

AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION
Tuesday, July 5, 2016
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **SPECIAL ORDERS OF BUSINESS**
5. **COMMITTEE REPORTS**
6. **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.
7. **PUBLIC HEARINGS**
8. **ADMINISTRATIVE ACTION**

- a. **RESOLUTION** – Declaring a Vacancy for City Council Position Number One
- b. Municipal Judge Report – Councilor Check In
- c. **RESOLUTION** – Amending Fees Relating to Municipal Court Fees; Amending R2015-2570

9. CONSENT CALENDAR

- a. **RESOLUTION** – Authorizing the City Manager to Purchase Three 2017 Ford K8A AWD Police Interceptor Vehicles for Police Department
- b. **Approval of June 20, 2016 Regular Session Minutes**

10. COUNCIL LIAISON REPORTS

11. 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.

12. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

13. AGENDA INPUT

July 11, 2016

5:45 p.m. – City Council Work Session

- Canceled

July 18, 2016

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

August 1, 2016

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

14. ADJOURNMENT

Upon request, auxiliary aids and/or special services will be provided. To request services, please contact us at (503)390-3700 or through Oregon Relay at 1-800-735-2900 at least two working days (48 hours) in advance.

COUNCIL MEETING: July 5, 2016

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCILOR MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: CITY COUNCIL RESIGNATION/APPOINTMENT PROCESS

ISSUE:

On May 16, 2016 Councilor Dennis Koho submitted a letter of resignation effective July 1, 2016 from his position on the Keizer City Council. Councilor Koho was elected in November 2012. His four-year term is scheduled to expire in January 2017.

The City Charter specifies the Council shall declare an office vacant upon the resignation of a Council member. A vacant elective office shall be filled by appointment by a majority of the remaining members of the Council.

The City Council Rules of Procedure outline the appointment process (see Section 16 attached) to be used to fill a vacant Council position. Pursuant to this process, the City Recorder prepared the following proposed timeline:

- July 5, 2016 – Adopt resolution declaring a vacancy for City Council Position One.
- July 6, 2016 – City Recorder gives notice to the media and other sources inviting letters of interest and resumes to be submitted.
- July 22, 2016 at 5:00 p.m. – Closing Date for letters of interest and resumes.
- July 25, 2016 at 12:00 p.m. (noon) – Written questions for the candidates, if desired by a Councilor, must be submitted to City Recorder.
- July 25, 2016 – Letters shall be sent to all interested parties inviting each to give a presentation outlining their interests and qualifications at the City Council special meeting on August 1, 2016 at 6:00 p.m. The letter will also include Councilors' questions, if any.
- August 1, 2016 at 6:00 p.m. – The candidates make their presentations. Upon conclusion of the presentations, the remaining members of the City Council will vote to fill the vacancy. The voting process is outlined in Section 16 of the City Council Rules of Procedure (attached).
- August 1, 2016 at 7:00 p.m. – At the beginning of the regular meeting, the successful candidate will be sworn in and will immediately be seated at the Council table.

With regard to the written questions, Council Procedures allow each Councilor to submit one question, if they wish to do so, one week prior to the presentation.

A note about the voting process: Though the process calls for written ballots, they are not secret ballots. The ballots for each of the Councilors are read aloud after the votes are tallied.

RECOMMENDATION:

It is recommended the Council:

- 1) Adopt the attached Resolution Declaring a Vacancy for City Council Position Number Six;
- 2) By minute motion, adopt the above process and timeline that will be used for filling this vacancy and direct staff to give notice to the media inviting letters of interest and resumes from interested parties.

Please let me know if you have any questions in this regard. Thank you.

ESJ/tmh

SECTION 16 – COUNCIL VACANCIES/APPOINTMENTS

16.1 Vacancy of Council Position – Chapter VII – Section 29 of the Keizer City Charter outlines circumstances in which a Council position may become vacant. Vacant elective offices shall be filled by appointment. A majority vote of the remaining members of the Council shall be required to validate the appointment. Upon validation, the appointee's term of office shall begin and continue throughout the unexpired term of the predecessor.

16.2 Vacancy of Mayor Position – In the event the office of the Mayor becomes vacant, the Council President shall become Mayor. A new Council President shall be nominated accordingly from the remaining members of the Council. The Council then shall appoint a Councilor to fill the vacancy as set forth below.

16.3 Declaration of Vacancy – The vacant position shall be declared vacant by Resolution.

16.4 Process for Appointment – Upon declaration of the vacancy, the Council shall adopt a timeline for the appointment process. A press release will be issued inviting members of the community, who meet the qualifications as outlined in the Charter, to submit a letter of interest and resume. Only candidates who have submitted the letter and resume by the deadline determined by the Council may be considered. Within 45 days of the declaration of vacancy, the Council shall appoint the replacement Councilor as set forth in this Section.

16.5 Presentation Process – The candidates shall be invited to make a presentation before the City Council. The presentation process is as follows:

- a) Presentation length: Five minutes. There is to be no discussion or questions by the Council whatsoever, except for the written questions noted below.
- b) Order of the presentations: Drawn from the official bucket.
- c) Candidates will be requested to sequester themselves outside the Council Chambers until time for their presentation so they will not gain advantage by listening to the other candidates. They may remain in the audience after their presentation.
- d) Each of the six current council members may submit a written question to be given the candidates. The candidates may choose to address the questions in their presentations. The deadline for submittal of the questions shall be one week before the presentation.

- e) Following close of the presentation, all candidates who have submitted a letter of interest and resume shall be considered and formal nominations shall not be made.

16.6 Appointment Vote – The Presiding Officer or City Attorney shall review the appointment process with members of the audience prior to any votes being taken. Written ballots shall be prepared containing the names of all of the candidates. The following voting process will be followed:

- a) Each of the remaining members of the Council shall select one candidate and mark their ballot accordingly. If one candidate receives the majority of the votes of the remaining members of the Council, such candidate shall be appointed to fill the vacant position.
- b) If no candidate receives a majority vote of all remaining members of the Council on the first ballot, a second ballot shall be distributed. The second ballot shall contain the names of the two candidates receiving the most votes from the first ballot, unless a tie resulted from the first ballot. In a first place tie situation, all first place candidates will be placed on the second ballot. If there is one first place candidate and tied second place candidates then all first and second place candidates will be placed on the second ballot. Each remaining member of the Council shall select one candidate and mark their ballot accordingly. The candidate receiving a majority of the votes of the remaining members of the Council shall then be appointed to the vacant position.
- c) If no candidate receives a majority vote of all remaining members of the Council on the second ballot, a third and final ballot shall be distributed. The third and final ballot shall contain the names of the two candidates receiving the most votes from the second ballot, unless a tie resulted from the second ballot. In a first place tie situation, all first place candidates will be placed on the third and final ballot. If there is one first place candidate and tied second place candidates then all first and second place candidates will be placed on a third and final ballot. Each remaining member of the Council shall select one candidate and mark their ballot accordingly. The candidate receiving the majority of the votes of the remaining members of the Council shall be appointed to the vacant position. In case of a tie vote on this third and final vote, the Council will select the replacement Councilor according to the procedure outlined in Section 16.7 – Tie Votes – Appointment Process.
- d) By Resolution, the Council shall validate the appointment.

16.7 Tie Votes – Appointment Process – If no candidate receives a majority vote of all remaining members of the Council on the third and final vote, the names of the two candidates receiving the most votes from the third and final ballot will be placed in an official city bucket, unless a tie resulted from the third and final ballot. In a first place tie situation, all first place candidates will be placed in the official city bucket. If there is a

one first place candidate and tied second place candidates, then all first and second placed candidates' names will be placed in the official city bucket. The City Recorder will draw the successful name.

16.8 Tie Votes – Council Election – When two or more candidates running for the same Council position, have an equal and the highest number of votes, the successful candidate will be determined by a drawing of lots. Upon confirmation of a recount by the Marion County Elections Division, this determination shall take place at the first regularly scheduled meeting after such recount confirmation. The Council will use the same process to determine the successful candidate as outlined in Section 16.7 – Tie Votes – Appointment Process.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2016-_____

DECLARING A VACANCY FOR CITY COUNCIL
POSITION NUMBER ONE

WHEREAS, Councilor Dennis Koho who was elected to City Council Position
Number One in November 2012 has tendered his resignation effective July 1, 2016 and a
copy of his resignation letter is attached;

WHEREAS, the City Charter calls upon the Council to declare such office vacant
upon resignation;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City
Council hereby accepts the resignation of Councilor Dennis Koho;

BE IT FURTHER RESOLVED that the City Council of the City of Keizer hereby
declares Council Position Number One vacant.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that this
Resolution shall be effective upon its passage.

PASSED this _____ day of _____, 2016.

SIGNED this _____ day of _____, 2016.

Mayor

City Recorder

5-16-18

Due to health reasons, I resign my
position as City Councilor effective
July 1, 2016

Devin Lohr

CITY COUNCIL MEETING: July 5, 2016

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: MUNICIPAL JUDGE REPORT – COUNCILOR CHECK IN

At the June 20, 2016 Council meeting, Councilor Ryan gave her verbal report and Councilor Herrera requested additional time to present his report. The matter is continued to tonight's meeting. This process does not affect the Municipal Judge's position of validity, effectiveness or jurisdiction of the municipal court or the Municipal Judge.

In addition to Councilor Herrera's report, the Mayor should announce two Councilors for the upcoming year to attend arraignments and/or hearings and check in with the Judge.

RECOMMENDATION:

Councilor Herrera should report his observations. The Mayor should then announce the two Councilors to attend arraignments and/or hearings and check in with the Judge for the upcoming year.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh

CITY COUNCIL MEETING: July 5, 2016

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: MUNICIPAL COURT FEES

On May 4, 2015, the City Council adopted fees relating to the Keizer Municipal Court administrative services. Recently, the City has implemented the process of assigning certain judgments to the City's contracted collection agency. To cover some of the expenses involved in the process, staff is recommending that a filing fee for the assignment of judgments be adopted and I have attached a Resolution for your consideration. The collection agency indicated \$5.00 is the typical fee and staff recommends the addition of this fee to the fee schedule.

State law requires that all fees be adopted by the City Council and that public input be accepted. There is no requirement for a formal public hearing, but the Mayor should ask if any party wants to provide input.

RECOMMENDATION:

Allow for public input and unless there are objections or questions, adopt the attached Resolution.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2016-_____

**AMENDING FEES RELATING TO MUNICIPAL COURT FEES;
AMENDING RESOLUTION R2015-2570**

WHEREAS, the City Council adopted fees relating to the Keizer Municipal Court's administrative services by Resolution R2015-2570;

WHEREAS, the City wishes to revise the fee schedule to add an administration fee for filing assignment of judgments;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution R2015-2570 is amended by replacement of Exhibit "A" with the attached Exhibit "A" and the fees shall be charged to accordingly.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2016.

SIGNED this _____ day of _____, 2016.

Mayor

City Recorder

EXHIBIT “A”

Administrative Fee (Failure to Appeal; Suspension of License)	\$42.00
Letters Generated by the Judge	\$40.00
Collection Files	25% on balance due
Failure to Comply Fee	\$16.00
Return Check Fee (NSF Check)	\$25.00
Finance Fee	\$52.00
Case Re-Opening Fee	\$35.00
Case Re-Scheduling Fee	\$25.00
Filing Fee – Assignment of Judgment	\$ 5.00

CITY COUNCIL MEETING: JULY 5, 2016

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER

FROM: TIM WOOD, FINANCE DIRECTOR

SUBJECT: POLICE VEHICLE PURCHASE

DATE: JULY 5, 2016

BACKGROUND:

The 2016-17 City of Keizer Adopted Budget provides for the acquisition of three vehicles for the Police Department using Revenue Sharing appropriations. City Staff has determined that three Ford K8A AWD Police Interceptor Utility vehicles will meet the Police Department needs and are available utilizing the State of Oregon purchasing contract number 5551 with Gresham Ford.

FISCAL IMPACT:

The acquisition of the three vehicles for approximately \$80,477 will be completed using existing Revenue Sharing appropriations within the City's 2016-17 Adopted Budget.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution authorizing the City Manager to issue a purchase order to Gresham Ford for the acquisition of three Ford K8A AWD Police Interceptor Utility vehicles using the State of Oregon purchasing contract number 5551.

Please contact me with any questions or concerns.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2016-_____

4
5 AUTHORIZING THE CITY MANAGER TO PURCHASE THREE
6 2017 FORD K8A AWD POLICE INTERCEPTOR VEHICLES FOR
7 POLICE DEPARTMENT

8
9 WHEREAS, the City of Keizer budgeted funds in the 2016-2017 Revenue Sharing
10 program to purchase three new 2017 Ford K8A AWD Police Interceptor Utility vehicles;

11 WHEREAS, the City has determined procurement through the Oregon
12 Cooperative Procurement Program (ORCPP) provided the best price of \$26,825.85 each
13 from Gresham Ford;

14 WHEREAS, State of Oregon Contract No. 5551 authorizes ORCPP participants
15 to purchase vehicles from Gresham Ford by issuance of a Purchase Order;

16 NOW, THEREFORE,

17 BE IT RESOLVED by the City Council of the City of Keizer that the City Manager
18 is hereby authorized to purchase three 2017 Ford K8A Police Interceptor Utility vehicles
19 from Gresham Ford for a purchase price of \$26,825.85 each for a total of \$80,477.55 by
20 issuing a Purchase Order containing the mandatory language as shown on the attached
21 exhibit.

22 BE IT FURTHER RESOLVED that the City Manager is authorized to take any
23 and all necessary acts to effectuate the purchase of the three Ford K8A AWD Police
24 Interceptor Utility vehicles.

1 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
2 upon the date of its passage.

3 PASSED this _____ day of _____, 2016.

4

5 SIGNED this _____ day of _____, 2016.

6

7

8

9

10

11

Mayor

City Recorder



City of Keizer

PO Box 21000
Keizer OR 97307-1000
Phone: 503-390-3713

PURCHASE ORDER

Number
KZP 16-005

TO:
Gresham Ford
1999 East Powell Blvd.
Gresham, OR 97080

SHIP TO:
Lt. Lance Inman
Keizer Police Dept
930 Chemawa Rd NE
Keizer OR 97303

PLEASE ENTER OUR ORDER FOR THE FOLLOWING:

DATE REQUIRED	SHIP VIA	TERMS 30 NET	ACCOUNT OR JOB NO.	ORDER DATE	
QUANTITY	DESCRIPTION		UNIT PRICE	AMOUNT	
3	K8A AWD Police Interceptor Utility vehicle as specified in attached quote.		26,825.85	80,477.55	
	This purchase order, in addition to any exhibits or addenda				
	attached is placed against State of Oregon Price				
	Agreement #5551. The terms and conditions contained				
	in the Price Agreement apply to this purchase and take				
	precedence over all other conflicting terms and conditions, express				
	or implied. There are no understandings, agreements or				
	representations, oral or written, not specified herein.				

PLEASE ACKNOWLEDGE IMMEDIATELY AND STATE WHEN YOU WILL SHIP – OUR ORDER NO. MUST APPEAR ON ALL RELATED PACKAGES AND FORMS

PLEASE SEND 2 COPIES OF YOUR INVOICE

Christopher C. Eppley Purchasing Agent

BILLING ADDRESS IS:

PO BOX 21000
KEIZER OR 97307

Fleet Price Quote

Gresham Ford - 1999 East Powell Blvd. Gresham, OR 97080

Paul Blankenship

Government and Commercial Fleet Manager

Cell 503-490-6510

Military Deliveries

FAX 503-665-0497

State of Oregon Contract #5551

Paul@GreshamFord.com

Quoted to:

City of Keizer

Lance Inman Lt./Support Divion

Phone

503-856-3475

Cell

ORCPP

Ford VIN

QS045

FAX

503-390-8295

Ford VIN

E-Mail

inmanl@keizer.org

This Quote is per one vehicle

Date Quoted

6/22/2016

Vehicle Quoted:

Model Code

K8A AWD Police Interceptor Utility

Model Year

2017

Quote:

Ford

Order

Code

Item Description

Base	K8A AWD Police Interceptor Utility	\$	26,301.85
WB	112.6 In. Wheel Base		
GVRW	GVRW		
Color	G1 Shadow Black		incl.
Interior	9 Cloth Buckets/Vinyl Rear		incl.
Interior Color	W Ebony Interior		incl.
Trim	500A Equip Group, Premium Single CD		incl.
Engine	99R 3.7L V6 TIVCT		incl.
Transmission	44C 6-Spd Automatic Transmission		incl.
	53M SYNC System	\$	276.00
	51Y Driver Side Spot Lite	\$	200.00
	59E Key Code E	\$	48.00
	153 Front License Bracket		incl.

Special Note Door chimes deactivated is not a factory option.

Delivered to Upfitter or City of Keizer

E-Plates

No

Total Vehicle Quote

\$ 26,825.85



MINUTES
KEIZER CITY COUNCIL
Monday, June 20, 2016
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
Kim Freeman, Councilor
Roland Herrera, Councilor
Amy Ryan, Councilor
Bruce Anderson, Councilor

Absent:

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, Finance Director
John Teague, Police Chief
Machell DePina, Human Resources
Tracy Davis, City Recorder

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

None

**COMMITTEE
REPORTS**

David Loudon, Keizer, reported that the Parks Board recently discussed developing stabilized funding for the parks. He added that the Willamette Water Trail committee was supportive of the grant request to fund improvements at Keizer Rapids Park; persons requesting funding to improve the skate park have removed their request; the splash park would be opening soon, and Homegrown Theater donated time to clear invasive species from Keizer Rapids Park.

Chuck Fisher, Keizer, reported that the Planning Commission held a Public Hearing to review food cart regulations. The hearing was held over the period of two meetings with testimony from several people. Commissioners unanimously recommended the amendments to Council and suggested a few changes of their own. The issue will be coming to Council in the future.

**PUBLIC
TESTIMONY**

None

**PUBLIC
HEARINGS**

**a. Remand of
CP/ZC/LLA
2014-11**

City Attorney, Shannon Johnson, explained that this matter was before Council in a quasi-judicial hearing for property located at Verda Lane between Dearborn and Chemawa, the Herber Farm. He suggested that the reading of the exact list of criteria set forth in the staff report be waived and asked if anyone objected. There were no objections. He added that any questions could be brought up during testimony and that testimony, arguments, and evidence must be directed toward the 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. In addition, any failure by the applicant or others to raise constitutional or other issues related to the proposed conditions of approval with sufficient specificity to allow the Council or its designee 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. Councilors individually stated whether or not they had any of these.

Community Development Director Nate Brown provided background information noting that significant changes have been made to the plans that were originally submitted. He explained that staff is proposing that the application, rezoning, and comprehensive plan change be conditioned so that mitigations can be developed to address the impacts. He went over the differences between this plan and the original one, reviewed the remainder of his staff report and addressed the historical significance of the house.

Mr. Johnson provided additional information and clarification and directed attention to additional materials submitted after publication of the packet.

Mayor Clark opened the Public Hearing.

Mark Grenz, Multi/Tech Engineering, introduced the Herber family and following the testimony of Joe Herber he gave a powerpoint presentation which provided detailed information regarding the proposed development. He then fielded questions regarding the site plan, traffic, landscaping, and the development of design guidelines that would ensure that the project would look like the concept plans shown.

Joe Herber, Keizer, son of Rosalee and Joseph Herber, provided background information about his family noting that his mother was a teacher and always stressed the importance of education. Her intent in leaving the property to the family was so that her grandchildren and great

grandchildren could pay for the best education.

Cori Budrow, Keizer, voiced opposition to the development noting that it would have a detrimental effect on are traffic.

Judith Odle, Keizer, expressed opposition to the development pointing out that there are already many apartments and mobile home parks in the area. She voiced concern that the development would have a harmful effect on traffic in the area. She urged that the City consider buying the property, making it into a park and preserving the house as a center point or bringing in an agricultural educational component.

Laura Scales, Keizer, spoke in opposition of the development suggesting that instead of apartments at the site the house be preserved and designated as a historical structure.

James Bucholz, Keizer, voiced opposition to the development noting that he was not opposed to development of single family structures, but was opposed to the development of apartments because of the negative impact they would have on traffic.

Marilyn Prothero, Keizer, expressed opposition to the development stating that she was concerned about the traffic impact and the potential of flooding and increased crime.

Bobbie Rogers, Keizer, voiced concern regarding the one entrance to the development and suggested that the structures be condominiums that could be purchased rather than apartments.

Jerry Walton, Keizer, spoke in opposition to the development due to the anticipated increase in the traffic and voiced concern regarding whether or not the construction design features would be implemented.

Jeffrey Hernandez, Keizer, indicated he was opposed to the development due to the potential for increased crime, the high concentration of people in the units, and the possible decrease in property value of adjacent homes.

Paul Elder, Keizer, stated that he was opposed to the development because of the negative impact it would have on the city including overcrowding and increased traffic. He suggested that the City reject the property offered for donation because it is in the floodplain and the property owner should pay the taxes on it.

Allen Kendall, Keizer, echoed the testimony of Mr. Hernandez adding that he felt the development would detract from the quality of life in Keizer.

Eamon Bishop, Keizer, spoke in opposition of the development noting that it would adversely affect the school system. He suggested that the house and cow pasture be preserved as a unique and historical feature of the city and urged the City to buy the property and preserve it as it exists.

Maria Bushek, Keizer, voiced opposition to the development reiterating previous testimony including detrimental impact to traffic and property values. She suggested a fundraiser be held to purchase the land and preserve it for the children.

Deanna Fuller, Keizer, indicated that she was opposed to the development of this property and urged that the historical preservation aspect of the property be pursued.

Karen Okada, Keizer, stated that she was opposed to the development noting that the changes from the previous proposal were insignificant and therefore the adverse impacts to traffic, schools and property values were the same. She provided statistics refuting the developer's numbers regarding increases in student population and noted that with increased students, the roadways to the schools would need to be improved to provide safe walkways.

Jessica Davidson, Keizer, speaking on behalf of neighbors and friends, voiced opposition to the development citing increased traffic, high traffic speeds, reduced pedestrian safety, the possibility of overflow parking on residential streets or yards, and reduction in property values.

Larry Odle, Keizer, expressed opposition to this development and suggested that the unique piece of property be preserved. He voiced concern regarding improvements made to Dearborn and Chemawa and suggested that Verda was in greater need of improvement. He urged that something be done to preserve the property and still give the Herber family their money.

Debbie Crux, Keizer, voiced opposition to the development and concern for traffic impacts and property values. She urged that the city not accept the donation of land because it is a wetland.

Dennis Tephall, Keizer, spoke in opposition of the development and the roundabout. He suggested that traffic will be adversely effected and children put in danger and that the development will cause flooding and increase the cost of flood insurance.

Casey Michael Sanders, Keizer, stated that although the plan looks good, it is irrelevant because it is not set in concrete and a developer would not be concerned about the community and would build as many units as possible for the least amount of money. He also voiced concern that residents of the apartments would drive to Claggett Creek Park instead of walk and that would overcrowd the parking areas.

DeAnne Reiersen, Keizer, expressed opposition to the development. She read portions of a newspaper article about the property and Rosalie Herber Moore, provided historical information and urged that the property be preserved for the community.

Wally Lien, attorney for the Herber family, asked that due to the lateness

of the hour the oral rebuttal be waived and he requested an open record period to study the new information and provide additional information.

He proposed an open record period for submission of any new evidentiary material until August 1, submission of evidentiary material in relationship to what the applicant submits until August 29 and final rebuttal that does not include any evidence, just argument by the lawyer, through September 6.

Mr. Johnson explained that the rule states that the Council upon request can leave the record open. The hearing is not continued for an oral hearing but the record is left open. If it is requested, it must be granted but does not have to be granted for the same times. Mr. Johnson suggested that the extension be for 120 days.

Mr. Lien stated that this would deal specifically with the historical information received this evening and would allow time to work with staff to see what kind of construction specifications can be put into conditions of approval to alleviate fears expressed about the handoff from the family to a developer and to make sure that what was shown today would be closely represented by what is actually built.

Mr. Brown proposed that this be put on the website and the 76 people who were notified before (all people living within 250 feet of the property and people who testified at the first hearing) would be notified again as well as people who testified tonight. Suggestions for notifications were mail, newspaper, website, and signage.

Council agreed by consensus to accept the timeline proposed by Mr. Lien with the additional 30 days making the extension 120 days.

Mr. Johnson clarified that it was most likely that Council would address this issue at the second meeting in October.

With no further testimony, Mayor Clark closed the Public Hearing and announced that the record will remain open according to the timeline established in this discussion.

**b. RESOLUTION
– Declaring the
City’s Election
to Receive
State Revenues**

Finance Director Tim Wood explained that Oregon law requires cities to annually pass a resolution requesting State revenue sharing money. Currently the City receives \$325,000 per year in shared revenue. He added that in addition to requesting the money, the City has to certify that it provides at least four municipal types of services which it does.

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

Councilor Koho moved that the Keizer City Council adopt a Resolution Declaring the City’s Election to Receive State Revenues. Councilor Parsons seconded. Motion passed unanimously as follows:

AYES: Clark, Koho, Parsons, Ryan, Freeman, Herrera and Anderson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

RESOLUTION – Certifying that the City of Keizer Provides Four or More Municipal Services Councilor Koho moved that the Keizer City Council adopt a Resolution Certifying the City of Keizer Provides Four or More Municipal Services. Councilor Parsons seconded. Motion passed unanimously as follows:

AYES: Clark, Koho, Parsons, Ryan, Freeman, Herrera and Anderson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

- c. RESOLUTION – Amending the Stormwater Utility Fee; Amending Resolution R2014-2504; Repealing R2015-2578** Mr. Wood reminded Council that this was discussed in the Long Range Planning meeting in April and the Budget Committee in May. Staff recommends a \$.50 per ESU rate increase for the Stormwater Fund.
- Mayor Clark opened the Public Hearing. Hearing no testimony, Mayor Clark closed the Public Hearing.*
- Councilor Koho moved that the Keizer City Council adopt a Resolution Amending the Stormwater Utility Fee; Amending Resolution R2014-2504; Repealing R2015-2578. Councilor Parsons seconded. Motion passed unanimously as follows:
- AYES: Clark, Koho, Parsons, Ryan, Freeman, Herrera and Anderson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

- d. ORDINANCE – Setting Water Rates (2017); Repealing Ordinance No. 2015-723** Mr. Wood reminded Council that this was discussed in the Long Range Planning meeting in April and the Budget Committee in May. Staff recommends a 4% rate increase for the water system.
- Mayor Clark opened the Public Hearing. Hearing no testimony, Mayor Clark closed the Public Hearing.*
- Councilor Koho moved that the Keizer City Council adopt a Bill for an Ordinance Setting Water Rates (2017); Repealing Ordinance No. 2015-723. Councilor Parsons seconded. Motion passed unanimously as follows:
- AYES: Clark, Koho, Parsons, Ryan, Freeman, Herrera and Anderson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

- e. RESOLUTION – Adopting the FY16-17 Budget, Making Appropriations and Imposing and Categorizing Taxes**
- Mr. Wood presented the Budget Committee adopted Budget for fiscal year 2016-17.
- Mayor Clark opened the Public Hearing. Hearing no testimony, Mayor Clark closed the Public Hearing.*
- Councilor Koho moved that the Keizer City Council adopt a Resolution Adopting the FY16-17 Budget, Making Appropriations and Imposing and Categorizing Taxes. Councilor Herrera seconded.
- Councilor Ryan stated that due to her original concerns which she brought up in the Budget Committee meetings regarding police and safety she would oppose adoption of this budget.
- Motion passed as follows:
- AYES: Clark, Koho, Parsons, Freeman, Herrera and Anderson (6)
NAYS: Ryan (1)
ABSTENTIONS: None (0)
ABSENT: None (0)
- ADMINISTRATIVE ACTION**
- a. RESOLUTION – Certification of Delinquent Sewer Accounts**
- Mr. Wood explained that this is the annual certification of the delinquent ‘sewer only’ accounts. The delinquent amounts will be added to Marion County property tax statements.
- Councilor Koho moved that Keizer City Council adopt a Resolution – Certification of Delinquent Sewer Accounts. Councilor Parsons seconded.
- Motion passed unanimously as follows:
- AYES: Clark, Koho, Parsons, Ryan, Freeman, Herrera and Anderson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)
- b. RESOLUTION – Authorizing Charges for Police Time at Private Events; Repealing Resolution R2009-1960**
- City Attorney Shannon Johnson explained that this is a ‘housekeeping measure’ raising the rate charged for private events for police time from \$65 per hour per officer to \$70 per hour. State requires allowance of public input for this action.
- Councilor Koho moved that the Keizer City Council adopt a Resolution Authorizing Charges for Police Time at Private Events; Repealing Resolution R2009-1960. Councilor Parsons seconded. Motion passed unanimously as follows:
- AYES: Clark, Koho, Parsons, Ryan, Freeman, Herrera and Anderson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**c. Municipal
Judge Report –
Councilor
Check In**

Mr. Johnson explained that the adopted process requires that each year two Councilors attend a Municipal Court session to evaluate the judge and report to Council.

Councilors Ryan and Herrera had attended court sessions and agreed that they preferred an informal observation rather than a formal observation. Councilor Herrera indicated that he would be attending tomorrow and would give his report at the next meeting.

Councilor Ryan reported that the judge's communication is excellent; not only does he communicate with people but he lets people show evidence and works with them on payments. He also deals with truancy and the two that she saw were huge successes. He honored, celebrated and encouraged them and set up mentors for them as well. Councilor Ryan concluded her report saying that she couldn't say enough good about how Judge Myers interacts with the public and shows sensitivity. Councilor Koho echoed those remarks.

**d. ORDINANCE –
Imposing a 3%
Tax on the
Sale of
Marijuana
Items by a
Marijuana
Retailer;
Creating New
Provisions;
and Referring
Ordinance;
Repealing
Ordinance
Nos. 2014-706
and 2015-734**

Mr. Johnson reminded Council that they had given preliminary direction to staff to send a 3% tax on the sale of recreational marijuana to the voters as allowed under House Bill 3400. He provided background information regarding legislative actions and reviewed the procedure.

Discussion followed regarding the exemption of Medical Marijuana and collection processes.

Councilor Koho moved that the Keizer City Council adopt a Bill for an Ordinance Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer; Creating New Provisions; and Referring Ordinance; Repealing Ordinance No. 2014-706 and Ordinance No. 2015-734. Councilor Parsons seconded. Motion passed unanimously as follows:

AYES: Clark, Koho, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**RESOLUTION
– Placing on
the Ballot the
Question of
Imposing a
Three Percent
Tax on the Sale
of Marijuana
Items**

Councilor Koho moved that the Keizer City Council adopt a Resolution Placing on the Ballot the Question of Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer Within the City and Authorizing Filing of Explanatory Statement Relating to this Tax. Councilor Parsons seconded. Motion passed unanimously as follows:

AYES: Clark, Koho, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- a. RESOLUTION – Granting Cost of Living Adjustment to City Manager
- b. RESOLUTION – Granting Cost of Living Adjustment to City Attorney
- c. RESOLUTION – Authorizing the City Manager to Sign Pipe Cleaning and Television Inspection Contract with Pacific Int-R-Tek
- d. Approval of June 6, 2016 Regular Session Minutes

Mayor Clark pulled item d.

Councilor Koho moved for approval of Items A through C of the Consent Calendar. Councilor Parsons seconded. Motion passed as follows: Motion passed unanimously as follows:

AYES: Clark, Koho, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Koho moved for approval of Item D of the Consent Calendar. Councilor Herrera seconded. Motion passed as follows:

AYES: Koho, Ryan, Freeman, Herrera and Anderson (5)

NAYS: None (0)

ABSTENTIONS: Clark and Parsons (2)

ABSENT: None (0)

COUNCIL LIAISON REPORTS

Councilor Herrera reported that he had spoken at the promotion ceremony at Kennedy Elementary School, attended the Volunteer Appreciation and graduation ceremonies, the Meet & Greet for the Volcano ball players and the Opening Day celebration where Councilor Koho arrived by helicopter.

Councilor Parsons announced the upcoming Fire lunch and reported that the Marion County Commissioners breakfast was cancelled but she, Councilor Anderson and Sheriff Myers were there.

Councilor Koho expressed regret at having to leave due to health issues. Councilor Clark, on behalf of Keizer, thanked Councilor Koho for his service to the community as mayor, council president, councilor and baseball person.

Councilor Ryan provided an update of the Art Commission mural and thanked the participating volunteers.

Councilor Anderson reported that he and Councilor Parsons had a wonderful breakfast with Sheriff Myers.

Councilor Freeman announced the arrival of her grandson, thanked volunteers who helped with the West Keizer Neighborhood Association street clean-up, reported that the Stormwater Advisory Committee is busy with the new DEQ permit and wished everyone a safe 4th of July.

Mayor Clark reported that she had addressed the regional meeting of the Order of the Purple Heart. She announced the upcoming Council of Governments Board and the Keizer Heritage Board meetings and Salem-Keizer Area Transportation Study public hearing and invited volunteers to participate in the United Way Third Grade Reading program.

OTHER BUSINESS

Public Works Director Bill Lawyer provided an update on the roundabout construction noting that Salem is adjusting the signals on Lockhaven to help alleviate the congestion caused by the Chemawa/Verda intersection closure. Drivers ignoring the detour signs will be ticketed.

Shannon Johnson reminded Council that the Herber Hearing is still open so the ex parte rule still applies. He added that Council cannot declare Councilor Koho's position vacant until the resignation is effective so that will be done at the July 5 meeting.

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

July 5, 2016 (Tuesday)

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

July 11, 2016

5:45 p.m. – City Council Work Session - Cancelled

July 18, 2016

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

ADJOURNMENT

Mayor Clark adjourned the meeting at 11:01 pm.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Dennis Koho

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ryan

Councilor #3 – Marlene Parsons

Councilor #6 – Bruce Anderson

Minutes approved:_____

Written Communications/Testimony and Submitted Documents

Alyssa Malchow Breast Cancer Fund

The Alyssa Malchow Breast Cancer Fund will provide community outreach and education to inform both the medical community and the general public that breast cancer can, and does, strike women under the age of 40.

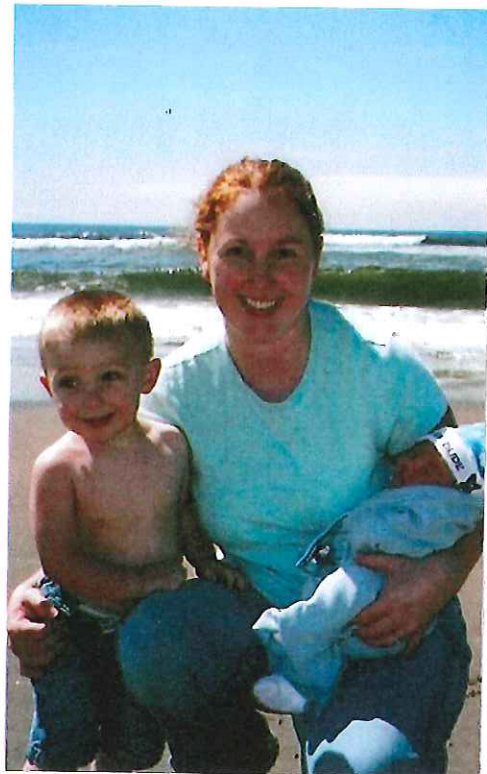
Alyssa lost her fight with breast cancer at the age of 28. Her family and friends have joined in an effort to provide others with the information and resources they need to have a better chance at surviving this terrible disease.

All funds raised go directly to the Salem Hospital Foundation and will be designated to the Alyssa Malchow Breast Cancer Fund. Checks can be made out directly to the Salem Hospital Foundation, and all gifts are tax deductible in accordance with IRS charitable gift regulations.

Questions? Please contact us at:
Phone: 503-561-5576
Foundation@salemhospital.org

Salem Hospital Foundation
PO Box 14001
Salem, OR 97309-5014

 **Salem Hospital**
Foundation
Partner. Neighbor. Friend.



BUNCO for a CAUSE!

Join us at our 10th Bunco fundraiser in support of the
Alyssa Malchow Breast Cancer Fund

New Location! New Day!

KEIZER CIVIC CENTER ~ 930 Chemawa Rd NE, Keizer
SATURDAY, OCTOBER 1, 2016 ~ Doors Open at 6:00 PM

** Bunco Prizes * Door Prizes * Raffle Prizes **
** Buffet Dinner & Desserts **

\$25 PER PERSON

Seats can be reserved with your payment by September 24th
Please call, text or email us to pay to reserve your seats

Make checks payable to "Salem Hospital Foundation"

In her memory, Alyssa's fund was established April 2008 with
Salem Hospital Foundation after she lost her fight with
breast cancer at the age of 28.

Her family and friends have joined in an effort to help others with the resources and
information for the best chance at surviving this terrible disease.

*All funds raised go to the Salem Hospital Foundation
and are designated to Alyssa's Fund*

Contact Us

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ALYSSA MALCHOW BREAST CANCER FUND

The Oregon coast was Alyssa's favorite place, so when her family gathered there after she passed away from breast cancer, they lovingly wrote her name in the sand.

She was just 28, with two young sons.

To honor her memory—and help other young women—the family chose the Salem Hospital Foundation to establish the Alyssa Malchow Breast Cancer Fund. The forces behind it are Jenny Fraser, Alyssa's mother, plus Kelly and Ryan Stevenson (Ryan is her cousin, Kelly a lifelong friend).



Their popular "Bunco For A Cause" at Orchard Heights Winery has raised \$44,246 since Alyssa's death in 2008.

Each year, Bunco lovers gather to play, enjoy amazing food and win fantastic door prizes donated by local businesses.

"The support is overwhelming, we've grown each year," Jenny said, noting the generosity blesses her beyond measure. "It's a family affair," she said. "We can't do it without Alyssa's dad and his wife, Mike and Jeanne Stevenson, plus Amy Musgrove, Jeff Curry, LouAnn Whaley and her sister Lavonne."

The Foundation dedicates the money raised to education and awareness programs targeted at women under 40. For example, Bands Bash Cancer brought several local bands to Willamette University in 2014 to raise awareness in college-aged students. They've also held community health forums, hosted speakers and offered free breast health clinics.

What's especially inspiring to the Salem Hospital Foundation is how just one family can make such a huge difference.