MINUTES
KEIZER CITY COUNCIL
Monday, August 6, 2012
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the meeting to order at 7:02 p.m. Roll call was taken as follows:

Present:
Lore Christopher, Mayor
Jim Taylor, Councilor
Brandon Smith, Councilor
Joe Egli, Councilor
Mark Caillier, Councilor
David McKane, Councilor

Absent:
Cathy Clark, Council President

Staff:
Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community Development
Bill Lawyer, Public Works Director
Lt. John Troncoso, Police
Machell DePina, Human Resources
Susan Gahlsdorf, Finance Director
Tracy Davis, City Recorder

FLAG SALUTE

Darrell Weir, Troop 150 West Salem led the pledge of allegiance.

PUBLIC TESTIMONY

JoAnne Beilke, Keizer, representing the Keizer Heritage Foundation expressed pleasure that, after two years of negotiations, a lease between the City and the Heritage Foundation was reached. She explained that the Association has experienced an increase in volunteers and formed a relationship with the Siletz tribe which is providing a summer student to help in the art and library. She invited citizens to become members and reviewed various activities planned for the future.

Dave Bauer, Keizer, noted that over the years he has worked with Public Works, the Water Department and Keizer Police and has always had the best service. Recently he had the opportunity to work with the City Manager on the Keizer Little League fields issue and with his leadership a resolution was achieved. He applauded Mr. Eppley for his efforts. He also worked with Shane Witham of Code Enforcement and Shane explained processes and followed through. He thanked Mr. Witham as well. He commended Paula Collins for her outstanding efforts in taking care of the Community Center, which he experienced recently at a reunion event and also commended Event Staff Person Aimee Smith for her assistance during the event. He concluded his testimony noting that he thought it was important to let the Council know that the City employees are doing a good job.

Lyndon Zaitz, Keizer, invited everyone to the 5th Annual RiverFair. He showed a First Place ribbon that would awarded for various events and listed planned competitions. He thanked Safeway for sponsoring the pie eating contest and Les Schwab for sponsoring the disc golf tournament, nature walk, and live entertainment. He explained that there will be a historical area to celebrate the bicentennial of Wallace House. A 15-star flag, a replica of the flag that would have flown over the Wallace House 200 years ago, will be raised to commemorate the bicentennial. He urged everyone to check out details in the Keizer Times.

John McArdle, Mayor of Independence, past president of the Oregon Mayors Association, presented Mayor Christopher with the OMA Leadership award. He explained that Mayor Christopher is known for displaying wisdom and she is passionate for other mayors. She is known as a "go to" person and is a wonderful credit to the community.

Charles Baker, Keizer, expressed dismay over the planned development at 6159 McLeod. He noted that he had submitted his objections and attended the public hearing on the subdivision and brought up concerns at that meeting including traffic, safety, and lack of parking. He voiced the opinion that a 2006 traffic study did not adequately reflect traffic of 2012 and noted that this proposal does not fit with the Gubser neighborhood and that the infill plan is flawed. He concluded his testimony noting that he supports development when it is appropriate to a neighborhood but the proposed development is not appropriate.

Trace Thompson, Keizer, voiced opposition to the planned development on McLeod. He noted areas of concern including traffic, parking and the safety of children. He provided details regarding his concerns and asked Council to come out to the neighborhood to verify the concerns. Discussion then took place regarding the process for dealing with abandoned vehicles. Mr. Thompson explained that the development at the corner of McLeod and Lockhaven and the Beilke farm, if developed, will both cause an increase in traffic which would be detrimental to the neighborhood. He concluded noting that he would be more comfortable if there were only two lots fronting Zachris instead of three.

Jeff Fleming, Keizer, echoed both previous testimonies and specifically objected to the increased traffic and the safety hazard that would result should this area be allowed to develop as planned. Second to safety, Mr. Fleming noted, is the integrity of the subdivision; he voiced the opinion that the proposed development would not match the parameters of the existing subdivision. He also urged Council to come out to the neighborhood to verify the residents' concerns.

Discussion followed regarding cut through traffic to the freeway, the closure of Tepper Lane, Gubser CCR's, and adjusting the proposed development to two houses instead of three. Additional discussion took place regarding the Chemawa interchange and the need for additional

freeway access either at Quinaby or Perkins. Mr. Eppley explained that the City has participated in ongoing discussions with the Oregon Department of Transportation regarding this issue; the Interchange Area Management Plan has recently been completed to review the issue. However, due to lack of funding, another access on I-5 it is potentially indefinite and the City has no control over that. Further dialog took place regarding the need to expand the Urban Growth Boundary to provide jobs to local citizens.

Regarding the layout of the development, Community Development Director Nate Brown explained that the duplex lot had been eliminated and the two smaller lots enlarged but the layout of the development was essentially the same as that shown at the hearing. Mr. Baker indicated that he was opposed to any development of the lot but conceded that fewer houses in the development would be acceptable. Mr. Brown explained that the decision of the Hearings Officer is final; the development meets all the requirements of the Code. Nevertheless, if Mr. Baker is dissatisfied with the development, he could advocate for changing the Code. However, the application for this development has been filed so any discussion that takes place will be for future applications.

Lengthy discussion took place regarding Covenants, Conditions and Restrictions with Mr. Brown explaining that they are contracts that are binding upon private property owners; it would be up to those private property owners to enforce them through the courts. So in this case, the homeowners would have to sue the developer. Mr. Eppley explained that there are two sets of rules. The Development Code what the City governs and is equally applied to every neighborhood. CC&Rs are privately enacted contracts between individuals in a neighborhood and they can be stricter than the City rules but cannot make City rules less strict than they are for the rest of the city.

PUBLIC HEARING None

ADMINISTRATIVE ACTION

a. RESOLUTION ~ Authorizing City Manager to Enter Into Restated Ground Lease with Keizer Heritage Foundation

City Attorney Shannon Johnson reported that the new lease is a 10 year initial term with three 5-year renewal extension periods for a total possible 25 years. There is an additional requirement for public outreach days; the building is to be used generally for social, cultural, educational, historical and recreational purposes – commercial or semi-commercial interests are secondary. An addition is that there will be a Council position on the Heritage Foundation Board. He noted that after this was finalized a change was made in Section 2.10 regarding accounting records which was in front of Council. Therefore, the motion should be "as amended with the new Section 2.10".

Councilor Taylor moved that the Keizer City Council adopt a Resolution Authorizing City Manager to Enter Into Restated Ground Lease with

Keizer Heritage Foundation, as amended with the new Section 2.10. Councilor Smith seconded. Motion passed as follows:

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

b. RESOLUTION ~ Authorizing the City Manager to Enter Into a Collective Bargaining Agreement with the Laborers International Union of North America, Local 320

Human Resources Director Machell DePina reported that the contract expired June 30, 2012; a new agreement has been negotiated. She reviewed financial impact to the budget ($6,200 above that provided in the 2012-13 Budget) noting that each fund effected has sufficiency to cover the increase. A budget adjustment resolution has been prepared and will be addressed later in the meeting.

Councilor Taylor moved that the Keizer City Council adopt a Resolution Authorizing the City Manager to Enter Into a Collective Bargaining Agreement with the Laborers International Union of North America, Local 320. Councilor Smith seconded. Motion passed as follows:

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

c. RESOLUTION ~ Authorization for Supplemental Budget Vacuum, Weapons, Hearings Officer, Public Works Personnel Services, Berning Agreement Payment, and Pump Station Project

Finance Director Susan Gahlsdorf referred Council to her staff report for information on this resolution. She added that after checking with other jurisdictions, it came to her attention that other jurisdictions do not do budget adjustments as frequently as Keizer and that this was likely due the fact that the City does not have a lot of Budget flexibility – there are no padded numbers or unspoken contingencies inserted into line items to cover unanticipated costs. The down side of this is that the City cannot act quickly in the case of an emergency. This is something to consider next Budget season. Mr. Eppley added that he sees this as a positive; the fact that the City budgets funds so tightly speaks well of the community because it shows that the City takes finances seriously and does not add additional funds, it is "bare bones" budgeting.

Councilor Taylor moved that the Keizer City Council adopt a Resolution Authorizing Supplemental Budget Vacuum, Weapons, Hearings Officer, Public Works Personnel Services, Berning Agreement Payment, and Pump Station Project. Councilor Smith seconded. Motion passed as follows:

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

RESOLUTION ~ Authorization for Interfund Loan to the Sewer Reserve Fund from the Transportation Improvement Fund

Ms. Gahlsdorf explained that because the sewer reserve fund does not have sufficient cash on hand to pay the Berning Agreement ($75,000), staff is recommending interfund borrowing from the Transportation Fund for approximately $36,000. Public Works Director Bill Lawyer believes that within the next several years there will be sufficient Sewer Acreage Fee revenues to repay the loan. If that does not happen in 10 years, then the General Fund will need to pay whatever has not been paid.

Councilor Taylor moved that the Keizer City Council adopt a Resolution Authorizing Interfund Loan to the Sewer Reserve Fund from the Transportation Improvement Fund. Councilor Smith seconded. Motion passed as follows:

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

d. Request for Waiver of Fees for Use of Keizer Rotary Amphitheatre Movie in the Park

City Attorney Shannon Johnson explained that Clint Holland had requested this. If Council approves it, then staff will come back with something that would adjust the park regulations to allow the park to be open later. He noted that the permit application fee is typically not waived but other fees have been waived. Mayor Christopher added that she felt the free family events were the right thing to do. Mr. Eppley noted that he was not generally widely in favor of waiving City fees because it was still a City expense but in these times of tight budgets both for the City and at home, waiving the fees seems like a good investment for the community.

Councilor Taylor moved for the Keizer City Council to waive fees for the movie event at the Keizer Rotary Amphitheatre on September 7, 2012. Councilor Smith seconded. Motion passed as follows:

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

Councilor McKane suggested that efforts be made to assist people attending this event to leave the park safely.

CONSENT CALENDAR

a. RESOLUTION ~ Authorizing the Mayor and Council President to Execute New City Attorney Employment Contract
b. RESOLUTION ~ Authorizing the Mayor and Council President to Execute New City Manager Employment Contract
c. RESOLUTION ~ Establishing Fees for Certain Administrative Services (Repealing R2007-1826)
d. RESOLUTION ~ Appointing Municipal Court Judge Pro Tems
e. RESOLUTION ~ Regarding Evaluation of Keizer Municipal Court Judge
f. Surplus Property Report

Councilor Taylor moved to approve the Consent Calendar. Councilor Smith seconded. Motion passed as follows:

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

COMMITTEE REPORTS

a. Appointments to Keizer Points of Interest Committee

City Manager, Chris Eppley, reported that there were two vacancies on the Keizer Points of Interest Committee. Notice of the vacancies was published and the Volunteer Coordinating Committee unanimously recommended Debbie Miller and Richard Ernst to fill the vacancies.

Councilor Taylor moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee to appoint Debbie Miller to position number 3 and Richard Ernst to position number 4 on the Keizer Points of Interest Committee, positions to expire November 2014. Councilor Smith seconded. Motion passed as follows:

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

b. Appointment to Keizer Festivals and Events Services Team (K-FEST) Committee

City Manager, Chris Eppley, reported that there was a vacancy on the Keizer Festivals and Events Services Team (K-FEST) Committee. The Volunteer Coordinating Committee had recently interviewed Shelly Campbell for a position; she indicated she was still interested in serving. Therefore the Volunteer Coordinating Committee unanimously recommended Shelly Campbell to fill the vacancy.

Councilor Taylor moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee to appoint Shelly Campbell to position number 3 to fill the unexpired term on the Keizer Festivals and Events Team (K-FEST) Committee. Councilor Smith seconded. Motion passed as follows:

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

c. Keizer Rapids Park Host Appointment

Mr. Eppley explained that the agreement term for the current park host would expire October 2012 so a notice was published to fill the vacancy. The Volunteer Coordinating Committee interviewed all the candidates and recommends Shane and Maleah Witham to serve as the Keizer Rapid Park Host until September 30, 2015; Tim Coburn as the first alternate and Brent and Alison Robinett as the second alternate should Mr. and Ms. Witham be unable to fulfill the three-year commitment.

Councilor Taylor moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee to appoint Shane and Maleah Witham to serve as the Keizer Rapids Park Host until September 30, 2015. Councilor Smith seconded. Motion passed as follows:

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

Mr. Eppley added that this was the first time this committee had to interview a large group of people and Marlene Quinn ran the meeting and did an excellent job. Mayor Christopher added that every person would have been a great host.

d. Appointments to Water Master Plan Update Task Force

Mr. Eppley reported that on July 16, 2012 the Keizer City Council established a task force to review and provide input during the development of the water master plan update.

Mayor Christopher made the following appointments:

- Business Sector Representative – Rob Miller
- Development Sector Representative – James Hauge
- Citizen at Large – Jerry McGee
- Water Industry Peer Representatives –
  - Mike Kurtz (Suburban East Salem Water District)
  - Doug Priest (City of Salem)
- Keizer City Council representatives –
  - Councilor Caillier
  - Councilor McKane

Councilor Smith announced meeting times for the upcoming Marion County Commissioners breakfast, Parks Board and Stormwater Advisory Committee.

Councilor Taylor reported that recently an oral history interview was done focusing on the Keizer Little League.

Councilor Caillier announced the next Claggett Creek Watershed Council meeting and reported that the new ice maker and freezer have been installed in the community center catering room. He thanked Rob Miller for his help in the installation and mentioned that Councilor Egli would be taking his place at the Commissioners' breakfast.

Councilor McKane announced the next Planning Commission meeting time noting that they will be discussing the Urban Transition Zone.

OTHER BUSINESS

a. New Business or Old Business Issues

Tracy Davis announced that there is a vacancy on the Planning Commission and two vacancies on the Stormwater Advisory Committee.

Nate Brown announced that the groundbreaking ceremony for the Transit Center is on Wednesday, August 8.

Bill Lawyer reminded everyone of the upcoming Public Services Fair at Keizer Rapids Park.

Mayor Christopher announced that National Night out was August 7.

Councilor Taylor officially announced that he was running for the office of Vice President of the United States.

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

August 13, 2012
5:45 p.m. – City Council Work Session
August 20, 2012
7:00 p.m. – City Council Meeting
September 4, 2012 (Tuesday)
7:00 p.m. – City Council Meeting

ADJOURNMENT

With no further business, the meeting adjourned at 9:07 p.m.

MAYOR:

Lore Christopher

APPROVED:

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Cathy Clark

Councilor #2 – Brandon Smith

Councilor #5 – Joe Egli

Councilor #3 – Mark Caillier

Councilor #6 – James Taylor

Minutes approved:

September 4, 2012