MINUTES

KEIZER CITY COUNCIL
Monday, July 7, 2003
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:
Lore Christopher, Mayor
Michel Gaynor, Councilor
Judy K. Smith, Councilor
James Taylor, Councilor
Richard Walsh, Councilor

Absent:
Jacque Moir, Council President
Charles E. Lee, Councilor

Guest Present:
Crisel Perez, Youth Councilor

Staff:
Chris Eppley, City Manager
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

John Kirk, Habitat for Humanity, led the City Council in the flag salute.

Mr. Kirk provided an overview of Habitat for Humanity activities in the Keizer area. He indicated that homes constructed by the organization are cheaper than other homes because of the volunteer labor used to construct them. People wishing to help are encouraged to visit the group's web site: www.open.org/~sahfh, or contact Executive Director Rick Gaupo or Assistant Director Shannon Tennant at (503)364-6622.

Mayor Christopher encouraged Council members to participate in upcoming home building activities.

Councilor Smith volunteered to organize council participation help take calls from potential volunteers. Councilor Walsh inquired whether volunteers with disabilities could be accommodated, to which Mr. Kirk replied affirmatively.

PUBLIC TESTIMONY

Richard Ford, 376 Crystal Springs Lane, Keizer, and Debbie Scott, 729 Crystal Springs Lane, Keizer- requested city assistance in establishing a security barrier in the Inland Shores subdivision. They reported that residents in the area have complained that through traffic operators are driving irresponsibly. According to Ms. Scott, 90 percent of Inland Shores residents support the installation of a gate to reduce the high traffic volume. A particular concern, in addition to speeding, is drivers using the nearby elementary school as a short cut.

Mr. Ford commented that a city-approved Private Unit Development (PUD) needs to be amended to affect the needed changes. City Attorney Shannon Johnson indicated that Keizer has no separate category for such an amendment, and that generally such changes must be fit into another action, or a new PUD must be created.

Mr. Johnson noted the locations of the streets in question on a map. Councilor Walsh noted that the streets and roads in question are privately owned.

Councilor Smith suggested that further investigation is warranted and suggested that the subject could be taken up at the next Council meeting. Mayor Christopher suggested that staff should be able to compile the needed information in the next two weeks.

Garry Whalen, P.O. Box 21088, Keizer- Provided a report on the Parks Board. He recognized a recent allocation of $16,000 for park services. The parks volunteer program consists of 15 individuals charged with mowing eight parks, but because most are not irrigated there is little need for mowing. He spoke about efforts to publicize parks issues, including Channel 23 and IKE Media.

Regarding the Cumings School site as a potential park location, Mr. Whalen noted that the representative from the Keizer School Board was amenable, and added that the north portion is currently zoned as public property. Converting the property would require funding for capital improvements (perhaps through SDC fees), a master plan and maintenance agreements.

Mr. Whalen then referenced the proposed resolution related to the Keizer Points of Interest Committee, and indicated that the board had selected Vickie Hilgemann to be the Parks Board representative on that body. He spoke of Marlene Kelly's and Marsha Clark's involvement in youth recreation programs. Also noted was the Pepsi contract for vending machines near the skate park. When asked by Mayor Christopher why the machines were not under lock and key, Mr. Whalen replied that PepsiCo had determined such measures were unnecessary.

COMMITTEE REPORTS

a. Volunteer of the Quarter Award – Greg Rands

City Manager Chris Eppley reported the Volunteer Coordinating Committee has selected Greg Rands as the recipient of the volunteer of the quarter award for second quarter of 2003. City Manager Eppley and Council President Moir nominated Mr. Rands, in recognition of his contributions through the Keizer Urban Renewal Board and his work on Keizer Corner.

Mayor Christopher presented his award.

PUBLIC HEARINGS

a. ORDER – Amending Rates for Residential Service – Yard Debris Rate Increase

City Manager Eppley presented the staff report for the Order amending rates for residential yard debris service. City Attorney Johnson provided additional explanation of the materials, noting that the rates quoted were the actual amounts paid by ratepayers, save for those who opt out.

Mayor Christopher opened the public hearing and, noting that there was no one who wished to testify on the matter, closed the public hearing.

Councilor Walsh moved to adopt the order amending rates for residential service – yard debris rate increase. Councilor Taylor seconded the motion.

Councilor Walsh voiced praise for the program and said it has worked well, mentioning that this change was anticipated when the program first started.

The motion passed as follows:

AYES: Christopher, Gaynor, Smith, Taylor and Walsh (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Lee (2)

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

Shannon Johnson, City Attorney presented the applicable criteria and procedures for this matter.

Cheryl Vafakos, Interim Planning Director reported the subject property is located at 108 and 109 Shyrina Court NE, Keizer. The applicant and property owner is Lloyd and Juanita Weigel. This is an appeal of the hearing's officer decision denying the variance request. Ms. Vafakos recommended the hearing be opened, testimony allowed, and the hearing closed. It was further recommended that the Council affirm the decision of the hearings officer.

Councilor Gaynor indicated he had been prepared to file a potential conflict of interest, adding that he had spoken to the landowner prior to the meeting , however he no longer believed it necessary to do so.

Councilor Walsh inquired about the square footage of the structure to be constructed, to which staff answered that it would be 3,000 square feet.

Mayor Christopher opened the public hearing.

Lloyd Weigel, 3450 Emerald NW, Keizer- provided background information on the structure to be built including a description of the property. He indicated he would be selling the property once the project was completed, adding that he will not gain additional profit from the sale with the improvement.

Councilor Smith asked for the speed limit on the street at the location (Wheatland Road), to which Mr. Weigel answered it was 45 miles per hour. He added that the improvement meets with Marion County and City of Salem codes, the latter of which closely mirror those used in Keizer. Mr. Johnson remarked that the code is fairly standard.

Councilor Walsh requested confirmation that the neighborhood association had circulated a letter opposing the variance. Mr. Weigel responded that an individual was put in charge of holding hearings, but that there was insufficient public notice and no minutes taken of the meeting. He stated that the neighborhood residents had requested that he bring the matter before the City Council.

Councilor Walsh asked about the average size of homes in the neighborhood, in particular whether 2,500 square foot homes were unusual. Mr. Weigel answered that many of the older homes are 600-800 square feet, but that two new homes in the subdivision are between 2,500-3,000 square feet. He noted that the proposed structure would be a two-story building, while the portion in the setback would be single level. He also testified that his goal is to match the surrounding neighborhood.

Bob Ohrn, 7950 Timothy Lane, Keizer- testified on behalf of the Clear Lake Neighborhood Association, submitting written testimony. He asserted that the project violates two criteria in the development code, one of which is that there is not sufficient room to build. He voiced concern regarding what criteria the council might use to approve the variance.

Councilor Gaynor asked for a copy of the letter from the neighborhood association, and was told by Mr. Johnson that a copy is included with the staff report.

Mr. Ohrn reiterated that there was a great deal of comment on the issue from neighbors, not all of which was received at the aforementioned hearing. He opined that the council should support the code unless it has an overriding reason to do otherwise.

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

Councilor Walsh moved to accept and adopt the decision of the Hearings Officer decision on Case No. 2003-08 for property located at 108 and 109 Chyrena and deny the variance request. Councilor Gaynor seconded the motion.

Mr. Johnson noted that Mr. Weigel is no longer in the room and therefore has foregone his opportunity for rebuttal.

Councilor Walsh voiced support for the findings of the Hearings Officer and staff. Such a project, he said, has been demonstrated to be undesirable to the neighborhood. Councilor Gaynor echoed these comments as well.

The motion passed as follows:

AYES: Christopher, Gaynor, Smith, Taylor and Walsh (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Lee (2)

Mr. Johnson noted that the order will be presented at the next Council meeting.

OTHER BUSINESS

- **New Business**

Request for Proposals – Planning Consulting Services

City Manager Eppley presented materials on the request for proposals for River Road master planning consultant. He indicated that the goal is to get a consultant on board so that the task force can get underway.

Councilor Walsh moved to approve the request for proposal as presented to hire a consultant for the River Road Coordinator Master Planning Project. Councilor Smith seconded the motion.

Mayor Christopher offered a friendly amendment to the motion to change the second bullet point on the first page to include safety issues. The friendly amendment was adopted by consent.

The motion passed as follows:

AYES: Christopher, Gaynor, Smith, Taylor and Walsh (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Lee (2)

City of Keizer 2003-2004 Salary Matrix

Human Resources Director Dianne Hunt provided copies of the 2003-2004 proposed salary matrix. The matrix reflects the guidelines of the compensation policy as adopted.

Councilor Walsh moved to accept the new 2003-2004 salary matrix. Councilor Gaynor seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Smith, Taylor and Walsh (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Lee (2)

- **Old Business**

Riverr Task Force/85 Acre Park

Councilor Walsh presented background information on the proposed Riverr Task Force.

Councilor Walsh moved to establish a Keizer River Task Force to accomplish the task as set forth in the proposal, with the representation as outlined in the proposal. Councilor Gaynor seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Smith, Taylor and Walsh (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Lee (2)

ADMINISTRATIVE ACTION

a. Peddler Ordinance – Process Review

City Manager Eppley referenced the informational materials related to the proposed process review for a peddler ordinance. He clarified that the question is not whether to adopt this ordinance, but rather to review and clarify the process.

Mayor Christopher expressed a desire to have the process reviewed by the Community Oriented Policing Committee for recommendations. Mayor Christopher noted that a timely review could have the matter back before the Council by the July 21st meeting.

<u>The Council agreed by consensus to forward this matter to the Community Oriented Policing Committee for review and recommendations.</u>

b. <u>RESOLUTION</u> – Authorizing the Mayor to Enter Regional Investment Award Agreement for Services with the Mid-Willamette Valley Council of Governments

City Manager Eppley reported that in 2002 the City of Keizer was awarded a planning grant through the Mid-Willamette Valley Council of Governments in the amount of $75,000. This grant is intended to fund a master planning process for the River Road commercial corridor.

<u>Councilor Walsh moved to approve the resolution authorizing the Mayor to enter into a regional investment award agreement for services with the Mid-Willamette Valley Council of Governments. Councilor Gaynor seconded the motion.</u>

<u>The motion passed as follows:</u>

<u>AYES:</u> Christopher, Gaynor, Smith, Taylor and Walsh (5)
<u>NAYS:</u> None (0)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> Moir and Lee (2)

c. <u>ORDER</u> – Approving Sign Variance for Keizer Salem Area Senior Center

Shannon Johnson, City Attorney noted this matter was before the Council for public hearing on June 16th. The Council directed staff to prepare an Order approving the sign variance.

Councilor Walsh moved to approve the order approving a sign variance for the Keizer Salem Area Senior Center. Councilor Gaynor seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Smith, Taylor and Walsh (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Lee (2)

d. ORDINANCE – Amending the Keizer Development Code – Variance Criteria

Shannon Johnson, City Attorney presented the staff report for the ordinance amending the Keizer Development Code variance criteria. When asked by Mayor Christopher about a requested letter from the applicant, he replied that it has been received, but was not included in the staff report. It spoke to the applicant's desire for reconsideration under new criteria, citing density on Barnick Road.

Councilor Smith commented on the discussion that took place on the matter within the Planning Commission. She noted that 3.202.02 (d) had been stricken, to which Interim Planning Manager Vafakos clarified that the item had been codified in error.

Councilor Walsh moved to adopt the ordinance amending the Keizer Development Code variance criteria. Councilor Gaynor seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Smith, Taylor and Walsh (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Lee (2)

e. Receive and Approve 2003 City of Keizer Salary and Benefit Survey

Mayor Christopher requested that no action be taken at this time on this item, adding that it will be brought back at the next meeting, following the Personnel Policies Committee meeting on July 16th. The postponement was agreed to by unanimous consent.

f. <u>RESOLUTION</u> – Establishing Criteria for Evaluation of Municipal Court Judge

Shannon Johnson, City Attorney explained that this Resolution was drafted under the guidance of Councilor Walsh and Council President Moir as part of their evaluation process for the Municipal Court Judge.

<u>Councilor Walsh moved to approve the resolution establishing criteria for the evaluation of Municipal Court Judge. Councilor Gaynor seconded the motion.</u>

Councilor Walsh provided additional information on the new criteria, adding that it is in line with the model used by Multnomah County. He noted that Item 2 requires all Councilors to observe one session and to complete an evaluation form.

<u>Councilor Walsh offered a friendly amendment to change the word "or" to "and" and to require all councilors to attend both processes. Councilor Smith seconded the motion.</u>

<u>The amendment motion failed as follows:</u>

<u>AYES:</u> Smith and Walsh (2)
<u>NAYS:</u> Christopher, Gaynor and Taylor (3)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> Moir and Lee (2)

<u>The original motion passed as follows:</u>

<u>AYES:</u> Christopher, Gaynor, Smith, Taylor and Walsh (5)
<u>NAYS:</u> None (0)
<u>ABSTENTIONS:</u> None (0)
<u>ABSENT:</u> Moir and Lee (2)

g. <u>RESOLUTION</u> – Establishing a Keizer Points of Interest Committee

City Manager Eppley reported that a Resolution has been prepared which will establish a committee to identify sites such as historical, geographical, botanical, or the unusual in the Keizer area.

City Recorder Tracy Davis noted some changes to be made to the resolution, specifically the deletion of the section in appendix A on subcommittees. City Attorney Johnson noted that the Council was free to accept such proposed changes and indicated that the subcommittee may not contain members who do not also sit on the full committee.

Mayor Christopher moved to adopt the resolution establishing a Keizer Points of Interest Committee, as amended by the deletion of the section on subcommittees . Councilor Gaynor seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Smith, Taylor and Walsh (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Lee (2)

CONSENT CALENDAR

Items on the Consent Calendar included:

1. ITEM 9a: RESOLUTION: Approving Engineer Report Pierce Drive Street Lighting District
2. ITEM 9b: RESOLUTION: Authorizing City Manager to Reimburse the Salem-Keizer School District for Alder Drive Extension
3. ITEM 9c: RESOLUTION: Adopting Keizer Futures Strategic Plan
4. ITEM 9d: RESOLUTION: Initiation of Legislative Amendment of AI Zone Text
5. ITEM 9e: RESOLUTION: Authorizing the Mayor to Sign First Amendment to Legal Services Contract
6. Approval of May 19, 2003 City Council Regular Session Minutes

Councilor Walsh moved to approve the items included on the Consent Calendar. Councilor Smith seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Smith, Taylor and Walsh (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Lee (2)

WRITTEN COMMUNICATIONS

Mayor Christopher disseminated a letter submitted to the Council by Cyndi Astley, Director of the Salem-Keizer Together Community Drug Prevention Network.

AGENDA INPUT

July 14, 2003

12:00 p.m. (noon) City Council Work Session

-SEDCOR Presentation

-Skate Park Discussion

July 21, 2003

7:00 p.m. City Council Meeting

-Inland Shore PUD gate

-Salary and Benefit Study

-ORDER – Weigel Variance

-Peddler Ordinance

ADJOURNMENT

Mayor Christopher adjourned the meeting at 9:15 p.m.

Tracy L. Davis

Tracy L. Davis, CMC
City Recorder

APPROVED:
MAYOR:

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Lore Christopher

COUNCIL MEMBERS:

Judy K Smith
Councilor #1 - Judy K. Smith

Absent
Councilor #4 - Jacque Moir

Michel G Gaynor
Councilor #2 - Michel Gaynor

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Councilor #5 - Richard Walsh

Absent
Councilor #3 - Charles E. Lee

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Councilor #6 - James Taylor

Minutes approved:

November 17, 2003