

AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION
Monday, December 16, 2019
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**

a. Salem and Keizer for Refugees Presentation

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**

a. Fraternal Order of Eagles Liquor License Application

8. **ADMINISTRATIVE ACTION**

a. **RESOLUTION** – Dissolving the Festivals Advisory Board (FAB); Repealing R2011-2155 and R2015-2551

b. **ORDINANCE** – Amending Keizer Development Code Regarding Section 2.403 (Shared Housing Facilities) Amending Ordinance 98-389

9. CONSENT CALENDAR

- a. RESOLUTION – Approval of Field Usage Rates for the 2020 Season at Keizer Little League City Park
- b. RESOLUTION – Appointing Municipal Court Judge Pro Tem
- c. Approval of December 2, 2019 City Council 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

January 6, 2020

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

January 13, 2020

6:00 p.m. – City Council Work Session

- City Council Goal Review/Progress Report

January 21, 2020 (Tuesday)

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

14. ADJOURNMENT

The City of Keizer is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). The Keizer Civic Center is wheelchair accessible. If you require any service that furthers inclusivity to participate, please contact the Office of the City Recorder at least 48 business hours prior to the meeting by email at davist@keizer.org or phone at (503)390-3700 or (503)856-3412. Most regular City Council meetings are streamed live through the City's website and cable-cast on Comcast Channel 23 within the Keizer City limits. Thank you for your interest in the City of Keizer.

COUNCIL MEETING: December 16, 2019

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

FROM: CHRIS EPPLEY
CITY MANAGER

THROUGH: TRACY L. DAVIS, MMC
CITY RECORDER/COMMUNITY CENTER MANAGER

SUBJECT: SALEM AND KEIZER FOR REFUGEES

ISSUE:

Matthew Westerbeck, Project Manager for Refugee Services of Catholic Charities of Oregon will be attending the City Council meeting to do a short presentation on Salem and Keizer for Refugees.

CITY COUNCIL MEETING: December 16, 2019

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS C. EPPLEY
CITY MANAGER**

**FROM: TRACY L. DAVIS, MMC
CITY RECORDER**

**SUBJECT: WILLAMETTE AERIE NO 2081 FRATERNAL ORDER OF EAGLES –
LIQUOR LICENSE APPLICATION**

BACKGROUND:

On November 22, 2019 the City received an application for a new liquor license for Willamette Aerie No 2081 Fraternal Order of Eagles located at 4090 Cherry Avenue NE, Keizer, Oregon. The application is for a full on-premises sales – Non Profit Private Club license. As required by Keizer Ordinance a public hearing was scheduled; notice was published and mailed to all property owners within 200 feet of the proposed establishment. The Keizer Police Department completed a background check on the applicant and found no reason to recommend denial of the application. In addition, the Keizer Community Development Department finds the location of the establishment to be properly zoned and has no additional comment on the application.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicants or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council recommend approval of the application for Willamette Aerie No 2081 Fraternal Order of Eagles under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission for final approval.



LIQUOR LICENSE APPLICATION

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received and/or date stamp:
<input type="checkbox"/> Brewery 2 nd Location	Name of City or County:
<input type="checkbox"/> Brewery 3 rd Location	Recommends this license be:
<input type="checkbox"/> Brewery-Public House 1 st location	<input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Brewery-Public House 2 nd location	By: _____
<input type="checkbox"/> Brewery-Public House 3 rd location	Date: _____
<input type="checkbox"/> Distillery	
<input type="checkbox"/> Full On-Premises, Commercial	
<input type="checkbox"/> Full On-Premises, Caterer	
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input checked="" type="checkbox"/> Full On-Premises, Nonprofit Private Club	
<input type="checkbox"/> Grower Sales Privilege 1 st location	
<input type="checkbox"/> Grower Sales Privilege 2 nd location	
<input type="checkbox"/> Grower Sales Privilege 3 rd location	
<input type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Off-Premises with Fuel Pumps	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
<input type="checkbox"/> Winery 2 nd Location	
<input type="checkbox"/> Winery 3 rd Location	

OLCC USE ONLY
Date application received: 11-21-19
By: <u>Onwick</u>
License Action(s): OLCC (NEW LICENSE)

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

<u>Willamette Aerie NO 2081, Fraternal Order of Eagles</u> (Applicant #1)	<u>Applicant #2</u>	<u>Applicant #3</u>	<u>Applicant #4</u>

RECEIVED
OREGON LIQUOR CONTROL COMMISSION
OCT 21 2019

3. Trade Name of the Business (Name Customers Will See)		SALEM REGIONAL OFFICE
<u>Willamette Aerie NO 2081</u>		
4. Business Address (Number and Street Address of the Location that will have the liquor license)		
<u>4090 Cherry Ave NE</u>		
City	County	Zip Code
<u>Keizer</u>	<u>Marion</u>	<u>97303</u>



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Willamette Aerie #2081 Internal order of Eagles Phone: 503-363-3212
Trade Name (dba): Willamette Aerie NO2081
Business Location Address: 4090 Cherry Ave NE
City: Keizer Oregon ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 8 Am to 2:30 Am
Monday 8 Am to 2:30 Am
Tuesday 8 Am to 2:30 Am
Wednesday 8 Am to 2:30 Am
Thursday 8 Am to 2:30 Am
Friday 8 Am to 2:30 Am
Saturday 8 Am to 2:30 Am

Outdoor Area Hours:

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

The outdoor area is used for:

☐ Food service Hours: _____ to _____
☐ Alcohol service Hours: _____ to _____
☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Live Music | <input checked="" type="checkbox"/> Karaoke |
| <input checked="" type="checkbox"/> Recorded Music | <input type="checkbox"/> Coin-operated Games |
| <input checked="" type="checkbox"/> DJ Music | <input checked="" type="checkbox"/> Video Lottery Machines |
| <input checked="" type="checkbox"/> Dancing | <input checked="" type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input checked="" type="checkbox"/> Pool Tables |
| | <input type="checkbox"/> Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday 6pm to 2:30 Am
Monday _____ to _____
Tuesday _____ to _____
Wednesday 6pm to 2:30 Am
Thursday 6pm to 2:30 Am
Friday 6pm to 2:30 Am
Saturday 6pm to 2:30 Am

SEATING COUNT

Restaurant: 30 ✓ Outdoor: _____
Lounge: 100 ✓ Other (explain): Lottery A ✓
Banquet: 100 ✓ Total Seating: 240 ✓

OLCC USE ONLY

Investigator Verified Seating: ____ (Y) ____ (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 10-9-19

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION
FLOOR PLAN

- Your floor plan must be submitted on this form.
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.

Restaurant - Basement

Willamette Aerie No 2081, Inc. (Handwritten)

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)

Applicant Name

Trade Name (dba):

Keizer

97303

City and ZIP Code

Date:

Initials:

1-800-452-OLCC (6522)

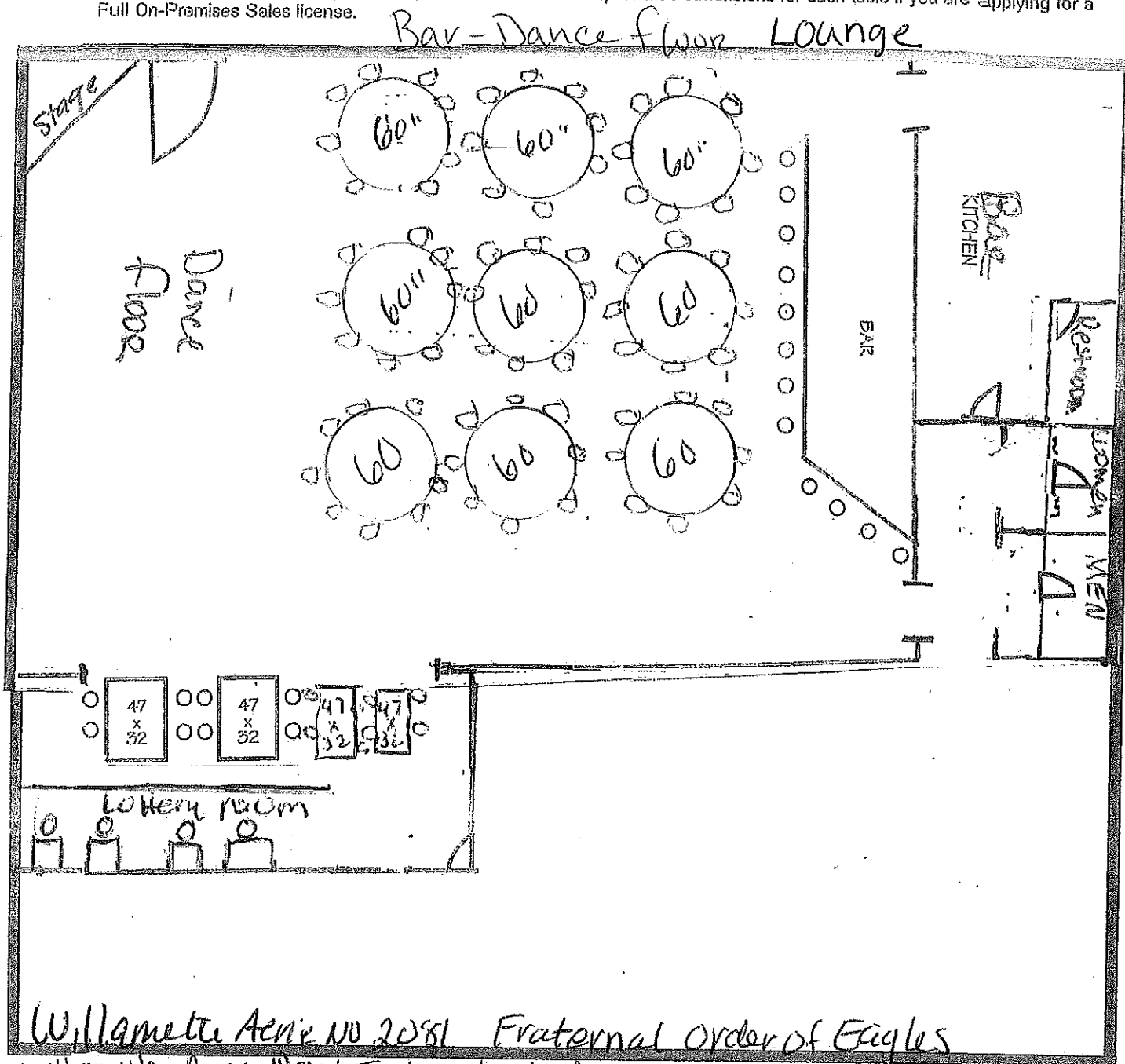
www.oregon.gov/olcc

(rev. 09/12)



OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

- Your floor plan must be submitted on this form.
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



Willamette Aerie NO 2081 Fraternal Order of Eagles
Willamette Aerie NO 2081 Fraternal Order of Eagles

Applicant Name

Willamette Aerie NO 2081

Trade Name (dba):

Keizer 97303

City and ZIP Code

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)

Date:

Initials:

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 09/12)



OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

9

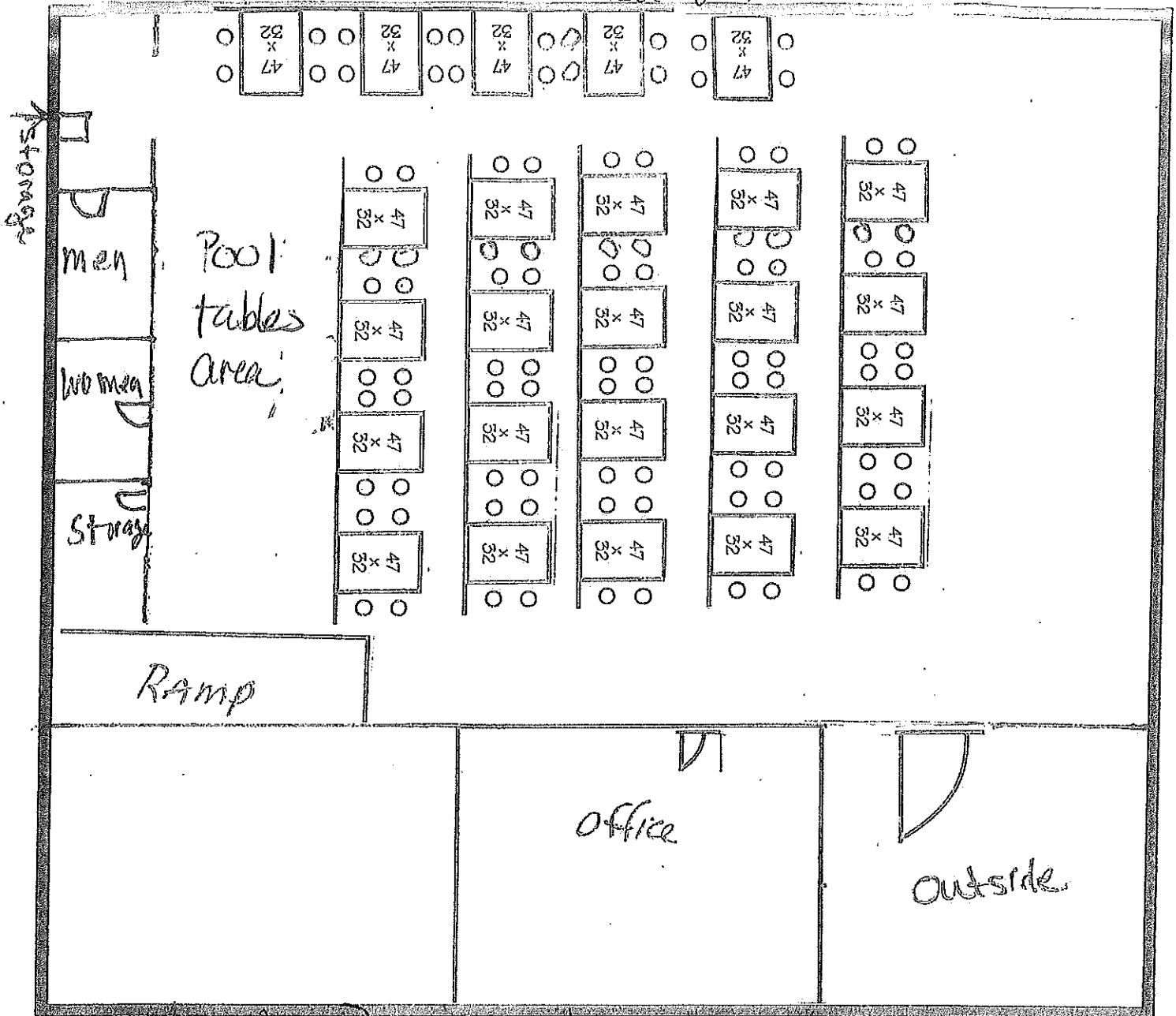
Your floor plan must be submitted on this form.

Use a separate Floor Plan Form for each level or floor of the building.

The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)

Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.

Lower Banquet



Applicant Name

Willamette Aerie No 2081

Trade Name (dba):

Kenzer 97303

City and ZIP Code

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)

Date: Initials:

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 09/12)

CITY COUNCIL MEETING: December 16, 2019**AGENDA ITEM NUMBER: _____**

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: RESOLUTION DISSOLVING THE FESTIVALS ADVISORY BOARD)

Councilors Smith and Reid are members of the Festivals Advisory Board. At the recent Festivals Advisory Board, the Chair inquired as to the purpose of the Board because the meetings are short. Councilor Smith, Councilor Reid, Councilor Freeman and Councilor Parsons desire to dissolve the Festivals Advisory Board as it is no longer needed; the two remaining duties of the board can be performed by staff and the Parks Board.

It is recommended by the above Councilors that the Parks Board work with the City sponsored concert/live theatre/movie amphitheatre management contractor to select bands for the summer concert series that the community can enjoy and be proud of. It is also recommended by the Councilors that the City Recorder's department work with the Chamber of Commerce on the yearly calendar. A proposed Resolution dissolving the Festivals Advisory Board is attached for consideration.

RECOMMENDATION:

Adopt the attached Resolution Dissolving the Festivals Advisory Board; Repealing Resolutions R2011-2155 and R2015-2551.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2019-_____

**DISSOLVING THE FESTIVALS ADVISORY BOARD (FAB);
REPEALING RESOLUTIONS R2011-2155 AND R2015-2551**

WHEREAS, the City Council formed the Keizer Festivals and Events Services Team (K-Fest) Committee by Resolution R2011-2155;

WHEREAS, the Keizer Festivals and Events Services Team (K-Fest) Committee requested a revision to its name;

WHEREAS, the City Council changed the name of the Keizer Festivals and Events Services Team (K-Fest) Committee to the Festivals Advisory Board (FAB) by Resolution R2015-2551;

WHEREAS, the Council has considered the matter and wishes to dissolve the Festivals Advisory Board (FAB);

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Festivals Advisory Board (FAB) is hereby dissolved.

BE IT FURTHER RESOLVED by the City Council that Resolutions R2011-2155 and R2015-2551 are hereby repealed in its entirety.

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

3 PASSED this _____ day of _____, 2019.

4

5 SIGNED this _____ day of _____, 2019.

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Mayor

City Recorder

CITY COUNCIL MEETING: December 16, 2019

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: ORDINANCE AMENDING KEIZER DEVELOPMENT CODE

At the December 2, 2019 Council meeting, Council directed staff to prepare an Ordinance approving the Keizer Development Code text changes to revise the Code relating to the Shared Housing Facilities. Such Ordinance is attached for your review.

RECOMMENDATION:

Adopt the attached Ordinance.

Please let me know if you have any questions. Thank you.

ESJ/tmh

1 A BILL ORDINANCE NO.
2 2019-_____
3 FOR

4
5 AN ORDINANCE

6 AMENDING KEIZER DEVELOPMENT CODE REGARDING
7 SECTION 2.403 (SHARED HOUSING FACILITIES); **AMENDING**
8 **ORDINANCE 98-389**
9

10 WHEREAS, the Keizer Planning Commission has recommended to the Keizer
11 City Council amendments to the Keizer Development Code (Ordinance No. 98-389);
12 and

13 WHEREAS, the City Council held a hearing on this matter on December 2,
14 2019 and considered the testimony given and the recommendation of the Keizer
15 Planning Commission; and

16 WHEREAS, the Keizer City Council has determined that it is necessary and
17 appropriate to amend the Keizer Development Code as set forth herein; and

18 WHEREAS, the Keizer City Council has determined that such amendments
19 meet the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer
20 Development Code;

21 NOW, THEREFORE,

22 The City of Keizer ordains as follows:

23 Section 1. FINDINGS. The City of Keizer adopts the Findings set forth in
24 Exhibit "A" attached hereto and by this reference incorporated herein.

1 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE.

2 The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the
3 adoption of the changes to Section 2.403 (Shared Housing Facilities) as set forth in
4 Exhibit "B" attached hereto, and by this reference incorporated herein.

5 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
6 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional,
7 or is denied acknowledgment by any court or board of competent jurisdiction,
8 including, but not limited to the Land Use Board of Appeals, the Land Conservation
9 and Development Commission and the Department of Land Conservation and
10 Development, then such portion shall be deemed a separate, distinct, and independent
11 provision and such holding shall not affect the validity of the remaining portions
12 hereof.

13 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
14 days after its passage.

15 PASSED this _____ day of _____, 2019.

16 SIGNED this _____ day of _____, 2019.

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Mayor

City Recorder

EXHIBIT “A”

Findings regarding the adoption of amendments to Section 2.403(Shared Housing Facilities) of the Keizer Development Code (KDC)

The City of Keizer finds that:

1. General Findings.
The particulars of this case are found within Planning file Text Amendment 2019-22. A public hearing was held before the Planning Commission on November 13, 2019 and before the City Council on December 2, 2019.
2. Criteria for approval are found in Section 3.111.04 of the Keizer Development Code. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the criteria are met. Amendments to the map shall be reviewed for compliance with each of the criteria contained in Section 3.111.04, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment, Section 3.111.04 A is not applicable.
3. **Section 3.111.04.B - A demonstrated need exists for the product of the proposed amendment -**

Findings: The proposed revisions to the Keizer Development Code (KDC) reflect a demonstrated need. The existing language in the KDC was in conflict with changes to state legislation outlined in House Bill 2001 regarding owner occupancy and parking requirements for an Accessory Dwelling Unit (ADU). In addition, through administration of the existing standards, it had become apparent there was a need to differentiate between an attached ADU and duplex for administration of development standards. These amendments clarify the design requirements and provide changes to the KDC for consistency with HB 2001. Therefore, this proposal complies with this review criterion.

4. **Section 3.111.04.C- The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules**

FINDINGS: The text amendments comply with the statewide land use planning goals as discussed below.

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice, a public process involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizertimes newspaper. Public hearings were held before the Planning Commission on November 13, 2019 and before the City Council on December 2, 2019. Citizens were afforded the opportunity to participate in the public process, and both oral and written testimony was received. This process is consistent with the provision for providing an

opportunity for citizens to be involved in all phases of this planning process as is required by this goal and with implementing administrative rules within Oregon Administrative Rules.

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code. The city has an adopted comprehensive plan acknowledged by the state. The adoption proceeding was conducted in a manner consistent with the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. The revisions to the Keizer Development Code are consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) allow commercial agricultural uses. However, only the city's SA zone is a state recognized EFU qualifying zone. The amendments involve regulations affecting ADUs placed on lands zoned for residential uses. These changes will not affect lands that are outside the city limits or any lawful uses occurring on those lands. Nothing in the amendments will affect the ability for an existing farm use to continue, or for a new farm use to be established on appropriately zoned property. Therefore, the amendments will comply with the Farm Land Goal and with implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands designated for commercial forest uses. There are no zoning districts specifically designated within the city limits that will allow for commercial forestry. Also, there are no commercial forest lands near, or adjacent to the city limits of Keizer. The amendments to the KDC do not involve any land which is designated as forest land, nor will it impact the use of any forest lands. The amendments will comply with this Goal and with implementing administrative rules.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces: The intent of the Natural Resources Goal is to protect various natural resources and conserve scenic and historic areas and open spaces. The city has a local wetland inventory of sites where wetland soils may be present. The city has an adopted Willamette River Greenway Overlay zone to protect resources along the Willamette River. There are no identified big game habitats within the city limits of Keizer. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. In addition, the City has storm water regulations to protect water quality of the local water ways. These changes will not affect or preclude any of the city's natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. Therefore, the amendments will be consistent with this goal and with administrative rules which implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city’s air, water and land qualities. The city provides its residents with city water from groundwater sources. The quality of the water is monitored to ensure that it complies with all state and federal water quality standards. New construction is required to be connected to the established sanitary sewer system thereby reducing the potential of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are to maintain water quality in the Willamette River and local streams. Land quality is preserved through the city’s erosion control regulations and through zone code development regulations. Air quality is preserved through the city’s development code regulations which limit certain types of uses and are enforced by appropriate state agencies which govern air emission standards. The revisions will have no effect on Air, Water and Land Quality and therefore will comply with this goal and with the administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains within the city limits. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. While there are some steep slopes in the northwest quadrant of the city, there are no mapped areas of steep slopes in Keizer that might warrant any special engineering. The text amendments will neither impact this goal nor any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. The city has an adopted Parks and Recreation Master Plan that inventories parks, playgrounds, and recreational opportunities within the city limits and plans for the city’s future park and recreation needs. The amendments will have no impact on the recreational activities that occur on any park land within the city and will not impact either this goal or any administrative rules that implement it.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The City has an adopted Economic Opportunities Analysis which addresses projected job needs based on both regional growth patterns and desired targeted industries. The growth forecast calls for a total of 3,774 new jobs over the planning period. The adopted Economic Opportunities Analysis identifies a net need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the City’s remaining buildable employment lands can accommodate. The text amendment will not have any adverse impact on the economic development

activities or uses within the city. Therefore, the changes are consistent with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The adopted Buildable Lands Inventory and Housing Needs Analysis referenced in the City’s acknowledged Comprehensive Plan identifies a need of 267 gross acres of residential land to accommodate projected population growth. The City was awarded a Technical Assistance Grant from the Department of Land Conservation and Development to update its Buildable Lands Inventory and Housing Needs Analysis, which was completed in June of 2019. According to the updated study, there is an approximate deficit of 479 gross acres of land needed to accommodate the City’s projected population growth through 2039. However, the new study cannot be formally adopted due to the identified deficits in land supply, coupled with the fact that Keizer is within a shared Urban Growth Boundary. The City has identified strategies to accommodate additional growth and is actively implementing efficiency measures to ensure the existing land supply is being utilized effectively. The proposed amendments remove barriers to siting ADU’s on individual lots, which will provide additional housing options to accommodate the City’s projected growth based needs. Therefore this proposal is consistent with this goal.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, an established street system, administrative services and police services. Sanitary sewer service is provided by the city of Salem through an intergovernmental agreement. Fire protection services are provided by the Keizer Fire District or Marion County Fire District #1. There is sufficient capacity in the municipal water delivery system and also within the sanitary sewer treatment system to accommodate planned growth within the upcoming 20 year planning period. The text amendments will not impact any of the city’s public facilities and services directly, and it is anticipated that development of an ADU will simply utilize the existing services to the primary dwelling on each individual lot. Therefore, the revisions will comply with this goal and all administrative rules.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city’s transportation systems. This system includes streets, transit, bike, and pedestrian systems. It inventories the existing systems and contains plans for improving these systems. The text amendment will not affect any transportation facility within the city limits and so is consistent with Section 3.111.05 regarding Transportation Planning Rule compliance. The text amendment will have no adverse impact on the city’s transportation systems and so will not affect this goal or any implementing rules.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable

energy conservation standards. The text amendments will have no impact on this goal or any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The text amendments will affect only land that is within the city limits and will not impact the use of any land being transitioned from rural to urbanized uses and is therefore consistent with this goal.

Goal 15 – Willamette River: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. The revisions to the city’s development code will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable.

In consideration of the above findings, the revisions comply with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**
 - a. It corrects identified error(s) in the previous plan.
 - b. It represents a logical implementation of the plan.
 - c. It is mandated by changes in federal, state, or local law.
 - d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The text amendments will revise Section 2.403(Shared Housing Facilities) as mandated by state law (HB 2001). The changes to Section 2.403 will clarify the difference between an attached ADU and a duplex, and will also eliminate owner occupancy and off-street parking requirements to be consistent with HB 2001. These changes will remove barriers to accommodating additional housing options within residential zones. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the changes comply with this criterion.

2.403 SHARED HOUSING FACILITIES

In zones permitting single family dwellings, an Accessory Dwelling Unit (ADU) may be allowed subject to the standards in this section. An ADU may be a detached building, in a portion of a detached accessory building (e.g. part of/above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g. an addition or conversion of an existing floor). (1/19)

2.403.01 Attached Accessory Dwelling Unit (1/19)

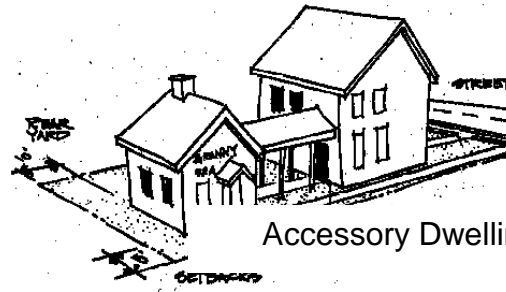
Where permitted as a special use, attached Accessory Dwelling Units shall meet the following use and development standards. (1/19)

- A. Orientation and Access. A structure with an attached ADU shall not have more than one front entry facing the same direction. Entries on different building frontages, or shared entries shall be required. Only one attached garage and driveway is allowed for a property containing an attached ADU. (1/19)
- B. Dwelling Units. The building must contain not more than two dwelling units and there must be not more than 1 total ADU per lot. ADUs are not included in minimum or maximum density calculations. (1/19)
- C. Area Requirements. Square footage of the attached ADU is limited to 40% of the total dwelling square footage excluding garage or accessory structure. The attached ADU ~~One dwelling unit~~ must contain at least 300 square feet of floor area and the primary dwelling ~~other~~ must contain at least 600 square feet of floor area. ~~Area requirements do not apply to the conversion of an entire level or floor.~~ (1/19)
- ~~D. Occupancy. At least one owner of the property must reside in either the principal residence or the ADU.~~ (1/19)
- DE. Ownership. An attached ADU under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)
- E. Design. The building must be residential in character and must incorporate a minimum of 3 design features for single family dwellings found in Section 2.314.A. A separate address shall be required for each residence.

2.403.02 Detached Accessory Dwelling Unit (1/19)

Where permitted as a special use, a detached Accessory Dwelling Unit shall meet the following use and development standards. (1/19)

- A. Location. Except as allowed below, the detached ADU shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of 5 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. (1/19)



- B. A detached ADU may be located in the front yard only if approved through an alternative design review process as specified in Section 3.101.01. If located in the front yard, the applicant must show that the design of the ADU will be compatible with the surrounding neighborhood and adjoining properties through architectural features, landscaping and orientation, as well as meeting the requirements set forth below. (1/19)
- C. Parking. No additional off-street parking is required. If provided, the following standards apply except as set forth below:
- ~~1. One off-street parking space is required if there is no adjacent on-street parking allowed. (1/19)~~
 - 2.1. If required, the aAdditional off-street parking space(s) must be provided within or adjacent to an existing driveway. Modification to any existing driveway approach will require public works approval. The width of the existing driveway approach cannot be increased in excess of the public works standard. (1/19)
 - 3.2. No separate driveway is permitted, unless allowed by the Public Works Director. (1/19)
- D. Design. The detached ADU must be residential in character and must incorporate a minimum of 3 design features for single family dwellings found in Section 2.314.A. A separate address shall be required for each residence. (1/19)
- E. Area. The detached ADU shall be no larger than 750 square feet in total area. (1/19)
- F. Setbacks and Height. The minimum rear yard setback shall be 5 feet for a 1 story structure and 10 feet for a 2 story structure, unless located on an alley in which case the setback shall be 1 foot; the minimum side yard setback shall be 5 feet. The maximum height shall be 25 feet, and in no case may the detached ADU be taller than the primary home. (1/19)

~~G. Occupancy. At least one owner of the property must reside in either the principal residence or the ADU. (1/19)~~

~~H.G.~~ Ownership. A detached ADU under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)

~~I.H.~~ Dwelling Units. The lot or property shall contain no more than 1 total ADU. ADUs are not included in minimum or maximum density calculations. (1/19)

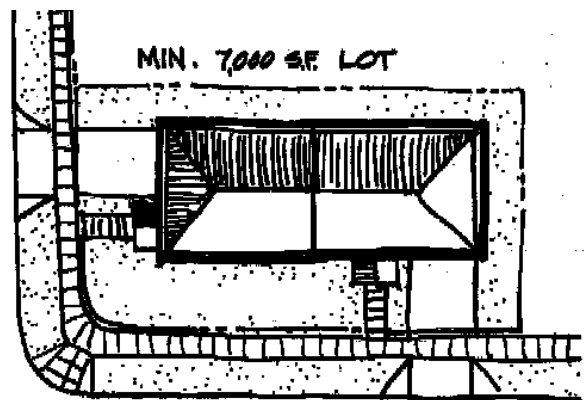
~~J.I.~~ Building Conversion. Conversion of an existing accessory structure to a detached ADU shall be allowed, subject to the following standards. (1/19)

1. If the existing building is setback less than 3 feet from an adjacent property line, a maintenance easement agreement must be obtained prior to conversion to allow for ongoing access and maintenance of the structure. (1/19)
2. Conversion of an existing legal non-conforming accessory structure to a detached ADU is allowed, provided the conversion does not increase the non-conformity. (1/19)
3. The area of the detached ADU is limited to a maximum of 750 square feet regardless of the total area of the existing structure. Any additional square footage may not be accessible from the interior of the ADU, and may only be used as an accessory structure use for non-dwelling purposes. (1/19)

2.403.03 Duplex on a Corner Lot

Where permitted as a special use, a duplex on a corner lot shall meet the following additional use and development standards. (5/98)

- A. Lot Area. The corner lot shall contain at least 7,000 square feet. (5/98)
- B. Access. Each dwelling unit shall derive its pedestrian and vehicular access from a different street, unless otherwise required by the City Public Works Director. (5/98)



Duplex

CITY COUNCIL MEETING: December 16, 2019

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: APPROVAL OF FIELD USAGE RATES FOR THE 2019
SEASON AT KEIZER LITTLE LEAGUE CITY PARK**

Keizer Little League and the City of Keizer entered into a Park Management Agreement effective November 1, 2016 for the management, operation and maintenance of Keizer Little League City Park. Pursuant to Section 3(B), all field usage rates shall be approved by the City Council on an annual basis. Keizer Little League does not request any changes for the 2020 season.

RECOMMENDATION:

Adopt the attached Resolution Approval of Field Usage Rates for the 2020 Season at Keizer Little League City Park.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2019-_____

APPROVAL OF FIELD USAGE RATES FOR
THE 2020 SEASON AT KEIZER LITTLE
LEAGUE CITY PARK

WHEREAS, the City of Keizer owns real property and improvements located at 5245 Ridge Drive, Keizer, Marion County known as Keizer Little League City Park (hereinafter "Park");

WHEREAS, Keizer Little League and the City of Keizer entered into a Park Management Agreement effective November 1, 2016 for the management, operation and maintenance of the Park;

WHEREAS, pursuant to Section 3(B) of the Park Management Agreement, the Council is to approve the field usage rates on an annual basis;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the field usage rates for the 2020 season at Keizer Little League City Park incorporated in the 2020 Outside Use Facility Reservation Policy, a copy of which is attached hereto, is hereby approved.

///

///

1

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

4 PASSED this _____ day of _____, 2019.

5

6 SIGNED this _____ day of _____, 2019.

7

8

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Mayor

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12

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City Recorder

2020 Outside Use Facility Reservation Policy Keizer Little League Park

Keizer Little League, Inc. has been designated by the City of Keizer as the Manager of Keizer Little League Park. Keizer Little League manages all facets of the facility including the allocation of all field space. “Manager” means Keizer Little League. All games and organized practices at Keizer Little League Park by participants of any organization or team **require** a confirmed field use slot **prior** to use.

Field use slot requests fall under various allocation processes, depending on the dates requested and when the request and all required supporting requirements are provided.

Initial Allocation of Field Use Slots for Use between 3/1/20 to 8/30/20 (Requested 3/1/20 or earlier)

1. A request for specific field use slots must be received by **3/1/20** to be considered in the initial allocation of field use slots for this period. The request should specify the number of slots being requested for each field and the range of dates the field use is desired. More specific requests (specific dates and times) will be considered but not guaranteed.
2. A deposit of 50% of the amount due for the requested field use slots must accompany the request.
3. Proof of General Liability Insurance in the amount of at least \$1 million for the period of anticipated use and listing Keizer Little League and the City of Keizer as additional insureds must be received along with the initial request for field slots.
4. Intended and actual use of individual fields must be in accordance with the designated use of the specific field unless specifically authorized in advance by Manager (i.e. softball use only on fields 2, 4 and 10).
5. Initial field use slot allocation will be determined after consideration of tournaments and then allocated equitably. Allocation will be determined using each of the following criteria : 1) the overall capacity of the facility for the type and size of field(s) requested, 2) the range of dates selected, 3) the number of verified Keizer based participants in your organization specific to each individual field use request in comparison to the number of verified Keizer based participants of other organizations requesting the same field usage including Keizer Little League participants, and 4) youth participant organizations will take precedence over adult participant organizations. Manager may schedule up to three (3) tournaments for each level of play between April 1 and June 30 that will take precedence over all initial field use slot allocations.
6. Every effort will be made to accommodate all initial field use slot requests subject to the facility’s overall capacity. At the discretion of Manager, fields comparable to the fields requested may alternatively be scheduled or alternative dates/times may be provided to accommodate the overall scheduling of the facility.
7. Confirmed initial field slots including the specific field, date and time will be provided by **3/21/20** along with notice of the balance due for the confirmed scheduled field use slots. The balance due must be received by **4/3/20** to maintain the reserved field use slots.

8. Unless formally withdrawn **at least 30 days prior** to the scheduled use, slots are considered “used” and the full rental fee considered “earned”, whether or not each field slot is actually used. There are no exceptions other than when Manager unilaterally cancels the opportunity for field use as outlined below in the “Cancellation of Field Use Activity” section of this Policy. Field use requests withdrawn at least 30 days prior will be entitled to a full refund less 10% of the rental expense for the requested field use slots to compensate for rebooking efforts and administrative expenses.

**Supplemental Allocation of Field Use Slots for Use between 3/1/20 to 8/30/20
(Requested After 3/1/20)**

1. Requests for field slots received **after 3/1/20, or** that do not include the required amount of deposit by 3/1/20 will be deemed a “supplemental field slot request” and considered strictly on the criteria noted in paragraph #5 below as of the date the request is received. Supplemental field slot requests are not guaranteed to be filled.
2. A deposit of 50% of the amount due for the requested field use slots must accompany the request.
3. Proof of General Liability Insurance in the amount of at least \$1 million for the period of anticipated use and listing Keizer Little League and the City of Keizer as additional insureds must be received, if not already provided as part of an initial field slot allocation request.
4. Intended and actual use of individual fields must be in accordance with the designated use of the specific field (i.e. softball use only on fields 2, 4 and 10) unless specifically authorized in advance by Manager.
5. Supplemental field use slot allocation will be determined solely on the basis of each of the following criteria: 1) the overall capacity of the facility for the type and size of fields requested, 2) the dates requested, 3) date which request and all supporting materials are received with priority given to earlier requests, and 4) remaining availability for the type and size of field(s) requested.
6. Fields comparable to the fields requested may be scheduled at the discretion of Manager as an alternative to accommodate the overall scheduling of the facility.
7. Confirmed initial field slots including the specific field, date and time will be provided within 10 days of the request along with notice of the balance due for the scheduled field use.
8. Payment for the balance due of the confirmed field slots fees must be received prior to the date of the first scheduled use to maintain the reserved field use slots.
9. Unless formally withdrawn **at least 30 days prior** to the scheduled use, slots are considered “used” and the rental fee “earned”, whether or not each field slot is actually used. There are no exceptions other than when Manager unilaterally cancels the opportunity for field use as outlined below in the “Cancellation of Field Use Activity” section of this Policy.

Allocation of Field Use Slots for Use between 8/31/20 to 12/31/20

1. A request for specific field use slots must be received by **8/7/20** to be considered in the initial allocation of field use slots for this period. The request should specify the number of slots being requested for each field and the range of dates the field use is

desired. More specific requests (specific dates and times) will be considered but not guaranteed. Requests received after 8/7/20 and/or that do not include the required deposit will be considered only after the initial allocation of field use slots is completed and are not guaranteed to be filled.

2. A deposit of 50% of the amount due for the requested field use slots must accompany the request.
3. Proof of General Liability Insurance in the amount of at least \$1 million for the period of anticipated use and listing Keizer Little League and the City of Keizer as additional insureds must be received along with the initial request for field slots.
4. Intended and actual use of individual fields must be in accordance with the designated use of the specific field unless specifically authorized in advance by Manager (i.e. softball use only on fields 2, 4 and 10).
5. Initial field use slot allocation will be determined after consideration of tournaments. Allocation will be determined using each of the following criteria: 1) the overall capacity of the facility for the type and size of field(s) requested, 2) the range of dates selected, 3) the number of verified Keizer based participants in your organization specific to each individual field use request in comparison to the number of verified Keizer based participants of other organizations requesting the same field usage including Keizer Little League participants, and 4) youth participant organizations will take precedence over adult participant organizations.
6. Every effort will be made to accommodate all field use slot requests subject to the facility's overall capacity. At the discretion of Manager, fields comparable to the fields requested may alternatively be scheduled or alternative dates/times may be provided to accommodate the overall scheduling of the facility.
7. Confirmed initial field slots including the specific field, date and time will provided by **8/21/20** along with notice of the balance due for the confirmed scheduled field use slots. The balance due must be received by **8/31/20** to maintain the reserved field use slots.
8. Unless formally withdrawn **at least 30 days prior** to the scheduled use, slots are considered "used" and the full rental fee considered "earned", whether or not each field slot is actually used. There are no exceptions other than when Manager unilaterally cancels the opportunity for field use as outlined below in the "Cancellation of Field Use Activity" section of this Policy. Field use requests withdrawn at least 30 days prior will be entitled to a full refund less 10% of the rental expense for the requested field use slots to compensate for rebooking efforts and administrative expenses.

Field Usage Rates (all seasons)

Fields 9, 11, and 12 \$30

Rates are per field, per slot and for a 120 minute period.

Fields 1, 2, 3, 4, 5, 7, 8, and 10 \$40

Rates are per field, per slot and for a 150 minute period.

Field 6 (without any use of field lights) \$50

Field 6 (with use of lights) \$135

Rates are per field, per slot and for a 135 minute period.

Field usage rates take into account the exclusive use of the field for the designated period, the amount of wear and tear and the materials and resources needed to accommodate desired use. Rates apply to all games or practices except practices conducted prior to 3/28/20 which are at no charge.

What is Included with Field Usage?

Field use pricing includes: undivided access to the reserved field for the time allotted and access to bathroom facilities and field preparation materials including field chalk (for games only), rakes and brooms. All items should be returned and secured following each use.

Field use pricing does NOT include: oversight or umpiring of the activity, playing equipment including balls, pre game or post game field preparation or clean-up of the dugouts and bleachers.

To assure a quality experience for all, please be courteous to teams using the field following your scheduled use by only occupying the field for your designated time and leaving the dugouts and bleachers in the appropriate condition. Failure to leave the bleachers and dugouts in the appropriate condition may result in suspension or revocation of future use of the facility. Any field preparation tools or other items such as bases, pitching rubbers or storage container locks included with the field use that are not returned or are broken will be billed for replacement accordingly.

Cancellation of Field Use Activity

Manager reserves the right to cancel all activity on any or all fields at the facility due to adverse weather or unsafe playing conditions. Replacement field use slots will not be provided when cancellations occur however the rental fee for the field use slots cancelled solely by Manager will be credited in full to your organization. Any net credit will be paid at the conclusion of the renting organization's 2020 facility use. **It is suggested anticipated game "make up" slots are requested as part of initial or supplemental field slot requests in anticipation of "rain-outs" or poor field conditions to assure field availability.**

Facility and Field Maintenance Equipment Access

No participants of any organization may access any portions of the Fieldhouse, Concession Stand or other permanent structures (other than unlocked bathrooms) or use Manager field maintenance or preparation equipment or tools (other than those designated for specific fields) without the explicit advance permission of Manager.

Requesting a Field Use Slot

All field use slot requests should include at a minimum: 1) a signed copy of this Policy, 2) which field(s) are being requested, 3) how many slots are being requested for each field, 4) what specific activity will be conducted (include sport and level) and 5) what date or date range is requested. Initial field slot requests should also include sufficient information to satisfy the field use allocation requirements under #5 of the Initial Field Use Slot section.

Inquiries or requests for field use slot can be emailed to: _____.
However, field use slot requests will not be considered as “received” for purposes of this Policy until the appropriate deposit is received. Deposits and completed hard copies of this Policy should be mailed to:

Keizer Little League, Inc.
PO Box 20572
Keizer, OR 97307

I acknowledge receipt of this Policy (5 pages), and that I have reviewed, understand and agree to abide by its terms on behalf of the organization noted below that I represent. I further acknowledge as a condition to use, that repeated failure to follow the terms of this Policy will cause forfeiture of our organization's rights to field use for the rest of the 2020 season.

Requesting Organization

Responsible Party for Requesting Organization _____

Title of Responsible Party in Organization _____

Date Signed _____

CITY COUNCIL MEETING: December 16, 2019**AGENDA ITEM NUMBER:_____**

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: APPOINTING MUNICIPAL COURT JUDGE PRO TEM

The City Charter and Ordinance establishing the Municipal Court provide for Municipal Court Judge Pro Tems in the event that the Presiding Municipal Court Judge cannot fulfill his duties for any reason. The Presiding Municipal Court Judge makes recommendations to the Keizer City Council and the City Council makes the appointments.

There are no Municipal Court Judge Pro Tems remaining that have been appointed by the Council. Occasionally, both the Presiding Municipal Court Judge and an appointed Municipal Court Judge Pro Tem is unavailable at the same time. Therefore, it is appropriate that for two Municipal Court Judge Pro Tems be appointed.

I have attached resumes from Steven A. Todd and Patrick J. Mercurio. As required under the City Charter and Ordinance, Municipal Court Judge A. Carl Myers is recommending that both Steven A. Todd and Patrick J. Mercurio be appointed as Municipal Court Judge Pro Tems.

RECOMMENDATION:

Adopt the attached Resolution appointing Municipal Court Judge Pro Tems.

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

ESJ/tmh

STEVEN A. TODD
CIRCUIT COURT JUDGE PRO TEM
MULTNOMAH COUNTY COURTHOUSE

EMPLOYMENT

MULTNOMAH COUNTY CIRCUIT COURT

Circuit Court Judge Pro Tem

December 1997 to present

Hon. Stephen K. Bushong, Presiding Judge

MULTNOMAH COUNTY DISTRICT ATTORNEY

Deputy District Attorney

September 1987 to December 1997

Michael D. Schrunk, District Attorney

COLUMBIA COUNTY DISTRICT ATTORNEY

Deputy District Attorney

August 1983 to September 1987

Martin A. Sells, District Attorney

MULTNOMAH COUNTY CIRCUIT COURT

Judicial Clerk

December 1982 to August 1983

Hon. James R. Ellis, Circuit Court Judge

UNITED STATES DISTRICT COURT

Judicial Law Clerk

September 1981 to September 1982

Hon. Edward Leavy, U.S. Magistrate

UNITED STATES ATTORNEYS OFFICE

Law Clerk

September 1980 to May 1981

Sidney I. Lezak, United States Attorney

EDUCATION

NORTHWESTERN SCHOOL OF LAW OF LEWIS AND CLARK COLLEGE

Portland, Oregon

Juris Doctorate 1981

Cornelius Honor Society

Teaching Assistant in Legal Research & Writing

NORTHWESTERN UNIVERSITY

Evanston, Illinois

Bachelor of Arts in Music and Political Science 1978

Dean's List

Phi Eta Sigma Honor Society

AWARDS

OREGON STATE BAR PRESIDENTS PUBLIC SERVICE AWARD December 2008

CLE PRESENTATIONS

OREGON JUDICIAL DEPARTMENT NEW JUDGES SEMINAR
 MULTNOMAH BAR ASSOCIATION
 MULTNOMAH COUNTY CIRCUIT JUDGES
 OREGON JUSTICE OF THE PEACE ASSOCIATION

OREGON MUNICIPAL JUDGES ASSOCIATION

OREGON STATE BAR
 ALLIANCE FOR COMMUNITY TRAFFIC SAFETY
 AMERICAN PUBLIC WORKS ASSOCIATION
 BEAVERTON, PORTLAND, TIGARD PUBLIC LIBRARY
 DUNN CARNEY
 EVERGREEN SAFETY COUNCIL
 MONTANA TRAFFIC EDUCATION ASSOCIATION
 NAT. ASSOCIATION OF RESIDENTIAL PROPERTY MANAGERS
 NORTHWEST DRIVER AND TRAFFIC SAFETY CONFERENCE
 OREGON APARTMENT ASSOCIATION
 OREGON ASSOCIATION FOR COURT ADMINISTRATION
 OREGON DEPARTMENT OF TRANSPORTATION
 OREGON INSTITUTE OF TRANSPORTATION ENGINEERS
 OREGON TRAFFIC SAFETY EDUCATION ASSOCIATION
 PORTLAND STATE UNIVERSITY

Traffic, DUII, Small Claims, FED
 Traffic, FED
 Judicial Ethics, Traffic
 Traffic, Judicial Ethics, Community Courts,
 Procedural Fairness, FED, Contempt
 Traffic, Judicial Ethics, Community Courts
 Procedural Fairness, FED, Contempt
 Traffic, Criminal, FED, Small Claims, Stalking
 Traffic
 DUII
 Small Claims
 Small Claims, Traffic
 DUII
 Traffic/Driver Education
 Small Claims/FED
 Traffic/Driver Education
 FED
 Criminal Procedure
 Traffic
 Traffic
 Traffic
 Small Claims, Traffic

PROFESSIONAL ACTIVITIES

MBA CLE COMMITTEE
 MBA HIGH SCHOOL DROPOUT PREVENTION PROGRAM
 MBA "TELL IT TO THE JUDGE"
 MBA PROFESSIONALISM COMMITTEE
 OSB LEGAL LINKS TELEVISION
 OSB PUBLIC SERVICE ADVISORY COMMITTEE
 OSB TRIAL ADVOCACY COLLEGE
 CLASSROOM LAW PROJECT "We the People" state competition
 JEFFERSON HIGH SCHOOL MOCK TRIAL TEAM
 MOCK TRIAL (HS, college and law school competitions)
 MULTNOMAH COUNTY DUII VICTIMS PANEL
 MULTNOMAH COUNTY STALKING COMMITTEE
 OREGON JUSTICE OF THE PEACE ASSOCIATION
 OREGON MUNICIPAL JUDGES ASSOCIATION
 OWEN PANNER INN OF COURT

member
 speaker
 speaker
 member
 moderator
 chairperson
 judge
 judge
 coach
 judge
 moderator
 member
 honorary member
 honorary member
 member

PROFESSIONAL WRITING

OJD CRIMINAL JUDGES BENCHBOOK
 OSB TEL LAW

edited chapters on traffic, DUII
 drafted, edited scripts on legal topics

COMMUNITY ACTIVITIES

GOVERNORS HIGHWAY SAFETY ASSOCIATION
 JUDICIAL OUTREACH COMMITTEE
 METROPOLITAN YOUTH SYMPHONY
 ODOT DISTRACTED DRIVER TASK FORCE
 ODOT SPEED TASK FORCE
 VISION ZERO/PORTLAND TRAFFIC SAFETY PARTNERSHIP
 TRAUMA NURSES TALK TOUGH GDL WORKSHOPS

volunteered at national conference
 speaking to neighborhood groups
 volunteer
 statewide group reviewing cell phone law
 statewide group reviewing laws on speed
 coalition of traffic safety groups
 teaching class for young drivers and parents

JUDICIAL EXPERIENCE

City of Beaverton Municipal Court, Portland, Oregon

Pro Tem Municipal Court Judge, 2019 – Current

Preside over traffic trials, arraignments, and general open court matters; rule on pre-trial and evidentiary motions; research and advise Chief Judge on issues of law, developments in legislation, and Municipal Court procedures.

Office of Administrative Trials and Hearings, New York City

Administrative Law Judge, 2008 – 2019

Conduct and preside over live hearings at the OATH tribunal for every New York City agency, including the Dept. of Buildings, Fire Dept., NYPD, Parks Dept., Health Dept., Consumer Affairs, Dept. of Environmental Protection, Taxi & Limousine Commission, Business Integrity Commission, Sanitation Department, and others; evaluate and rule on both testimonial and documentary evidence; apply NYC Charter, Administrative Code, and NYC Rules; rule on attorney motions; and render daily written decisions in a court of record. Responsible for 1,000s of NYC code sections and rules, while using the latest courtroom technology in a fast-paced environment. Conduct training for new ALJs.

Kings County Surrogate's Court, Brooklyn, New York

Court Attorney-Referee, 2009 – 2010 (temporary appointment)

Drafted decisions, orders, and decrees for the Surrogate Judge; mediated highly-contested estate litigation with opposing attorneys; conducted hearings for the Surrogate, as well as research in all substantive law for decision.

Honorable Reginald W. Gibson, United States Court of Federal Claims, Washington, D.C.

Federal Law Clerk, 1999 - 2001

Researched issues in federal tax dispute, military, and government contract cases; prepared a number of draft opinions currently published in the Federal Reporter; prepared dispositive trial orders and conducted hearings for the judge; assisted the judge at trials sitting in courts throughout the United States; and served on law clerk *pro bono* committee.

GOVERNMENT AND PRIVATE PRACTICE EXPERIENCE

Kaplan, Fox, & Kilsheimer, LLP, New York, N.Y.

Associate Attorney, 2006 – 2008

Represented wards as a Surrogate Court appointed *guardian ad litem*; petition and motion practice in the Surrogate's Court, including conducting deposing witnesses; drafted complex wills and counseled clients regarding estate planning; represented various clients at real estate closings; negotiated commercial leases, contracts, and other real estate agreements.

Keenan, Powers, & Andrews, P.C., New York City and Long Island, N.Y.

Associate Attorney, 2003 - 2006

Prepared wills and trusts; administered complex estates in several Surrogate's Courts; counseled clients on tax, investment, and financial planning issues; prepared accountings; and represented buyers, sellers, and lenders at real estate closings.

United States Department of Justice, Commercial Litigation Branch, Washington, D.C.

Trial Attorney, 2001 - 2003

Responsibility as lead attorney in business contract, government, tax, and U.S. Customs' fraud cases; negotiated positive results for the government in multi-million dollar civil actions; managed a staff of paralegals and experts; conducted all phases of discovery in complex litigation, including depositions; and successfully argued in the U.S. Court of Appeals.

Suffolk County District Attorney's Office, Central Islip, N.Y.

Assistant District Attorney, 1995 - 1999

Tried solo over twenty jury and bench trials under numerous N.Y.S. Penal Law sections; conducted pre-trial hearings involving diverse issues; managed a courtroom part with a caseload of 1,500 criminal cases; gained daily experience in negotiation; managed administrative staff; presented felony cases to the Grand Jury and conducted felony exams.

Arthur Andersen & Co., New York, N.Y.

Staff Accountant, 1990 - 1992

Assisted in all phases of audit engagements for both private and public companies; evaluated financial and operating controls, and consulted on internal audit procedures; prepared and reviewed corporate tax returns and related statements.

EDUCATION

36

Fordham University School of Law, New York, N.Y.

Juris Doctor, 1995

Editor, Fordham Environmental Law Journal

Hofstra University, Hempstead, N.Y.

Bachelor of Business Administration, 1990

Major: Accounting

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2019-_____

APPOINTING MUNICIPAL COURT JUDGE PRO TEM

WHEREAS, the City Council by Resolution has previously appointed Municipal Court Judge Pro Tems;

WHEREAS, there are currently no appointed Municipal Court Judge Pro Tems willing and able to serve;

WHEREAS, the City Council desires to remove all previous appointed Municipal Court Judge Pro Tems;

WHEREAS, the Presiding Municipal Court Judge makes recommendations to the Council on the appointment of Municipal Court Judge Pro Tems;

WHEREAS, based upon the recommendation of Municipal Court Judge A. Carl Myers, the Keizer City Council has determined that Steven A. Todd and Patrick J. Mercuiro are qualified to be Municipal Court Pro Tems and are willing to serve in that position;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that all previous appointed Municipal Court Judge Pro Tems are removed.

1 BE IT FURTHER RESOLVED that Steven A. Todd and Patrick J. Mercurio are
2 appointed as Keizer Municipal Court Judge Pro Tems pursuant to the City Charter and
3 Ordinance No. 89-144.

4 BE IT FURTHER RESOLVED that until further City Council Resolution, the
5 appointment of Steven A. Todd and Patrick J. Mercurio as Keizer Municipal Court Judge
6 Pro Tems shall remain in full force and effect.

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

9 PASSED this _____ day of _____, 2019.

10

11 SIGNED this _____ day of _____, 2019.

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Mayor

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City Recorder



MINUTES
KEIZER CITY COUNCIL
Monday, December 2, 2019
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
Kim Freeman, Councilor
Daniel Kohler, Councilor
Marlene Parsons, Councilor
Laura Reid, Councilor
Roland Herrera, Councilor
Elizabeth Smith, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community Development Director
Bill Lawyer, Public Works Director
John Teague, Police Chief
Tim Wood, Finance Director
Tracy Davis, City Recorder

Absent:

Youth Councilor Christopher Wolfert

FLAG SALUTE

Boy Scouts from Troop 167 led the pledge of allegiance.

SPECIAL ORDERS OF BUSINESS None

COMMITTEE REPORTS None

**PUBLIC
TESTIMONY**

Carol Doerfler, Keizer, invited everyone to donate to the food barrels that the West Keizer and Southeast Keizer Neighborhood Associations have placed at Copper Creek Mercantile and Bi-Mart. Additional barrels are located at Uptown Music, Tony's Kingdome of Comics and Elks Lodge.

Paula Guiles, Keizer Community Library, thanked Council for their continued support, noted that the library made over \$2,000 with the last book sale, and provided information regarding planned and current programs in place at the library and volunteering.

Bob Busch, Keizer, invited everyone to the next Keizer Homegrown Theater production of Santa Land Diaries and to the Salem Carousel on December 11 for free rides from 6 to 8 p.m. sponsored by the Keizer Church of Christ.

PUBLIC HEARING
a. Public Meeting

Mayor Clark opened the Public Hearing.

**to Discuss
Severely Rent
Burdened
Status of the
City of Keizer**

Mr. Brown summarized his staff report, fielded questions and provided clarification regarding system development charges.

Michael DeBlasi, Keizer, suggested that parking standards be changed to allow more room for housing and that changes be made in the overall housing mix allowed.

Teri Anderson, Keizer, explained that the everyday person is seeing a severe rent increase which is making it impossible for them to become homeowners. She questioned if increased rents are due to higher taxes and fees paid by landlords or if they are simply funding family vacations and savings accounts. She also noted that the recent legislation has caused an increase in rent because landlords want to get their high rents before the cap takes effect.

Discussion followed regarding the burdens of landlords, the recent rent legislation and housing of the homeless.

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

Councilor Freeman moved that the Keizer City Council direct staff to submit the required information to the State as required by House Bill 4006. Councilor Herrera seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Freeman, Parsons, Herrera, Smith and Kohler (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. Text
Amendment to
Keizer
Development
Code Section
2.403 (Shared
Housing
Facilities)**

Mayor Clark opened the Public Hearing.

Mr. Brown summarized his staff report.

There was no public testimony. Following discussion regarding the square footage cap, preserving neighborhood structure, classification of ADUs, property tax, and using ADUs to alleviate the housing crisis, Council agreed by consensus that they did not want to change the square footage from 750 to 900.

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

Councilor Freeman moved that the Keizer City Council direct staff to prepare an ordinance with the findings with a cap for the detached ADU staying at 750 square feet and the allotment for the attached ADU at a 60/40 split. Councilor Herrera seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Freeman, Parsons, Herrera, Smith and Kohler (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. RESOLUTIONS – *Mayor Clark opened the Public Hearing.*

**Authorizations
for
Supplemental
Budgets –
Administrative
Services
Contingency,
General Fund –
Police
Department, and
Community
Center Fund –
Staffing**

Finance Director Tim Wood summarized his staff report and fielded questions from Council regarding a donation received from Advantage Heating to the Police Department and Community Center staffing.

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

Councilor Freeman moved that the Keizer City Council adopt a Resolution for Authorization for Supplemental Budget – Administrative Services Contingency, a Resolution for Authorization for Supplemental Budget – General Fund – Police Department, and a Resolution for Authorization for Supplemental Budget – Community Center Fund – Staffing. Councilor Herrera seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Freeman, Parsons, Herrera, Smith and Kohler (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ADMINISTRATIVE
ACTION**

Taken out of order.

**a. RESOLUTION –
Authorizing
Temporary
Signage Subject
to Conditions
for In-N-Out
Opening**

Community Development Director Nate Brown summarized his staff report and fielded questions regarding parking, traffic direction, signage, police participation, routing of traffic, and outreach to other businesses.

Councilor Freeman moved that the Keizer City Council adopt a Resolution Authorizing Temporary Signage Subject to Conditions for In-N-Out Opening. Councilor Herrera seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Freeman, Parsons, Herrera, Smith and Kohler (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. RESOLUTION –
Authorizing
Mayor to Send
Letter of
Support to
League of
Oregon Cities
for Revisions to
the Bylaws to
Create a People
of Color Caucus**

City Attorney Shannon Johnson summarized his staff report.

Mayor Clark noted that Sean O'Day is the Executive Director of the Mid-Willamette Valley Council of Governments. Councilor Herrera thanked Mr. O'Day for his help in this issue. Discussion followed regarding inclusivity and diversity, the need for more information, the Latino Business Alliance, the makeup of the caucus and whether or not this issue should have been on the agenda.

Councilor Freeman moved that the Keizer City Council adopt a Resolution authorizing the Mayor to send a letter of support to the League of Oregon Cities. Councilor Herrera seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Freeman, Parsons, Herrera, Smith and Kohler (7)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: None (0)

CONSENT CALENDAR

- a. RESOLUTION – Amending the Charter Review Committee; Amending Resolution No. R2019-3001
 - b. RESOLUTION – Authorizing City Manager to Award and Enter Into an Agreement with C&M Excavation & Utilities LLC for Water Main Replacement Project 2019-2020
 - c. RESOLUTION – Declaring the House at 1900 Chemawa Road North, Keizer Oregon to be Surplus and Authorizing its Demolition; Repeal of Resolution R2019-2980
 - d. Approval of November 18, 2019 City Council Regular Session Minutes
- Mayor Clark pulled item d of the Consent Calendar.

Councilor Freeman moved for approval of items a through c of the Consent Calendar. Councilor Herrera seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Freeman, Parsons, Herrera, Smith and Kohler (7)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: None (0)

Mayor Clark corrected two items on the Minutes.

Councilor Freeman moved for approval of the November 18, 2019 City Council Regular Session Minutes as corrected. Councilor Herrera seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Freeman, Parsons, Herrera, Smith and Kohler (7)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: None (0)

COUNCIL LIAISON REPORTS

Councilor Kohler announced several holiday events coming up and thanked Councilors for their help at the recent Community Dinner.

Councilor Reid announced additional activities coming up and praised Keizertimes for their thorough posting of holiday events.

Councilor Freeman provided information about West Keizer Neighborhood Association, urged drivers to be cautious of pedestrians at night, and thanked the volunteers who put up the decorations on River Road.

Councilor Smith thanked Councilor Kohler for arranging for the Council to serve at the Community Dinner and thanked Carol Doerfler for getting the word out about the food boxes.

Councilor Parsons announced the upcoming Chamber Government Affairs meeting and the Latino Business Alliance meeting.

Councilor Herrera announced upcoming meetings and events and reminded everyone to be nice to retail workers and servers.

Mayor Clark reviewed various meetings and events she had attended and announced upcoming ones and voiced opposition to the Volcanoes being cut from major league baseball.

OTHER BUSINESS City Recorder Tracy Davis announced that the recruitment for the Community Center position was open until January 5.

Chief Teague reviewed holiday event times and road closures.

Nate Brown announced that the annual quilt display is hanging in the gallery.

WRITTEN COMMUNICATIONS Mayor Clark noted that a thank you note for warm hospitality and good customer service received from Allison Sebern and Kristian Bouvier had been received from some people who had used the community center.

She also noted for the record that a written testimony was received from Kevin Walker voicing concern about the opening of In 'n Out Burgers.

AGENDA INPUT December 9, 2019 – 7:00 p.m. – City Council Work Session on
Emergency Preparedness
December 16, 2019 – 7:00 p.m. – City Council Regular Session
January 2, 2020 – 7:00 p.m. – City Council Regular Session

ADJOURNMENT Mayor Clark adjourned the meeting at 9:16 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Elizabeth Smith

Councilor #3 – Marlene Parsons

Councilor #6 – Daniel R. Kohler

Minutes approved: _____

