaining due on July 7th.

The motion passed as follows:

AYES: Christopher, Gaynor, Moir, Taylor and Walsh (5)

NAYS: Smith (1)

ABSTENTIONS: Lee (1)

ABSENT: None (0)

Councilor Walsh moved for staff to prepare recommendations for a revised fee schedule based on actual costs. He requested two categories: one for full PUD and one for some version of a simplified PUD that could have a reduced cost.

Mayor Christopher seconded the motion and recommended a friendly amendment to have at least three categories (i.e, Simple, Medium and Full). Further recommendation was to accomplish this by the first of the year. Councilor Walsh agreed to the amendment.

The motion, with amendment, passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

None

WRITTEN COMMUNICATIONS

Mayor Christopher noted that Keizer Art Association has an Open Studio from 1 to 4 this week and on the 28th, Member Gallery. She did not have an August calendar but is hoping to keep Council informed of activities. The Association has a Kids Art Pogram that runs the third week of every month. It is from 10-12 and 1-3 on Wednesday, Thursday and Friday for children 6-8 years old and 9-12 years old respectively. Children attend at no charge and do a variety of art projects.

AGENDA INPUT

August 4, 2003

7:00 pm City Council Meeting

August 11, 2003

5:30 pm Work Session (Note Time)

- Field trip with Planning Commission and Planning Department to Lake Oswego (boxed dinner provided) to view Country Club Road Improvements for ideas and possible use on River Road and Chemawa Road.

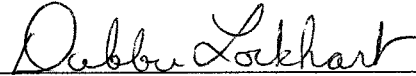
August 18, 2003

7:00 pm City Council Meeting

ADJOURNMENT

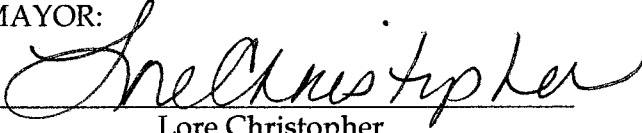
Mayor Christopher adjourned the meeting at 8:45 p.m.

APPROVED:



Debbie Lockhart, Recording Secretary

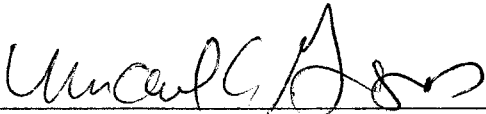
MAYOR:



Lore Christopher

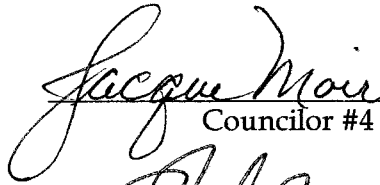
COUNCIL MEMBERS

Councilor #1 - Judy K. Smith

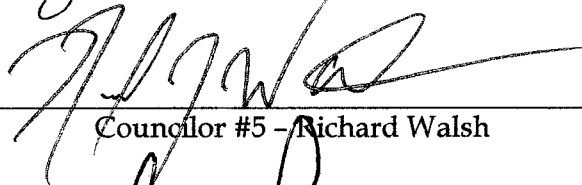


Councilor #2 - Michel Gaynor

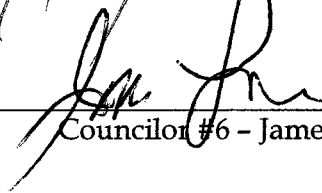
Councilor #3 - Charles E. Lee



Councilor #4 - Jacque Moir



Councilor #5 - Richard Walsh



Councilor #6 - James Taylor

Minutes approved:

October 20, 2003