



MINUTES
KEIZER CITY COUNCIL REGULAR SESSION
Monday, June 2, 2008
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular session to order at 7:00 pm. Roll Call was taken as follows:

Present:

Mayor Lore Christopher
Richard Walsh, Council President
Jim Taylor, Councilor
Jacque Moir, Councilor
David McKane, Councilor
Brandon Smith, Councilor
Cathy Clark, Councilor
Alex James, Youth Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Comm.Dev. Director
Rob Kissler, Public Works Director
Machell DaPina, HR Director
Kevin Watson, Asst. to the City Mgr.
Captain Jeff Kuhns, Police
Susan Gahlsdorf, Finance Director
Tracy Davis, City Recorder

FLAG SALUTE

Mayor Christopher led the pledge of allegiance.

PUBLIC TESTIMONY None

PUBLIC HEARING

**a. Zone Change/
Comp Plan/
Lot Line
Adjustment/
Subdivision
Application –
Case No.
2008-06
(Bowden
Estates)**

City Attorney, Shannon Johnson, suggested that reading of applicable criteria set forth in the staff report be waived due to size and asked if anyone objected. There were no objections. He added that testimony arguments and evidence must be directed to the criteria in the staff report or other criteria in the Comprehensive Plan or land use regulations believed to apply to this decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. Any actions for damages by the applicant must be filed in the Circuit Court within 180 days of the decision. In addition any failure by the applicant to raise constitutional or other issues related to the proposed conditions of approval with sufficient specificity to allow the local government to respond to that issue precludes an action for damages in Circuit Court. He noted that if anyone had any objection as to conflict of interest, bias, jurisdiction, notice and opportunity to be heard, it should be brought up at the time of testimony and any Council members wanting to disclose conflict of interest, bias or prejudice on this case should do so at this time. There were none.

Community Development Director, Nate Brown, reviewed the process of the application noting complex issues regarding the application: It is located at Urban Growth Boundary and impacted by the Odor/Noise Impact Overlay Zone. He also reviewed traffic impacts, sidewalk plans and access concerns and fielded questions regarding sidewalks, right-of-way and street connections/layout. Discussion also took place regarding owners of adjacent property and possible reconfiguration of streets.

Mayor Christopher opened the Public Hearing.

Mark Hoyt, Salem, Oregon, representing the petitioners, and *Chuck Gregory*, the project engineer, reviewed zoning shown on maps and areas authorized for development noting that the project was committed to transitional use and was designed with that in mind with the areas to the south and west providing a buffer and urban density transition. He submitted for the record a street section and asked that conditions be modified to reflect that that is the street section to be built. He reviewed specifications for that street referring to various letters confirming the street capacity.

Mr. Hoyt, Mr. Brown and Mr. Kissler then fielded questions regarding the buffer, fencing, home owners association and stormwater. Councilor McKane suggested that research be done into developing a local improvement district to address maintenance of city-required fencing. Mr. Hoyt pointed out that the applicant has requested that Items 1, 2, 4 and 5 be included as modifications to the Hearing Examiners recommended conditions which are acceptable to staff and are being presented to Council for final approval. Mr. Brown noted that the fence should be shown as a 6 foot fence, not 4 foot. Further discussion took place regarding current and anticipated traffic, street capacity and parking.

City Attorney Shannon Johnson reviewed documents that had been submitted for record: Email from Chuck Gregory to city staff dated May 30 which refers to and includes the May 29 letter from Lancaster Engineering to the Saunders Company. Mr. Hoyt added that documents also include the typical section for Golden Lane and 17th Avenue. Councilor Walsh verified that staff recommended adoption of conditions 1, 2, 4 and 5. Additional discussion then took place regarding parking, traffic and emergency vehicle access.

Marlene Quinn, Keizer, voiced concern regarding the traffic capacity on Trent and urged that speed bumps be put in place before the proposed development is complete. Mr. Kissler urged Ms. Quinn to use the Neighborhood Traffic Calming Program to move forward with this request. Ms. Quinn urged that the intersection of Windsor Island Road and Trent be studied for a possible traffic light. Mr. Kissler noted that Lockhaven and Windsor Island Road would be more likely to warrant a signal light because of pedestrian activity. Additional discussion took place on this issue.

Rod Augie, Keizer, questioned Mr. Kissler regarding stormwater detention in this development. Mr. Kissler explained that the conditions of approval require that the developer submit a Master Storm Drainage Plan for the development.

Marilee Bowden, Marion County, clarified that the purpose of the fencing is not just a sight barrier but to protect residents from farming equipment and sprays. She explained that the two northernmost lots were left undeveloped intentionally by the original developer and voiced agreement with Ms. Quinn regarding traffic on Trent and children playing in the street. In conclusion she stated that she would oppose annexation of her property into the city.

Doug Hamer, Salem, one of the owners of JDC Homes, offered to answer any questions and urged Council to approve the application. Councilor Walsh questioned Mr. Kissler regarding establishment of a Local Improvement District to cover fence maintenance. Discussion took place regarding various options such as a separate LID or a maintenance bond. City Attorney Shannon Johnson suggested further research.

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

Councilor Walsh moved to direct staff to prepare an ordinance with findings approving the proposed land use application as modified by conditions 1, 2, 4 and 5 as listed in the memorandum of understanding dated May 30, 2008 and to direct staff to work with the applicant to modify the fence issue (maintenance costs). Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Clark moved to direct staff to conduct a traffic study for a traffic light or other mitigating steps at the intersection of Lockhaven and Windsor Island Road. Councilor Moir seconded.

Discussion took place regarding planned improvements for Chemawa and delaying action pending completion of this project, gravel trucks and turning issues, alternate traffic control measures and details of traffic warrant studies.

Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. RESOLUTION ~
Adopting FY 08-
09 City of Keizer
Budget, Making
Appropriations
and Imposing
and
Categorizing
Taxes**

Finance Director Susan Gahlsdorf reviewed the adjustments allowed by Oregon law adding that the budget must be approved by June 30, 2008. She noted that staff has a few recommended adjustments to the committee approved budget which would be brought forth by Rob Kissler. She concluded that, following discussion on the adjustments, staff recommends that Council adopt the Budget. Rob Kissler explained proposed adjustments to fund improvements at Wallace House, Bair, Palma Ceia and Keizer Rapids Parks.

Mayor Christopher opened the Public Hearing.

Bill Quinn, Keizer, noted that he had testified at the Budget Committee that he believed the City was not following the Charter by using water revenue funds to purchase furniture and equipment for the new Civic Center. He recommended that funds not be commingled. City Manager Chris Eppley responded that Civic Center costs are being shared equally between all city departments including the Water Department. Finance Director Susan Gahlsdorf explained that the funds transferred will be a reimbursement of actual cost, and furnishings for the civic center will be tracked in the City Hall Facility Fund to keep track of expenditures. All seven operating funds will transfer their pro rata share based on expenditure. Councilor Moir confirmed that the money will not come out of the actual fund except quarterly as it is spent so it will stay in the water fund. She concluded that she saw no need for change.

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

Public Works Director, Rob Kissler, pointed out that last year the Storm Fund's share for a jetting truck was budgeted with a proportionate share in the Water and Street Funds. This year the Budget Committee approved the appropriate allocations for the purchase of the truck over time. However, there is enough of an ending fund balance in both funds to allow the payment of the full allocation and, with an inter-fund loan, the truck could be purchased and the loan paid back over three years. He requested Council approve this in the budget. Ms. Gahlsdorf provided additional clarification.

Councilor Walsh moved to adopt a Resolution adopting the Fiscal Year 2008-2009 Budget Making Appropriations and Imposing and Categorizing Taxes as modified in the staff recommendation (Water Fund, Street Fund, Parks memorandum and the stormwater changes for the truck). Councilor Moir seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. RESOLUTION ~
Forming
Avalon
Meadows
Subdivision
Street
Lighting
District**

City Manager, Chris Eppley, provided the history of the formation of this Street Lighting Local Improvement District and noted that the Public Hearing was to consider remonstrances to the project and objections to proposed assessments. Staff recommendation is that City Council open a Public Hearing to consider oral objections and written remonstrances to the formation of Avalon Meadows Subdivision Street Lighting Local Improvement District and if there are no objections, close the public hearing and consider adoption of the resolution forming the district and the proposed assessment ordinance.

Mayor Christopher opened the Public Hearing.

With no testimony, Mayor Christopher closed the Public Hearing.

Councilor Walsh moved to adopt a Resolution Forming Avalon Meadows Subdivision Street Lighting Local Improvement District. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ORDINANCE ~
Spreading
Assessments
to Avalon
Meadows
Street Lighting
District**

Councilor Walsh moved to adopt a Bill for an Ordinance Spreading Assessments to Avalon Meadows Subdivision Street Lighting Local Improvement District. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. RESOLUTION ~
Forming
Teets Estates
Subdivision
Street
Lighting
Local
Improvement
District**

City Manager, Chris Eppley, provided the history of the formation of this Street Lighting Local Improvement District and noted that the Public Hearing was to consider remonstrances to the project and objections to proposed assessments. Staff recommendation is that City Council open a Public Hearing to consider oral objections and written remonstrances to the formation of Teets Estates Subdivision Street Lighting Local Improvement District and if there are no objections, close the public hearing and consider adoption of the resolution forming the district and the proposed assessment ordinance.

Mayor Christopher opened the Public Hearing.

With no testimony, Mayor Christopher closed the Public Hearing.

Councilor Walsh moved to adopt a Resolution Forming Teets Estates Subdivision Street Lighting Local Improvement District. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ORDINANCE ~
Spreading
Assessments
to Teets
Estates Street
Lighting
District**

Councilor Walsh moved to adopt a Bill for an Ordinance Spreading Assessments to Teets Estates Subdivision Street Lighting Local Improvement District. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ADMINISTRATIVE
ACTION**

Ms. Gahlsdorf reviewed various reasons for transfer of funds allowed by Oregon law and the proposed expenditures and fielded questions.

**a. RESOLUTION ~
Authorization for
Appropriation
Transfer**

Councilor Walsh moved to adopt a Resolution: Authorization for Appropriation Transfer. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. RESOLUTION ~
Authorizing
the City
Manager to
Purchase
Storm Sewer
Flush Truck**

Public Works Director, Rob Kissler, explained that following research into the appropriate brand of jetting/flushing truck for the city, staff recommends a VAC-CON. A 2007 fully equipped truck will cost \$322,700. Purchase will allow staff to begin the second year implementation of the Stormwater Management Plan on time. Staff recommends that Council authorize said purchase. Mr. Kissler then fielded questions regarding features of the truck.

Councilor Walsh moved to adopt a Resolution Authorizing the City Manager to Purchase Jetting/Flushing Truck for the Stormwater Management Program. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. RESOLUTION ~
Authorizing
Interfund
Borrowing**

Finance Director Susan Gahlsdorf explained that this action was for furnishing the new Civic Center and purchasing the Storm Sewer Truck giving details on the benefits of this borrowing.

Councilor Walsh moved to adopt a Resolution Authorizing an Interfund Loan to the General Fund and the Stormwater Fund from the Transportation Improvement Fund. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- A. RESOLUTION ~ Declaring the City's Election to Receive State Shared Revenue
- RESOLUTION ~ Certifying the City of Keizer Provides Four or More Services
- B. RESOLUTION ~ Approving Engineer's Report for Taylor Ridge Street Lighting District.
- C. Approval of April 14, 2008 Work Session Minutes.

Councilor McKane pulled Item C.

Councilor Walsh moved to approve Items A and B of the Consent Calendar. Councilor Moir seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilors McKane and Taylor noted that they were absent from the April 14 Work Session so they would abstain on the vote.

Councilor Walsh moved for approval of Item C of the Consent Calendar. Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, Moir and Clark (5)

NAYS: None (0)

ABSTENTIONS: McKane and Taylor (2)

ABSENT: None (0)

COMMITTEE REPORTS

Councilor Taylor reported that:

- The Keizer Points of Interest Committee (KPIC) chair had suggested that the committee was no longer needed but members agreed that there was still a need for the committee. He noted that partnering with other committees was discussed as well as taking on designation of heritage trees. Council then discussed protection of the Christmas tree.
- Bikeways Committee toured Keizer Rapids Park and were impressed.

Councilor Clark reported that she attended

- Mid-Willamette Advisory Commission on Transportation (MWACT) meeting to review Surface Transportation Improvement Program (STIP) projects. She reviewed projects of interest.
- Chemawa Interchange Management Plan meeting; Nate Brown and Rob Kissler are on the technical end of this. The study area is from Brook Lake to Hayesville.
- Oregon Municipal Planning Organization Consortium (OMPOC) training on what transportation planners need to know about state and regional planning requirements.
- Leadership Youth graduation. This program provides Keizer with a youth councilor every year. She congratulated all three graduates.

* Brook

* corrected
7-7-08

* McNary

- Keizer Fire District Citizen Advisory Committee meeting to provide input on how the district is doing and how they can improve. She commended them for working cooperatively with agencies and community groups.

Councilor Walsh reported that:

- He would be meeting with the Oregon Parks and Recreation Department and the Bureau of Land Management to tour the Keizer Rapids Park with the Making Keizer Better Foundation which is moving forward with the August RIVERfair.
- Library Task Force will probably not have any more meetings. The final report is being prepared. The Community Library, however, will continue to function and is looking for volunteers to work on library issues.
- He visited with Rick Day at Advantage PreCast and they have some impressive things being cast for the amphitheater at Keizer Rapids Park.
- Salem-Keizer Area Transportation Study (SKATS) meeting was postponed until June.
- Personnel Policy meeting met and needs to review all policies because laws have changed.
- James Robles of Keizer got his Eagle award from the Boy Scouts.

Mayor Christopher reviewed vacancies on various city committees and urged citizens to volunteer.

Councilor Moir reported that

- RIVERfair will be held Saturday, August 9.
- Governor's Task Force on Veterans Services would like the Council to consider providing links for services to veterans on the Keizer website.
- Planning Commission meeting is on June 18.

Councilor McKane reported on dates and times of upcoming Traffic Safety Commission and Parks Board meetings as well as the official opening of the Keizer Rapids Park dog park.

OTHER BUSINESS

- a. **New Business**
- b. **Old Business**

City Manager Chris Eppley distributed a request from the Keizer Community Library regarding designating up to 2,000 square feet of the new civic center as a library. He noted that this change of use would require some construction changes so a decision would need to be made quickly. Following discussion, Councilors each noted that they could not support this.

Rob Kissler reported that

- Dearborn paving should be complete by the end of June
- Construction has begun for the new access at Keizer Rapids Park and the fence should be in place soon.

Assistant to the City Manager, Kevin Watson, reported that the Request for Proposals for the TD Keizer Statue has been distributed and favorably received. Proposal deadline is July 18. Keizer Points of Interest Committee will review these at their July meeting.

Youth Councilor Alex James reported that:

- McNary seniors graduate Friday
- McNary Site Council is looking to renew the Peer Helper Program but will need to hire another staff member. They are also looking to add a group advisory group.
- He attended the Red Cross National Youth Institute conference in St. Louis and it was amazing.
- He will be serving as the Youth Councilor until he is replaced.

Mayor Christopher reported that Keizer Saturday Market will be held at Faith Lutheran Church from 9 a.m. to 1 p.m. on Saturdays.

WRITTEN COMMUNICATIONS

Mayor Christopher reviewed the following correspondence:

- A Keizer resident complained about the Iris Festival litter, noise, street closure and public drunkenness. The writer suggested the Iris Festival take place on Cherry Avenue. Mayor Christopher voiced appreciation for the suggestion and explained that the intent is to bring folks to River Road.
- A note thanking City Hall (specifically Richard Walsh and Rob Kissler) for the newly developed dog park.
- Letters from Gubser Third Grade class regarding communities and citizenship with suggestions on how they could improve their communities.

AGENDA INPUT

June 9, 2008

5:45 p.m. City Council Work Session

June 16, 2008

7:00 p.m. City Council Meeting

- Public Hearing – Periodic Review Work Plan
- Public Hearing – Setting Water Rates (2008)
- Surplus Property Ordinance

July 7, 2008

7:00 p.m. City Council Meeting

July 14, 2008

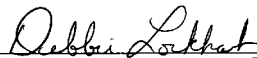
5:45 p.m. City Council Work Session

- Periodic Review/Urban Growth Boundary Discussion

ADJOURNMENT Mayor Christopher adjourned the meeting at 9:52 p.m.

MAYOR:

APPROVED:



Debbie Lockhart, Deputy City Recorder

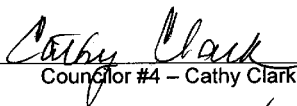


Lore Christopher

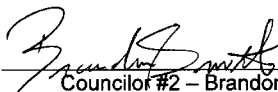
COUNCIL MEMBERS



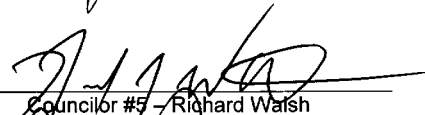
Councilor #1 – David McKane



Councilor #4 – Cathy Clark



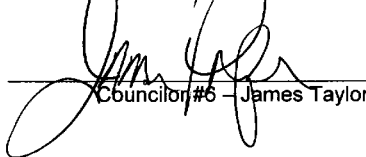
Councilor #2 – Brandon Smith



Councilor #5 – Richard Walsh



Councilor #3 – Jacque Moir



Councilor #6 – James Taylor

Minutes approved:

