MINUTES
KEIZER CITY COUNCIL
Tuesday, September 21, 2009
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:02 pm. Roll Call was taken as follows:

Present:	**Staff:**
Lore Christopher, Mayor	Shannon Johnson, City Attorney
Jim Taylor, Council President	Chris Eppley, City Manager
Richard Walsh, Councilor	Kevin Watson, Assistant to the City Manager
Brandon Smith, Councilor	Rob Kissler, Public Works
Cathy Clark, Councilor	Nate Brown, Community Development
Mark Caillier, Councilor	Marc Adams, Chief of Police
David McKane, Councilor	Tracy Davis, City Recorder
Brian Holt, Youth Councilor	

FLAG SALUTE

Mayor Christopher led the pledge of allegiance.

PUBLIC TESTIMONY

Ron Christopher and *Kate Tarter,* representing the Transit District, provided an update noting that they planned on reporting to Council monthly. They reviewed information regarding the status of the environmental assessment and Emerald Pointe service and summarized changes that had occurred with the redesign adding that those changes will be reviewed monthly. Lengthy discussion then took place regarding options for providing safe access to the transit system for residents of Emerald Pointe.

Holly Graf, Keizer, representing the Planning Commission reported that the Commission had two new members, one being sworn in at the last meeting and the other at the next meeting. The Commission is reviewing General Provisions of the Zone Code through a Public Hearing which has been continued for two meetings in order to address all the details. The next Commission project will be review of the Wireless Communication section.

Jim Hanson, Rick Hammerquist, Rhonda Rich and *Bob Warberg, Keizer,* expressed displeasure regarding the noise level at the amphitheater during concerts. Chief Adams noted that the department has been proactive and done several readings from different locations and the noise level always complies with the City ordinance. Discussion then took place regarding possible further study, park hours and bringing in a more mellow music. Council asked citizens to give them time to work through this and come up with some strategies.

Ron Anderson, Keizer, Bikeways Committee Chair, requested $617.49 to purchase 60 helmets for distribution. He explained that this money would be reimbursed to the City upon receipt of the reimbursement funds from the ACTS Oregon Grant and provided details of expenditures already made through the grant. Council directed City Manager Chris Eppley to provide this money to Bikeways as requested.

Stella Horsely, Keizer, provided statistics for the library noting that some cash donations had been received and 31 new memberships have been processed bringing the total to 1500 patrons. She invited everyone to the Fall Book Sale and the next Friends of the Library meeting.

PUBLIC HEARING

a. RESOLUTION – Forming New Day 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 New Day 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 Taylor moved to adopt a Resolution Forming New Day Subdivision Street Lighting Local Improvement District. Councilor Walsh seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Caillier, Taylor and Clark (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

ORDINANCE – Spreading Assessments to New Day Subdivision Street Lighting District

Councilor Taylor moved to adopt an Ordinance Spreading Assessments to New Day Subdivision Street Lighting Local Improvement District. Councilor Walsh seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Caillier, Taylor and Clark (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

ADMINISTRATIVE ACTION

a. Management of

City Attorney Shannon Johnson reminded Council that at the last meeting they had directed staff to come back with a recommended process to determine management services for Keizer Rotary Amphitheater. He

Keizer Rotary Amphitheatre

explained that staff recommends that an ad hock task force of three Councilors meet with staff and make a recommendation to the full Council.
Councilors Clark and Walsh and Mayor Christopher agreed to serve on the task force along with staff liaisons Chris Eppley, Rob Kissler, Kevin Watson and Shannon Johnson.

Discussion then took place regarding keeping the overall management of the amphitheater and maintenance of the grounds in-house but not the marketing and event scheduling. Mr. Eppley also provided information regarding the marketing plan for the community center.

b. RESOLUTION – Authorizing the City Manager to Enter Engagement Letter with Beery, Elsner and Hammond as Special Legal Counsel for Telecommunications/Utility Regulatory Update

City Attorney Shannon Johnson explained that telephone franchise fees have declined partially because of increased use of cell phones. For this reason staff has explored the possibility of changing the current franchise model to a "Master Telecom Ordinance" method. He explained that more jurisdictions are moving to this type of regulatory scheme and it would help level the playing field by charging wireless/cellular providers a fee based on annual revenues. Mr. Johnson then explained that because telecom law is complex, he advised engaging outside legal counsel to assist in this endeavor.

Discussion then took place regarding adjusting the agreement to an hourly service rather than a lump sum, various forms of telephone services, utility pole ownership, right-of-way, budgeting and distribution of funds, similar actions by other cities, and the cost of technology and providing public safety. Mr. Eppley added that the State, the League of Oregon Cities and the legislature have taken a significant look at this and it will come back again and again until something passes through the legislature. What they are working toward is the state collecting a wireless franchise fee and doling it out based on some formula that they come up with. The question is should Keizer jump out in front and protect its rights so that it is grandfathered in, or allow the state to do it.

Councilor Taylor moved to adopt a Resolution Authorizing City Manager to Enter Into Engagement Letter with Beery, Elsner and Hammond as Special Legal Counsel for Telecommunications/Utility Regulatory Update. Councilor Walsh seconded. Motion passed as follows:

AYES: Christopher, Walsh, Smith, Caillier, Taylor and Clark (6)
NAYS: McKane (1)
ABSTENTIONS: None (0)
ABSENT: None (0)

RESOLUTION – Authorization for Appropriation Transfer (Legal

Councilor Taylor moved to adopt a Resolution: Authorization for Appropriation Transfer (Legal Fees for Telecommunications Regulatory Update). Councilor Smith seconded.

Fees for Telecommunications Regulatory Update)

Councilor Walsh offered a friendly amendment to split the allocation between the Legal Contractual Services and the City Contingency funds. Councilor Taylor did not accept the amendment.

Councilor Walsh moved to amend the resolution to split the allocation between the Legal Contractual Services and the City Contingency funds. Councilor Smith seconded. Motion failed as follows:

AYES: Walsh and Smith (2)
NAYS: Christopher, McKane, Caillier, Taylor and Clark (5)
ABSTENTIONS: None (0)
ABSENT: None (0)

Vote on original motion (not amended):

Motion passed as follows:

AYES: Christopher, Walsh, Smith, Caillier, Taylor and Clark (6)
NAYS: Mckane (1)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

A. RESOLUTION – Authorizing the City Manager to Enter Agreement through Auto Leasing Specialist, LLC for Police Patrol Vehicles
B. Approval of August 17, 2009 Regular Session Minutes
C. Approval of September 8, 2009 Regular Session Minutes

Councilor McKane pulled Item C.

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

AYES: Christopher, Walsh, Smith, McKane, Caillier, Taylor and Clark (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Discussion took place regarding clarification of a portion of the Minutes (Item C). It was agreed that they would be adjusted and offered for approval at the next meeting.

COMMITTEE REPORTS

a. Yamhill-Marion-Polk Workshops Presentation

Taken out of order. Elizabeth Sagmiller, Stormwater Manager, explained that the presentation was to provide a foundation for a series of workshops that were going to be offered. She urged Councilors to attend the workshops and provided details through a power point presentation. The presentation covered the effects of urban development, heavy rains, stormwater pollutants, and managing development to mimic natural systems. Discussion then followed regarding eco-friendly lawn and garden care.

b. Ben Miller Park Restoration Overview

Taken out of order. Elizabeth Sagmiller, Stormwater Manager, gave a presentation regarding a riparian restoration project at Ben Miller Family Park explaining that the project is made possible through a $5000 grant from RCAP (Riparian Conservation Action Program) through the Soil and Water Conservation District. The project is a required BMP (Best Management Practice) for the TMDL (Total Maximum Daily Load) Implementation Plan and this site has been chosen because that portion of Claggett Creek has poor water quality (due to its proximity to Salem and the neighborhoods), it is a small site, there is a high probability of success, it has high visibility, and there is irrigation already in place. She reviewed the concerns: littering, dumping, erosion, lack of shade, and invasive species; and goals: to improve water quality, provide opportunities for the community, develop an example project and satisfy DEQ requirements. She then reviewed work that has been done and what is planned.

Other Committee Reports

Councilor Smith reported that the September KURB meeting was cancelled and reviewed dates for the KROC center opening and the League of Oregon Cities conference.

Councilor Walsh reviewed dates and times for the Economic Development and Government Affairs and Chamber Tourism meetings as well as the upcoming concert at Keizer Rapids Park. He also brought forward the possibility of receiving email from citizens during council meetings in order to facilitate testimony during public hearings.

Councilor Taylor reviewed recent activities of the Bikeways Committee and noted Keizer Points of Interest Committee next meeting date.

Councilor Caillier reviewed upcoming Salem Wastewater Stormwater Task Force, Claggett Creek Watershed Council, Stormwater Advisory Committee and Planning Commission meetings.

Councilor McKane thanked the Keizer Fire District for their September 11 ceremony, commended the Parks Board for the recent successful parks tour, and invited citizens to the upcoming Traffic Safety Commission meeting.

Councilor Clark reviewed recent events she had attended including the Health Forum at the Civic Center, Commissioners Breakfast, and West Keizer Neighborhood Association meeting. She encouraged those interested to check out the Chemawa interchange website to view alternatives before the open house and reviewed upcoming meeting dates for K-23 Advisory Committee and the League of Oregon Cities conference. She then noted that the October 5 Council meeting is the same night as the Emergency Services Open House and requested that the Council meeting be delayed for 30 minutes. <u>Council agreed by consensus to delay the October 5 Council meeting by 30 minutes.</u>

Mayor Christopher reported that the Salem Hospital held a forum at the community center to discuss regional services and had a good turnout in spite of several other events taking place on the same night.

OTHER BUSINESS

Chief Adams reported that the new Honor Guard has graduated and is now available to post colors for various events.

a. New Business or Old Business Issues

Public Works Director, Rob Kissler advised everyone that projects funded by the American Recovery and Reinvestment Act would be starting. He encouraged everyone to watch for signs and expect some traffic delays and provided scheduling and location details.

Community Development Director Nate Brown reported on progress of the Martial Arts/Copeland project and that the

- Population projection issue would be addressed within the next few days and it would play a crucial and pivotal role in the urban growth boundaries.
- City is noticing in the Keizer Times a request that will be made of Council for clarification of the ordinance and interpretation on power plants and gas powered plants which are not specifically referred to in the ordinance.

Assistant to the City Manager, Kevin Watson, encouraged everyone to check out the Keizer website which now includes marketing material for the Keizer Civic Center and an opportunity to provide feedback on the Hazard Mitigation Plan. Following the public input, the Plan can be submitted to FEMA so that the City can apply for various grants.

Youth Councilor Brian Holt reported on upcoming McNary sports events.

Additional discussion took place regarding responding to a request from the West Keizer Neighborhood Association regarding enforcement of Park Rules. Mr. Eppley suggested that response to this might be appropriate for the ad hoc task force.

WRITTEN COMMUNICATIONS

Mayor Christopher read an email commending Keizer Public Works for their quick response.

AGENDA INPUT

<u>**October 5, 2009**</u>
7:30 p.m. City Council Meeting
<u>**October 12, 2009**</u>
5:45 p.m. City Council Work Session - Cancelled
<u>**October 19, 2009**</u>
6:00 p.m. Building Dedication and Flag Raising
7:00 p.m. City Council Meeting

ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:13 p.m.

APPROVED:

MAYOR:

Lore Christopher

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Cathy Clark

Councilor #2 – Brandon Smith

Councilor #5 – Richard Walsh

Councilor #3 – Mark Caillier

Councilor #6 – James Taylor

Minutes approved:

October 5, 2009