

CITY OF KEIZER MISSION STATEMENT
*KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES TO THE
COMMUNITY IN A COORDINATED, EFFICIENT, AND LEAST COST FASHION*

AGENDA

KEIZER CITY COUNCIL
REGULAR SESSION

Monday, October 15, 2007

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. CALL TO ORDER

2. ROLL CALL

3. FLAG SALUTE

4. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

5. PUBLIC HEARINGS

a. Keizer Station Area B Master Plan (cont from 9/17/07)

6. ADMINISTRATIVE ACTION

7. CONSENT CALENDAR

a. RESOLUTION – Authorizing the City Manager to Sign Keizer Hearings Officer and Land Use Hearings Referee Contract for Services (J. Litwak)

b. RESOLUTION – Initiating Taylor Ridge Street Lighting District

c. RESOLUTION – Authorization for Appropriation Transfer (45th Parallel)

d. RESOLUTION - Granting Keizer Parks Foundation \$700.00 for Payment of Non Profit Internal Revenue Service Filing Fees

e. Approval of September 24, 2007 Special Session Minutes

8. **COMMITTEE REPORTS**

9. **OTHER BUSINESS**

This time is provided to allow the Mayor, City Council members, or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

- a. New Business or Old Business Issues

10. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

11. **AGENDA INPUT**

October 22, 2007

5:45 p.m. City Council/Parks Advisory Board Work Session

- City of Keizer Parks Master Plan

November 5, 2007

7:00 p.m. City Council Regular Session

November 13, 2007 (Tuesday)

12:00 p.m. (Noon) City Council/Planning Commission Work Session

- Infill Development Discussion

November 19, 2007

7:00 p.m. City Council Regular Session

- Keizer Station Assessment Public Hearing

12. **ADJOURNMENT**

COUNCIL MEETING: October 15, 2007

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: NATE BROWN
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: CONTINUATION OF AREA B MASTER PLAN APPLICATION

BACKGROUND:

The City Council continued the public hearing on the Area B Master Plan application from its September 17, 2007 meeting to allow more time for the negotiations taking place regarding property ownership in the affected properties. This hearing is a result of that continuation.

ISSUE:

The current Master Plan application accommodates the previous commitments made by the City which segregates a parcel of 35,000 square feet to allow an independent development. If that issue is altered, the current proposed site design of the property would change.

The City has received notice that the negotiations have been successful; however they have not been completely finalized at the time of this report. Therefore Staff recommends this public hearing be continued to the November 5, 2007 City Council meeting. If the City receives notice that the property ownership interests have indeed changed before this Council meeting, Staff will recommend that the application for a Master Plan for Area B filed by the City be withdrawn.

RECOMMENDATION:

It is hereby recommended the City Council continue the public hearing on Keizer Station Area B Master Plan to 7:00 p.m. on Monday, November 5, 2007.

CITY COUNCIL MEETING: October 15, 2007

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *ONE YEAR EXTENSION OF THE HEARINGS OFFICER CONTRACT*

Jeff Litwak has served as the Keizer Hearings Officer/Hearings Referee since October 2000. The current contract is expiring and we have prepared a new Contract for Services for an additional one year period. The monthly retainer amount of \$750.00 has been approved through the budget process.

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager to sign the Hearings Officer Contract for Services.

Please let me know if you have any questions. Thank you.

ESJ/tmh
attachments

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2007-_____

AUTHORIZING THE CITY MANAGER TO SIGN
KEIZER HEARINGS OFFICER AND LAND USE
HEARINGS REFEREE CONTRACT FOR SERVICES
(JEFFREY B. LITWAK)

WHEREAS, Jeffrey B. Litwak entered into a Contract for Services for the term
from October 1, 2000 through October 1, 2001;

WHEREAS, such Contract has been amended and the term of such Contract
extended several times;

WHEREAS, Jeffrey B. Litwak entered into a new Contract for Services for the
term from October 1, 2005 through September 30, 2006 with an additional year
renewal at the option of the City;

WHEREAS, the Contract for Services was renewed to September 30, 2007 by
letter dated August 16, 2006 in which the monthly retainer was increased from \$550 to
\$750;

WHEREAS, the City of Keizer and Jeffrey B. Litwak wish to enter into a new
Contract for Services incorporating the current retainer for an additional one year term;

NOW, THEREFORE,

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1 BE IT RESOLVED by the City Council of the City of Keizer that the City
2 Manager is authorized to execute the attached Contract for Services on behalf of the
3 City.

4 PASSED this _____ day of _____, 2007.

5 SIGNED this _____ day of _____, 2007.

6 _____
7 Mayor

9 _____
10 City Recorder

CONTRACT FOR SERVICES

KEIZER HEARINGS OFFICER AND LAND USE HEARINGS REFEREE

This agreement is entered into by and between the City of Keizer, a municipal corporation, hereafter call "City" and Jeffrey B. Litwak, hereafter called "Contractor". Unless terminated as provided herein, this agreement shall be for the term October 1, 2007 through September 30, 2008, and may be renewed for one additional year at the option of the City. Written notice of such renewal shall be given by the City no later than September 1, 2008. Contractor shall perform the services of Land Use Hearings Officer and Land Use Hearings Referee for the City during the term of this agreement. City shall pay Contractor for said services and all associated mailing and copy costs by means of a retainer of \$750.00, payable monthly by the 10th of each month, beginning October 1, 2007. The retainer payment shall be non-refundable and shall be considered earned by Contractor upon receipt.

Contractor agrees to perform the following services as Land Use Hearings Officer and Land Use Hearings Referee for the City.

1. Furnish all tools and equipment necessary to do the work specified herein.
2. Hold land use hearings for one evening per month at a date, time and place jointly selected by Contractor and City and provided by City.
3. Render written decisions in up to fourteen land use decisions for the contract period.
4. Mail original of each decision and exhibits to City within time requirement specified in the Keizer Development Code.
5. At the request of City, hold additional hearings and decide additional cases. Payment for additional hearings shall be at the rate of \$75 per hour.

Total annual payment for all services and associated costs of the contract shall not exceed the budgeted amount of \$9,000.

In the event Contractor cannot hold the monthly land use hearing(s), Contractor agrees to waive receipt of the monthly retainer, which will be paid to the Pro tempore Land Use Hearings Officer and Land Use Hearings Referee.

Contractor will provide the services and labor specified in this agreement free from the direction and control of City, subject only to the accomplishment of specified results. Contractor is not currently an employee of City, nor under direction or control of City. Contractor may contract or serve others during the time he is not specifically obligated to City.

Contractor is engaged as a totally independent contractor. Contractor will pay and be responsible for any and all federal and state taxes of whatever kind. Contractor will pay and be responsible for any and all social security, unemployment compensation and workers' compensation assessment, payments or taxes. Contractor will not be eligible for any fringe benefit payments or employee privileges from City.

Contractor shall not enter into any subcontracts for any of the work specified in this agreement without obtaining from City prior written approval. Contractor shall not assign or transfer his interest in this contract without the prior written consent of City.

This agreement may be terminated by the mutual consent of both parties. City may terminate this agreement upon 30 days notice or by Contractor upon 90 days written notice, given in writing and delivered by certified mail or in person.

City may terminate this agreement after 10 days written notice delivered to Contractor, if Contractor fails to provide the services called for in this agreement, or if Contractor's failure to pursue the work endangers performance of this agreement in accordance with its terms, and Contractor fails to correct such failure within the 10 day period.

Contractor is an agent of City solely for tort claim purposed, as set forth in the Oregon Tort Claims Act, for holding of land use hearings and rendering of written decisions in land use hearings and providing notice of such decisions. Except as expressly stated herein, City shall not be responsible for the negligent acts or omissions of Contractor. Contractor shall not be responsible for the negligent acts or omissions of City.

CONTRACTOR

CITY OF KEIZER

Jeffrey B. Litwak

Christopher C. Eppley,
City Manager

SSN

Date

Date

Mailing Address

2222 NW Hoyt St. #102

Portland, OR 97210

COUNCIL MEETING: October 15, 2007

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: TRACY L. DAVIS, MMC
CITY RECORDER**

**SUBJECT: INITIATING TAYLOR RIDGE STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT**

ISSUE:

Shall the City Council initiate Taylor Ridge Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on October 8, 2007 by the developer of Taylor Ridge subdivision to form a local improvement district for street lights in this area of Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution Initiating Taylor Ridge Street Lighting Local Improvement District and direct the City Engineer to prepare a survey of the area.

PETITION TO FORM LOCAL IMPROVEMENT DISTRICT FOR STREET LIGHTING

To the City Council for the City of Keizer:

The undersigned being the owner or contract purchaser of the described property hereinafter set opposite my or its name, hereby petition the Keizer City Council to form a STREET LIGHTING LOCAL IMPROVEMENT DISTRICT for:

X Darrell Beam

within the City of Keizer.

The legal description of the proposed district is:

TAYLOR RIDGE

PLEASE ATTACH A MAP OF THE AREA

This petition to form this district is in conformity with the charter, ordinances and regulations of the City of Keizer.

PETITION SUBMITTED BY:

NAME: Darrell Beam

ADDRESS: 49 Skyline Ct N Keizer

PHONE NUMBER: 503-932-2401

DATE	DEED HOLDER/CONTRACT BUYER	SIGNATURE	ADDRESS OF PROPERTY (IF VACANT - LOT NUMBER/SECTION)
		<u>Darrell Beam</u>	

Rel 10-8-07
+AL

Exhibit "A"

COUNCIL MEETING: October 15, 2007

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR**

SUBJECT: Authorization for Appropriation Transfer

ISSUE: Oregon Budget Law allows for the transfer of appropriation from the General Fund to any other fund during the fiscal year (ORS 294.450);

Oregon Budget Law further provides that a resolution or ordinance be passed to provide authority for the expenditure of these funds.

On Monday, September 24, 2007, the City Council passed a motion authorizing the City Manager to spend up to \$8,000 from the General Fund Contingency for construction of the 45th Parallel monument on River Road.

The Revenue Sharing Fund is used to track capital outlay items purchased for general government uses. Staff recommends transferring up to \$8,000 from the General Fund contingency to the Revenue Sharing Fund for this purpose.

FISCAL IMPACT: The \$8,000 transfer reduces the General Fund contingency from \$147,900 to \$139,900.

RECOMMENDATION: Staff recommends the council adopt the attached resolution authorizing the expenditure of funds as described above.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2007-_____

AUTHORIZATION FOR APPROPRIATION TRANSFER

WHEREAS ORS 294.450 allows for the transfer of appropriation authority within a fund;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2008:

General Fund	<u>Increase</u>	<u>Decrease</u>
Transfer to Revenue Sharing Fund	\$8,000	
Contingency		\$8,000
Revenue Sharing Fund		
Transfer from General Fund	\$8,000	
Capital Outlay	\$8,000	

Funds are needed for the purchase of a monument marking the 45th parallel in front of the Willamette Valley Bank on River Road.

PASSED this _____ day of _____, 2007

SIGNED this _____ day of _____, 2007

Mayor

City Recorder

CITY COUNCIL MEETING: October 15, 2007

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *AUTHORIZATION FOR CONTINGENCY FUND EXPENDITURE
– KEIZER PARKS FOUNDATION***

At the last Council meeting, Vickie Hilgemann appeared and requested that the City make a \$700.00 grant to pay for the proposed Keizer Parks Foundation's Internal Revenue Service filing to become an official non-profit organization. The Council indicated that it would like to move forward with that grant so I have prepared a Resolution authorizing the expenditure.

RECOMMENDATION:

Adopt the Resolution if appropriate.

Please let me know if you have any questions. Thank you.

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2007-____

4
5 GRANTING KEIZER PARKS FOUNDATION \$700.00
6 FOR PAYMENT OF NON-PROFIT INTERNAL
7 REVENUE SERVICE FILING FEES
8

9 WHEREAS, Keizer Parks Foundation is currently being formed;

10 WHEREAS, the preliminary group for Keizer Parks Foundation requests the City
11 grant \$700.00 for payment of the Internal Revenue Service filing fees for non-profit
12 organizations;

13 NOW, THEREFORE,

14 BE IT RESOLVED by the City Council of the City of Keizer that the City
15 authorizes payment to United States Treasury/Internal Revenue Service in the amount of
16 \$700.00;

17 BE IT FURTHER RESOLVED that such funds shall come from the Contingency
18 Fund.

19 PASSED this _____ day of _____, 2007.

20
21 SIGNED this _____ day of _____, 2007.
22

23 _____
24 Mayor

25 _____
26 City Recorder
27



MINUTES
KEIZER CITY COUNCIL SPECIAL SESSION
Monday, September 24, 2007
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

**CALL TO
ORDER**

Mayor Christopher called the Special Session to order at 6:45 pm. Roll Call was taken as follows:

Present:

Mayor Lore Christopher
Richard Walsh, Council President
Jim Taylor, Councilor
Jacque Moir, Councilor
Cathy Clark, Councilor
David McKane, Councilor
Alex James, Student Councilor
Position #2 Vacant

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community
Development
Rob Kissler, Public Works
Marc Adams, Chief of Police
Dianne Hunt, Human Resources
Tracy Davis, City Recorder

**PUBLIC
TESTIMONY**

None

Mayor Christopher moved to suspend the rules in order to take action on the Urban Renewal Agency decision where time is of the essence. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0) Position #2 vacant (1)

City Manager Chris Eppley explained that the Urban Renewal Agency had moved a motion to recommend that the City Council designate \$8,000 of General Fund Contingency Fund to pay for a monument marking the 45th parallel in front of the Willamette Valley Bank and added that staff recommends approval.

Councilor Walsh moved to authorize the City Manager to spend up to \$8000 from the Contingency Fund of the General Fund for construction of the 45th Parallel monument on River Road. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0) Position #2 Vacant (1)

DISCUSSION

a. City of Keizer Compensation – Approval of Comparable Cities

City Manager Chris Eppley explained that pursuant to Council request, additional information was being provided from the following cities: Corvallis, Dallas, Grants Pass, Silverton, Springfield and West Linn. Currently city comparators are: Albany, Lake Oswego, McMinnville, Milwaukie, Newberg, Oregon City, Salem, Tigard, Tualatin, Woodburn, Marion County and the State of Oregon. He noted that he recommended keeping the current comparators but if Council wished to change them, poor matches would be Grants Pass (too far from recruitment basin); Corvallis and Springfield (they pay significantly more than Keizer for most positions); Silverton (significantly smaller and pays less). Comparators that definitely should be included are: Salem, Marion County and the State of Oregon with Dallas and West Linn as potentials.

Councilors voted on which cities they wished to use as comparators. The original list consisted of the following cities: Albany, Corvallis, Dallas, Grants Pass, Lake Oswego, McMinnville, Milwaukie, Newberg, Oregon City, Salem, Silverton, Springfield, Tigard, Tualatin, West Linn, Woodburn, Marion County and the State of Oregon.

Shannon Johnson explained that the cities which received 6 votes to be used as comparators were: McMinnville, Milwaukie, Silverton and Tualatin.

Discussion followed regarding the fact that Councilors received the information just a few minutes prior to this meeting and that was not enough time to review the information and make educated decisions.

Council agreed by consensus to postpone this issue until the next Council meeting on October 1.

City Attorney Shannon Johnson read the results of the voting in which Councilors agreed to remove the following cities:

Taylor: Albany, Corvallis, Grants Pass, Lake Oswego, Oregon City and Springfield

Christopher: Albany, Corvallis, Grants Pass, Lake Oswego, Salem and Springfield

Moir: Albany, Corvallis, Salem, Springfield, Marion County and Oregon State

Clark: Corvallis, Grants Pass, Lake Oswego, Newberg, Springfield and Tigard

McKane: Corvallis, Lake Oswego, Salem, Springfield, West Linn and Woodburn

Walsh: Albany, Corvallis, Grants Pass, Dallas, Lake Oswego and Oregon City

**b. Appointment
to Council
Position #2**

Mayor Christopher introduced the three applicants: Brandon Smith, Martin Matiskainen and Ronald Bersin and explained the process. Names were drawn from a bucket to determine the order of the candidates.

Each candidate had the same questions to base their presentations upon and the same amount of time to present. Candidates were interviewed in the following order: Brandon Smith, Martin Matiskainen and Ronald Bersin, with each giving a brief summary and fielding pre-determined questions from Councilors. All applicants agreed that they were not previously coached on the process.

City Attorney Shannon Johnson then reviewed the voting procedure.

Councilor Walsh moved to approve the slate of candidates: Brandon Smith, Marty Matiskainen and Ronald Bersin. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0) Position #2 Vacant

Mayor Christopher asked if there were any further nominations for Position #2. No other nominations came forward.

Councilor Walsh moved to close the nominations. Councilor Moir seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0) Position #2 Vacant

City Attorney and City Recorder counted the ballots with the following results:

McKane:	Bersin	Christopher:	Smith
Taylor:	Bersin	Walsh:	Smith
Moir:	Smith	Clark:	Smith

Councilor Walsh moved for Council to adopt a Resolution Validating Brandon Smith to Council Position Number 2. Councilor Moir seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0) Position #2 Vacant

Brandon Smith was then issued the Oath of Office and took his position on the dais.

Councilors and Mayor noted that all candidates were very well qualified and thanked them for participating. Councilor Smith also thanked the remaining applicants for their participation and thanked Council for the opportunity to serve.

**OTHER
BUSINESS**

None

ADJOURNMENT Mayor Christopher adjourned the meeting at 8:25 p.m.

APPROVED:

MAYOR:

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: