MINUTES
KEIZER CITY COUNCIL
Monday, June 6, 2011
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the meeting to order at 7:15 pm. Roll Call was taken as follows:

Present:	**Staff:**
Lore Christopher, Mayor	Chris Eppley, City Manager
Cathy Clark, Council President	Shannon Johnson, City Attorney
Jim Taylor, Councilor	Nate Brown, Community Development
Joe Egli, Councilor	Kevin Watson, Assistant to the C.M.
David McKane, Councilor	Lt. McCowan, Police Department
Brandon Smith, Councilor	Susan Gahlsdorf, Finance Director
Mark Caillier, Councilor	Tim Wood, Assistant Controller
Youth Councilor Hugo Nicolas	Tracy Davis, City Recorder

FLAG SALUTE

Mayor Christopher led the pledge of allegiance.

PUBLIC TESTIMONY

Art Barbrowitz, Keizer, representing his client, Salem Harley Davidson, voiced excitement regarding the upcoming "Good Vibrations Motorcycle Rally" He urged those interested in volunteering to contact Cliff Fodge at Salem Harley Davidson. Mayor Christopher and Youth Councilor Nicolas suggested that Young Life and North Salem ROTC might be interested. In closing Mr. Barbrowitz thanked Assistant to the City Manager, Kevin Watson, for his assistance.

Sherrie Gottfried, Keizer, thanked Council and announced that almost every event in the rally will be held in Keizer; over 50% of registrants are staying at the Renaissance Inn and some are coming from as far away as British Columbia.

PUBLIC HEARING
a. ORDINANCE – Setting Water Rates (2012); Repealing Ordinance 2008-574

Finance Director Susan Gahlsdorf explained that the water rate model was adopted in 2002 and modified in 2004; updates in the cost of service identified a need to increase rates by at least 3% in FY09-10 and FY10-11 but City officials had elected to forgo those increases. The last rate increase was in 2008. Water sales revenues have declined over the past two years but capital improvements to the water system infrastructure are needed. The model shows that a 3% system-wide increase is needed to fund these improvements; however, because Local 320 Union members have agreed to forgo their cost of living increases in order to keep operating costs down, the City is able to lower the rate increase to 2%. The FY11-12 Budget Committee approved this increase.

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

Councilor Caillier moved to adopt an Ordinance Setting Water Rates (2012); Repealing Ordinance 2008-574. Councilor Taylor seconded. Motion passed unanimously as follows:

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

b. RESOLUTION – Certification of Lighting District Assessments

Finance Director Susan Gahlsdorf directed attention to the list showing assessments by district noting that they must be certified to the Marion County Assessor's office by June 30, 2011 in order to be assessed on the November 2011 tax rolls. Because the fund has a sufficient ending balance projected for fiscal year 2010-11, staff is recommending forgoing the annual delinquency assessment on next year's assessments. This will result in a reduction of the 2011 assessment.

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

Councilor Clark moved that the Keizer City Council adopt a Resolution Certifying Lighting District Assessments. Councilor Taylor seconded. Motion passed unanimously as follows:

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

c. RESOLUTION – Adopting FY 2011-2012 City of Keizer Budget, Making Appropriations and Imposing and Categorizing Taxes

Finance Director Susan Gahlsdorf summarized actions and deliberations of the Budget Committee which culminated in the Committee Approved Budget being presented to Council for adoption. She reviewed the adjustments allowed by Oregon law adding that the budget must be approved by June 30, 2011. She noted that a revised Staff Report and Resolution had been given to each Councilor which included budget adjustments to the committee approved budget identified by staff after the May 10 Budget Committee meeting. She then fielded questions and provided additional clarification.

Mayor Christopher opened the Public Hearing.

Rhonda Rich, Ken LeDuc and *Rick Hammerquist,* Board members of the West Keizer Neighborhood Association, requested that Council reconsider funding for the Association noting that neighborhood associations provide an avenue of communication and a source for volunteers and play a vital role in city government, fostering civic involvement and civic education by facilitating the discussion of issues and helping members become more informed, responsible citizens. In conclusion Ms. Rich noted that the WKNA represents more than 3,000 households and reiterated the request for funding of $850 or at least $400 to cover copy costs and other means of communication.

Ron Bersin, Keizer, brought attention to the Energy Efficiency and Housing Service programs that offer loans to Keizer residents. He noted that there was $450,000 available, asked City staff to make sure these funds become available to citizens and encouraged citizens to apply for these loans. Councilor Clark added that notification of the availability of these loans is posted on the current water bills.

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

<u>Councilor Taylor moved to adopt a Resolution Adopting FY 2011-2012 City of Keizer Budget, Making Appropriations and Imposing and Categorizing Taxes as amended. Councilor Clark seconded.</u> (Amendment is the revised Resolution submitted at the meeting.)

<u>Councilor McKane offered a friendly amendment to reduce the contingency balance by $400 and give the $400 to the neighborhood associations</u>. Ms. Gahlsdorf noted that the contingency amount was $52,600 and this would reduce it to $52,200.

<u>Councilors Taylor and Clark accepted the friendly amendment.</u>

<u>Motion passed unanimously as follows:</u>

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

d. Keizer Development Code Text Amendment – Memory Care Facilities

City Attorney Shannon Johnson explained that the Planning Commission had reviewed the amendment which was originally broader in both the types of uses and the different zones allowed but finally approved limited types of residential care facilities, only in the RM zone and with Conditional Use approval to be reviewed by the Planning Commission. Mr. Johnson then fielded questions regarding the Standard Industrial Code with lengthy discussion following regarding limiting driveway access to arterials or neighborhood streets.

Mayor Christopher opened the Public Hearing.

Bob Beauchemin, West Linn, Oregon, representing Avamere Health Care, requested that verbiage regarding the traffic impact analysis requirement be reworded for clarity. He suggested the following wording: "significant increase above the basic intended use" or something similar to that. He compared the processes of other cities, explained that traffic generated for this type of facility is generally half that generated for single family housing units and is considerably less than apartments. He added that access might be needed for service vehicles.

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

Councilor Clark moved to direct staff to prepare an ordinance with findings to adopt the proposed revisions to allow facilities that provide care for residents who suffer from Alzheimer's and related illnesses. Councilor Taylor seconded.

Councilor Clark offered a friendly amendment to reword *Section 2.431.04: Criteria, subsection C: Facility Access* so that a facility shall have its primary access to an arterial but the limitation that all access be to the arterial be removed. Councilor Taylor did not accept this amendment.

Councilor Clark moved to amend *Section 2.431.04: Criteria, subsection C: Facility Access* to indicate that a facility shall have its primary access to an arterial and the limitation that all access be to an

arterial be removed. Councilor Egli seconded.

Councilor Clark explained that access management has been trying to reduce curb cuts into arterials to avoid traffic snarls and this could create safety problems and access problems for emergency vehicles.

Lengthy discussion then took place regarding neighborhood impact, designing code for a single development, facility size and access.

Councilor Clark reworded her amendment as follows: amend *Section 2.431.04: Criteria, subsection C: Facility Access* to indicate that a facility shall have access to an arterial. Councilor Egli agreed with this. Motion to amend passed as follows:

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

Councilor Clark reminded Council that the applicant had suggested clarifying the wording on Section 2.431.04 Criteria, Subsection B regarding a traffic impact analysis. City Attorney, Shannon Jonson explained that this was informational only because it states that a TIA is required if certain conditions apply; it would not be required in every case and would be determined at the pre-application meeting.

Mayor Christopher restated the motion: To direct staff to prepare an ordinance with findings to adopt the proposed revisions to allow facilities that provide care for residents who suffer from Alzheimer's and related illnesses as amended. Motion passed unanimously as follows:

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

ADMINISTRATIVE ACTION

a. RESOLUTION – Expenditure Authorization for Art Walk, Elections, Focal Point, Parks and Facility Maintenance

Taken out of order. Finance Director noted that because this item impacts the next budget, it should be addressed prior to adoption of the budget. She noted that a revised Staff Report and Resolution had been given to each Councilor which included expenditure for Facility Maintenance. She explained that State Statute allows an increase of expenditures when said expenditure is necessary, unforeseen and not included in the adopted budget. She reviewed the unforeseen expenses which included costs for a citizen-initiated election regarding development at Keizer Station; donation pass-through funds for Artist stipends; removal of Art Walk pad at Keizer Veterinary Clinic; mowing and operation costs for the focal point and land behind Volcano stadium; and unanticipated costs for Civic Center facility maintenance. She concluded noting that staff recommends that Council adopt the Resolution approving additional appropriation to the general fund and each other operating fund identified.

Councilor Egli moved that Keizer City Council adopt a Resolution - Expenditure Authorization for Art Walk, Elections, Focal Point, Parks and Facility Maintenance, as amended. Councilor Taylor seconded. (Amendment is the revised Resolution submitted at the meeting.) Motion passed unanimously as follows:

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

b. RESOLUTION – Directing Distribution of Revenues From The Transient Occupancy Tax; Repealing R98-1012

Susan Gahlsdorf explained that due to significant budget cuts the percentage of revenues from the Transient Occupancy Tax would not be distributed to the Keizer Fire District. The TOT Ordinance requires that hotel tax revenues be distributed pursuant to Council Resolution. Therefore a new Resolution has been drafted repealing the previous one and indicating that 100% of the revenues will be distributed to the City of Keizer General Fund. This will allow the City to fund basic services including public safety, community development, parks and administration.

Councilor Smith moved to adopt a Resolution Directing Distribution of Revenues From The Transient Occupancy Tax; Repealing R98-1012. Councilor Taylor seconded. Motion passed unanimously as follows:

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

c. ORDINANCE – Relating to the Amendment of the Electric Utility License Fee Ordinance; Amending Ordinance Number 94-286

Shannon Johnson explained that staff has been working to update the Utility License Agreements into more modern Franchise Agreements. The final agreements should be complete before August 31, 2011.

Councilor Clark moved that Keizer City Council adopt an Ordinance Relating to the Amendment of the Electric Utility License Fee Ordinance; Declaring an Emergency and Amending Ordinance Number 94-286. Councilor Taylor seconded. Motion passed unanimously as follows:

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

ORDINANCE – Relating to the Amendment of the Gas Utility License Fee Ordinance; Amending Ordinance Number 94-285

Councilor Clark moved that Keizer City Council adopt an Ordinance Relating to the Amendment of the Gas Utility License Fee Ordinance; Declaring an Emergency and Amending Ordinance Number 94-285. Councilor Taylor seconded. Motion passed unanimously as follows:

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

d. RESOLUTION – Approving Extension of the Cable Television Franchise Agreement with Comcast of Oregon I, Inc.

Mr. Johnson explained that the Comcast franchise agreement initially expired January 31, 2011 but was extended by a Resolution to June 30, 2011. Comcast has been unwilling to enter into renewal agreements until other agreements are in place and has indicated that they are not required to sign any extension agreements. Therefore, the City does not have a specific extension agreement, but instead has drafted a Resolution indicating that the City is allowing them to proceed under the current regulations.

Councilor Clark moved that Keizer City Council adopt a Resolution Approving Extension of the Cable Television Franchise Agreement with Comcast of Oregon I, Inc. Councilor Taylor seconded. Motion passed unanimously as follows:

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

CONSENT CALENDAR

A. RESOLUTION – Certification of Delinquent Sewer and Storm Water Accounts
B. RESOLUTION – Declaring the City's Election to Receive State Shared Revenues
   RESOLUTION – Certifying the City of Keizer Provides Four or More Municipal Services

C. Resolution – APPROVING City Engineer's Report for Proposed Hornet Court Local Improvement District for Sidewalk Improvements
D. RESOLUTION – Appointing Acting City Attorney
E. RESOLUTION – Updating Identity Theft Prevention Program; Amending R2008-1900
F. Approval of April 18, 2011 Regular Session Minutes
G. Approval of May 2, 2011 Regular Session Minutes
H. Approval of May 9, 2011 Work Session Minutes

Item H was pulled.

Councilor Clark moved that Keizer City Council approve items A through G of the Consent Calendar. Councilor Taylor seconded. Motion passed unanimously as follows:

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

Councilors Egli and McKane indicated that they would abstain from approval of the May 9 Work Session Minutes because they were absent.

Councilor Clark moved that Keizer City Council approve Item H of the Consent Calendar. Councilor Smith seconded. Motion passed as follows:

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

COMMITTEE REPORTS

Councilor McKane announced that the June Planning Commission meeting was cancelled.

Councilor Caillier reviewed recent activities of Claggett Creek Watershed Council and the Stormwater Advisory Committee and reminded everyone of the upcoming Gubser Neighborhood Association meeting.

Councilor Egli reported that Iris Festival was a success for the Chamber this year and negotiations are underway for a temporary facility at Keizer Station. Councilor Clark substituted for him at Keizer Urban Renewal Board.

Councilor Clark reviewed meetings she had attended including the Sustainable City Year luncheon, the Keizer Urban Renewal Board, K-23 Advisory Committee, Mid-Willamette Area Commission on Transportation, and the Community Transit Task Force. She announced that the upcoming West Keizer Neighborhood Association meeting would be the last one until fall and noted that she would not be present for the June 20 Council meeting.

Councilor Smith announced the date for the next Parks Advisory Board meeting and reported that even though only about five citizens showed up for the open mike Town Hall meeting, conversations took place for about two hours. He urged citizens to attend the next session.

Mayor Christopher announced that her grandbaby is due in 16 days so she may not be at the June 20 Council meeting.

OTHER BUSINESS

Community Development Director Nate Brown explained that he was late coming to the Council meeting because he was at the City of Salem Work Session discussing the cooperative work on the economic opportunity analysis. He explained that there was frank discussion and still many questions from legal staff and others on how this will play out. Another Work Session is scheduled before July when they will meet with Keizer.

City Attorney Shannon Johnson indicated that there has been some discussion about the July meetings. Typically Council meets on the first and third Mondays but it has been suggested that one meeting be held in July on the 11^{th} at 6:00 p.m. and the meetings on the 5^{th} and 18^{th} be cancelled.

Councilor Clark moved to suspend the rules to deal with this. Councilor Smith seconded. Motion passed unanimously as follows:

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

Councilor Clark moved to change the schedule for Council meetings for July of 2011 cancelling the meetings on July 5 and July 18 and holding one meeting beginning at 6:00 p.m. on July 11. Councilor Smith seconded. Motion passed unanimously as follows:

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

Youth Councilor Nicolas announced that graduation would be on Friday and he would be the senior speaker. Prom was held last weekend and was fun. Mayor Christopher congratulated Mr. Nicolas.

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

June 13, 2011

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

- Housing Needs Analysis

June 20, 2011

7:00 p.m. City Council Regular Session

- Public Hearing – Keizer Development Code Text Amendment – Urban Chickens

June 27, 2011

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

Councilor McKane announced that the Good Vibrations Motorcycle Rally 4-day event will occur in Keizer. He noted that the City was a good host last year and invited local businesses to contact him regarding sponsorship and low-cost advertising.

ADJOURNMENT Mayor Christopher adjourned the meeting at 8:50 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:

7-11-11