



MINUTES
KEIZER CITY COUNCIL
Monday, February 5, 2024
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER Mayor Clark called the meeting to order at 7:07 p.m.

ROLL CALL Roll call was taken as follows:

Present:

Cathy Clark, Mayor
Shaney Starr, Council President
Soraida Cross, Councilor
Robert Husseman, Councilor
Kyle Juran, Councilor
Daniel Kohler, Councilor
Laura Reid, Councilor
Youth Councilor Grayton
Woodard

Staff:

Adam Brown, City Manager
Tim Wood, Assistant City Manager
Shane Witham, Planning Director
Joseph Lindsay, City Attorney
Shannon Johnson, City Attorney
Emeritus
Bill Lawyer, Public Works Director
Andrew Copeland, Police Chief
Machell DePina, Human Resources
Director
Melissa Bisset, City Recorder

FLAG SALUTE Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

- a. **Black History Month Proclamation** Mayor Clark read the Proclamation recognizing February as Black History Month. She presented the proclamation to Ms. Thais Rodick, Chair of the Community Diversity Engagement Committee.
- b. **Marion Polk Food Share Presentation** Rick Gaupo, President and Chief Executive Officer (CEO) with Marion-Polk Food Share, presented the results of the Miracle of Lights event. The equivalent of 148,000 meals, and \$43,731.22 was raised. He thanked the Gubser Neighborhood, City Council, Mayor Clark, Council President Starr, City Staff, Adam Brown, Tim Wood, Jill Gust, Patti Tischer, John Moore, and Chelsea Straight for helping feed so many people and for an amazing event.

Council President Starr recognized Alli Coriana who brought the idea

forward about a different drop-off location, John Moore for using his property as the collection site, and Chelsea Straight who led the volunteer efforts at the tent. Ms. Starr thanked Mr. Gaupo and his team and all of their hours committed to the effort and the community.

COMMITTEE REPORTS

Matt Lawyer, Keizer Parks Advisory Board Chair, reported that the Board began looking at the Strategic Plan. He encouraged the Board to review the Plan by looking at the various elements and the direct nexus to the Keizer Parks Advisory Parks Board may have within the specific areas of the Strategic Plan and be ready to return to the next meeting to have a conversation. He also asked the Members to individually to complete the Strategic Plan survey on the City's website. He reported on the continued graffiti in the parks, and Parks Division Manager Robert Johnson is staying on top of the cleanup.

Mr. Lawyer shared that Claggett Creek Watershed Council and Rotary Club of Keizer would be hosting a Community Center clean-up event on March 16th.

Mr. Lawyer shared that he asked the Planning Commissioners to think about various goals in the Strategic Plan and bring back the goals that had a direct nexus with planning. The Planning Department and the Planning Commission had accomplished a lot of work over the last few years. Mr. Lawyer recognized the work of Planning Director Witham, City Attorney Emeritus Johnson, and Assistant Planner Horner.

PUBLIC COMMENTS

Ken Gierloff, Keizer resident and Board Chair of the Southeast Keizer Neighborhood Association, shared that they were looking to encourage safety in their Neighborhood in the Spring by providing children with a reward when they are found being safe by wearing their helmets.

PUBLIC HEARINGS

a. OLCC Application - Limited On-Premises Sales Liquor License - Quetzal's Nest - 4415 River Road N.

Mayor Clark opened the Public Hearing.

City Recorder Melissa Bisset summarized the Staff Report.

Carlos Chan Vasquez introduced himself as a co-owner of the business and indicated that they wanted to bring something different to Keizer.

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

Council President Starr moved that the Keizer City Council recommend approval of the application for a new outlet Limited On-Premises Liquor License for Quetzal's Nest under the guidelines established by ORS 471.175 and the Ordinances of the City of Keizer. Motion passed unanimously.

AYES: Clark, Reid, Husseman, Cross, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. Appeal of Planning Commission Order - In the Matter of the Application of Michael and Susie Le for a Partition and Major Variance on Property Located at 527 Dearborn Avenue N, Keizer, Oregon (Case No. 2023-12)

Mayor Clark opened the Public Hearing.

City Attorney Lindsay stated that this is a Quasi-judicial Hearing and is an appeal from the Planning Commission Order, which actually approved the partition and major variance in the case as noted. There were a few criteria for a partition, which is in the Development Code, Section 3.107.07, and the review criteria for the major variance is Code 3.105.05, which are also in the packet. Planning Director Shane Witham included an explanation of how these were put together in the packet. Mr. Lindsay can read these particular review criteria and is looking for an objection to let the packet stand and move on without having to read all of the criteria. Mayor Clark asked if there was any objection to forgoing the reading of the criteria. There were no objections.

Mr. Lindsay stated that the Planning Director would share the criteria afterward. Basically, testimony arguments of evidence in this hearing must be directed toward the criteria that are in the Development Code or other criteria in the plan or land use regulations in which you believe would apply to this decision. So, it really is about the criteria and directing your arguments towards those things. Failure to raise an issue accompanied by statements or evidence sufficient to afford the City Council and parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals, otherwise known as LUBA, based on that issue and that's by State Statute.

For the Applicant, failure of the Applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes for an action in Circuit Court and is also by an Oregon State Statute, so that person would have to come up specifically and challenge the approval conditions if they wanted to not have their issue precluded in Circuit Court.

For the Council, Mr. Lindsay stated that he needs to know if there are any conflicts of interests, bias, or ex-parte' contacts.

Mayor Clark stated for the record that she does not know the property owner, but she does know the renters there, and this is in her neighborhood. So, she knows the renters in the front property socially. She has walked by that property every single day, seen the notices, and is aware of the work that has been undertaken. Mr. Lindsay asked Mayor Clark if this relationship or understanding led her to believe that she can't be fair and objective in the hearing today. Mayor Clark stated that her intention is to be clear and objective. She has read the materials from that point of view but wants to make sure that the Applicant and Appellant were aware in case they had a concern. Mr. Lindsay asked if there were any questions on that information. Mr. Lindsay stated that there are a couple of packets; one is the actual

Planning portion of the packet, which is the record from below and the evidence of the case.

Mr. Wendell Weckert, Appellant, sat at the testimony table.

Mayor Clark spoke to Mr. Michael Le, Applicant, over the speaker phone, stating that she knows his renter because his property is in her neighborhood and there was a discussion about that and asked if that brings him up to speed.

Mr. Lindsay spoke to Mr. Le wanting him to hear subsequently that they are starting this Quasi-judicial Hearing and there are certain rights, but there's also certain ways he could be precluded from pursuing those rights under Oregon law. Mr. Lindsay stated, what you would want to know is that I had read this earlier to the whole gallery, but you weren't here. So, for your benefit, I'm going to tell you that if you fail as an Applicant to raise any constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government Keizer or its designee to respond to the issues, you could be precluded from taking up an action in Circuit Court for damages. I just wanted you to hear that. I believe, because you've been through an earlier, lower position, you've actually heard that right before, but I just wanted to be extra safe and on the record with that.

Mr. Lindsay stated that the other mention that he was trying to help us be efficient that will take a second is just to notice that there are pieces of evidence on the dais, and I would assume and I would ask for objection that even though this is a de Novo Hearing, you guys are entering all of that evidence into the record officially as well so that it will go with the record if this case were to go anywhere else. Mayor Clark stated it has been noted for the record.

Mr. Lindsay asked Mr. Weckert what question he had for the potential bias or ex parte' contact. Mr. Weckert said that it wasn't the topic he was curious about and it was when Mr. Lindsay read the list of items that we had to announce in order to retain our right to pursue this at the LUBA level. Mr. Lindsay asked if he was referring to the review criteria. Mr. Weckert stated that he just brought the same packets as you have and didn't bring his stack of Google searches and Quasi-judicial strategy and explanation of what processes are. Mr. Weckert stated that he doesn't have the appeal letter that he filled out two months ago. Mr. Lindsay let him know that that is actually what he just made sure with Mayor Clark. That letter is made part of the packet. I talked with you about that and it is actually in the record. All of that is actually being considered by this body throughout this hearing if that helps. Mr. Lindsay told Mr. Weckert that he didn't have to bring the letter and that it's in the record.

Mr. Weckert asked if he has to repeat it or is it just part of the history. Mr.

Lindsay state that all of the comments and correspondence that Mr. Weckert sent in throughout this whole process are now part of the record so that you don't have to say those things again, but Mr. Weckert could if he wanted to hammer them home. Mr. Weckert said, no, no and that he expected to be here for about two minutes and Mr. Lindsay would say thank you and good night but okay. Mr. Lindsay asked if Mr. Weckert had any questions for the Mayor about whether or not she can [Mr. Weckert spoke over Mr. Lindsay]. Mr. Weckert said oh, absolutely not and he was sure she was able to negotiate the Quasi-judicial ground rules and interesting system, and he likes it and from this point and is just on the wrong end of it.

Mr. Lindsay stated fair enough and asked if no other people have questions about what the Mayor said about either ex parte' contact in this case or any sort of bias from friendship and if you have it now, you would have to bring it up. Mr. Weckert stated that he's jealous that if she was in the neighborhood, why she didn't she stop at his house too and told the Mayor that she was invited.

Mayor Clark thanked the Appellant and asked if there were any other council members that needed to declare an ex parte' or other contact. Mr. Lindsay stated for the participants that we just want to make sure that prior to the close of the hearing, you need to state any objections to bias, conflicts of interest, ex parte' contacts or jurisdiction of this Council to hear this matter or opportunity to be heard. So, this is kind of a catchall to make sure that during the hearing is the time to have any of your complaints heard and that's what the process exists for. So, speak up and just don't sit on your hands and think there will be another moment for you because that's what a hearing is for.

Mr. Lindsay stated that he wants to go over the times because the times are actually in the Councils Rules and Procedures that the Council has and in particular, there's a staff summary for the hearing. So, you will hear that from the planning director and then what happens is that you'll have the Applicant's case and that's limited to 20 minutes total. So, the Applicant has a chance because it's their burden and then the Appellant has five minutes to speak in total.

Mr. Lindsay said, then, any person who is in favor has five minutes, any person who is opposed has five minutes, and then there's sometimes a catchall of other because some people are not necessarily for or against, but they really want to be heard on the matter so there's also five minutes for those folks. Because the burden is on the Applicant, there is a rebuttal for that person, so after hearing all those other folks, the rebuttal period is 10 minutes.

Mayor Clark stated that it's time for the Staff Report from Mr. Witham.

Planning Director Shane Witham reviewed the Staff Report on the appeal of a partition and major variance decision that was granted in November. He provided a high-level look and invited questions. When looking at the property at 527 Dearborn Avenue North, the Applicant wished to divide the property into two pieces of approximately 7,000 and 6,600 square feet with a new signal family home and an existing accessory dwelling unit (ADU) served by a private access easement. The current lot is approximately 16,000 feet. There are required frontage improvements needed along Dearborn. A major variance, from the required setback from the edge of the access easement to the existing home, was requested on the application. Normally the City measures setbacks from property lines; however, in the Keizer Development Code, there's a requirement that says that if you have a structure (home) that it needs to be at least five-feet away from the edge of an access easement.

Mr. Witham stated that there is already a driveway along side of this home that goes back to the ADU, but the fact that they are going to divide the property into two, it has to be an actual legal means of access by meeting the access standards. An access easement standard is a 25-foot width, and the house is located approximately 22 feet from the property line. So, in conjunction with the partition application, the Applicant requested a major variance to allow that setback to reduce from the required five feet down to two feet, which is part of the application and decision. The staff decision produced in November included a whole lot of criteria and conditions that the City is placing on the application, which was ultimately approved with conditions. The decision was appealed and went to the Planning Commission in November, and the Planning Commission upheld the staff decision in its entirety.

Mr. Witham stated that the matter was appealed again and now it's here before the Council for consideration of the review criteria to determine if something needs to be different than what the Planning Commission determined. There was quite a bit of testimony at the Planning Commission meeting that sounds like there may be some ill-will amongst property owners with some problems there but unfortunately not something that can be addressed through actual review criteria. Mr. Wendell Weckert did submit the appeal form in the packet by pointing out the errors, omissions, or problems as he saw in the Staff Report that Mr. Witham wrote. Mr. Witham walked through each of them and addressed them to the best of his ability. A couple of them had references to Development Code provisions, and he addressed those accordingly and referenced the relevant sections of the Code. Unfortunately, several items that were identified as grounds for appeal were not relevant review criteria or part of the Development Code so he was not able to address them.

Mayor Clark asked the Council for questions. Councilor Hussemen asked if City staff was out to this particular site for any purpose and if that's

something pertinent here as Mr. Witham sees fit. Mr. Witham stated that he did drive by the site upon receiving the land use application to visually understand the lay of the land before he wrote the staff decision. He had been by the site a couple different times.

Mayor Clark asked about the parking minimums that the City Council is working on at this time. Mr. Witham confirmed that parking is on page 27 of the Council packet. The City can't require minimums for parking because it's a frequent transit of 15 minutes.

Michael Le, Applicant, stated that he appreciated the opportunity to speak. He stated that he wouldn't repeat himself from the November Planning Commission hearing because there's a video for that. The bottom line upfront for the Council is that he's following all of the City of Keizer's guidelines in his request to partition the property at 527 Dearborn Avenue. He understands Mr. Weckert's position and sentiments about Redwood trees in his backyard. He expressed his plans in the previous hearing. He stated that the trees are majestic and he had traveled through the Redwoods National Park in California a few times and witnessed these majestic trees in the wild. However, when he sees that Redwoods in Mr. Weckert's yard, they are not in the same environment, they do not look the same, and they do not look as healthy as thoughts in the wild. In fact, upon Googling Redwoods in urban areas, there are many types and they do not grow as healthy as thoughts in the wild. The trees in Mr. Weckert's backyard are 10 feet apart and the canopies are not evenly grown. A couple of the trees lost their tops from the previous storm.

Mr. Le consulted an arborist last September who told him that those trees would eventually die and fall. He saw in the news about trees that fell on a Portland home from the last storm, and he fears for the safety of his tenants and neighbors. In summary, he'd like to share that in Hawaii, they share the same respect for natives. The Hawaiin have a phrase to take care of the land. Mr. Weckert's Redwoods do not belong in natural habitat. He probably didn't plant those trees in his yard many years ago and no one would foresee the risk that we are facing today, and he believes that Mr. Weckert does bear the responsibility for the safety of his neighbors.

Mr. Lindsay stated that the Council could ask questions of the Applicant, and it wouldn't necessarily be counted against his time and that he only used six minutes.

Mayor Clark stated that the criteria listed under the eight items in the packets for consideration and wanted to find the trees mentioned in item six and asked Mr. Lindsay where this part of the conversation comes in that's relevant to the variance that is being considered. Mr. Lindsay stated that in terms of the review criteria, it is really rellevant. Although, the trees are part of the long access easement, and the trees have to be planted when actually

developing are part of this. These particular trees that exist are not part of the major variance or partition that's being sought. It could come around at a later time with permitting, but right now the discussion doesn't actually include trees. Mayor Clark stated that knowing Mr. Weckert's property is to the West and the easement that's talked about is on the East side of the property and that's where she was a little confused with what's being talked about relative to the variance.

Mr. Witham stated that there is written information at the dais that includes two other written documentations, one from Mr. Le and one from Mr. Weckert. There was a lot of discussion between them about the trees on the property line between them, who was responsible for maintaining them, and if development of the site would damage those trees. So, that's probably where that's coming from or where their relevance is. He stated that Mr. Lindsay is correct in that within the review criteria that's specific to trees is found in the site and landscaping section of the Keizer Development Code, Section 2.309, at if there are significant trees located on the subject property that are proposed to be removed, that those are to be identified and get replanted as to one ratio. So, in this case, Mr. Le has indicated that there's no intention to remove any trees on this site to allow for the development.

Mr. Weckert, Appellant, has no intention of going into those areas as they would burn up his time. He stated that about six persons received an invitation to comment on the topic of what Mr. Le is going to do. He said that they took the City up on this and got themselves into a pickle. They didn't bargain or want this kind of conflict; it's costly, time-consuming, and upset their lives for six months. We just want it to end and don't want it end with the loss of the property quality of the homes. Mr. Weckert stated that Mr. Le's project has turned one of the homes into a corner lot on his side and that he has been after those trees from the time he moved in and has found every excuse he can to cut them, kill them, or do to whatever.

Mr. Weckert stated that Mr. Le has butchered his own landscaping and wants to butcher Mr. Weckert's. He doesn't like this and is trying to stop him, and he's looking for the weak point. He thought he found one last night on page two. There's a paragraph at the bottom in which he thought that last word on that paragraph would force the permits or approvals that he has gotten to be cancelled. In discussion over a phone call this morning with Mr. Witham, he stated that it was not going to work.

Mr. Weckert went to another alternative that he thought would have killed his proposal and was on the variance setbacks. Again, it was the second weakest link in his chain. He said that he's going to take up the rest of his time with the Planning Commission appeal process. He told them that he wanted it to move forward, and he understood their role and Mr. Witham's role. He stated that we don't have the authority to override criteria. His intention was to come here today and beg, although it cannot be applied to

our case because once you decide to change criteria, it only applies to cases going forward.

Mr. Weckert stated that the Quasi-Judicial process is ingenious. The criteria, however, is very brief and a short-list of what can be used to be challenged. At least, it seems that way to him because he couldn't find the criteria that he could use in this case. This is on Page two, and the bottom word was the most likely criteria he could find where one of the corner lot neighbors is losing part of their backyard, they didn't bargain for this as they were just minding their own business.

Mr. Weckert stated that there's something wrong in the process and there's something in there that does not give us the ability to defend our property. If the employee has to do the process, you are the stockholders. If you order some sort of modification in this system and process or if you see a way to do it without going to LUBA, he'd appreciate that because LUBA gets expensive. He thinks that all of us feel that we're in the right and that we have the prerogative to fend-off what amounts to an attack.

Mayor Clark asked Mr. Weckert for clarification in that he stated the property in question is a corner property. Mr. Weckert stated that all these properties are on a string of lots and that we don't get a corner property until all the way out into the East and West but with this lot that has been modified, from the back to the front, there is a driveway, which is a gravel road and he thinks the City required it to be paved and it has never been paved and is the wrong style of rock. The rocks are like golf balls; it's not crushed rock. He stated that it's basically a road on the side of a neighbor's property that puts cars and people there. He said that it's like the neighbor is on a corner lot and that's what he meant to infer.

Mayor Clark reflected back that the characterization of this being a corner lot in the layout you are seeing for this proposal, that in Mr. Weckert's estimation, it functions as a corner lot. Mr. Weckert stated that it's actually there now and has been for a year. He stated that the gravel is very noisy.

Mayor Clark asked for clarification on the requirement for putting in the ADU. Mr. Witham stated that there was an existing outbuilding on the property, there was a gravel driveway there for probably 15 to 20 years ago, but when they converted the existing outbuilding to an ADU about a couple of years ago, there wasn't a requirement to pave a driveway because the City can't require parking for ADU's. So, it was there, and he thinks the applicant did bring in more rock and make it better.

Mr. Witham stated that in this proposal, the Applicant requested to partition the property so there is a requirement as a condition of approval that the City placed for that the access easement would be required to be paved and built to a durable, hard surface to meet the Public Works Standards with a

minimum paved width for fire department turnaround and no parking signs. This would be done at the time of platting or prior to the actual development of the property. There wasn't a requirement that the City made them pave anything with the ADU because the City has no requirement to do that.

Mr. Witham explained that in this case, because this is a lot behind an existing lot, they have to provide a legal means of access, which then triggers that if they are going to build an access, it has to meet the City's standards.

Mayor Clark stated that Mr. Wekert quoted that a neighbor "was losing their backyard" and asked Mr. Witham if there is a lot line adjustment here regarding the neighbor. Mr. Witham stated that he wasn't sure. Mayor Clark asked Mr. Weckert for clarification. Mr. Weckert stated that this neighbor has a beautiful backyard and is losing that sense of security and safety. Mr. Weckert stated that this neighbor is being assaulted on her own property with the noise and invasion of privacy. He said that he hates to use words that are too graphic or something, but he feels so sorry for the woman and it's not right with the effort that she has put into that place to suddenly have it changed in its nature. He said that we didn't bargain for this, we didn't buy and sell that lot, and we didn't have anything to say about it. He said that he made an offer on it and the former owner's husband made an offer on it, but there's something going on with the dynamics of the social group. He doesn't know, he's not a part of their family, and things just don't fit. It's a strange situation and they thought they had gotten rid of that, but now they are getting additional social problems.

Mayor Clark stated that in order to keep the decision within the parameters, she wants to keep this within the goal posts. She understands the goal post to be the addition of another house would not change the property line between the two properties. Mr. Weckert stated that the property line where the surveyors have it is incorrect, so the ADU is not properly located. He stated that if his neighbor puts in a fence, her fence would be six inches off, so Mr. Le would gain six inches of her property and stated that these types of mistakes are grandfathered in.

Mayor Clark confirmed with Mr. Witham that moving forward, it would be a requirement to use a new survey. Mr. Witham confirmed that the property has to be surveyed and platted per an Oregon Revised Statute. The Development Code allows for the conversion of an existing outbuilding to an ADU regardless of the setbacks. Mr. Weckert is correct if that was a brand new ADU, it's too close to the property line. If it was further away from the property line, there could have been a partitioning, and it would be good to go; but in this case, it's an ADU so it can continue to be an ADU. The survey work don't change that factor for the existing ADU, but it will lock-down the property line between the neighbors to the East, West and North.

Mayor Clark asked if there was anyone who would like to speak in favor. There was none.

Mayor Clark asked if there was anyone who would like to speak in opposition. There was none.

Mayor Clark asked if there was anyone who would like to speak that was neither for or against. There was none.

Mr. Le, Applicant, clarified that he was not killing Mr. Weckert's trees. He stated that he had always been respectful of his property and the neighbor. He stated that he had talked to his tenants about the noise. He stated that the things are not worthy of the Council's time and had no relevancy to the application or the criteria involved. The acquisitions that Mr. Weckert said earlier are totally not true.

Mr. Lindsay stated that this is a time for the Council to ask questions of anyone who has testified.

Councilor Kohler asked Mr. Witham about the application to do the adjustment of the property lines and if there is anything there in which Mr. Le and his property is not compliant with current code or the requirements of the City. Mr. Witham explained that as far as the application was made to divide the land and the Staff Report and criteria that we walked through, the Applicant did demonstrate how they would meet each of the City's standards in the Code.

Mr. Witham stated that in certain cases, there are things that are a condition upon approval. So, even though the two lots are going to be large enough, the City wouldn't know the exact size until they are surveyed out. The condition is that the property has to be surveyed and has to meet the minimum lot size and dimensional requirements with the exception that they are not going to have 5-feet from the edge of the 20-foot access easement to the existing home. So, Mr. Le would have to tear off a portion of that house to make that work and meet a five-foot setback, which is why Mr. Le requested a variance, and staff recommends approval of that variance. Mr. Witham confirmed with Councilor Kohler that the five-foot variance was approved by the Fire Department and the City.

Council President Starr confirmed with Mr. Witham that it's one lot right now, one single-family residence, an ADU in the back; and they wanted to divide it into two lots, so the front lot would have the current house and the back lot is proposed to have one house only and keep the ADU.

Mayor Clark closed the Public Hearing.

Council President Starr moved that the Keizer City Council direct staff to

prepare an Order approving the Application of Michael and Susie Le for a Partition and Major Variance on Property Located at 527 Dearborn Avenue N, Keizer, Oregon (Case No. 2023-12). Councilor Reid seconded. Motion Passed Unanimously.

AYES: Clark, Reid, Husseman, Cross, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Clark recessed the City Council Meeting.

ADMINISTRATIVE ACTION

a. RESOLUTION - Council Determination Regarding Adoption of Personnel Policies

Mayor Clark reconvened the City Council at 8:52 p.m.

Human Resources Director Machell DePina summarized the Staff Report. The Personnel Policy Committee (PPC) determined that certain policies should be approved by the City Council and those which should not require approval beyond the City Manager. Examples of those to be approved by City Council include any policies with discretionary fiscal impact and any policies that also apply to the City Council. Examples of those to be approved by the City Manager include any policies that are operational or specific to personnel as well as policies that are required due to changes in state or federal law.

Ms. DePina explained that the process would be that the Executive Leadership Team would meet to discuss any changes and would involve the Collective Bargaining Units and Staff.

There was a question about changes to the policy and how Council would be notified. Mr. Brown explained that he would share the information with the Council.

It was noted that PPC meetings are open to the public, noticed, and information about the PPC is located on the City's website.

There was a comment that the Personnel Policy Manual is found on the City's website.

Council President Starr moved to adopt a Resolution R2024 Council Determination Regarding Adoption of Personnel Policies. Councilor Reid seconded. Motion passed unanimously as follows.

AYES: Clark, Reid, Husseman, Cross, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. Non-Represented Employee Salary Survey, City-wide Internal Pay Equity Review and Additional Pay Adjustment for all Non-Represented Employees

Human Resources Director Machell DePina reviewed the Staff Report. Discussion followed regarding the cost of not implementing the salary survey back to 2022. Mr. Wood explained the cost would be approximately \$72,000 if it wasn't retroactive back to 2022 and instead being retroactive to the current fiscal year. Ms. DePina clarified that the recommended salary survey changes were not mandated by legislation and that the Executive Leadership Team supported them. This support was primarily based upon the fact that it wasn't the fault of the employees that the salary survey had been delayed.

Councilor Cross suggested meeting in the middle as there would be tough conversations. Councilor Kohler felt that something didn't feel right about the Executive Leadership Team suggesting that everyone receive a raise.

Mayor Clark noted that Ms. DePina did a good job summarizing the three to four years of equity work and our policy of making sure that our non-represented employees are treated with the same consideration for their skill set and appropriate pay level, along with the pay equity that happened in 2022; that this is the time right now to make it right for the non-represented employees. The represented employees had a team working for them, so she is in favor of moving forward with this recommendation, understanding that this provides the same benefit to the non-represented employees.

Councilor Reid noted that this was planned, budgeted, and was already covered in the budget, along with a planned supplemental budget.

Council President Starr moved that the City Council direct staff to prepare a resolution to accept the Non-Represented Employee Salary Survey, City-Wide Internal Pay Equity Review recommendations and the additional Pay Adjustment for all Non-Represented Employees for adoption at the February 20, 2024, City Council meeting. In addition, prepare a Supplemental Budget Adjustment Resolution to transfer from contingency to personnel services to provide appropriations for the Non-Represented Employee Salary Survey, City-Wide Internal Pay Equity Review recommendation and the Additional Pay Adjustment for Non-Represented Employees. Councilor Reid seconded. Motion passed as follows.

AYES: Clark, Reid, Husseman, Cross, Kohler, Starr and Juran (6)

NAYS: Cross (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. RESOLUTION - Amending City of Keizer City Council Rules of Procedure (Amending Resolution R2022-

City Recorder Melissa Bisset summarized the Staff Report.

Councilor Starr moved that the Keizer City Council approve Resolution R2024 Amending City of Keizer City Council Rules of Procedure (Amending Resolution R2022-3269). Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Starr, Cross, Husseman, Kohler, and Juran (7)

3269)

NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**d. RESOLUTION -
Authorizing
Keizer Heritage
Foundation to
Exhibit Thomas
Dove Keizer on a
Morgan Horse
Maquette**

City Manager Adam Brown summarized the Staff Report.

Mayor Clark noted that the Keizer Heritage Foundation was creating an exhibit around the City Founder and include the maquette.

Council President Starr moved that the Keizer City Council approve Resolution R2024 Authorizing Keizer Heritage Foundation to Exhibit Thomas Dove Keizer on a Morgan Horse Maquette. Councilor Reid seconded.

Motion passed unanimously as follows:

AYES: Clark, Reid, Starr, Cross, Husseman, Kohler, and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**e. Discussion on
whether all future
fees for service
created by the
Keizer City
Council that do
not currently exist
and are not
directly related to
a Keizer utility
would require a
public vote, by
ballot, by the
citizens of Keizer.
(Requested by
Councilor Kohler,
Councilor Cross,
and Councilor
Juran.)**

Councilor Kohler provided background on two fees that were established in 2018 to add funding to the Police Department and the Parks Division of Public Works. He noted that the intent of the Councilors making the proposal was that the current parks and police fees should remain in place. He stated that they wished that all future fees for service created by the Keizer City Council were not mandated as explained in the letter in the City Council Packet.

Mayor Clark asked if the Council would be willing to have a Work Session to discuss the topic more fully and hear new ideas.

Councilor Husseman asked how much time would be needed to gather public input and participation. Mayor Clark stated that this would be through Work Sessions.

Councilor Kohler stated that a number of people had approached him, and he felt that the topic needed to be thoroughly discussed. He felt that the proposed work session should happen as soon as possible.

Council President Starr moved the Keizer City Council refer this fee issue to a future Work Session. Councilor Reid seconded. Motion passed as follows:

AYES: Clark, Reid, Kohler, and Starr (4)

NAYS: Cross, Juran and Husseman (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

**f. RESOLUTION -
Authorizing the
City Manager to
Sign the Sale**

Public Works Director Bill Lawyer summarized the Staff Report.

Council President Starr moved that the Keizer City Council approve Resolution R2024 Authorizing the City Manager to Sign the Sale Agreement

Agreement and Receipt for Earnest Money with Verda Crossing LLC for Purchase of a Portion of Property Adjacent to Claggett Creek

and Receipt for Earnest Money with Verda Crossing LLC for Purchase of a Portion of Property Adjacent to Claggett Creek. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Starr, Cross, Husseman, Kohler, and Juran (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

Council President Starr moved for the approval of the Consent Calendar. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Starr, Cross, Husseman, Kohler, and Juran (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

- a. **Approval of January 2, 2024 Regular Session Minutes.**
- b. **Approval of January 8, 2024 Work Session Minutes.**
- c. **Approval of the January 15, 2024 Emergency Meeting Minutes.**
- d. **Approval of the January 18, 2024 City Council and Traffic Safety, Bikeways, and Pedestrian Committee Work Session Minutes.**
- e. **Approval of the January 22, 2024 Work Session Minutes.**

OTHER BUSINESS

There was no additional business to discuss.

STAFF UPDATES

City Manager Brown stated that the online utility bill pay was now a one-click button on the front page of the website. Assistant City Manager Wood is looking forward to seeing everyone at the Long Range Planning Task Force meeting.

City Attorney Lindsay reported that City Attorney Emeritus Johnson was downloading a lot of Keizer information for him, and Mr. Lindsay was very happy to be here.

City Attorney Emeritus Johnson commented on working with Mr. Lindsay for about two weeks, and thanked him for handling three very rare cases and all of his hard work.

COUNCIL MEMBER REPORTS

Councilor Cross reviewed the events that she had recently attended.

Council President Starr reminded the community that at the next meeting on February 20th, Koda, the emotional support dog for the Police Department, would be taking her Oath of Office. She shared the recent events that she had attended and noted some upcoming event highlights.

Councilor Kohler reviewed the events that he had attended and noted some upcoming events.

Councilor Husseman noted the upcoming Traffic Safety, Bikeways, and Pedestrian Committee meeting would be February 15th at 6 p.m.

Councilor Reid shared recent events that she had attended. Keizer Home Theatre would be opening soon. The Special Olympics of Oregon had its Polar Plunge last weekend and was still looking for donations, which could be made at www.plungeoregon.org. She highlighted the work of Housing and Urban Development (HUD), Salem Housing Authority, and Mid-Willamette Valley Community Action Agency by considering the whole person with people-oriented solutions rather than just providing shelter. According to the American Red Cross, there was a huge blood shortage, so she encouraged everyone to give blood.

Youth Councilor Woodard shared the activities of McNary High School. The girls wrestling team had done really well. He stated that he had reached out to the high school about recruiting some youth liaisons, and there was already interest. Upcoming would be the McNary Orchestra on February 29th.

Mayor Clark commented on the Excellence in Education, Merchants of the Year, and Presidents awards, and the First Citizen winners. She noted that based upon prior approval for being a participant of the study of a bill, Senate Bill 1572 on the extension of the Westside Express Service (WES) Commuter Rail, she would be testifying in favor of the bill. It did not commit the City to anything, except for being a participant in the conversation. Mayor Clark shared the events that she had attended and would be attending soon.

AGENDA INPUT

Monday, February 12, 2024 - 6:00 p.m.
Long Range Planning Task Force

Tuesday, February 20, 2024 - 7:00 p.m.
City Council Regular Session

Monday, February 26, 2024 - 6:00 p.m.
Long Range Planning Task Force

Monday, March 4, 2024 - 7:00 p.m.
City Council Regular Session

Monday March 11, 2024 - 6:00 p.m.
Joint City Council and Community Diversity Engagement Committee Meeting

ADJOURNMENT Mayor Clark adjourned the meeting at 10:18 p.m.

MAYOR:APPROVED:

Cathy ClarkDawn Wilson, Deputy City Recorder

Minutes approved: _____

“Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury.”