



MINUTES
KEIZER CITY COUNCIL
Monday, September 21, 2015
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Clark called the meeting to order at 7:00 pm. Roll Call was taken as follows:

Present:

Cathy Clark, Mayor
Dennis Koho, Council President
Marlene Parsons, Councilor
Amy Ryan, Councilor
Brandon Smith, Councilor
Roland Herrera, Councilor
Youth Councilor Siri Scales

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community
Development Director
Bill Lawyer, Public Works Director
Tim Wood, Assistant Controller
Machell DePina, Human Resources
Tracy Davis, City Recorder

Absent:

Kim Freeman, Councilor

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

None

**COMMITTEE
REPORTS**

Hersch Sangster, Keizer, reported that the Planning Commission had approved text amendments prohibiting the display of commercial merchandise on sidewalks or public right of way and adding language to match state laws on early sales of marijuana. Mr. Sangster also reported on various events in which the Traffic Safety/Bikeways/ Pedestrian Committee has participated and noted that two members will be attending the ODOT Traffic Safety Conference in October.

**PUBLIC
TESTIMONY**

None

**PUBLIC
HEARINGS**

**a. Comprehensive
Plan/Zone
Change/Lot**

City Attorney Shannon Johnson reminded Council that a quasi-judicial hearing is based on the criteria and Council sits as judge basing their decision on whether or not the applicant meets the criteria. He noted that this is a subdivision case (appeal) and because the criteria are lengthy he proposed waiving the reading of them. Council did not object.

**Line
Adjustment/
Subdivision -
Appeal of
Hearing Officer
Decision –
Property at
5447 and 5457
Burbank Street
N, Keizer,
Oregon**

Mr. Johnson then read the required statutory notice.

Councilor Parsons announced a potential conflict of interest because she owns a home on Trent Avenue.

Community Development Director Nate Brown reviewed documents that were made available to Council and explained that the Hearings Officer found that the application failed to meet the standards of the City under the alignment of the connection to Trent Avenue. Staff therefore met with a consultant and the City Engineer to identify how the intersection could be made safe and meet City standards. Two alternatives were developed; staff recommends Alternate B.

City Engineer Bill Peterson provided an explanation and clarification on the adjustments made in the intersection.

Discussion then took place regarding parking restrictions, anticipated increased enrollment at McNary caused by this subdivision, details of both alternatives, and placement of stop signs.

Mayor Clark opened the Public Hearing.

Doug Harnar, Salem, asked Council to approve the appeal.

Marilee Teller, Keizer, voiced concern regarding the south border of the proposed subdivision and asked who would be responsible for paying for the proposed barricade and gate at her property line. Mr. Brown replied that it would be the responsibility of the developer as part of the construction. He noted however, that a typical barricade would only restrict vehicular traffic not pedestrian traffic but Council could strengthen the language to include a 'non-climbable' fence.

Mark Farrow, Trademark Enterprises, Salem, applicant, announced that he agreed with the staff report and findings and was available to answer questions.

With no further testimony Mayor Clark closed the Public Hearing.

Councilor Smith requested that the hearing be reopened so that he could ask Mark Grenz a question.

Mayor Clark re-opened the Public Hearing.

Mark Grenz, Multitech Engineering, Salem, responded to Councilor Smith's question if the addition of a stop sign at the Trent/Burbank intersection caused him concern, stating that the stop sign was in the original proposal and the clients do not object to one or three stop signs.

With no further testimony Mayor Clark closed the Public Hearing.

Councilor Koho moved to direct staff to prepare an Order approving the development and reversing the findings of the Hearings Officer according to Alternate B with the addition of two stop signs on Trent and the 'non-

climbable' fence at the intersection of Fragrant Street and the city limits.
Councilor Parsons seconded. Motion passed as follows:

AYES: Clark, Koho, Parsons, Smith, Ryan and Herrera (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Freeman (1)

**b. Application of
KS REIM, LLC
for
Reimbursement
District
Formation**

Public Works Director Bill Lawyer explained that REIM, LLC (the company established by the developers of the senior living and apartment projects) has asked that a reimbursement district be formed for public improvements being installed in Keizer Station Area C. Staff supports the request. Mr. Lawyer reviewed various aspects of the reimbursement agreement in detail.

Mr. Lawyer and Mr. Johnson provided clarification regarding inclusion of franchise utilities in a Reimbursement District, right-of-way costs and Council discretion.

Mayor Clark opened the Public Hearing.

Dana Krawczuk, Attorney for the Applicant, distributed a map of the area and reviewed the purpose of a reimbursement district noting that the applicant agrees with the fee and the interest rate but would like to discuss sharing the utility costs, inclusion of the right of way costs and the geographic allocation of those costs. She provided arguments in favor of including the utility and right-of way costs and asked that the percentage paid for the McLeod extension be lowered to reflect all costs combined and then split.

John Eld, Bonaventure, echoed the testimony of Ms. Krawczuk noting that if costs of relocating the utilities are not included in this reimbursement district they will be coming back to form another one because the costs are significant. He provided additional clarification regarding the request for right-of-way costs and the geographical costs.

Mark Grenz, Multi-Tech Engineering, provided clarification on the technical aspect of utility relocation and PGE requirements.

Discussion took place regarding relocation of utilities, interpretation of the City's ordinance, the defensibility of the reimbursement district and the 'fair market value' vs. 'undeveloped value' of the property.

With no further testimony Mayor Clark closed the Public Hearing.

Councilor Koho moved that Keizer City Council find that the costs of undergrounding utilities is a part of street improvements and eligible for a reimbursement district. Councilor Smith seconded.

Councilor Smith questioned Councilor Koho's intent to go out of order on the issues rather than taking the first one in the staff report which was to

establish the district. Councilor Koho responded that he felt the next step was to amend the ordinance. Councilor Smith responded that he did not want Council to lose the discretion that is built into the current ordinance. Councilor Koho indicated that his intent was to eliminate the need for lengthy discussion and set policy. Mayor Clark noted that that was not her understanding of the motion. Mr. Johnson urged that Council wait for a separate motion to amend the ordinance.

Councilor Smith stated that he understood the motion to mean 'in this matter' and therefore withdrew his second.

Motion died for lack of second.

Councilor Koho moved to direct staff to prepare a resolution creating the reimbursement district in accordance with staff recommendations.
Councilor Smith seconded.

Councilor Smith offered a friendly amendment that franchise utilities (power and phone) do constitute street improvements in this case.
Councilor Koho accepted the amendment.

Mr. Johnson added that Street Lighting District costs would not be included in this.

Councilor Parsons offered a friendly amendment that all of the right-of-way costs be limited to the developer's actual cost and that they be spread to the areas labeled C-1 and Future Commercial using the same percentage as used for the street improvements mentioned earlier.
Councilors Koho and Smith accepted the amendment.

Councilor Smith clarified that the 12.08% would be used (Number 3 of staff report) rather than the 24.45% for the transportation costs of the McLeod extension, and number 5 of the staff report (\$750 administrative charge and reimbursement adjustment rate of 3%) is included.

Motion passed as follows:

AYES: Clark, Koho, Parsons, Smith, Ryan and Herrera (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Freeman (1)

**c. ORDINANCE –
Amending
Keizer
Development
Code Section
1.200
(Definitions);**

City Attorney Shannon Johnson reported that Planning Commission held a hearing on this and voted unanimously to recommend it to Council. The ordinance is to ensure that the City's ordinance is consistent with the State as Council has directed and simply allows early sales of medical marijuana from October 1, 2015 to December 31, 2016.

Mayor Clark opened the Public Hearing. Hearing no testimony, Mayor Clark closed the Public Hearing.

Councilor Koho moved that the Keizer City Council adopt an Ordinance

**Amending
Ordinance No.
98-389;
Declaring an
Emergency**

Amending Keizer Development Code Section 1.200 (Definitions);
Amending Ordinance No. 98-389; Declaring an Emergency. Councilor
Parsons seconded. Motion passed as follows:

AYES: Clark, Koho, Parsons, Smith, Ryan and Herrera (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Freeman (1)

**ADMINISTRATIVE
ACTION
a. RESOLUTION
– Authorizing
the City
Manager and
Public Works
Director to
Sign 2015-2018
Collective
Bargaining
Agreement
with Laborers
International
Union of North
America, Local
320**

Human Resources Director Machell DePina reported that a new Collective Bargaining Agreement has been agreed upon with the Laborers International Union of North America Local 320, which is within the parameters of the FY15-16 Budget. Staff recommends approval of the Resolution authorizing the City Manager to sign said agreement.

Councilor Koho moved that the Keizer City Council adopt a Resolution
Authorizing the City Manager and Public Works Director to Sign 2015-
2018 Collective Bargaining Agreement with Laborers International Union
of North America, Local 320. Councilor Parsons seconded. Motion passed
as follows:

AYES: Clark, Koho, Parsons, Smith, Ryan and Herrera (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Freeman (1)

**CONSENT
CALENDAR**

a. RESOLUTION – Authorizing the City Manager to Enter Into Lease Agreement with Ricoh USA Inc. for Utility Billing and Primary City Copier

Councilor Koho moved to approve the Consent Calendar. Councilor
Parsons seconded. Motion passed as follows:

AYES: Clark, Koho, Parsons, Smith, Ryan and Herrera (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Freeman (1)

**COUNCIL
LIAISON
REPORTS**

Councilor Herrera reviewed meetings and events he had attended, thanked Parks staff for doing a great job with minimal staffing, announced that he is working on the Latino Action Committee and that a historian from Woodburn would be doing a presentation at the Civic Center called "Hispanic Invasion in Oregon" on October 1.

Councilor Parsons reported that Amy McLeod has resigned from the Volunteer Coordinating Committee so she appointed Sara Head. She urged citizens attend Parks Board meetings to advocate for their parks.

Councilor Koho announced that he met with the County Commissioners.

Councilor Ryan urged everyone to check the Chamber calendar for upcoming events and to attend the Keizer Network of Women fundraising event. She announced the recent installations of sculptures on River Road and the historical quilt hung in the Community Center.

Councilor Smith praised the 9/11 ceremony at the Keizer Fire District and announced that he would be attending the League of Oregon Cities conference.

Youth Councilor Siri Scales announced McNary Homecoming on October 17 noting that court nominations are this week and she is running those as the elections official. The first outdoor pep assembly in McNary's history was held and was successful. And she was part of a group that did a water balloon tournament.

Mayor Clark reviewed meetings/events she had attended and announced that she would be attending the League of Oregon Cities conference where she will accept a Safety Award from CIS. She congratulated staff for winning the award.

OTHER BUSINESS

Public Works Director Bill Lawyer reported that he made some contacts and is pleased to report that he has an on-site meeting scheduled for October 20 with representatives to look over the proposed "Quiet Zone" and determine what steps or "supplemental safety measures" need to be implemented to make it qualify. The preliminary indication is that because of the newness of the crossing it is likely that the only thing needed will be signs.

Community Development Director Nate Brown reported that 21 single-family residence permits were applied for in August which is the biggest August number ever. The economy is improving.

City Recorder Tracy Davis reviewed openings on city committees.

WRITTEN COMMUNICATIONS None

AGENDA INPUT

October 5, 2015

7:00 p.m. – City Council Regular Session

October 12, 2015

5:45 p.m. – City Council Work Session

- Salem-Keizer Transit District

October 21, 2015

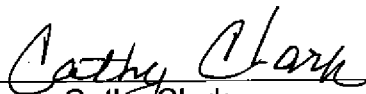
7:00 p.m. – City Council Regular Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 9:18 p.m.

MAYOR:

APPROVED:


Cathy Clark

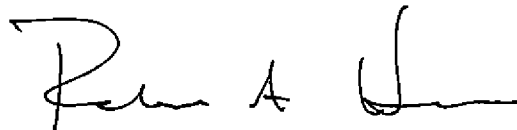


Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS



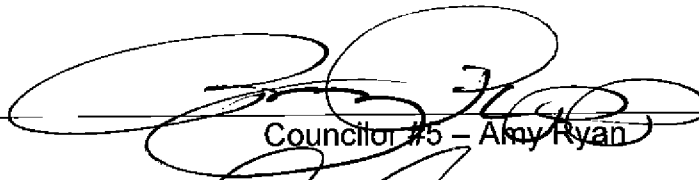
Councilor #1 – Dennis Koho



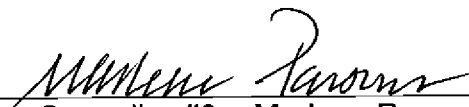
Councilor #4 – Roland Herrera

~ Absent ~

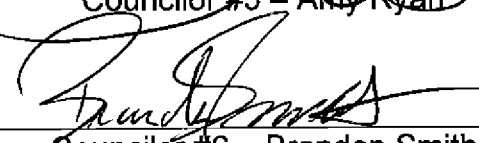
Councilor #2 – Kim Freeman



Councilor #5 – Amy Ryan



Councilor #3 – Marlene Parsons



Councilor #6 – Brandon Smith

Minutes approved: October 5, 2015