

MINUTES
KEIZER CITY COUNCIL
Monday, June 16, 2003
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:12 p.m. Roll Call was taken as follows:

Present:

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

Staff:

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

FLAG SALUTE

Councilor Michel Gaynor led the City Council in the flag salute.

PUBLIC TESTIMONY

Paul Pfinster, Keizer – presented testimony to the council regarding the Keizer Teen Court. Students needing to serve community time may provide that service through the court. He indicated that the teen court is currently inactive due to budget constraints, and implored the Council to find a way to expend the resources necessary to reconstitute this valuable program. He also pledged to work toward the enhancement of the Teen Court.

Councilor Gaynor commented on the budgetary choices that led to the withdrawal of funds to the Teen Court. Mr. Pfinster indicated that he also works with the Power program and suggested that the Teen Court provides youth with an opportunity to stop and reflect prior to committing greater offenses.

Council President Moir noted that there are tentative plans for an *ad hoc* committee to study the issue and asked Mr. Pfinster to participate. Council Lee inquired as to the locations where youth perform service, and in response Mr. Pfinster provided additional information on the activities of the program. When asked about the best timetable for reinstating funding, he acknowledged that it might not be feasible to do so at this time, despite the potential for positive results. When asked which program, the Teen Court or the Power program, should receive funding priority he expressed preference for the former, which reaches a broader spectrum of kids.

Councilor Walsh noted the potential of receiving federal grant funds for the Teen Court.

PUBLIC HEARINGS

a. Sign Variance Request for Keizer Area Senior Center

City Attorney Johnson presented applicable criteria for the unique conditions of the variance request. Interim Planning Director Vafakos presented the staff report for the request. The property is zoned medium-high residential, though subdivisions of the property may be zoned differently.

Mayor Christopher opened the public hearing.

Betty Burg, 1835 Wiesner Drive NE, Keizer, and Charles Shirley, 1499 Northern Heights Loop, Keizer- presented a statement on behalf of the Keizer-Salem Area Seniors Association, of which Ms. Burg is President. The purpose of the request is to replace a previously approved, 64-sq. ft. sign with a newer sign of identical size.

Councilor Moir suggested that a possible solution would be to eliminate references to the City of Keizer on the sign. Mr. Shirley did not support such a change, citing the historic standing of the center in the community and a desire to prevent confusion with Salem's senior center.

Mayor Christopher noted that while the sign was installed in 1995, it has been out of compliance since it was illuminated in 1999. City Attorney Johnson clarified that the total signage area will remain 64-sq. ft. He also noted that the original variance was for sign height, rather than area.

At issue was whether the property constitutes a unique set of circumstances. The property is classified as a commercial building by the owners, while city staff considers only the building use to be commercial, though there are no actual residents of the property. The City Council debated the merits of the facility's classification and whether the variance should be granted.

City Attorney Johnson cited Code 2.308.07, which outlines the types of signage allowed for different facilities. Nonprofit organizations are typically defined as a semi-public use.

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

Mayor Christopher moved to approve the variance as requested to allow the two signs to remain and to change the phrase "Salem Area Senior Center" to "Keizer Area Senior Center", with no increase in the size of the sign. Councilor Walsh seconded the motion.

Council President Moir asked whether the variance, if granted, would set a precedent for future requests, to which City Attorney Johnson replied it would not, as it would be considered a unique circumstance due to the commercial-like nature of the operation. He also indicated that the previous approval did not create a precedent, either.

Councilor Walsh commented that the request is being made without complaint from the neighborhood, and will not have a negative impact on the neighborhood. Councilor Smith pointed out that the corner lot makes the two signs necessary.

Council President Moir offered a friendly amendment to clarify that the sign facing East Cherry Avenue will come down and that a new sign shall not exceed the previous sign in size. Councilor Lee seconded the amendment motion, which was approved by unanimous consent.

The Motion, as amended passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0).

Council President Moir moved to waive the fees for the sign permit and variance application. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0).

**b. Resolution – Forming Pleasant View Street Lighting District
Ordinance – Spreading Assessments to Pleasant View Street Lighting District**

City Manager Eppley reported that this lighting district is being formed at the request of property owners in the specified area. The Council previously approved the engineer's report in this matter.

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

City Attorney Johnson requested that the Council refrain from taking action on the resolution and ordinance at this time, in order to provide staff an opportunity to look further into the matter. The issue will be taken up at the July 7 City Council meeting.

c. Resolution – Change in Sewer Administration Fee

City Finance Director Gahlsdorf presented the staff report for the resolution and clarified that the administrative fee is separated in billing.

Councilor Walsh asked whether Salem combines their fees in billing, and whether Keizer is effectively billing ratepayers twice for administrative fees by not doing so. City Attorney Johnson clarified that there is only one charge for administrative fees, to which City Finance Director Gahlsdorf added that the fee is split evenly between sewer and water services.

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

Council President Moir moved to adopt the resolution to change the Sewer Administration Fee, repealing R-01-1292. Councilor Taylor seconded the motion.

Council President Moir noted that the fees are examined annually to determine whether the charge is appropriate. Councilor Smith opined that \$54 per year for billing seems overly expensive. Finance Director Gahlsdorf referenced the staff report for an explanation of the costs, which include management of accounts.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, Moir, Taylor and Walsh (6)

NAYS: Smith (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

d. Ordinance – Amending the Utility License Fees for Sewer Utilities in the City of Keizer (amending ordinance No. 2002-468)

City Finance Director Gahlsdorf read the staff report for the ordinance.

Mayor Christopher opened the public hearing.

Ted Plumb, 1067 Dearborn Avenue, Keizer – testified against the ordinance. He cited the rate increase for license fees in addition to the previous action regarding administrative fees. He projected that the increase in fees will raise his sewer bill from the current level of \$47 to \$67 within seven years.

Bill Weber, 1404 Garden Court, Keizer – testified in opposition to the ordinance. He recalled study performed years ago that uncovered leakage within the city's sewer system and that there was leakage into the city's water supply. Mr. Weber asserted that Keizer's sewer system is in poor condition, and that the situation should be investigated prior to increasing the license fees.

Public Works Director Kissler indicated that he was unaware of the study cited by Mr. Weber, and offered to investigate the matter should the Council so desire.

The City Council, by consensus, directed staff to investigate the issue and provide a report to the Council.

Noting that there was no further testimony, Mayor Christopher closed the public hearing.

Council President Moir moved to adopt the ordinance amending Utility License Fee for sewer utilities in the City of Keizer. Councilor Gaynor seconded the motion.

Councilor Smith expressed concern about the potential for increasing numerous fees related to sewers. Council President Moir asserted that the city has been frugal and has only increased fees when it has become absolutely necessary.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, Moir, Taylor and Walsh (6)

NAYS: Smith (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

COMMITTEE REPORTS

No committee reports were presented at this time.

OTHER BUSINESS

▪ New Business

Municipal Court Judge Evaluation Report

Councilor Walsh reported that the task force appointed to evaluate the Municipal Court Judge concluded that Judge Carl Myers has satisfactorily met all criteria and that an invitation should be extended to continue as Municipal Court Judge.

Councilor Walsh moved to accept the recommendation of the Municipal Court Judge Task Force and offer the judgeship to Carl Myers for an additional six months under the terms of the agreement. Councilor Gaynor seconded the motion.

The motion passed unanimously.

Councilor Walsh then reported that the task force has developed amendments to the evaluation criteria and procedures, by amending Resolution R-202-1351.

Councilor Walsh moved to have staff return with a resolution at the July 7th City Council Meeting amending the criteria and procedures for the evaluation of the Municipal Court Judge. Council President Moir seconded the motion.

Councilor Lee moved to amend the motion to direct staff to prepare a written evaluation form to be included in the process. Councilor Walsh seconded the motion.

The Council discussed the amendment. Councilor Smith stated that similar reports are required for other contractual employees. Councilor Lee submitted that such a document would add little to the process, while Councilor Walsh expressed worry that such a written document could take on an undesired political significance. Councilor Taylor voiced concern that the document could also create an unwanted public impression.

The amendment to the motion failed as follows:

AYES: Lee (1)

NAYS: Christopher, Gaynor, Moir, Smith, Taylor and Walsh (6)

ABSTENTIONS: None (0)

ABSENT: None (0)

The original motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0).

Councilor Walsh moved to direct staff to prepare a contract for Municipal Court Judge similar to that of City Attorney and City Engineer prior to the current contract expiration on December 31, 2003. Council President Moir seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0).

▪ **Old Business**

*Letter of Support for Salem-Area Mass Transit
Grant Funding*

City Manager Eppley submitted a draft letter of support to the Salem Area Transit District (attachment #5) regarding mass transit grant funding.

The City Council agreed by consensus to submit the letter to the Salem Area Transit District.

Councilor Taylor provided an update on the Claggett Creek migration project.

Councilor Walsh reported on the recent Willamette River Run.

Mayor Christopher updated the Council on the recent art show at McNary High School, as well as a new student from McNary High School being assigned to the Leadership Program. She also indicated she would bring a report to the next meeting regarding the STOMP anti-smoking program.

Chief Adams commented on the Keizer Police Department's participation in the Salem-Keizer Together Alcohol Sales Program, and updated the Council on the process of recruitment for an additional police officer.

Human Resources Director Hunt discussed the status of recruitment for the vacant Recording Secretary position, and noted the recent Personnel Policy meeting.

Public Works Director Kissler reviewed the Gubser Traffic management plan, provided an update on the upcoming sanitary sewer district improvement construction project, and cited a draft consumer confidence report from the Water Department.

Interim Planning Director Vafakos announced a potential appeal of a recent land use case, and noted an upcoming landscape grant application request.

City Attorney Johnson updated the Council on recent oral arguments before the Land Use Board of Appeals

regarding the Keizer Station plan.

ADMINISTRATIVE ACTION

a. ORDINANCE – Permitting and Regulating Use of Golf Carts in Designated Areas Pursuant to ORS 810.070 Repealing Section 4 of Ordinance No. 94-298

Chris Eppley, City Manager reported that a discussion was held at the June 2nd meeting in regards to an Ordinance regulating golf carts within the City of Keizer. Based upon discussion of the Council, amendments have been suggested to the Ordinance.

Mayor Christopher moved to table the Ordinance until State Representative Vic Backlund has had an opportunity to bring legislation to alter the statutory radius requirements. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0).

b. RESOLUTION-Intent to Sign Development Disposition Agreement for Keizer Station Area

This item was moved to the Urban Renewal Agency agenda.

No action taken by the City Council.

c. RESOLUTION- Adoption of 2003-2004 City of Keizer Budget, Making Appropriations, and Imposing and Categorizing Taxes

Susan Gahlsdorf, Finance Director reported that a public hearing was held on June 2nd to allow for testimony and questions regarding the 2003-2004 fiscal year budget. Resolutions have been prepared for Council consideration.

Council President Moir moved to adopt Resolution Adopting fiscal Year 2004 Budget, making appropriations, and imposing and categorizing taxes. Councilor Gaynor seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0).

**d. ORDINANCE-
Spreading Assessments
to Marks Drive Local
Improvement District**

City Manager Eppley reviewed the history of this waterline project for the Marks Drive area. He noted a public hearing was held on March 3rd and no remonstrances to the assessments were voiced. He recommends the Council adopt the Ordinance spreading the final assessment to the property owners included in the Marks Drive Local Improvement District.

Council President Moir moved to adopt an Ordinance spreading assessments to Marks Drive Local Improvement District. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0).

**e. RESOLUTION-
Authorization for
Resolution Transfer
(Parks to Street Light
Fund)**

City Finance Director Gahlsdorf presented the staff report for the resolution. The funds impacted are the general fund contingency, the parks maintenance fund, and the street lighting district fund. These expenditures were not known at the time of the Fiscal Year 2003 budget preparation and therefore need to be authorized at this time.

Council President Moir moved to adopt Resolution for authorization for resolution transfer. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0).

**f. RESOLUTION-
Authorization of Interfund
Loan – Street Lighting
District Fund**

City Finance Director Gahlsdorf reported that the street lighting district incurs routine monthly expenses. These expenses are paid on a monthly basis by the City. The reimbursement does not occur until property tax

revenues are received, resulting in a cash flow issue. Due to the deficit it is necessary to borrow funds for operating until the reimbursement is received.

Council President Moir moved to adopt the resolution authorization of interfund loan for the Street Lighting District Fund. Councilor Gaynor seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0).

CONSENT CALENDAR

Council President Moir requested that Consent Calendar items 9e and 9i be pulled from the Consent Calendar.

pulled

*corrected
10-20-03*

Councilor Lee asked that Consent Calendar item 9b be removed from the consent calendar.

Mayor Christopher reviewed the remaining items on the Consent Calendar:

- a. RESOLUTION – Adoption of City Logo for Administration Purposes
- c. RESOLUTION – Authorizing City Manager to Enter Agreement with URS Corp for Development of City's Storm Water Management Plan
- d. RESOLUTION – City's Election to Receive State Revenue
- RESOLUTION – Certifying the City of Keizer Provides Four or More Services
- f. RESOLUTION – Certifying Delinquent Sewer Assessments
- g. RESOLUTION – Authorizing the Disposition of Surplus Vehicles in Exchange for One Full-Size Pickup Truck
- h. RESOLUTION – Initiating Martin Addition Street Lighting District

Council President Moir moved approval of Consent Calendar items a, c, d, f, g, and h (attachment #12). Councilor Taylor seconded the motion.

The motion passed unanimously as follows

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. RESOLUTION – Creation of Keizer Points of Interest Committee (KPIC)

Councilor Lee referenced the staff report for Consent Calendar item b (attachment #13) and suggested that the Keizer Points of Interest Committee member terms be staggered, as is the case with other similar committees. The Council discussed the appointment process and the length of terms for committee members.

Mayor Christopher moved that the appointment process for the Keizer Points of Interest Committee be amended similar to the process for other Council committees, so that the named organization recommends an individual to the Volunteer Coordinating Committee, which will then present the request to the City Council. Councilor Smith seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, Moir, Smith and Taylor (6)

NAYS: Walsh (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Walsh noted that the two-year term of membership and the election of the committee chair and suggested that there be a process for removal of the committee chair by the committee.

Councilor Walsh moved to provide power to the Keizer Points of Interest Committee to appoint and remove the chair of the committee. Councilor Smith seconded the motion.

Mayor Christopher expressed concern that such an amendment could create political infighting on the committee. Councilors Walsh, Gaynor and Smith all

**WRITTEN
COMMUNICATIONS**

AGENDA INPUT

supported the motion as consistent with the committee's organization.

The motion passed as follows:

AYES: Gaynor, Lee, Smith and Walsh (4)

NAYS: Christopher, Moir and Taylor (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

e. RESOLUTION – Removal of Committee Member
Council President Moir noted that Consent Calendar item e (attachment #14) does not require action at this time by the City Council.

i. Approval of May 19th, 2003 City Council Regular Session minutes

Council President Moir outlined corrections to be made to the May 19th minutes and directed staff to make corrections and return them for approval at the July 9th City Council meeting.

There were no written communications to bring before the City Council at this time.

June 23, 2003

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

- Improvements to Chemawa Road

July 7, 2003

7:00 p.m. City Council Meeting

- Increase in Yard Debris Removal Rates – Public Hearing
- Variance Criteria
- Resolution – Municipal Court Judge Evaluation Process
- Pleasantview Street Lighting District
- Keizer Points of Interest Committee Resolution
- Keizer-Salem Area Senior Center Sign Variance Order

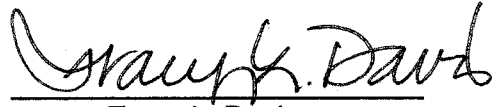
June 23 Meeting – Special Session

- Sewer License Fee Ordinance – Second Reading

Mayor Christopher noted the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:10 p.m.



Tracy L. Davis
City Recorder

APPROVED:

MAYOR:


Lore Christopher

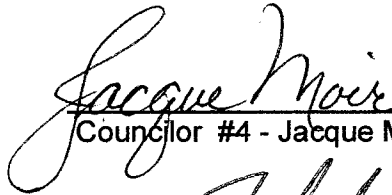
COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith

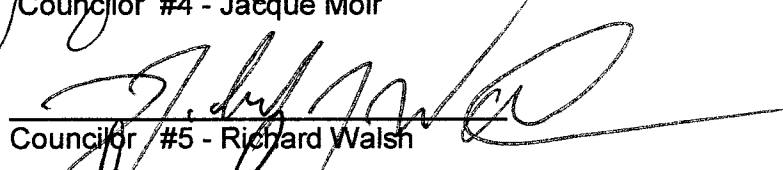
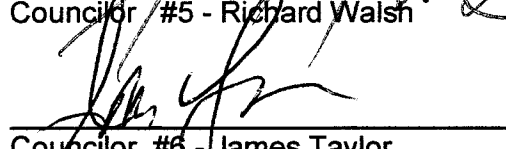


Councilor #2 - Michel Gaynor

Councilor #3 - Charles E. Lee



Councilor #4 - Jacque Moir


Councilor #5 - Richard Walsh
Councilor #6 - James Taylor

Minutes approved:

October 20, 2003