



MINUTES
KEIZER CITY COUNCIL
Monday, March 20, 2023
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
Laura Reid, Councilor
Shaney Starr, Councilor
Kyle Juran, Councilor
Soraida Cross, Councilor
Robert Husseman, Councilor
Daniel Kohler, Councilor
Youth Councilor Angelica
Sarmiento Avendano

Staff:

Adam Brown, City Manager
Tim Wood, Assistant City Manager
Shannon Johnson, City Attorney
Shane Witham, Planning Director
Bill Lawyer, Public Works Director
John Teague, Police Chief
Tracy Davis, City Recorder

Also Present:

Reba Crocker, ROW Consultants LLC

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

None

**COMMITTEE
REPORTS**

Gwen Carr reported that the Parks Advisory Board had approved a grant request for \$8000 to build 20 replacement picnic tables. They also discussed issues at various parks and thanked the volunteers who helped with the Civic Center cleanup saving the City about \$35,000.

**PUBLIC
COMMENTS**

None

PUBLIC HEARING

**a. ORDINANCE –
Adopting Right
of Way Utility
Regulations**

Mayor Clark opened the Public Hearing.

City Attorney Shannon Johnson introduced special counsel Nancy Werner (attending via phone) and Consultant Reba Crocker and pointed out that a new version of the Ordinance was on the dais to replace the one in the packet.

**RESOLUTION -
Adopting Fees
for Ordinance**

Ms. Crocker explained that cities are changing from the franchise model to this type of a code because it is more resilient, flexible and adaptive to changes. She explained that in drafting the ordinance staff took into consideration laws and needs, met with several providers to receive

No. 2023-_____
(Adopting Right
of Way Utility
Regulations)

feedback and comments and made changes accordingly.

Mayor Clark acknowledged for the record emails and comments received.

Jeff Anderson, Keizer, on behalf of himself and the Salem Electric Board of Directors, submitted his testimony in writing and in summary stated that he was opposed to the ordinance because it would significantly increase the cost of utilities to Keizer citizens. He noted that he had not seen the changes distributed at this meeting and urged Council to postpone their decision until those changes could be reviewed by all concerned.

Joe VanMeter, resident of Keizer and President of Salem Electric Board of Directors, submitted his testimony in writing and in summary voiced opposition to this ordinance and the requirement that Salem Electric would have to underground their power because this would increase the cost of utilities to Keizer residents significantly. He suggested that Keizer join with 15 other municipalities and negotiate a separate franchise agreement with Salem Electric.

Tony Schacher, Sublimity, General Manager of Salem Electric, submitted his testimony in writing and shared some history of Salem Electric and services provided and voiced concern and opposition to the proposed ordinance.

Wendy Veliz, Portland General Electric submitted her testimony in writing, echoed previous testimony in opposition of the proposed ordinance, reviewed details to which PGE is opposed and respectfully asked for a franchise agreement.

Meredee Pabst, representing AT&T, referred to a detailed comment letter sent as well as the red-lines and suggested changes submitted during the stakeholder process noting that AT&T has no objection to going from a franchise to a Right of Way Ordinance but is opposed to this code because it creates new fees for wireless service which are contrary to federal laws.

Lelah Vaga, on behalf of Verizon, voiced support for all the previous testimony and expressed concern over the lack of transparency in the process, the lack of time available to review the new draft ordinance and the anticipated fees that would be passed on to customers.

Mr. Johnson noted that regarding the undergrounding requirement, he felt confident that the change in the ordinance submitted at this meeting would take care of concerns of Salem Electric and Portland General Electric but was willing to discuss further should Council postpone their vote.

With no further testimony Mayor Clark closed the Public Hearing.

Discussion followed regarding whether to vote on the ordinance at this

meeting or postpone vote pending further research.

Councilor Juran moved that the Keizer City Council move this agenda item to a meeting in April. Councilor Starr seconded.

Councilor Cross indicated that she would be absent from the first meeting in April. Councilor Husseman commended City staff for their work on this ordinance noting that it was a modern update and would bring Keizer into the internet age.

Mayor Clark offered a friendly amendment that this would be addressed at the second meeting in April, which would be April 17. Councilors Juran and Starr accepted.

Motion passed as follows:

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

NAYS: Kohler, Cross and Husseman (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

a. Service Line Warranty Program

City Manager Adam Brown summarized his staff report. Discussion followed regarding recruiting and use of local providers and promoting small businesses.

Councilor Starr moved that the Keizer City Council authorize the City Manager to enter into a non-royalty marketing agreement with Utility Service Partners, Inc. (USP) for an initial term of three (3) years, subject to City Attorney review with an additional one (1) year renewal.

Mayor Clark offered a friendly amendment that this agreement include reference to and connection with the COBID Registration Service for Disadvantaged Business Enterprises. Amendment was accepted by Councilors Starr and Reid.

Motion passed as follows:

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

NAYS: Kohler (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- a. Approval of February 21, 2023 Regular Session Minutes
- b. Approval of February 27, 2023 Work Session Minutes
- c. Approval of March 6, 2023 Regular Session Minutes

Councilor Starr moved for approval of the Consent Calendar. 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)

OTHER BUSINESS None

STAFF UPDATES Public Works Director Bill Lawyer announced that the patches on Windsor Island Road have been repaired. Final pavement will be done when the weather gets better.

**COUNCIL
MEMBER
REPORTS**

Councilor Cross reported on meetings and events she had attended and announced that CTECH was one of the schools participating in the Oregon Restaurant Culinary Program competition.

Councilor Juran reported on meetings and events he had attended. He added that mental health issues are serious and everyone should work to find solutions.

Councilor Starr shared information on meetings and events she had attended noting that she missed one Citizen Police Academy session but had attended the next one.

Councilor Kohler reviewed meetings and events he had attended and announced upcoming ones and shared information about the upcoming Community Dinner.

Councilor Husseman reported on meetings and events he had attended and noted that the Traffic Safety-Bikeways-Pedestrian Committee has been focusing on traffic issues in southeast Keizer and he hopes to have something for them soon.

Councilor Reid shared information about meetings and events she had attended and announced upcoming ones.

Youth Councilor Angelica Sarmiento reported on recent McNary events including concerts, conferences and sports events.

Mayor Clark thanked the Chamber for hosting the State of the City address, shared information about meetings and events she had attended and announced upcoming ones.

AGENDA INPUT

March 27, 2023 – 6:00 p.m. - City Council Work Session

- Safety Training

April 3, 2023 – 7:00 p.m. - City Council Regular Session

April 10, 2023 – 6:00 p.m. - City Council Work Session

- City Council 2023-2024 Goal Setting

April 17, 2023 – 7:00 p.m. - City Council Regular Session

May 1, 2023 – 7:00 p.m. - City Council Regular Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 8:31 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Soraida Cross

Councilor #2 – Shaney Starr

Councilor #5 – Robert Husseman

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved: 04-03-23