MINUTES
KEIZER CITY COUNCIL
Monday, June 21, 2004
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

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

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

Staff:
Chris Eppley, City Manager
Shannon Johnson, City Attorney
Dianne Hunt, Human Resources
Rob Kissler, Public Works
Nate Brown, Community Development Director
Chief Marc Adams, Police Department
Susan Gahlsdorf, Finance Director
Tracy Davis, City Recorder

Absent:
Jim Taylor, Councilor

FLAG SALUTE Flag salute was led by Girl Scout Troop 258 representatives Marissa Foster, Whitney Asher and Becka Cross.

PUBLIC TESTIMONY *Kim Thatcher, 1724 Chemawa Road NE, Keizer*, the Republican candidate for House District 25, introduced herself and encouraged voters to contact her at 503-932-1291 or through City Hall e-mail to voice their opinions or just to get to know her.

Clark Williams, 1050 Rafael Street, Keizer, Chair of the Parks Advisory Board first thanked Council for their support in the budget process and reported on improvements in the parks. Activities planned are a 3-night Summer Slam Dunk with Keizer Youth Basketball Association in

July and a 5-year celebration for the Carlson Skate Park sometime in August. Additionally the Parks Advisory Board extended an invitation to Council members for the Parks Tour and Barbeque in August and encouraged members to determine a convenient date and contact him. Council set a tentative date of August 10 at 5:30 pm.

Garry Whalen, P.O. Box 21088, Keizer, member of Parks Advisory Board reported that last month Dr. David Brauner, Professor of Archeology from OSU spoke to the Board regarding the Wallace House and informed members that Wallace house would represent some of the earliest historic data in the Willamette Valley. He has made a site visit to River's Edge Park and is planning on coming back for a "test pit" in August. Dr. Brauner will be at the July meeting to give more information.

Additionally, Mr. Whalen, presented a brief history of Pleasantview Park and Ben Miller and asked Council to consider holding a Public Hearing in August to rename Pleasantview Park to Ben Miller Park.

Public Hearing was set for August 2 Council Meeting.

Councilor Walsh suggested that neighbors within 250 feet of the park be notified of the proposed name change by mail and by posting a sign in the park. City staff agreed to do this.

Marissa Foster, 1211 Mandarin Street NE, Whitney Asher, 7576 Zinfandel Court N,, Katie Valcuredna, 6084 Palm Tree Court NE, Becka Cross, 6708 14th Avenue, all from Girl Scout Troop 258 explained that they are working towards completing the steps toward earning the Bronze Award, which is the highest award they can earn as Junior Girl Scouts. They asked permission to plant flowers at the two entrances to Willark Park.

Councilor Walsh moved to suspend the rules in order to make a motion to allow the girls to plant flowers at Willark Park. Councilor Gaynor seconded.

Councilor Smith noted that she would abstain on the vote because Marissa Foster is her daughter.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Walsh, Moir, and Lee (5)
NAYS: None (0)
ABSTENTIONS: Smith (1)
ABSENT: Taylor (1)
Councilor Walsh moved to grant permission to Girl Scout Troup 258 to

plant flowers in Willark Park. Councilor Gaynor seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Walsh, Moir, and Lee (5)
NAYS: None (0)
ABSTENTIONS: Smith (1)
ABSENT: Taylor (1)

COMMITTEE REPORTS

a. Keizer Police Department Award to Jose Troncoso

Chief Marc Adams noted that the Keizer Police Department relies heavily on volunteers and he wanted to take the opportunity to recognize someone who had volunteered for the KPD over the years. He gave a brief history of Jose Troncoso and the areas which he has helped the department. He concluded thanking Mr. Troncosa and presenting him with a gift.

b. PROCLAMATION Support of Tourism in Marion and Polk Counties

Mayor Christopher read a Proclamation in Support of Tourism in Marion and Polk Counties. She noted that the Support Summit will be held on Wednesday, June 23, from 2 to 4 pm. at the Red Lion. Mayor Christopher encouraged Council members to attend.

Volunteer of the Quarter Award

Because the recipient of the award was not in attendance, Council agreed to wait until the next meeting to present the award.

d. Appointment to Keizer Urban Renewal Board

City Manager Chris Eppley reported that on February 2004 the 3-year term of Greg Rands expired on the Keizer Urban Renewal Board. At the June 10, 2004, Volunteer Coordinating Committee meeting, it was unanimously recommended that Mr. Rands be reappointed for another 3-year term on the board. Mr. Rands was not in the audience to accept the award.

Councilor Moir moved to accept the recommendation of the Volunteer Coordinating Committee and reappoint Greg Rands to an additional 3-year term on the Keizer Urban Renewal Board.

Councilor Smith seconded.

Motion passed unanimously as follows:

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

Salem Sewer Agreement Update

Tim Gerling, City of Salem Public Works Director updated Council on sewer rates for the coming year and distributed and reviewed a handout covering points that would be of interest to Keizer residents. He noted that the rates have not been adopted and a Public Hearing is scheduled for July 12 and explained the CIP and requirements for various projects.

PUBLIC HEARING

a. RESOLUTION – Authorizing the City Manager to Enter Into Transaction for Sale of City Owned 20-foot by 85-foot Strip on Allendale Avenue to Phyllis Dinsmore

City Attorney Shannon Johnson explained the legal requirements for selling public land adding that those requirements had been met and reviewed the location of the property.

Mayor Christopher opened the Public Hearing. Seeing no one wishing to speak to Council on this issue, she closed the Public Hearing.

Councilor Moir moved to adopt Resolution R2004 Authorizing the City Manager to Enter Into a Transaction for the Sale of City-owned 20-foot by 85-foot Strip on Allendale Avenue to Phyllis Dinsmore.

Councilor Lee seconded.

Motion passed unanimously as follows:

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

b. RESOLUTION – Adoption of 2004-2005 City of Keizer Budget, Making Appropriations, and Imposing and Categorizing Taxes

Finance Director, Susan Gahlsdorf, summarized the process which the Budget Committee went through to review and approve the Manager's Recommended Budget as amended. Staff recommendation is for Council to open a Public Hearing, deliberate on the budget, and finally approve same. Ms. Gahlsdorf reviewed items that had come to light after approval:

1. During Urban Renewal Budget hearings Dr. Jerry McGee, representing the Points of Interest Committee, proposed that $11,445 for signage be taken out of Urban Renewal. Because approximately $5,000 worth of these signs are outside the Urban Renewal District, it is recommended that $5,000 be budgeted in the street fund to carry the City's portion of that cost.
2. Staff recommends a change in the Water Fund: $14,700 was budgeted in materials and services for computer equipment and duplicated in capital outlay. The change would increase the fund balance to $343,700.

Mayor Christopher opened the Public Hearing on adopting the 2004-2005 City of Keizer Budget and making Appropriations and Imposing and Categorizing Taxes.

Jerry McGee, 1030 Ridgepoint Street NE, Keizer congratulated the Budget Committee for the effort made in the budget. He added that in his opinion the budget could still be improved pointing out the $2000 designated for the after school program and noting that approval of this item would be approval of a social type activity which is a significant departure from the unwritten philosophy of the City. He concluded that even though the budget was "in the black" these $2000 items could change that.

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

Councilor Moir moved a motion to remove the $2000 for the Power Program from the 2004-2005 Budget. Councilor Smith seconded.

Councilor Moir noted that she agreed with Mr. McGee and the understanding when this was put in the budget the first time was that it would be only for one year. Councilor Smith echoed Councilor Moir.

Councilor Lee stated that he was in support of leaving it in the budget because of the disparity in what is happening in the Salem school district. He noted that programs like this are struggling and with just a little support from the community, they can leverage the monies into more funds for the program. He concluded that he supports it for this year only and does not support continuing it from year to year. Councilors Gaynor and Walsh agreed with Councilor Lee.

Motion failed as follows:

AYES: Smith and Moir (2)
NAYS: Christopher, Gaynor, Walsh, and Lee (4)
ABSTENTIONS: None (0)
ABSENT: Taylor (1)

Councilor Moir moved to adopt Resolution R2004 Adopting Fiscal Year 05 Budget, Making Appropriations, and Imposing and Categorizing Taxes. Councilor Lee seconded.

Motion passed unanimously as follows:

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

c. Keizer Station Master Plan – Area A

Mayor Christopher opened the Public Hearing for the Addendum Keizer Station Master Plan – Area A.

City Attorney, Shannon Johnson, stated that the applicable criteria for the quasi-judicial case is set forth in the staff report, but because the staff report was lengthy he would not be reading it, however, copies were available. Hearing no objections to not reading the entire list of criteria, they were considered waived. He continued that testimony and evidence directed toward the criteria in this application must meet those set forth which apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the Parties an opportunity to respond to that issue precludes appeal to Land Use Board of Appeals based on that issue. He asked if there were any objections as to notice, opportunity to be heard, jurisdiction, conflict of interest, or bias or prejudice of the Councilors. If so, they should be raised at this time. If there are any exparte contacts or bias that need to be disclosed they should be disclosed at this time. There was no response to this. Mr. Johnson noted that the entire Community Development file in addition to the documents before the Council is before the Council for review and is considered placed into the record without objection.

Community Development Director, Nate Brown pointed out that the composite drawing includes the transportation system, landscaping plan, street lighting, and plans for the plazas including the tree retentions. It does not have the subdivision or signage requirements which are under consideration.

Mr. Brown called attention to:

1. A memo dated June 21, 2004, from Public Works Director, Rob Kissler, which should be added as an addendum to the conditions that are already identified as an addendum/cover to the staff report.
2. A memo submitted by Oregon Department of Transportation. He pointed out that Dan Fricke was in the audience and would be willing to answer questions.

Mr. Brown noted that the application consists of four separate applications: (1) The Master Plan, (2) the Subdivision required to divide the parcels, (3) the Setback Variance for some of the buildings under consideration, and (4) a sign variance. Keizer Development Code allows these to be rolled into one decision for ease of processing.

Mr. Brown stated that the application represents a positive representation of some great assets to the community with many amenities such as plazas, a trail system, and landscaping which will take place with both the public and private development of the facility. What is proposed is almost 1,000,000 square feet of commercial and

industrial space representing some significant and complex issues.

Rather that review all 68 conditions of the staff report and addendums, Mr. Brown presented a major overview of the four different applications and the issues addressed through the conditions. The Master Plan is significant. Staff has tried to insure that amenities proposed are those required, and that some aspects and impacts to neighboring properties are addressed such as a sight and sound obscuring wall to be constructed between the residential properties and that of Area B. Mayor Christopher pointed out that, because the sight and sound obscuring wall for Area B has to do with the transportation system that is benefiting Area A, it was being addressed this evening. Mr. Brown confirmed this and noted that Area B will undergo a Master Plan process which will be submitted as the areas are developed.

Continuing, Mr. Brown pointed out that in regards to the subdivision, there were concerns over compliance with area requirements in the EG zone which specifies a complex balance between commercial and industrial properties. The southwest corner of the parcel had been shown as industrial but included the car wash and service station which are not listed as industrial uses but as commercial. The developer has indicated that they will modify the conditions presented. Mr. Brown noted that he is confident that the issues will be worked out on the subdivision in a manner that will legally comply with all the requirements of the zone for that balance of commercial/industrial. Basically that requirement would be that some of the small lots on the proposal would have to be combined with other lots in order to comply with requirements.

Mr. Brown noted that the applicant has submitted a request for major variance for yard setbacks. The justification for the variance in most cases is because the Master Plan requires that they accommodate the eventual build-out of Radiant Drive with the subdivision, and they dedicate the right-of-way necessary to accommodate that eventual build-out. That extra wide right-of-way width placed a burden on the developer for developable space. Extra-large setbacks required by the EG zone are not necessary because only the road width necessary to accommodate the foreseeable future traffic through the year 2008 is being built. Staff supports the request for a variance with the exception of the request from tenant space B. This request is to surround the building with a drive-through, but staff recommends that that aspect of the request be denied.

Mr. Brown then addressed the Sign Variance Request which would apply throughout the entire development adding that staff supports the

approach they have granted. They are basically limiting the amount of free-standing signage throughout the development and staff feels that is an appropriate trade for granting additional height and area on an identifying sign to the development. However, staff is recommending that the height of the sign be limited to the same height as the Volcano Stadium and Woodburn Mall signs. Mr. Brown added that the developer is agreeable to this.

Mr. Brown noted that one of the conditions staff recommends is that the circulation system, particularly the pedestrian system, be amended to better connect it to the remainder of the pedestrian transportation. Staff recommends that the west side of the new road "A" have an additional sidewalk installed. Developer will address this issue with the Council because they feel there are some significant constraints by the railroad tracks which present safety problems and it is questionable how much pedestrian traffic there would be in the area because there is pedestrian circulation along Radiant Drive as it connects to Lockhaven. Other conditions are acceptable to the developer.

Councilor Moir asked if the points brought up in the ODOT letter had been reviewed. Mr. Brown responded that ODOT has reviewed this carefully and indicated that they are supportive as long as the documentation has been submitted, it complies with all state requirements and all state-required permits have been obtained.

Chris Eppley thanked ODOT, Dan Fricke and Tony Martin specifically, for their responsiveness in working through this and getting a comment to the City in a timely manner.

Councilor Smith questioned if there was room to expand the road in the future if the variance for setbacks is approved. Mr. Brown responded that the right-of-way required now is for the eventual build-out, so with this approval all right-of-way necessary will be established. Setback would be reduced from 20 feet to 10 feet so there would not be a sidewalk next to the building.

Councilor Lee questioned if the lease with the Volcanoes had been checked pertaining to requirements regarding Radiant Drive. City Manager Chris Eppley responded that contact has been maintained with the Volcanoes over the last four years regarding this project and he has no doubt that they would be willing to work with the City on future alignments.

Councilor Lee asked for additional explanation on Road C. Mr. Brown responded that Road C is necessary to provide internal circulation. By establishing Road C, a portion of land was carved off some parcels. If

establishing Road C, a portion of land was carved off some parcels. If that is a public right-of-way, it creates a parcel that does not meet the dimension or area requirements of the EG zone because of size, depth or width requirements. City Manager, Chris Eppley, followed up that the reason it is developed on a public easement as opposed to right-of-way, is that allows them to retain ownership of the ground and count that area as part of a lot size so it remains in one parcel. The road that will be built will feel like a public road and the City will maintain ownership and maintenance of it.

Chuck Sides, 2555 Hollywood Drive, Salem, complimented staff on all the hard work that has been done on the project and added that it was his hope that the Council will vote to move forward because time is of the essence and the concept has to be approved in order to meet the next movement forward.

Jeff Benner, 5000 SW Meadows Road, Suite 430, Lake Oswego, the designer of the master plan explained that what has been done over the last four years is a culmination of a lot of hard effort:: a site plan that takes into account everything that has been addressed in the Keizer Master Plan requirements and criteria created by the developer and others. There are two (and possibly three) tenants who are signed and ready to move forward on this project with many to follow.

Councilor Gaynor inquired as to the location of the sign. Mr. Benner showed him the location on the map and continued that in the first Urban Renewal hearing it was located in a different location, but it has been moved away from the park and is being treated as an identifying sign element.

Councilor Moir questioned Tepper Lane and the pedestrian underpass, the landscaping along the back of the buildings, and access points for pedestrians that would be using Tepper to get to the stores if they didn't want to come down to the proposed realignment of Radiant Drive.

Mr. Benner responded that he was not sure of exactly what the future plans are for the PGE property but concerning the area of the entertainment/sports facilities, they are in planning, with every effort being made to make good pedestrian connections to the baseball field and the anticipated entertainment. Concerning Tepper Lane there is an underpass under the railroad tracks. Pedestrians will border along an 8-foot sidewalk eastward, pass a loading area and be connected into the front of "Major One" where they can actually traverse to "Anchor 2" and "Anchor 1" or they connect to "Majors 2, 3 and 4". There are other connections that move laterally throughout the site to

the shops buildings and those buildings across the street.

Councilor Smith noted that with the orientation of the buildings the Keizer Stadium and a future entertainment sports complex will be looking at the back of buildings (blank walls, loading docks, garbage bins, etc.). She asked if landscaping was planned to make it more attractive.

Mr. Benner responded affirmatively and showed some different pictures. He added that there will be a significant amount of articulation and undulation in the building wall, variation in heights and tower-like elements, 12-foot screen walls, character-adding details and landscaping.

Councilor Walsh asked what Tepper would look like at completion. Mr. Benner replied that it would have a ¾ street improvement so on the south edge there would be a finished street with the bike lane, landscaping, and an 8-foot sidewalk, but it would not be improved on the north side. Mr. Brown added that the conditions require only the south side of Tepper to be fully improved. The cross section of Tepper is ¾ width, constructed at collector street standards to accommodate anticipated heavy truck traffic, but at this point there is no requirement to complete the other half of the street until that side develops.

Councilor Walsh noted that if the north side of the street would not have a bike lane until development occurs, bikes would have to use the other side going either direction. Mr. Brown responded that Tepper lane will be closed off to through traffic. Mr. Walsh pointed out that it would be designated for bikers and go through for bikes and since there are loading areas, there will be trucks. Rob Kissler stated that it is legal for a bicycle to ride on a 12-foot lane going westbound toward Tepper. There will be a transition at the end of Tepper Lane on the westernmost portion for a turnaround to accommodate emergency services. The transition will also allow for bicycles and pedestrians to continue west under Tepper Lane. Currently development code standards do not require improvements on the north side of Tepper Lane. Additionally, at the time of the construction of Volcano Stadium the city constructed a gravel walking path on the north side of Tepper to give pedestrians an opportunity to stay off the roadway. Mr. Kissler added that he would not want to lead Council into thinking that there was ever going to be any development on the north side of Tepper, at least on the frontage of the BPA because he does not anticipate that use being changed any time soon. It is unfortunate that when the BPA developed that years ago that they weren't required to do some frontage improvements. So the short answer is that they are not required to construct a bike path, but if Council wishes, there may be

some ways to do that with other funding and incorporate at least a bike path on that side. It would take some work with utility relocation and a property owner who would be willing to work with the city on placing that bike path along a potential part of their frontage.

Mr. Walsh added that if this is the area we are encouraging everyone from the Gubser neighborhood to come into via alternative transportation, there should be a safe way to return home, especially with truck traffic. He encouraged exploring the completion of the route through whatever means available.

Responding to questioning from Mr. Eppley, Mr. Brenner said that he thought the 8-foot sidewalk on the south side of Tepper Lane was dedicated right-of-way and a 12-foot sidewalk could be built which is the ODOT standard for a multi-use path in that area. This would take care of the bike lane issue.

Mr. Benner requested approval of the Master Plan and the subdivision map with the caveat that he will work closely with staff for the next four days to make sure that a subdivision map is created that is acceptable to the city. Although they would like to be granted the variance on Anchor B, with respect to all the conditions for approval including the signs, they are in favor of the compromise. Mr. Benner noted the concern over pedestrian traffic coming eastbound on the north side of Chemawa where they cross Road A and move northerly. Nate Brown had suggested providing the pedestrian connection adjacent to the railroad tracks on the west side of Road A as a direct connection to Anchor 1. Mr. Benner stated that his firm believes that people coming from Lockhaven/Chemawa will use Radiant. This sidewalk will provide direct access to the center. It is thought that the sidewalk in question would not have high usage. Other sidewalks could be provided on the south side, but conditions from ODOT and the railroad prevent necessary crossings. It is also anticipated that northbound pedestrians would drop down into the project along the south side of Anchor A. In conclusion, Mr. Benner stated that a link can be provided that will connect Anchor A and Anchor 1.

Chris Stanely, Kittleson & Associates, 610 SW Alder, Portland, stated that the pedestrian crossing details will be worked out with the City and ODOT. There are many components and factors that come into play. The original plan was right-in right-out movements which did not allow pedestrian crossings across Chemawa. To cross, pedestrians will currently cross in different locations. A diagonal crossing is being evaluated. Typically they are done where there is an "all pedestrian" phase at a signal so pedestrians can cross at both 90° and 45° angles but it is definitely a design-specific solution for this project. Mr. Brown

added that staff has not considered or evaluated any of the details of such a proposal.

Mr. Stanley continued addressing the bikeway on Tepper Lane. He described the character of Tepper Lane as a dead end street so the volumes will be low. From this standpoint there should be flexibility to provide bicycle facilities including a multi-purpose path. Another option would be no striping on the street with cars and pedestrians sharing the same travel way.
Council recessed for 10 minutes.

Public Testimony

Ross Day, 7831 St. Charles Street NE, Keizer objected to procedural issues: (1) with regard to jurisdiction, he will reserve the right to raise the issue on further appeal and (2) during the last recess he witnessed numerous exparte contacts which were not declared on the record immediately upon session reconvening as required. He then disclosed that he is privileged to serve on the Keizer Planning Commission and that during the planning process of this development, he was arguably, outside of the developer, the biggest proponent of the Keizer Station Plan and he still is. However, he did not attend the meeting in his capacity as a Planning Commissioner. Instead he attended as attorney for Robert and Marilyn Lowery, property owners alongside Chemawa Lane. They own 5 or 6 tax lots which are within the scope of this Master Plan. Mr. Day submitted a letter outlining the issues and concerns. He noted the Keizer Development Code is very clear; it states that the only people who can apply are the property owners or their agents, authorized agents, or a successor in interest. The applicants are neither. This application is not properly before the council today. The jurisdictional question is also an issue of criteria because part of the criteria for submitting an application requires the submitter to be a proper applicant. Mr. Day directed Council to the *Johnston vs. City of Albany 34 LUBA 32, 1998* Case which has nearly identical facts. A Master Plan by developers was submitted to the City of Albany; the city approved it; but it included some property which was not owned by the developers at the time and, as a result, the LUBA reversed and remanded the decision. The Lowerys still own their property despite the condemnation threats that are being levied against them. They have lived there since 1946 and operated the nursery for 30 years. They are not the applicants here today, but the application involves their property. Accordingly, this application should not have been accepted and is not properly before the council.
Mr. Day stated that his concern is not only with the process but also with the rights of the Lowerys. The reason for the haste in moving this application forward is that within 7 days of June 30th the developers

can request the Keizer Urban Renewal Agency to institute condemnation proceedings, presumably against the only two property owners who have not sold. He believed this inappropriate use of the condemnation authority which is a tremendous authority and should not be used lightly. Mr. Day represented that the he and the Lowerys would fight this as long as they have to. It is a simple matter of fairness to the Lowerys. The matter is not properly before the council and the council does not have the authority to approve it. Although it may be approved, an appeal will be filed and it will be back before the Council.

Councilor Smith mentioned that she was at the nursery a year ago and the two gentlemen who sold the plants to her indicated that they were leasing or buying the business from the Lowerys. She noted that last summer Mr. Lowery was not there and questioned if he had leased or sold the business. Mr. Day responded that to the best of his knowledge Mr. Lowery still owns the nursery.

Councilor Walsh asked Shannon Johnson about declaring exparte contacts or any contacts. Mr. Johnson responded that the hearing was recessed technically and it probably should have been held more as a joint discussion. He suggested that if any Councilor speaks, the exparte contacts should be declared. He explained that an exparte contact would be anyone (including another Councilor) who was spoken to as well as the nature of it. The reason for that is that theoretically during the break all members should have left the room and not discussed the issue, but it makes the most sense to get up and look at the pictures and, while people are standing around, talk about what you see in the pictures. Technically, however, that is an exparte contact because the record is not open and the tape is not running. To just say you had the exparte contact is not enough, because objectors don't know what you learned from that and cannot make appropriate rebuttal. So he suggested that Council members declared them and put them on the record at this time.

Councilor Moir declared two exparte contacts:

1) Joel Stein of the Keizer Fire Department discussing Tepper Lane and the turnaround for the fire vehicles to see if that met their standards and he informed her that they did.
2) Jerry Walker of the Keizer Volcanoes; discussing future possibilities for the development of the area north of the area being reviewed tonight and accesses into that area. She did not finish the conversation because she brought the City Manager in and left.

Councilor Walsh declared the following exparte contacts:

1) Jerry Walker regarding Tepper Lane and some improvements there;

2) Mr. Jensen discussing and pointing at the sign and expanding the path to 12 feet. Mr. Jensen had commented about the expense of adding an additional 4 feet and that was discussed.
3) Mayor Christopher and Jerry Walker joined the conversation with Mr. Jenson and they all tried to figure out how big 68 feet was because the height of the sign is 68 feet. They were outside trying to compare different trees measuring them against the 10-foot tall basketball hoops and trying figure out how many basketball hoops it would take and came to the conclusion that the second tree next to the white house is probably closest to 68 feet so that would be about the size of the sign.
4) Mr. Gaynor and Mr. Lee about the path and sign.
5) Joel Stein with the Fire Department who mentioned Tepper Lane and how it would be nice to find an alternative path for fire trucks to get to the back side of the Keizer Station, perhaps under the underpass which was an idea that he proposed several months ago.

Mayor Christopher stated that she participated in the tree discussion.

Councilor Gaynor stated that his exparte contact was with:
1) Chris Eppley after he finished talking about the traffic patterns by Station A. Mr. Gaynor stated that he had an area where he liked to walk his dog and he wanted to know if it would be possible to get a path up to the corner so he could go across the street heading north and connect to the same bicycle path that now goes under because he didn't want to go down the hill and back up again, and he thought others might feel the same. However, Mr. Eppley had informed Councilor Gaynor that if that was done, the pedestrians would interfere with the traffic flow on Chemawa Road because they would be pushing the button. Councilor Gaynor asked if the pedestrians could be ignored and Mr. Eppley had said no, there has to be a button for a pedestrian walkway.
2) Chris Stanley with Kittleson discussing the 68-foot sign and that he liked the sign.

Councilor Smith declared one exparte contact with former Councilor McGee with discussion centering on the Budget.

Councilor Lee declared that he wandered around listening to everyone but his exparte contacts were with:
1) Richard Walsh taking part in the tree debate regarding the sign.
2) Former Councilor McGee and Councilor Smith with some mention as to how many people were going to be speaking at the Public Hearing this evening.
3) Larry Epping who stated he was here to learn more about it. They

spoke about how exciting the project is.

4) Councilor Gaynor and Shannon Johnson regarding the location of the sign.

City Attorney Shannon Johnson encouraged anyone in the audience, including Mr. Day, to question the councilors on their exparte contacts

Jim Shomeyer, 2328 Aldene Court NE, Keizer stated he attended the meeting to get clarification on the site and boundary wall that will be along the property lines on Site B, the entrance road of the project. He also wanted to know how tall it would be and questioned what would be done with the sewer cleanout behind the property because it affects his property value.

Nate Brown explained that the wall would be at the rear of all of the residential properties that abut Area B and that it is the desire of the City to work with the property owners adding that, because Radiant Drive is depressed, the need for the wall might be better addressed by working with individual property owners. Those details have not been defined specifically. Council might wish to direct staff to work with individual property owners abutting the rear property line, which staff would be willing to do.

Mr. Brown continued that the wall depends on site characteristics: the ones along the freeway are higher than something within the city. Mr. Shomeyer added that he wanted to have input regarding the wall because some residents will have lights coming into the back of their house, as well as sound pollution and foot traffic. Originally it was supposed to be a landscape barrier rather than a wall, which he didn't like either. Some neighbors like the wall idea, but he noted he couldn't speak for all of them.

Mr. Brown explained that the Development Code requires that lighting be directed away from residences, so that issue will be addressed. When the Master Plan is developed for that area, the lighting will be considered. Regarding the landscape buffer vs. the wall, the landscape buffer typically does not attenuate sound very well, and the concern has been for the privacy. There will be a large amount of traffic on Radiant so a wall is being required. Details of the specific wall will depend on a lot of factors. Contact with the landowners will come at the direction of Council.

Councilor Smith noted that a wall of this nature was an effective means of blocking sound. The Lockhaven Sound wall (10-12 feet high) might be a good example for Mr. Shomeyer to look at. Chris Eppley added that because the site has unique characteristics and the road will drop

below ground level for a significant portion, the wall might have less impact in some areas than others, so the site will need to be evaluated specifically and property owners consulted. The City does not want to build more wall than necessary but wants to assure residents in the area that they will be protected from sight and sound.

Jerry Walker, 6604 Rimrock Court NE, Keizer with the Salem-Keizer Volcanoes noted he had no idea he was involved in exparte contacts. He added that he has had a lot of discussion with the developers and he commended them for their work. He added that much work has been done to get people out of the Volcano Stadium parking lot and onto the roads that go through the development. The drawing presented will not work. Because of this he has met with the developer several times over the last month and they have come up with three very good alternatives, two of which are very good. None of these alternatives are shown on the map although he understood that the developer intended to include it. He encouraged the developers to present the plans and added that this would be an appropriate time to see how people would be directed out of the stadium. The current drawing shows only one lane of traffic leaving Volcano Stadium and that created his initial concern which led to the discussions with the developers. Mr. Walker concluded that the developers have developed a couple of good workable plans and encouraged Chris Stanley could speak to that point.

Chris Stanley joined Mr. Walker and reported that, based on meetings with the Volcanoes, a few sketches were provided to Jerry Walker to review to ensure that the stadium will be able to accommodate the games and other special events and that people will be able to easily and efficiently get in and out. Radiant Drive was evaluated and additional capacity was added specifically to accommodate stadium events. The next question was with Radiant Drive being realigned, how would it connect to the stadium. Several alternatives were developed to be evaluated. Because there are several factors that must go into that evaluation, such as utilities and plans for the area to the north, Mr. Stanley's recommendation was not to choose an alternative at this time because it might become something that is difficult to build, but he would recommend that the Council allow the work with the Volcanoes to continue so that whatever is built is to their satisfaction.

Mr. Stanley stated that currently Radiant Drive dead ends into the middle of the stadium parking lot. The new plan shifts it to the west so the driveway out of the stadium is somewhat offset. The current exit out of the stadium accommodates two lanes out, one continuing straight down Chemawa and the other one continuing right across Tepper. As part of the plan, the vehicular access is going to be

eliminated which will be a better solution because it will reduce stadium traffic across the railroad and through the neighborhood. That means two exit lanes will be required in order to maintain the same capacity. There is redundancy in the system by adding a second southbound lane on Radiant to the first signal and there are alternative routes throughout so there is a lot of flexibility. The addition of the traffic signals will improve safety particularly at Chemawa where there will be signalized access points instead of the current unsignalized ones. Work with the stadium involves connecting this road that currently "T"s into Tepper with the stadium. Ultimately there is a lot of discussion about the possibility of extension to the north for some long range planning with the City, future development, etc. When the applications come in, this will be something that must be considered in the design. The current focus is on guaranteeing continued capacity but not limiting possibilities.

One of the options investigated was widening of Tepper Lane so that there are two lanes out of the parking lot up to where Radiant intersects and then continue southward. A constraint, however, is the width, because there is currently a power line on the north side of Tepper Lane.

Another option is to provide two lanes into the southern area of the parking lot and another is to provide two more lanes into the central area of the parking lot. Some of the issues that will need to be addressed with this option are: property ownership, the power line in the area, making sure that when the connection is made into the parking lot the striping and the configuration of the lot facilitate access. Mr. Stanley concluded stating that they will continue to refine the constraints and work with Mr. Walker to ensure that the alternative can be built and will operate well.

Councilor Walsh inquired if signals could be tailored to the ball games or timed to give priority to the ball game people. Mr. Stanley responded that that has been something the city has said from the beginning: they want Radiant Drive to be a priority roadway. That people traveling throughout the area and particularly to/from the stadium want the through movements to have little delay. The infrastructure has been designed accordingly and the traffic signals along Radiant will be interconnected so that when one signal is approached it will turn green giving priority to through movements. Mr. Stanley added that he anticipates that a specific signal phasing plan will be done for stadium events so that when the games let out, people leaving the stadium will have even greater priority. As it is the light will stay green until someone comes to the side street, but a specific plan will probably be developed that increases the green time even further to maximize

traffic flow.

Mr. Walker stated that he would be pleased with any type of approval that is subject to or conditioned upon creating that link to the Volcano Stadium parking lot. Apparently it is not defined accurately yet, but it is very important.

Mayor Christopher closed the public hearing.

Councilor Walsh asked Mr. Brown to point out the exact lots belonging to Mr. Lowery on the Master Plan. Mr. Brown directed Mr. Walsh to Exhibit 1 which shows existing conditions and property lines. Mr. Walsh asked the location of the Krispy Kreme, which Mr. Brown showed him on the map. Referring to Mr. Day's comment, Mr. Walsh inquired if the development could be Master Planned with that portion cut out. Shannon Johnson responded that he did not know and wished to reserve judgment and discussion for a later Council meeting.

Referring to the Department Staff Recommendation Mayor Christopher stated that she would start with page one and take questions or comments on each page until the end of the report was reached.

Page 1 – No comments

Page 2 – Councilor Moir asked Mr. Brown to define a "bollard". Mr. Brown responded that it is a traffic control device or design feature which provides visual interest. It is a low-height pole or architectural feature that is about 3 or 4 feet high providing traffic separation. It is only an example of the kinds of architectural features that would be seen in outdoor spaces. It is not intended that as a specific requirement.

Page 3 – Councilor Walsh inquired about the 35th issue adding that this circulation description did not mention 35th and all the previous ones have at least mentioned it as one of the goals. Mr. Brown responded that the issue of the connection to 35th is something that is offsite so not contemplated, approved or recommended by staff at this time because there is not enough information to recommend one way or another how this is going to provide additional connection. Councilor Walsh summarized that this was an overall philosophy table of contents and the philosophy from the Council from the beginning was to incorporate 35th. What was stated was "don't worry, this does incorporate 35th." At least that is the philosophy in terms of the future. But 35th has always been mentioned as one of the issues. He noted that he could accept the representation that this deals with that in the letter that Chris sent out and discussion had with Marion County, etc.

but he wanted to make sure it is in the philosophy sections which have always included 35th as the way to get out to the north. Mr. Walsh concluded that he wanted to add the language including 35th.
Mr. Brown agreed to do so but suggested that motions be made for the changes.

Councilor Walsh moved that the first paragraph of page 3 be amended adding the words "and north (35th)" after "west (Lockhaven)". Councilor Gaynor seconded.

Motion passed unanimously as follows:

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

Page 4 – Councilor Gaynor inquired about the height of the sign and dropping it down to 50 feet stating that he felt it was not a good idea. He added that he understands the idea of uniformity of codes, etc., but wanted more input. Mr. Brown explained that there is a section specifically addressing the issue adding that this page was basically a table of contents. He concluded requesting that Councilor Gaynor reserve comment until the specific section is reached.

Pages 5 through 7 – No comments

Page 8 – Councilor Smith read the statement *"Although the proposed master plan will provide the desired employment, the current design appears to fall short of the objectives to provide a focal point for community and multiple activities, and a gateway to sports activities (primarily the baseball park to the north)."* And asked if there had been anything that has changed that statement. Mr. Brown responded that this addresses the desire to relocate the buildings (which is part of the conditions) providing the kind of focal point that was intended in Keizer Station. Recommendation is that the professional office building be moved so that it more directly relates to the park and the street, creating a more central focus. So this statement supports the recommendations and findings presented later in the report.

Page 9 – No comment

Page 10 – Regarding Findings: 2.119.02 Councilor Moir asked if the issue regarding the "proposed service station and automobile services uses" had been resolved. Mr. Brown responded that it had been resolved adding that this basically refers to the subdivision issues and the split between the 25% and 75% commercial/industrial uses. The

automobile service components that are currently located at that portion of the site have to be counted as commercial and therefore adjustment must be made to the areas that are dedicated to industrial as specified in the EG zone vs. special permitted conditional uses. This is also addressed in the conditions. The applicant has indicated that they will work diligently with the city in this next week to make sure that commercial/industrial uses are clearly identified.

Regarding Findings 2.119.10 Development Standards Councilor Moir referred to the statement "Eight buildings or footprints do not meet these requirements" and asked if that had been corrected. Mr. Brown responded that if Council adopts the staff recommended variance then the buildings would be in compliance.

Pages 11 through 13 – No comment

Page 14 – Councilor Walsh inquired if this was where the increased width of Tepper Lane should be addressed. Mr. Brown responded that it would be appropriate, adding that particularly what is being dealt with is the ordinance, Keizer Station Plan and Development Disposition Agreement requirements.

When Councilor Walsh suggested specific verbiage for a bike path, Rob Kissler proposed a more general wording so that staff would have the flexibility to work with the developer on how this might be accomplished. He also asked Mr. Walsh if he wanted to address the pedestrian issue on Tepper. He noted that the developer had proposed that the pedestrians would be on one side of the street with an 8-foot walk, they could go both ways as pedestrians, but maybe the bicycles would be appropriately out in the street going eastbound and westbound. Councilor Walsh pointed out that this would be a designated bike route because it is going under Tepper and it could be a pedestrian route, but what he was trying to avoid was mixing the bikes with the trucks that would be using Tepper Lane.

Councilor Walsh moved to add to the end of the existing sentence of the Findings under 2.302.03.D verbiage that Tepper Lane would safely accommodate bicycle and pedestrian traffic for both easterly and westerly movements separate from vehicular traffic. Councilor Moir seconded.

Motion passed unanimously as follows:

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

Page 15 – No comment

Page 16 – Councilor Moir verified that staff recommendation is a minimum of 2" caliper on the trees. Mr. Brown clarified that the recommendation is that the minimum size tree be increased from 1½" to 2" in keeping with industry standards because the survivability of smaller trees is very questionable. Staff has agreed that the larger trees should be placed anywhere that they would be subject to damage, such as parking lots, streets, sidewalks, etc. There may be some outlying locations where the smaller trees could be used. Councilor Moir asked if that was something Mr. Brown would work out with the developer. Mr. Brown responded that it would be done under specific site plan approval with the building permit application as long as the council is comfortable with the condition of increasing the size in areas where the trees would be subject to damage.

Page 17 – Councilor Lee referenced the findings for 2.303.6 asking when the parking area calculations would be determined. Mr. Brown stated that as part of the approval the developer would be required to supply all required documentation to be reviewed and approved by the Community Development office before they can proceed. Councilor Lee clarified that what is shown on the drawings for parking areas might not be accurate. Mr. Brown responded that he had been assured that it is accurate, but he had not been able to verify the counts and square footages so he is asking that the developer supply the documentation as part of the approval. He added that he believed that the drawings are accurate, but he does not have the documentation and there has not been time to actually count the spaces and divide it up.

Councilor Walsh noted that there are parking requirements for bicycles, compact cars and large cars but with all the greenery there are no special spaces for motorcycles. He added that he didn't know if that was important, but some places don't fill up spaces with planters so that multiple motorcycles can use a single spot. Mr. Brown stated that it was not currently a requirement of the development code. Mr. Walsh asked if it was the recommendation of staff that motorcycles take up a full parking space. Mr. Brown and Mr. Eppley stated that it was.

Councilor Lee inquired where the handicap spaces fit into the codes and numbers. Mr. Brown responded that they are specified in the building code and that would be taken care of with the building code requirements. There is a certain number specified for van-accessible vs. non-van accessible handicap stalls. Mr. Eppley added that it is calculated per 1,000 square feet of building space.

Page 18 – No comment

Page 19 – Councilor Moir referred to the first findings "Staff recommends that, due to the high volume of traffic, aisle width in parking areas be increased to the industry design standards of 24 feet." She asked if the industry design standards were not also the standards of Keizer's Development Code. Mr. Brown responded that the Development Code only specifies 22 feet and staff is recommending that it be increased to 24 feet.

Pages 20 and 21 – No comment

Pages 22 and 23 – Councilor Smith asked Rob Kissler if the Master Plan would have to follow NPDES Regulations that will be implemented once the permit is approved even though the Master Plan is being approved prior to the approval and implementation. Mr. Kissler responded that they would have to follow the regulations of the state that are in place at the time that they provide construction drawings for approval. An Erosion Control Plan will be required through the process and they will be required to get a permit from DEQ for their NPDS if they disturb 1 acre or greater.

Pages 24 through 31 – No comment

Page 32 – Councilor Moir asked when necessary replanting is done, what triggers it and how long it takes. Mr. Brown explained that the Development Standards require that "Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property."

Page 33 – Mr. Brown stated that the first bullet under the findings of section 2.315.08.A should be changed. The developer is requesting that this bullet be removed. Mr. Brown stated the staff concern is not so much the traffic that comes from the west, it is the pedestrian traffic that will be generated in Area C and the concern was how to get those people into the pedestrian circulation system. There have been discussions with the developer addressing provision of adequate crossing mid-block between the two. Probably the biggest generator of cross traffic will be between those uses, not particularly from offsite. The need for pedestrian connection to Lowe's is probably not as great as it is between the uses within the site. Mr. Brown stated that he could support removal of the first bullet point as long as there is adequate connection provided internally.

Mayor Christopher moved to strike the first bullet point under the findings section 2.315.08.A. Councilor Smith seconded.

Motion passed unanimously as follows:

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

Councilor Moir referred to the sentence in the findings "Staff recommends modifications to the site plan to bring uses, such as hotel, restaurants, retail pads, parks, office building and plazas closer together and with an orientation to Radiant Drive." She noted that she assumed that discussion has taken place and the orientation is acceptable now. Mr. Brown responded that the developer has indicated that those changes are acceptable.

Councilor Smith moved to add appropriate connectivity between Anchor 1 and Anchor A. Councilor Walsh seconded.

Motion passed unanimously as follows:

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

Pages 34 through 37 – No comments

Page 38 – Councilor Smith mentioned that she thought all automotive services had been removed because it was determined that a bunch of cars sitting out waiting to be worked on would be inappropriate for the development. Mr. Eppley responded that car sales lots were not allowed. Mr. Brown added that auto repair shops were not allowed either and added that what is being proposed is automobile service, not repair. A gas station is allowed as a special conditional commercial use. They had indicated it as an industrial use so those issues will have to be worked out with them and they will have to show it as a commercial use.

Councilor Lee asked why car washes were inappropriate and Mr. Brown responded that they would be allowed as a commercial use and therefore has to fit into that balance between commercial and industrial uses. It is important to make sure that areas designated as industrial meet the criteria established in the zone.

Pages 39 through 41 – No comments

Page 42 – Councilor Moir referred to the findings under Pedestrian Circulation, Item C, "With amendments to the walkway system..." and asked if, with the changes that have been made, this finding is okay. Mr. Nate responded affirmatively.

Pages 43 through 45 – No comments

Page 46 – Councilor Moir referred to the findings for Crime Prevention and Security (Page 45) and the verbiage about parks isolated so they are not used in different areas and the open space on the far northeast corner and asked Mr. Brown to address those issues and whether they have been addressed with the developer to a satisfactory end. Mr. Brown explained that staff has determined that the park area currently identified as "Tower Park", which is in the corner of the site between the Target store and the freeway, does not meet the intent or criteria. Staff recommends the area be used for other amenities as needed in the development even including parking. This is a trade-off for increased amenities along the trail system to including, for example, seating areas or exercise stations. With the other two park areas shown on the plan, the area requirements are met, but the area in question has very little use for a park facility so staff recommends attention be given elsewhere. This is acceptable to all parties.

Pages 47 through 50 – No comments

Page 51 – Councilor Moir asked Rob Kissler if the language was strong enough that construction plans would be submitted in time for the pre-design conference. Mr. Kissler responded that typically what happens is that when/if the Master Plan is approved, a pre-design conference is held, construction plans are developed, and a preconstruction meeting is held with the proposed contractors. Ms. Moir added that she assumed that the fire department is brought in on the fire sprinkler line locations. Mr. Kissler agreed adding that they will be part of the pre-design conference.

Page 52 – Councilor Walsh stated that on Paragraph 15, the 35th language needed to be incorporated and on paragraph 16 the bike path language. Mr. Brown agreed with the bike path language but argued that these are conditions of approval, not statements of overall philosophy, so the 35th language may be inappropriate. Mr. Walsh agreed.

Councilor Walsh moved to add to Paragraph 16 verbiage that Tepper Lane would safely accommodate bicycle and pedestrian traffic for both

easterly and westerly movements separate from vehicular traffic. Councilor Smith seconded.

Motion passed unanimously as follows:

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

Councilor Lee asked if this would be where the entry/exit plan for the Volcano stadium would be inserted and if there had been any discussion on whether it was the responsibility of the developer, the City, or the Volcanoes. City Attorney Shannon Johnson replied that he was not aware of a requirement in the lease. The requirement in the lease had to do with not moving Radiant more than a certain number of feet to the west and that requirement has been met. The issue is the stadium egress and access being changed. Instead of a straight shot into the parking lot, the road is over on the side. He added that he assumed that the area under discussion is the extension directly north of where the new Radiant ends. The stadium arguably could get along with that by offsetting the same exit and people would make a right out and a left onto the new Radiant. With that being said, if council chooses, they could find the developer responsible for this issue. It was not discussed with the developer, their feelings on the matter are not known and the hearing is closed so it is up to the council to decide how they want to do that.

Mayor Christopher pointed out that there is still an obligation to get the cars out of the stadium in 30 minutes and the turns would slow them down, so the Council should include this in the plan. Mr. Johnson noted that he was unaware of a legal requirement to get cars out of the stadium in 30 minutes, it was a "goal". Councilor Walsh pointed out that currently there are two lanes of traffic able to exit the stadium, one going down Tepper the other going down Radiant, so it is not just the extension, it is how to move that volume of traffic through this development.

Mr. Kissler noted that Chris Stanly and Jerry Walker have had some good conversations on the issue of exiting Volcanoes Stadium. Tonight was the first he has heard of the three options and he indicated that he would like to review the options.

Councilor Moir moved that adequate access, meeting the needs of the stadium and the Keizer Station transportation plan shall be provided on Tepper. Councilor Gaynor seconded.

Councilor Smith asked if when the developer applies for building of the road, the reviewer would determine whether or not this meets the requirements. Mr. Kissler replied that it would give staff the flexibility to accept, deny or alter the proposal presented. Ms. Smith noted that there was some question as to whether it was the responsibility of the developer to do that section or not, and with Mr. Stanley taking on that job and going outside the area, she assumed that they are taking it on.

Motion passed unanimously as follows:

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

Page 53 through 55 – No comments

Page 56 – Councilor Moir moved that the first bullet under item 43, page 56, be eliminated. Mayor Christopher seconded.

Motion passed unanimously as follows:

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

Councilor Smith moved to add a bullet for appropriate connectivity between Anchor 1 and Anchor A. Councilor Moir seconded.

Motion passed unanimously as follows:

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

Pages 57 through 61 – No comments

Page 61 – Councilor Moir referred to the second paragraph on this page asking if the issue had been resolved. Mr. Brown responded that this is the same issue that the developer has committed to resolving and is all tied to the amount of space that has to be accounted for industrial vs. commercial.

Pages 62 through 65 – No comments

Page 66 –Mayor Christopher inquired if the street lights would be consistent with the lights on River Road. Mr. Brown responded that the specifications submitted are the acorn lights prevalent in the Urban Renewal District. He added that there was some discussion about the kind of pole used for the traffic signals. Mr. Kissler stated that some of the criteria that has been discussed with both developers in Area A and Area D is to try to remain consistent between the two areas. The acorn style is being considered with a glass lens to alleviate yellowing and 95% of the light being directed to the street. Black fluted aluminum style lights are being considered as well. Powder coated in black is being considered for the traffic signal poles. Additionally, instead of putting overhead mast arms, decorative lighting on the corners is being considered. He concluded that it is a work in progress with the goal being to remain the same as the proposed Chemawa Road. Mr. Brown added that some details have not been worked out, but the intent is that it shall be decorative lighting to match the rest of the district.

Pages 67 and 68 – No comment

Page 69 – Mr. Brown pointed out that as the details are worked out, information will be presented to council for approval. If there are slight modifications, Council will be made aware of them before any ordinance is adopted.

Page 70 – No comment

Page 71 – Councilor Smith questioned the wording at the end of the paragraph on Major Variance for "Anchor B": "Staff cannot support this variance request and therefore does not recommend approval of this request." She asked if Council is just accepting the staff recommendation. Mayor Christopher replied that unless someone raises an objection to it, the motion will be to accept staff recommendation.

Pages 72 and 73 – No comment

Page 74 – Councilor Gaynor questioned why the sign was going to be lowered to 50 feet. Mr. Brown explained that the obligation is to approve only the minimum variance necessary to accommodate the need, special circumstance or hardship. In considering the height of other approvals and particularly the language in the staff report created during the approval of the Volcanoes stadium sign variance that granted them the height, it was clear that the council at that time intended that that would be a standard that would carry over to other

properties that had freeway frontage. The language was examined as well as the Woodburn sign which is 48 feet high and very visible and adequate for identification. Staff felt that it would be appropriate to be consistent with those others.

Mr. Gaynor replied that respecting previous councils and their intentions, he felt that at 68 feet it would be a big sign and if the city was going to put 1,000,000 square feet out there, attention should be drawn to it. This is not supposed to be standard, it should be big, exciting, and something that will pull people off the freeway.

Councilor Gaynor moved to leave the sign at 68 feet. Councilor Smith seconded.

Councilor Smith explained that the reason she was saying yes to this variance is because the Volcanoes Stadium sign is advertising one entity. The Keizer Station sign is for the entire complex and many stores will be represented. She suggested putting community events on the sign as well. Councilor Lee noted that he didn't have a problem with the 68 feet, but he struggled with the area of fairness and the code says 50 feet and Volcano Stadium followed that and it didn't seem fair.

Attorney Johnson explained that the Volcano sign was not a variance but a special code provision specifically for a stadium seating 4,000 people or more so it is a code provision. As Nate mentioned, however, the discussion at that time was that it was setting a standard. There is no reason that council has to abide by that. At that time the council elected not to wrestle with the entire issue and considered the stadium sign only. Mayor Christopher added that during her exparte contact with Jerry Walker he stated a preference that the sign not be larger than the Volcano sign. Councilor Walsh agreed that fairness is an important consideration but agreed with Councilor Smith adding that this is the gateway to the city. Mr. Brown pointed out that ODOT will have some jurisdiction in the matter.

Motion failed as follows:

AYES: Gaynor, Smith and Walsh (3)
NAYS: Christopher, Moir and Lee (3)
ABSTENTIONS: None (0)
ABSENT: Taylor (1)

Page 75 – No comment

Councilor Moir moved to direct staff to prepare an appropriate order

approving the applications pursuant to conditions and findings set forth in this addendum and the additional addendum provided by Public Works and direct staff to work with the property owners on Aldene in the process for constructing a sound/sight obscuring wall along homes in Area B and the attached staff report as amended. Councilor Gaynor seconded.

Councilor Walsh inquired, in light of the different things that will be coming back in two weeks, preparations staff will be working on and legal issues, if it would be appropriate to vote on the motion in two weeks. Mr. Johnson stated that it was not appropriate because the motion is to direct staff to prepare an order, there is no final decision made with this motion. If the decision is generally acceptable then the vote can be favorable but the important vote will be on the final order.

Motion passed unanimously as follows:

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

d. RESOLUTION – Forming Trebber Estates (FKA Martin Addition) Street Lighting District

Rob Kissler reported that at the May 3, 2004 City Council meeting a Public Hearing was scheduled to consider a Resolution Forming and an Ordinance Spreading Assessments to Trebber Estates. A letter was received from Vera Martin requesting her parcels be removed from the district. The Council continued the Public Hearing and requested staff analyze the concerns raised in the letter. Upon review, it was noted that her lots were included in the original planning action and legally recorded sub-division plat. The City's Development Code requires installation of street lights. If Ms. Martin wishes lots 14 and 15 to be excluded from the Trebber Estates Street Light District, a new petition with 2/3 of the property owners signatures supporting the removal of her lots is needed before the City can take action. Staff recommends that Council hold a Public Hearing and after closing the Public Hearing, adopt a Resolution forming Trebber Estates (FKA Martin Addition) Street Lighting District and an Ordinance Spreading assessments to Trebber Estates (FKA Martin Addition) Street Lighting District with the inclusion of Lots 14 and 15.

Mayor Christopher re-opened the Public Hearing.

Seeing no one wishing to speak to this issue, Mayor Christopher closed the Public Hearing.

Councilor Moir moved to adopt Resolution R2004 Forming Trebber Estates (FKA Martin Addition) Street Lighting Local Improvement

District. Councilor Lee seconded.

Councilor Walsh questioned if all the lots were plotted as the same subdivision and that is the reason they are in the same lighting district. Mr. Kissler responded affirmatively adding that it would be possible if Council wishes, try to exclude the two lots by taking some other formal action. The street lighting district boundary could be changed. Shannon Johnson added that the subdivision has a very routine condition in it that a street lighting district be formed for the subdivision. It might be possible to interpret it as creating a street lighting district for the "main" part of the subdivision. Other developments sometimes occur where older lots are "not a part of" the subdivision and they are sort of partitioned off and the subdivision only includes the new homes. That did not occur in this case. Mr. Kissler directed Council to one of the exhibits, the subdivision map in the packet, showing a potential for future extension of Dale Avenue out to O'Neil Road. A significant parcel to the north could potentially develop.

Motion passed unanimously as follows:

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

ORDINANCE – Spreading Assessments to Trebber Estates (FKA Martin Addition) Lighting District (continued from May 3, 2004)

Councilor Moir moved to adopt a bill for an Ordinance Spreading Assessments to Trebber Estates (FKA Martin Addition) Lighting District. Councilor Smith seconded.

Motion passed unanimously as follows:

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

OTHER BUSINESS

Rob Kissler reported that there will be repairs done on River Road just north of Lockhaven along the 7-11 property on the east side of River Road because of dissatisfaction with the work of the contractor. Repairs will begin Wednesday nightabout 7:30 p.m. It should be a one-night process. Property owners and businesses in the area will be personally contacted.

ADMINISTRATIVE ACTION RESOLUTION –

City Attorney Shannon Johnson reported that John Lien has been working together with Rob Kissler and Bill Peterson to acquire a piece of property on the north side of Chemawa, just this side of the Verda intersection for the realignment and expansion on the Chemawa Road

Ratifying the City Manager's Agreement to Purchase Property Along Chemawa Road NE, Keizer from Dorothy Crooks

project. Agreement has been reached. Normally permission is secured from Council before an agreement, but in this case it needed to get to the Title Company quickly so City Manager Chris Eppley signed the agreement subject to a condition that it is ratified.

Councilor Moir moved to adopt Resolution R2004 Ratifying the City Manager's Agreement to Purchase Property Along Chemawa Road NE, Keizer, Marion County, Oregon from Dorothy M. Crooks.

Councilor Smith seconded.
Motion passed unanimously as follows:

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

b. RESOLUTION – Authorization for Resolution Transfer

Susan Gahlsdorf presented the Resolution Transfer to move six items from General Fund Contingency: Baseball Stadium Program Contingency, Public Education Government Fund Contingency, 9-1-1 Fund Materials & Services Contingency, Utility Fund (Sewer) Materials & Services Revenue, Utility Fund (Sewer) Capital Outlay Contingency and the Street Lighting District Fund Capital Outlay Contingency to comply with the Oregon Budget law. Staff recommends that Council adopt the Resolution.

Councilor Moir moved to adopt Resolution R2004 Authorization for Resolution Transfer. Councilor Gaynor seconded.

Motion passed unanimously as follows:

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

CONSENT CALENDAR

A. RESOLUTION – Authorizing City Manager to Enter Street Sweeping Contract Amendment
B. RESOLUTION – Adoption of Certain Personnel Policies (Insurance Program, Smoke Free Work Place, Safety and Health, and Health Insurance Portability and Accountability Act)
C. RESOLUTION – City's Election to Receive State Revenue
RESOLUTION – Certifying the City of Keizer Provides Four or More Services
D. RESOLUTION – Certifying Delinquent Sewer Accounts
E. Keizer Mart Liquor License – Change of Ownership/Addition of Partner
F. Approval of Minutes of May 17, 2004 Regular Session
G. Approval of Minutes of May 24, 2004 Work Session

Councilor Smith pulled Item B, Councilor Moir pulled Item F.

Councilor Moir moved for approval of the Consent Calendar items A, C, D, E and G. Councilor Lee seconded.

Motion passed unanimously as follows:

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

Referring to Item B, Councilor Smith directed Councilors to an e-mail she had sent Dianne Hunt, Human Resources Director, regarding some of the policies. She questioned if policy committee should review her e-mail before approval. The policy in question was Section 100.00 – Safety and Health.

Councilor Walsh moved to Approve the remaining policies: 30.600 - Insurance Programs, 30.800 - Health Insurance Portability and Accountability Act (HIPAA) and 100.300 – Smoke Free Workplace. And that Section 100.000 – Safety and Health be referred back to the Policy Committee for further review. Councilor Gaynor seconded.

Personnel Director, Dianne Hunt, pointed out that the references in Councilor Smith's e-mail are actually part of the safety manual. OSHA requires programs relating to a variety of different topics and those in the subject e-mail are part of the OSHA requirements and located in the Safety Manual. Councilor Smith replied that some changes consisted of modifications and additions to sentences. Ms. Hunt noted that the next meeting was scheduled for Wednesday June 23.

Motion passed unanimously as follows:

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

Referring to Item F of the Consent Calendar, Councilor Moir pointed out that on the Minutes, page 4 under the Mayor's Association Newsletter, Mayor McArdle's name was misspelled and should be corrected.
Councilor Moir moved for approval of the May 17, 2004 City Council Regular Session Minutes as corrected. Councilor Walsh seconded.

Motion passed unanimously as follows:

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

WRITTEN COMMUNICATIONS Deferred to next meeting.

AGENDA INPUT

July 6, 2004 (Tuesday)
7:00 p.m. City Council Regular Session
- Water Rates/COSA
- IBP Zone – Text Amendment
- Pavement Management Program

July 12, 2004
12:00 p.m. City Council Work Session

July 19, 2004
7:00 p.m. City Council Regular Session
- Review of City Noise Ordinance – Variance Process

ADJOURNMENT Mayor Christopher adjourned the meeting at 11:08 p.m.

APPROVED:
MAYOR:

Debbie Lockhart
Debbie Lockhart, Recording Secretary

Lore Christopher

COUNCIL MEMBERS

Judy K. Smith
Councilor #1 – Judy K. Smith

Jacque Moir
Councilor #4 – Jacque Moir

Michel Gaynor
Councilor #2 – Michel Gaynor

Councilor #5 – Richard Walsh

Charles E. Lee
Councilor #3 – Charles E. Lee

~ Absent ~
Councilor #6 – James Taylor

Minutes approved:

July 19, 2004