MINUTES
KEIZER CITY COUNCIL
Monday, July 19, 2004
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:03 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
Crisel Perez, Youth Councilor

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

FLAG SALUTE

Councilor Lee introduced Councilor James Taylor, a public servant with a lifetime of service and commitment to the Keizer community, who led the flag salute.

PUBLIC TESTIMONY

Jerry McGee, 1030 Ridgepoint Street NE, Keizer spoke regarding two issues.

1) He expressed the hope that, if the Council ever gets another opportunity to reduce the speed limit on River Road North from Lockhaven northward, they would do so. He voiced the belief that speed limit reduction on Wheatland would not be possible without prior reduction on River Road. He thanked Rob Kissler for his efforts on this issue.
2) He stated that although he was a loyal supporter of City Manager, Chris Eppley, he was against the $4,200 per year car allowance which was being offered as an amendment to the City Manager

FMAGIC

Contract. He explained that this amount, if taken at the Federal reimbursement rate would come to 950 miles per month which seems an unlikely amount. He added that he would not be against reimbursement at a higher rate per mile, but in order to keep accountability, maintenance of a log and reimbursement based on the log was the appropriate way to handle this expense.

Art Bobrowitz, 7315 Wheatland Road North, Keizer, offered comments on the speed limit on River Road. He encouraged City Council to revisit the issue. He noted that economically Keizer and River Road are being noticed, and the River Road Renaissance is having a positive effect on the area. He encouraged Council to schedule a Public Hearing and obtain input from the public regarding the speed limit on River Road.

Councilor Gaynor thanked Mr. Bobrowitz for coming in and sharing his thoughts adding that he did not feel that slowing down the traffic on River Road would alleviate the congestion or better serve the community. Mr. Bobrowitz responded that he didn't know what the appropriate speed was for River Road but felt the decision should be made only after review of data and information. He continued that there are places on River Road where a driver must make many decisions and if the driver is moving at a rapid pace, there is not a lot of time in which to process the information and make the decisions.

Councilor Taylor echoed Councilor Gaynor adding that after questioning several traffic officers he learned that speed is not a problem on River Road and added that, when the River Road Renaissance is complete, that will be a time to readdress the speed limit question. He concluded that Wheatland Road needed to be addressed separately.

Shayne Hollandsworth, 1191 Mandarin Street NE, Keizer representing the Parks Advisory Board reported to the Council the events of the July 13 Parks Advisory Board meeting. He noted there were 17 citizens in attendance. Thirteen of these citizens were concerned about the future of River's Edge Park. They were concerned that it was going to be developed and excavated to determine the location of the Wallace House and they were opposed to this. They also expressed resentment at the lack of notification. Mr. Hollandsworth reported that Bill Lawyer did an excellent job of assuring the citizens that no decisions have been made, nor are they planned without approval of the City Council. The remaining four citizens attending were there regarding a 10-acre piece of property known as the Ericson property. The Parks Advisory Board is investigating the interest of the owner in selling the property and the possible value. These citizens were against the acquisition of this property for park purposes and wanted to know what efforts the City has made to acquire the property. They were assured that no action had been taken.

Mr. Hollandsworth continued his report explaining that he had met with Dr. David Brauner with OSU Archeological Department at River's Edge Park to determine the most likely location for the Wallace house. Dr. Brauner proposes to bring the field school out to the site to conduct magnetometer readings. If something is found Parks Advisory Board would request approval from City Council before authorizing further action. Additional activity continues in other city parks: Rotary structure is in at Country Glen, tables will be installed as well; doggy pot stations, barbeques and replacement spring riders have been installed at various parks. The skate park parking lot has been paved and striped including a handicap parking space. A handicap parking space has been painted and signed at South Claggett parking lot near the restroom as well as a water line and faucets installed at the Claggett Park shelter. Regarding the RIVERR Task Force there are grant opportunities available that appear promising. Summer Slam Dunk event is taking place with the last one on the 21st. A skate park event has been scheduled for August 21st from 11 to 5 pm. Parks Tour is scheduled for 5:30 on August 30.

Councilor Moir corrected the time for the skate park event to end at 7 pm. It will be called "The Fifth Year Grind".

PUBLIC HEARINGS

a. Liquor License Application – US Market #125

City Manager Chris Eppley reported that an application was submitted for an Off-Premises Sales Liquor License for US Market 125, located at 3815 Cherry Avenue NE, Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done on the applicants, and Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application. Staff recommends that, following a public hearing, Council approve the application.

Mayor Christopher opened the Public Hearing.

Hearing no testimony, Mayor Christopher closed the Public Hearing.

<u>Councilor Moir moved to approve the application for an Off-Premises Liquor License for U.S. Market No. 125 under the Guidelines Established by ORS 471.178 and the Ordinances of the City of Keizer and Forward this Recommendation to the Oregon Liquor Control Commission. Councilor Smith seconded.</u>

Councilor Lee encouraged the owner to participate in the "Responsible

Vendor" Program.

Motion passed unanimously as follows:

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

b. RESOLUTION – Forming Megan Lee Properties 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 the 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 Megan Lee Properties Street Lighting Local Improvement District and if there are no objections, close the public hearing, consider adoption of the resolution forming the district and the proposed assessment ordinance.

Mayor Christopher opened the Public Hearing.

Hearing no testimony, Mayor Christopher closed the Public Hearing.

Councilor Moir moved to adopt Resolution R2004 Forming Megan Lee Properties Street Lighting Local Improvement District. Councilor Taylor seconded.

Motion passed unanimously as follows:

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

ORDINANCE – Spreading Assessments to Megan Lee Properties Street Lighting District

Councilor Moir moved to adopt a Bill for an Ordinance Spreading Assessments to Megan Lee Properties Street Lighting Local Improvement District. Councilor Taylor seconded.

Motion passed unanimously as follows:

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

COMMITTEE REPORTS

a. Swearing In of Keizer Police Officer Grant Saitz

Chief Marc Adams introduced Officer Grant Zaitz, reviewing his history and qualifications. He noted that he was one of the original members of the Keizer Police Department Explorer Post as a Cadet. He graduated in January 2000 and immediately joined the U.S. Marine Corp. Returning to Keizer after his tour of duty, he applied and was accepted for a position with the Police force and attended the academy where he had the highest GPA of any student in his class. City Attorney, Shannon Johnson, issued the Oath of Office.

b. Library Task Force Report

City Manager Chris Eppley reviewed the establishment of the Library Task Force stating that it was directed to develop a library package what would be acceptable to the city and the Chemeketa Cooperative Regional Library Service (CCRLS) and secure admittance into the CCRLS with full member rights and privileges. The task force developed a Mission Statement, Vision Statement, Service Goals and a Recommendation and requests the City Council to adopt them and allow the Task Force to present the documents to the CCRLS for their consideration.

Councilor Walsh explained the concept of the Library being proposed: Instead of forming a library that was identical to the Salem Library but inferior, better use of tax payer money would be to create a "nitch-type" library that would supplement and enhance resources available to the community. This would be done by focusing on the most heavily used library services, including books, computer services, etc. Because the CCRLS rejected this idea, the Task Force was directed to develop something acceptable to the CCRLS. Mr. Walsh reviewed the different library standards.

Lore Christopher summarized the task force decisions: The task force moved away from a 5-year levy to look towards a Keizer Library District, but felt it would be prudent to see how the Salem Library District fares in the November election before taking action. This means the Keizer Library District vote would be offered to voters in the general election of 2006. Additionally, all citizens who wrote letters to the editors in the Keizer Times and Statesman Journal were contacted personally and their concerns were discussed. Mayor Christopher added that Nancy Woodward, the Librarian at McNary, has been an invaluable asset to the Task Force.

Councilor Lee pointed out that putting this issue on the 2004 Ballot was a goal of City Council and questioned why it was being postponed. Mayor Christopher responded that the Task Force felt that having the Salem Library District on the same ballot could cause voter confusion. When the goal was originally set, the Salem District was not an issue. Councilor Walsh echoed Mayor Christopher adding that the

Task Force did not know that the CCRLS board would be on vacation when the school was on vacation: the Advisory Board meets only on August 13. After that meeting they will report to the CCRLS Board, but they won't be available until after the school year starts so the ballot measure could not be finalized before the end of August. The task force will continue to meet and take the time to get everything done right.

Councilor Moir moved to accept the recommendation of the Library Task Force and adopt the Mission Statement, Vision Statement, Service Goals and Recommendation as outlined and that the Keizer City Council give the Task Force the authority to present these documents on behalf of the City at the Chemeketa Cooperative Regional Library Service meeting on August 13, 2004. Councilor Taylor seconded.

Mayor Christopher suggested that in the "Service Goals" where the State of Oregon Standards are referred to, additional reference be made to the Statute (two places). Councilor Lee thanked Councilor Walsh for his dedicated work. Mayor Christopher agreed and pointed out that a lot of progress has been made and the Task Force would continue to meet monthly.

Motion passed unanimously as follows:

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

Councilor Walsh questioned if the "Council Goals" should be amended at this time since the Library Goal was being postponed. Mayor Christopher suggested revisiting the issue at the Goal Setting. Consensus of Council was to move forward with the Library issue, placing it on the ballot at the primary or general election of 2006.

OTHER BUSINESS
- **New Business**
- **Old Business**

Regarding the report from Shayne Hollandsworth, Mayor Christopher asked that Council direct staff to contact Mr. Ericson to see if there is a willingness to sell the property. If there is, she would like a determination of acreage and potential of getting an appraisal if Mr. Ericson is in favor of the idea.

Councilor Smith opposed this idea because it had been addressed in the past. It was determined then that there would be no access to sewer or water. Councilor Walsh pointed out that this parcel goes all the way to the river so it might blend with the RIVERR project. Councilor Taylor pointed out that Clark Williams has a conflict of interest on this issue, so he should not be allowed to contact Mr. Ericson in this regard. City Manager, Chris Eppley reminded Council that the last time this issue was considered, not only were the surrounding property owners against it, but 1000 Friends of Oregon had threatened to appeal to LUBA.

Councilor Moir volunteered to bring this issue back to Parks Board.

Councilor Gaynor encouraged all to attend the Wednesday concerts at the gazebo in Chalmers-Jones Park from 8 to 9 pm featuring the Keizer Community Jazz Band. The final concert will be August 4 and feature the 234th Oregon Army National Guard Band from Portland. City Manager Chris Eppley added that the concert will start at 5:00 with the Army National Guard Rock Band followed by the Oregon Army National Guard Band from 6:30 to 8:00.

Councilor Walsh reported that the Willamette River float went well. Last year there were 60 people, this year there were over 150 so they did two separate floats: one in the Corvalis area and one from Independence to downtown Salem.

Councilor Smith noted that she was concerned over the River Road speed limit issue adding that a public hearing should have been held on traffic issues to receive input from the citizens.

<u>Councilor Smith moved for Reconsideration of the Issue of Reducing the Speed Limit on River Road from 45 to 40 miles per hour. Councilor Moir seconded.</u>

<u>Motion passed unanimously as follows:</u>

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

<u>Councilor Smith moved to hold a Public Hearing on August 16 Regarding Reducing the Speed Limit on River Road from 45 to 40 miles per hour. Councilor Moir seconded.</u>

Councilor Walsh noted he would vote against this issue because he did not feel it was necessary to lower the speed limit and also because he did not think it would appear appropriate to flip-flop on the decision with ODOT. He suggested waiting until the River Road Renaissance makes a recommendation. Councilor Smith responded that the motion was not to change the recommendation to ODOT, but to allow public input on the issue. Councilor Gaynor added that he was in favor of a public hearing but not until the River Road Renaissance project was complete. Councilor Moir argued that another school year is around the corner and it is fair to allow the citizen input.

Motion passed as follows:

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

Chief Adams reported that another police officer position has been filled by Ben Humphrey, a Western Oregon University graduate with a degree in Criminal Justice from Colton, Oregon. He reminded Council of National Night Out on August 3 and encouraged the public to contact Captain Kuhns at 503-390-3713 for block party packets. Mayor Christopher and all Councilors indicated they wanted to ride with an officer on that night. Chief Adams concluded noting that the department is continuing to work on the first, and hopefully only, homicide of the year.

Community Development Director, Nate Brown, reported that this past week informal discussions began with representatives from Lowe's to begin review of their building design at Keizer Station. Initial review has taken place on Chemawa Station. River Road Renaissance marketing plan was discussed at the Chamber luncheon. Mr. Brown suggested that recognition be given to a partnership with the Chamber on the marketing aspect of the River Road Renaissance. He will discuss the concept with the Chamber and come back to Council with suggestions.

Councilor Moir commended Mr. Brown and his staff for their hard work on a variety of issues. Councilor Walsh echoed Councilor Moir.

Mayor Christopher reminded Councilors that the August 2nd Council meeting would be Youth Councilor Perez's last evening and after the meeting there might be some "Goodbye Cake".

ADMINISTRATIVE ACTION

a. ORDINANCE – Text Amendment – Case No. 04-08 – Industrial Business Park (IBP)

City Attorney, Shannon Johnson, reported that this matter was before Council at last meeting and that following a public hearing Council directed staff to prepare an appropriate ordinance amending the Keizer Development Code and Keizer Station Plan with regard to flex space in the IBP districts. He concluded that the ordinance was before Council members and he was available for questions.

Councilor Smith reported that she had watched the tape of the Council meeting addressing this issue and would therefore be voting.

Councilor Moir moved to adopt a bill for an Ordinance in the Matter of Amending the Industrial Business Park (IBP) Zone Text (KDC Section 2.113); and Declaring an Emergency; (Amending Ordinance No. 98-389). Councilor Lee seconded.

Motion passed unanimously as follows:

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

b. RESOLUTION – Authorizing City Manager to Enter Agreement to Purchase Property at 1505 Rockledge Drive, NE, Keizer

City Attorney, Shannon Johnson, reported that the City Engineer and Rob Kissler had been working with the property owners regarding the purchase of their residence on Rockledge Drive. The proposal is to purchase the residence and construct a walkway extending a bridge over Labish Ditch to connect to Country Glen/Hidden Creek neighborhoods and, when that is constructed to resell the residence. He noted a change in the agreement allowing the sellers to retain ownership of their flower bulbs.

Mr. Johnson noted that although the construction of the walkway might diminish the value of this property, it is hoped that the City will recoup their cost of $170,000 upon completion of the work. Additionally, the City will be paying taxes on the property for this fiscal year. City Manager Chris Eppley noted that the City intends to hold public forums to receive input from the neighbors on this project with work beginning in 30 to 60 days.

Mayor Christopher commended Bill Peterson and Rob Kissler for thinking outside the box and coming up with this idea. Councilor Walsh echoed Mayor Christopher.

Councilor Smith voiced her opinion that the City should not be in the business of buying and selling real estate, this parcel is located a great distance from the original bridge which was washed away. She concluded a bridge should be rebuilt at the location of the original one because the city already has this easement and it is in a better location.

Councilor Taylor replied that replacement of that bridge would be cost prohibitive and noted that this expenditure was using taxpayer money in the least expensive way to help the community. He voiced his support of the project. Councilor Walsh echoed Councilor Taylor.

Councilor Moir moved to adopt Resolution R2004 Authorizing the City Manager to Enter Into an Agreement to Purchase Property Located at

1505 Rockledge Drive NE, Keizer, Marion County, Oregon (Bret and Tina Goss) as amended. Councilor Taylor seconded.

Motion passed as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Moir, and Lee (6)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: None(0)

c. RESOLUTION – Authorizing the City of Keizer to Apply for Local Government Grant for Acquisition of Property in the Vicinity of Keizer Rapids for Community Park Purposes

City Attorney Shannon Johnson reported that he, Nate Brown and Rob Kissler met with Trust for Public Lands representatives and Mark Brown of Willamette Navigator last week. The State application process requires that the City formally adopt a resolution authorizing moving forward with an application for a grant and certification that there are funds available. With park SDC money and Marion County funds, the matching funds are available. The matter is before Council for review and decision. City Manager Chris Eppley noted that the maximum amount of SDC funds available is $300,000.

Councilor Walsh added that this project has been placed in the first slot for the Marion County sale of the timberland at Detroit. The estimated amount is $350,000 to $450,000. Those grants would be used for the match of the State Parks grant that might be up to $500,000. There could be grant acquisitions of over $1,000,000.

Councilor Moir moved to adopt Resolution R2004 Authorizing the City of Keizer to Apply for Local Government Grant for Acquisition of Property in the Vicinity of Keizer Rapids for Community Park Purposes and Delegating Authority to the City Manager to Sign the Grant Application. Councilor Walsh seconded.

Motion passed unanimously as follows:

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

CONSENT CALENDAR

A. RESOLUTION – Authorizing the City Manager to Enter Agreement for Development of a Transportation Capital Improvement Plan and System Development Charge
B. RESOLUTION – Approving Engineer's Report for Hunter Addition Street Lighting District
C. RESOLUTION – Authorizing Mayor to Sign Amendment to City Manager Contract
D. RESOLUTION – Authorizing City Manager to Enter

Intergovernmental Agreement with City of Salem for Police Records Management

E. **RESOLUTION – Authorizing City Manager to Enter Agreement with GEO Tec Services for Monitoring Well Construction**

F. **Approving June 7, 2004 Regular Session Minutes**

G. **Approving June 21, 2004 Work Session Minutes**

H. **Approving June 21, 2004 Regular Session Minutes**

Councilor Moir noted that Item C was pulled by Councilor Smith and Items G and H were pulled by Councilor Taylor

Councilor Moir moved to approve Consent Calendar items A, B, D, E and F. Councilor Taylor seconded.

Motion passed unanimously as follows:

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

Item C: Councilor Smith questioned the vehicle allowance of $350 per month on the Amendment to the City Manager Contract. She noted that using this figure and state standards this would indicate that the City Manager drives 934 miles a month on City business. She added that she was not questioning if he actually drove that amount, but preferred having some method of accountability.

Mayor Christopher responded that this matter was approved at the last meeting, but that Shannon Johnson had felt language needed to be added that more clearly defined the intent that Mr. Eppley be put on a salary matrix and be within the same policy as other city employees that acceptable performance would mean a one-step (3%) increase. Regarding the car allowance: The City Manager negotiated this item and the Council felt that, based on comparable cities, it was appropriate. Last time a survey was done on the City Manager's salary, it came within the 98% range of comparable cities. However, without the car allowance it dropped our City Manager down to 94% which would trigger a step increase or some type of compensation which in turn would increase his benefits because they are based on percentage of salary, so this method is the most cost effective. She concluded that City Manager negotiated this item, it has been voted on and Council felt it was reasonable and appropriate based on comparable cities.

Councilor Walsh echoed Mayor Christopher adding that keeping a log was time consuming and not an effective use of time, and relieving the City Manager of that task would be beneficial for all. He concluded that this was a fiscally responsible way to retain our City Manager.

Councilor Smith voiced the concern that this did not go through the Budget Committee and it did not come to Council but was done after the Budget session. Secondly, she felt precedence was being set for future City Managers and current employees. Mayor Christopher pointed out that the City Manager was a unique employee for the City of Keizer because he is the only contracted employee.

Councilor Lee added when the City Manager gets a car allowance, that is taxable. Because of this there is no personal gain for the City Manager it is more of a convenience for him.

<u>Councilor Moir moved adopt Resolution R2004 authorizing the Mayor to Sign Amendment to the City Manager Contract. Councilor Lee seconded.</u>

<u>Motion passed as follows:</u>

<u>AYES:</u> Christopher, Gaynor, Taylor, Walsh, Moir, and Lee (6)
<u>NAYS:</u> Smith (1)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT</u>: None(0)

Items G & H: Councilor Taylor noted that he was on vacation during these meetings so would abstain from voting.

<u>Councilor Moir moved for approval of Consent Calendar Items G and H which are Work Session Minutes for June 21, 2004, and Regular Session Minutes for June 21, 2004. Councilor Gaynor seconded.</u>

<u>Motion passed unanimously as follows:</u>

<u>AYES:</u> Christopher, Gaynor, Walsh, Smith, Moir, and Lee (6)
<u>NAYS:</u> None (0)
<u>ABSTENTIONS:</u> Taylor (1)
<u>ABSENT</u>: None(0)

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

August 2, 2004
7:00 p.m. City Council Regular Session
August 3, 2004
National Night Out
August 16, 2004
7:00 p.m. City Council Regular Session
August 30, 2004
5:30 p.m. City Council Work Session
- Parks Tour

ADJOURNMENT Mayor Christopher adjourned the meeting at 9:12 p.m.

APPROVED:
MAYOR:

Debbie Lockhart
Debbie Lockhart, Recording Secretary

Lore Christopher

COUNCIL MEMBERS

Judy K Smith
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:

8-2-04