MINUTES
KEIZER CITY COUNCIL REGULAR SESSION
Monday, June 16, 2008
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular session to order at 7:00 pm. Roll Call was taken as follows:

Present:	**Staff:**
Mayor Lore Christopher	Chris Eppley, City Manager
Richard Walsh, Council President	Shannon Johnson, City Attorney
Jim Taylor, Councilor	Nate Brown, Comm.Dev. Director
Jacque Moir, Councilor	Rob Kissler, Public Works Director
Brandon Smith, Councilor	Machell DaPina, HR Director
Cathy Clark, Councilor	Kevin Watson, Asst. to the City Mgr.
Alex James, Youth Councilor	Captain Jeff Kuhns, Police
Absent:	Susan Gahlsdorf, Finance Director
David McKane, Councilor	Tracy Davis, City Recorder

FLAG SALUTE

Youth Councilor Alex James led the pledge of allegiance.

PUBLIC TESTIMONY

Clint Holland, Keizer, representing the Parks Advisory Board, reported that the Board was asked to develop a plaque commemorating the Charge family and their part in the formation of Keizer Rapids Park. Councilor Walsh interjected that the Board has requested that the Keizer Points of Interest Committee research materials, develop the verbiage, determine a location and bring a recommendation to the Board. Mr. Holland then continued reviewing Board activities: park improvements and plantings, interaction with other groups, discussions with 24J, and amphitheater progress. Discussion then took place regarding poison oak.

Jordan Bailey and *Brian Mow, Keizer,* requested that the social gaming ordinance be changed to allow Texas Hold'em Poker. City Attorney Shannon Johnson reviewed the history of this issue and the ordinance with Chief Adams providing additional details. Mr. Bailey responded that there are facilities in Eugene and Bend that allow this. Mayor Christopher encouraged Mr. Bailey and Mr. Mow to present a formal written proposal to Council.

Rob Kissler, Public Works Director, Keizer, introduced three Public Works employees: **Terry Witham, Dave Ratliff** and **Matt Reyes**, giving a brief background on each. Mayor Christopher then presented each with their Ten-Year Service Awards.

PUBLIC HEARING

a. Servicios Monarca Off-Premises Liquor License

City Manager Chris Eppley reported that an application was submitted for an Off Premises Sales Liquor License for Servicios Monarca, Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done, and Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application. Staff recommends that following a public hearing Council approve the application.

Mayor Christopher opened the Public Hearing.

City Attorney Shannon Johnson noted that his office has a conflict of interest in this matter in that his office has represented an opponent to this issue. This is a "Current Client Different Matter Conflict". He explained that he can represent the City but both parties must waive the conflict of interest. Dr. Burnett has already done so.

<u>Councilor Walsh moved to suspend the rules. Councilor Moir seconded. Motion passed unanimously as follows:</u>

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

<u>Councilor Walsh moved to waive the conflict in this matter and allow Mr. Johnson to continue to represent the City. Councilor Moir seconded. Motion passed unanimously as follows:</u>

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

Dr. Robert C. Burnett, Keizer, voiced opposition to this application noting that he felt there were enough establishments selling liquor in this area. Mr. Burnett then fielded questions from Councilors and discussion took place regarding density.

With no further testimony, Mayor Christopher closed the public hearing.

<u>Councilor Walsh moved to recommend approval of the application for a Limited On-Premises liquor license for Servicios Monarca under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer and to forward this recommendation to the Oregon Liquor Control Commission for final approval. Motion passed unanimously as follows:</u>

AYES: Christopher, Walsh, Smith, Moir and Clark (5)
NAYS: Taylor (1)
ABSTENTIONS: None (0)
ABSENT: McKane (1)

b. ORDINANCE ~ Setting Water Rates

City Manager Chris Eppley reminded Council that this methodology was adopted in 2002 and modified in 2004 and shows a 3% system wide increase necessary to cover operating and infrastructure costs. The increase was incorporated into the Council Adopted FY08-09 Budget. Public Works Director Rob Kissler then fielded questions regarding methodology, fire protection and the effective date.

Mayor Christopher opened the Public Hearing.
With no testimony, Mayor Christopher closed the Public Hearing.

Mayor Christopher reported that she had become aware of the dual-flush toilets and the City is considering developing an incentive plan for dual-flush toilets that conserve water. Community Development Director, Nate Brown added that the building code requires a certain level of water flow but the new technology may make that unnecessary. He is waiting for more information.

Councilor Walsh moved to adopt an Ordinance Setting Water Rates (2008); Repealing Ordinance 2007-561. Councilor Taylor seconded. Motion passed unanimously as follows:

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

c. City of Keizer Comprehensive Plan Periodic Review Work Program

Community Development Director Nate Brown reported that the City has been notified by the Department of Land Conservation and Development (DLCD) to begin the Periodic Review process which is a statutory requirement every 10 years to assure that the Comprehensive Plan and Zoning Ordinances are accomplishing State goals. He reviewed six tasks that have been identified noting that the City intends to request funding from the DLCD to accomplish these tasks. Mr. Brown then fielded questions regarding the visioning process and was urged to include the Keizer future process as a starting point.

Mayor Christopher opened the Public Hearing.
With no testimony, Mayor Christopher closed the Public Hearing.

Councilor Walsh moved to approve the proposed Periodic Review Work Plan. Councilor Taylor seconded. Motion passed unanimously as follows:

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

d. RESOLUTION ~ Forming Craftsman Ridge Street

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

Lighting District

Public Hearing to consider oral objections and written remonstrances to the formation of Craftsman Ridge 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.

Mayor Christopher noted that she would abstain from voting on this issue because she is building a duplex in the subject district.

Councilor Walsh moved to adopt a Resolution Forming Craftsman Ridge Subdivision Street Lighting Local Improvement District. Councilor Taylor seconded. Motion passed as follows:

AYES: Walsh, Smith, Moir, Clark and Taylor (5)
NAYS: None (0)
ABSTENTIONS: Christopher (1)
ABSENT: McKane (1)

ORDINANCE ~ Spreading Assessments to Craftsman Ridge Street Lighting District

Councilor Walsh moved to adopt a Bill for an Ordinance Spreading Assessments to Craftsman Ridge Subdivision Street Lighting Local Improvement District. Councilor Taylor seconded. Motion passed as follows:

AYES: Walsh, Smith, Moir, Clark and Taylor (5)
NAYS: None (0)
ABSTENTIONS: Christopher (1)
ABSENT: McKane (1)

d. RESOLUTION ~ Forming Taylor's Ridge 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 Taylor's Ridge 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 Walsh moved to adopt a Resolution Forming Taylor's Ridge Subdivision Street Lighting Local Improvement District. Councilor Taylor seconded. Motion passed as follows:

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

ORDINANCE ~ Spreading Assessments to Taylor's Ridge Street Lighting District

Councilor Walsh moved to adopt a Bill for an Ordinance Spreading Assessments to Taylor's Ridge Subdivision Street Lighting Local Improvement District. Councilor Taylor seconded. Motion passed as follows:

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

ADMINISTRATIVE ACTION

a. ORDINANCE ~ Approving JDC Homes' Application for a Comp Plan/Zone Change/Lot Line Adjustment/ Subdivision Application – Case No. 2008-06 (Bowden Estates)

City Attorney Shannon Johnson reminded Council that his office had been directed to prepare an appropriate ordinance approving the subject land use action and it is in front of Council now for action. He added that there had been discussion regarding the fence so standards had been upgraded and a cash payment to defray future maintenance costs has been included. He then fielded questions regarding maintenance bonds and modification of the fencing.

Following lengthy discussion regarding possible removal of the fence, Mr. Johnson suggested the following verbiage be added to the end of Section 9, Subsection A: "*However, the City shall have the right to remove the fence if the urban growth boundary expands or the city limits expand in this area. In the alternative, the fence can be removed if the adjoining property owner agrees with its removal.*" Council agreed by consensus to accept this language.

Councilor Walsh moved to adopt a Bill for an Ordinance in the Matter of the Multiple Application Submitted by Doug Harnar of JDC Homes, LLC for a Comprehensive Plan Map Change, Zone Change, Lot Line Adjustment and Subdivision (Case No. 2008-06) (Adoption of Hearings Officer Recommendation) as modified. Councilor Clark seconded. Motion passed as follows:

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

b. ORDINANCE ~ Disposing of City Owned Surplus Property

City Attorney Shannon Johnson noted that this had come before Council several months ago and reviewed changes that had been made including grouping of items and annual reporting to Council. Following lengthy discussion regarding disposition of property through various internet sites, auctions and trading, Council directed that the Ordinance should be reworked and brought back at the next meeting.

c. RESOLUTION ~ Keizer Heritage Foundation Lease Agreement –

City Attorney Shannon Johnson reminded Council that the Keizer Heritage Foundation owns the structure known as the Old Keizer School and has a long term ground lease from the City for placement of the Old School. The amendment deals specifically with the civic center project and redrawing of the leased premises. Mr. Johnson clarified that the leased premises is the area used for the premises and the gazebo, not

Third Amendment

the parking lot. Following lengthy discussion regarding parking exclusivity and flexibility, Mr. Johnson agreed to rework the agreement and bring it back to Council at the next meeting.

d. RESOLUTION ~ Approval of Transfer of Appropriation – Keizer Station LID Expense

City Manager Chris Eppley explained that this resolution is done to comply with recommendations in the Oregon Department of Revenue Budget Manual.

<u>Councilor Walsh moved to adopt a Resolution Authorizing Appropriation Transfer. Councilor Taylor seconded. Motion passed as follows:</u>

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

CONSENT CALENDAR

A. RESOLUTION ~ Authorizing the City Manager to Enter Agreement for Collection Agency Services

<u>Councilor Walsh moved to approve the Consent Calendar. Councilor Taylor seconded. Motion passed as follows:</u>

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

COMMITTEE REPORTS

Mayor Christopher presented a gift to Youth Councilor Alex James. He explained that he would be attending Chemeketa or Linn Benton Community College for two years and then Oregon State University.

Councilor Taylor reminded everyone of the upcoming Keizer Points of Interest and Bikeways Committee meetings.

Councilor Clark congratulated the McNary Class of 2008 and wished good luck to the McNary students participating in the German-American partnership program. She then reported that:

- The Mid-Willamette Advisory Commission on Transportation had discussed the 2010-2013 Transportation Improvement Plan and welcomed the new Region 2 Manager, Jane Lee.
- She had joined the Chamber in welcoming Jamba Juice to Keizer Station
- Iris Council met on June 10 to do wrap up for 2008. The 2009 theme will be "On the Move" and the new artwork has been selected.
- She attended the board meeting for Oregon Municipal Planning Organizations Consortium representing Salem-Keizer Area Transit Study. She distributed maps showing travel patterns throughout the state. The Oregon Transportation Commission will discuss this in July. The Consortium will meet again on August 15 in Rogue Valley.

Councilor Walsh reviewed meeting dates for Salem-Keizer Area Transit Study and the Ethics Committee; congratulated Jamba Juice and McNary students and reported that:

- Government Affairs has endorsed the School Board Bond request.
- Commissioners' breakfast was well attended with Commissioners showing an eagerness to work with Keizer on the Periodic Review.
- Library Task Force will meet on July 3. There does not appear to be a group taking up the challenge to raise $19,000 so a back-up plan will be discussed.
- Dog Park tours were given during the past week.
- A newsmakers presentation on the dog park will be aired on CNN/Comcast network.

Mayor Christopher reviewed volunteer opportunities on the following committees: K23, Budget, Planning Commission, Bikeways and Stormwater.

Councilor Smith reminded everyone of Volcanoes opening night.

Councilor Moir reminded everyone of the upcoming Planning Commission meeting.

OTHER BUSINESS

a. New Business

b. Old Business

Assistant to the City Manager, Kevin Watson, reported that the RFP on the T.D. Keizur statue closes on July 18; he has sent out about 8-10 to interested parties.

Community Development Director, Nate Brown:

- Noted that Planning Commission and Sam Litke have been active in the development of the Periodic Review process.
- Referred to a Salem-Keizer Area Transit Study (SKATS) memo, suggested possible projects and requested that this matter be discussed in more detail at the next Council meeting. Discussion took place regarding KROC center pedestrian safety and light rail.
- Reviewed progress on the water feature at River/Lockhaven.

Youth Councilor Alex James reported that:

- Recently the Red Cross and Youth Council participated in the Relay for Life and over 350 survivors participated, himself included. The goal of $350,000 for research was exceeded.
- McNary Band will be collecting bottles and cans September 2 and 3 as a fundraiser.

Councilor Walsh reminded Council that the Parks Advisory Board had recommended that the Keizer Points of Interest Committee undertake the task of the historical/commemorative marker at Keizer Rapids Park and questioned how Council should recommend this. City Attorney Shannon Johnson noted that it could be done by consensus.

<u>Council agreed by consensus to have Keizer Points of Interest research the historical/commemorative marker at Keizer Rapids Park</u>. Councilor Taylor agreed to bring this to the committee.

Councilor Moir

- Reminded everyone that the Marion County Fair is July 10 - 13.
- Proposed that the land where the Christmas tree is located be named Wallery Plaza to recognize his dedication and efforts in the Christmas tree lighting. Following some discussion regarding including Randy Cook, it was agreed that this should be put on the agenda for the next meeting.

WRITTEN COMMUNICATIONS None

AGENDA INPUT

July 7, 2008

5:45 p.m. – Executive Session

- City Manager Performance Evaluation

7:00 p.m. City Council Meeting

July 14, 2008

5:45 p.m. City Council Work Session

- Periodic Review/Urban Growth Boundary Discussion

July 21, 2008

7:00 p.m. City Council Meeting

Council agreed to schedule an executive session to discuss a property issue on July 14 at 5:45 and to move the work session to 6:15.

ADJOURNMENT Mayor Christopher adjourned the meeting at 10:15 p.m.

APPROVED:

MAYOR:

Lore Christopher

Debbie Lockhart

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

~ Absent ~

Councilor #1 – David McKane

Cathy Clark

Councilor #4 – Cathy Clark

Brandon Smith

Councilor #2 – Brandon Smith

Councilor #5 – Richard Walsh

Jacque Moir

Councilor #3 – Jacque Moir

Councilor #6 – James Taylor

Minutes approved:

July 7, 2008