CITY OF KEIZER MISSION STATEMENT
KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT, AND LEAST COST FASHION

AGENDA

KEIZER CITY COUNCIL
REGULAR SESSION

Monday, October 17, 2011
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. 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.

5. PUBLIC HEARINGS

a. **Liquor License Application – Mommy & Maddi's (4765 River Rd N)**

6. ADMINISTRATIVE ACTION

a. **RESOLUTION – Authorizing the City Manager to Enter Into Springbrook Software Version Seven Migration Agreement**

b. **RESOLUTION – Authorization of Interfund Loan to the General Fund from the Transportation Improvement Fund and Transfer of Appropriation for Purchase of Media Storage System**

c. **RESOLUTION – Authorization for Resolution Transfer of Unanticipated Working Capital Carry Forward for Labor Attorney Expenses**

7. CONSENT CALENDAR

a. **Liquor License Application – Additional Privilege/Change of Ownership for Plaza Morelia (3391 River Rd N)**

b. **RESOLUTION – Authorization for Appropriation of Law Enforcement Grant Funds for Routine Capital Outlay Grants**

c. **RESOLUTION – Authorization for Appropriation of Grant Funds Received for Keizer Rapids Boat Ramp**

d. **Approval of September 6, 2011 Regular Session Minutes**

e. **Approval of September 19, 2011 Regular Session Minutes**

8. COMMITTEE REPORTS

a. **Volunteer Proclamations**
- **Keizer Planning Commission – Matthew Chappell and John Rizzo**
- **Keizer Budget Committee – Joseph Gillis, Ronald Hart, and Jeff Lewis**

9. 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.

a. **New Business or Old Business Issues**

10. WRITTEN COMMUNICATIONS

***To inform the Council of significant written communications*.**

11. AGENDA INPUT

November 7, 2011
7:00 p.m. – City Council Meeting

November 14, 2011
5:45 p.m. – City Council Work Session

November 21, 2011
7:00 p.m. – City Council Meeting

12. ADJOURNMENT

Upon request, auxiliary aids and/or special services will be provided. To request services, please contact us at (503)390-3700 or through Oregon Relay at 1-800-735-2900 at least two working days (48 hours) in advance.

CITY COUNCIL MEETING: **October 17, 2011**

AGENDA ITEM NUMBER:____________________

TO: **MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

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

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

SUBJECT: **MOMMY & MADDI'S LIQUOR LICENSE APPLICATION**

BACKGROUND:

On September 20th the City received an application for a Full On-Premises Sales liquor license for Mommy & Maddi's which is located at 4765 River Road N, Keizer, Oregon.

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. A request was sent to the Keizer Police Department to conduct a background check on the applicant. The Department reports a clear background report on the applicant. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned and has no additional comment on the application.

The applicant, Richard Clark has been invited to attend the meeting to answer any questions the Council may have.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council recommend approval of the application for a Full On-Premises Sales liquor license for Mommy & Maddi's 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.

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES
- ☒ Full On-Premises Sales ($402.60/yr)
  - ☒ Commercial Establishment
  - ☐ Caterer
  - ☐ Passenger Carrier
  - ☐ Other Public Location
  - ☐ Private Club
- ~~Limited On-Premises Sales ($202.60/yr)~~
- ☐ Off-Premises Sales ($100/yr)
  - ☐ with Fuel Pumps
- ☐ Brewery Public House ($252.60)
- ☐ Winery ($250/yr)
- ☐ Other:

ACTIONS
- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other

90-DAY AUTHORITY
☐ Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:
☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company ☐ Individuals

CITY AND COUNTY USE ONLY
Date application received: 9-20-11
The City Council or County Commission:
(name of city or county)
recommends that this license be:
☐ Granted ☐ Denied
By: (signature) (date)
Name:
Title:

OLCC USE ONLY
Application Rec'd by: OLCC BD
Date: 9/19/2011 Pending
90-day authority: ☐ Yes ☒ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
① RA CLARK ENTERPRISES LLC ③
② ④

2. Trade Name (dba): MOMMY & MADDI'S

3. Business Location: 4765 RIVER RD N. (number, street, rural route) KEIZER (city) MARION (county) OR (state) 97303 (ZIP code)

4. Business Mailing Address: 4765 RIVER RD N (PO box, number, street, rural route) KEIZER (city) OR (state) 97303 (ZIP code)

5. Business Numbers: 503-363-9000 (phone) 503-393-3881 (fax)

6. Is the business at this location currently licensed by OLCC? ☐Yes ☒No

7. If yes to whom: Type of License:

8. Former Business Name:

9. Will you have a manager? ☒Yes ☐No Name: RICHARD A. CLARK (manager must fill out an Individual History form)

10. What is the local governing body where your business is located? KEIZER (name of city or county)

11. Contact person for this application: RICHARD A. CLARK (name) 503-363-9000 / 503-999-0891 (phone number(s))
4765 RIVER RD N KEIZER, OR 97303 (address) / 503-393-3881 (fax number) / MOMMYMADDIS@gmail.com (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.
Applicant(s) Signature(s) and Date:

① [signature] Date 9/19/11 ③ Date
② Date ④ Date

RECEIVED
OREGON LIQUOR CONTROL COMMISSION
SEP 19 2011
SALEM REGIONAL OFFICE

Control Plan
For Full-On Premises License
RA Clark Enterprises LLC
DBA: Mommy & Maddi's
4765 River Rd N
Keizer, OR 97303

This area is an outdoor deck/patio located at the front of the building left of the front entrance. The area is available to patrons from 7:00 a.m. to 3:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. Saturday and Sunday. This area has two entrances and 2 exits and is enclosed by a 4 foot vinyl railing. The two entrances/exits are located on either side of the patio/deck area.

The area is enclosed by a 4 foot vinyl fence/railing around the entire area with openings at the entrances/exits.

Seating for this area includes 5 tables with 19 seats available. Three tables have large umbrellas available for shade.

The deck/patio is primarily used and will be continued to be used for food service to our customers. This area will not accommodate customers who are waiting to be seated. This area is available inside the building.

The patio does not have any current artificial lighting available and is only used during daytime hours weather permitting. Primarily this area is utilized during late spring and summer months (May through August).

This area will be constantly monitored by legal age wait staff and management with a walk through of the area in 5 minute intervals. Additionally the deck/patio location can be monitored by wait staff and management through 4 large windows located in the main dining area.

No entertainment will be offered in this area.

An hour for the deck/patio area is 7:00 a.m. to 3:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. Saturday and Sunday. The deck/patio area is only open seasonally from late spring, summer and early fall months. This period is typically May through August.

To ensure alcoholic beverages do not leave this area legal wait staff and management will maintain close surveillance and monitoring through consistent walk through every 5 minutes of the area along with monitoring through the windows in the main dining room.

Richard A. Clark
RA Clark Enterprises LLC
7/23/2011

OREGON LIQUOR CONTROL COMMISSION

BUSINESS INFORMATION

Please Print or Type

Applicant Name: RA CLARK ENTERPRISES LLC Phone: 503-363-9000

Trade Name (dba): MOMMY & MADDI'S

Business Location Address: 4765 RIVER RD N

City: KEIZER ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:			Outdoor Area Hours:		
Sunday	8:00am to	3:00pm	Sunday	8:00am to	3:00pm
Monday	6:00am to	3:00pm	Monday	7:00am to	3:00pm
Tuesday	6:00am to	3:00pm	Tuesday	7:00am to	3:00pm
Wednesday	6:00 am to	3:00pm	Wednesday	7:00am to	3:00pm
Thursday	6:00 am to	3:00pm	Thursday	7:00am to	3:00pm
Friday	6:00 am to	3:00pm	Friday	7:00am to	3:00pm
Saturday	8:00am to	3:00pm	Saturday	8:00am to	3:00pm

The outdoor area is used for:

☒ Food service Hours: 8:00am to 3:00pm

☒ Alcohol service Hours: 7:00am to 3:00pm

☒ Enclosed, how PATIO RAILING

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

_______________ (Investigator's Initials)

Seasonal Variations: ☒ Yes ☐ No If yes, explain: OUTDOOR SEATING IS AVAILABLE DURING SUMMER MONTHS - WEATHER PERMITTING

ENTERTAINMENT

Check all that apply:

- ☐ Live Music
- ☐ Recorded Music
- ☐ DJ Music
- ☐ Dancing
- ☐ Nude Entertainers
- ☐ Karaoke
- ☐ Coin-operated Games
- ☒ Video Lottery Machines
- ☐ Social Gaming
- ☐ Pool Tables
- ☐ Other: ____________

DAYS & HOURS OF LIVE OR DJ MUSIC

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

SEATING COUNT

Restaurant: ~~40~~ 32 Outdoor: 19

Lounge: ______ Other (explain): ____________

Banquet: ~~8~~ 10 Total Seating: 61

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:** 9/19/2011

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)

COUNCIL MEETING: October 17, 2011

AGENDA ITEM NUMBER:_______________

TO: **MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

THROUGH: **Chris Eppley, City Manager**
and
Susan Gahlsdorf, Finance Director

FROM: **Tim Wood**
Assistant Controller

SUBJECT: Springbrook Software Upgrade

BACKGROUND:

The City of Keizer utilizes a software program called Springbrook developed by Springbrook Software, Inc. for all general accounting functions, including:

- Cash application,
- Accounts Receivable,
- Accounts payable,
- Payroll,
- Utility billing, and
- Financial reporting.

Springbrook Software Inc. was founded in 1985 and is headquartered in Portland, Oregon.

The version of Springbrook (v6) currently being used by the City was implemented in 1998 with the last major upgrade occurring in 2006 (v6.05). Springbrook v6.05 uses a software program called Progress v9.1 as the underlying database software.

ISSUE:

Springbrook is currently on version 7.14 and supported by Progress v10.1.

Springbrook v7.14 has several significant improvements over version 6.05. Specifically:

- Progress version 9.1 is not certified to function properly with Microsoft Windows 7 which has become the standard operating system on new computers. By not having the database software certified to run with the operating system the City runs the risk that financial data will not be captured, processed or reported accurately. Progress v10.1 is certified to function properly with Windows 7.

- Springbrook v7.14 is constructed in a manner that reduces the amount of IT time necessary to administer and maintain the software. Specifically upgrades are done once at the server level rather than at each individual user's computer.

- The new system reduces workstation downtime since large reports are processed at the server level rather than tying up an employee workstation.

- V7.14 uses Crystal Reports, an industry standard, as the report writing application while v6.05 uses a customized report writing application that is no longer supported. V7.14 will improve the City's financial reporting capabilities.

- V7.14 has been constructed to support E-government transactions (transactions that originate through the internet); v6.05 has not been constructed to support E-government and would require additional customization and integration. Specifically v7.14 has the capabilities to support on-line utility bill pay, payroll/HR and permitting processes. E-government is a City Council goal for the fiscal period 2011 through 2013.

- V7.14 has improved functionality to import/export, process and report data reducing the staff time required to enter, extract and organize data into meaningful information.

- V6.05 is updated to ensure compliance with laws and regulations but not for added functionality. V7.14 is updated for both compliance with laws and regulations and added functionality. For example v6.05 would be updated to comply with regulatory changes associated with employee payroll tax legislation but not updated with new payroll informational reports. V7.14 would be updated for the change in payroll tax laws and new payroll reports.

- At some point v6.05 will no longer be supported by the software provider at which time the City will be required to either upgrade or implement a new software package. Implementing a new software package would be significantly more expensive than upgrading the existing package. Software packages comparable to Springbrook typically cost in excess of $200,000 to implement.

- Upgrading v6.05 to v7.14 now will allow the City to continue to utilize Progress as the underlying database. If the City delays upgrading it may be forced to change to Microsoft SQL as the underlying database which would add an additional $10,000 to $20,000 in annual software license costs.

FINANCIAL IMPACT:

The upgrade will cost $32,300 allocated to each operating fund as follows:

General Fund	$12,400
Street Fund	1,400
Community Center	300
Sewer Fund	6,500
Water Fund	7,600
Street Lighting Fund	500
Storm Fund	2,900
Urban Renewal	700
Total	$32,300

Additional costs may apply based on the desired level of software customization.

The above fees would be payable as follows:

Fiscal year 2011-12 - $2,910
Fiscal year 2012-13 - $22,040
Fiscal year 2013-14 - $7,350

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution authorizing the City Manager to enter into an agreement with Springbrook Software Inc. to upgrade v6.5 to v7.14.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2011-_____

AUTHORIZING THE CITY MANAGER TO ENTER INTO SPRINGBROOK SOFTWARE VERSION SEVEN MIGRATION AGREEMENT

WHEREAS, the City of Keizer has been utilizing a software program called Springbrook for all general accounting functions since 1998;

WHEREAS, the Springbrook software program was updated in 2006;

WHEREAS, Springbrook has upgraded its software program significantly since 2006;

WHEREAS, the City's 2006 Springbrook update is not certified to function properly with the standard operating system on new computers thereby running the risk of financial data being reported inaccurately;

WHEREAS, the City wishes to update its Springbrook software to Version 7 in accordance with the attached agreement;

WHEREAS, the upgrade cost is spread over three years with the first fees included in the approved 2011-2012 fiscal year budget;

WHEREAS, the remaining two fees will be included in upcoming fiscal year budgets until paid in full;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to sign the Springbrook Software Version Seven Migration Agreement with Springbrook Software Inc. as outlined on the attached agreement.

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-390-3700

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to sign the V7 Migration Order Form attached hereto and to take any other action necessary to implement the upgrade to the Springbrook software program.

PASSED this __________ day of _________________, 2011.

SIGNED this __________ day of _________________, 2011.

____
Mayor

____
City Recorder

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-390-3700

SPRINGBROOK SOFTWARE
VERSION SEVEN MIGRATION AGREEMENT

This Agreement sets forth additional terms and conditions applicable to Version Seven, Licensed Software Products purchased by City of Keizer, OR (Client) from Springbrook Software (Vendor). Version Seven is categorized as a new product by the Vendor. This agreement sets the terms and conditions of the exchange of Version Five & Six product licenses and services for Version Seven product licenses and services and their associated maintenance agreements. This agreement is intended to supplement current licensing and maintenance agreements in effect between the Client and the Vendor, in the event that term or condition in this agreement is in conflict with a previous agreement, this agreement shall prevail.

GENERAL TERMS AND CONDITIONS

1 DEFINITIONS

(Migration Management Services) Migration Management Services are professional services provided to the client as defined in section 5.1.

(Migration Consulting) Migration Consulting are professional services provided by the vendor as defined in section 5.3

(Client Trainer (s)) An Individual or group of individuals employed by the Client (Maximum of 3) that Vendor will train on the use of the products and services covered by this agreement. Client Trainer(s) will be responsible for training the remaining staff in the Client environment.

(Client Project Manager) A Project Manager appointed by the client that will act as a single point of coordination and management for tasks that are the responsibility of the client to perform as a part of this agreement. Client Project manager will coordinate activities with the Vendor Project Manager.

(Vendor Project Manager) A Project Manager assigned by the Vendor to coordinate and manage the overall implementation of products and services covered by this agreement. Vendor Project Manager will manage vendor resources and coordinate with Client Project Manager to ensure that client resources are being allocated to project tasks as required.

(Fees) will have the meaning set forth in section 3.

(Remote Services) Remote Services means services performed by the Vendor at the Vendor place of business with Client at Client's place of business.

(On-Site Services) On-Site Services means services performed by the Vendor and the Clients Place of business.

(Concurrent Users) are defined as the number of users that can simultaneously access the Vendor software at the same time.

(Named Users) are defined as Specific users that are granted access to the Vendor Software. These Licenses are assigned to specific individuals and cannot be shared. Named users are users that need more than two hours a week of access to the Vendor Software.

(Progress Access Agents) are defined as a license for casual users to access the Vendor System.

(Casual Users) are defined as users who access the vendor software less than two hours a week.

(Change Order) is defined as any change to the scope of services of this agreement that is agreed to by both parties. A Change Order could include but is not limited to; additional on-site consulting; additional modules; custom programming and development or services not contemplated by this agreement or the appropriate order form. Change Orders are subject to applicable Fees.

(Progress Report Writer) is a third party proprietary custom report writing tool use to create client custom reports. Reports created with this tool in Progress Version 9 are referred to as "Local Reports".

2 SCOPE OF AGREEMENT.

This Agreement states the terms and conditions pursuant to which Vendor will provide Products and Services to the Client including:

(a) Implementing products and services as defined in the appropriate order form.

(b) Client understands that all or certain portions of the Products sold or licensed under this Agreement may be provided by a third party service or product provider.

(c) Client understands that all Products purchased by the Client as part of this agreement are provided as is. Any Client specific changes (Custom) to the Products will require a Change Order.

(d) Client understands that products and services provided under this agreement are intended to migrate existing business processes and procedures to Version Seven product line. Client understands that if it intended to implement new features and services that it has not previously used that additional professional service fees may apply. Any additional services must be pre-approved by both parties in advance.

3 FEES AND PAYMENT

3.1 Fees.

Client will remit to Vendor all applicable fees for those Products purchased by Client, as set forth in the applicable Order Form(s) or Statement of Work (collectively, "Fees"). In addition, Client shall reimburse Vendor for any reasonable expenses, including travel and related expenses incurred in the performance of Professional Services. All Fees are non-refundable.

3.2 Payment.

Payments due under this Agreement shall be made in U.S. currency in the amounts and at the times set forth in the applicable Order Form or Statement of Work or, if not indicated therein, within thirty (30) days of the date of invoice. If Client fails to timely pay any amount when due, Client shall pay, in addition, interest at the rate of one percent (1.0%) per month, but not to exceed the maximum allowed by law, on such delinquent amount.

3.3 Suspension of Services

Vendor may, at its sole discretion, suspend client's right to use any product under this Agreement if Client fails to remit any payment when due, as defined in the appropriate order form, within ten (10) days after receiving written notice from Vendor that payment is past due.

3.4 Taxes.

All Fees are exclusive of any sales, value-added, foreign withholding or other government taxes, duties, fees, excises, or tariffs imposed on the production, storage, licensing, sale, transportation, import, export, or use of the Products or performance of any services (collectively, "Taxes"). If the

Vendor is assessed taxes related to services provided under this Agreement, Client will be responsible for, and will reimburse the vendor. For the purpose of this section, reimbursement of taxes shall be considered a payment and will be subject to the terms and conditions set forth in section 3.

4 PRODUCT LICENSING

4.1 Vendor Products

Client is exchanging Version Six licenses for Version Seven Licenses as defined in the appropriate Order Form.

4.2 Third Party Products Provided By Vendor.

(a) Client is exchanging Progress Version 9 licenses for Progress Version 10 Licenses. Unless Client is already using Progress Version 10.

(b) For each Progress 9 Concurrent User, client will receive a Progress 10 Named User license.

(c) Client may be provided Progress Access Agents for a fee as required to support Casual Users as defined in the appropriate order form.

(d) A minimum of Five Progress Named User Licenses is required. If Client currently does not have Five Concurrent License, client will be required to purchase additional licenses.

(e) If Client wishes to change the database platform being used, additional costs will apply and Client will be required to complete a Change Order.

(f) Client understands that the Report Writer Feature of Progress was retired in Progress Version 10. Vendor is not providing a migration path for reports written by Client utilizing Progress Report Writer.

5 VENDOR RESPONSIBILITES

5.1 Migration Management Services

Migration Management Services include the following Remote Services:

(a) Vendor Project Manager to plan, schedule and track the complete migration process.

(b) Migration of applicable client data to new products.

(c) Project Management to maintain communication with Client Project Manager, both verbally and in writing, regarding schedules, tasks and events throughout the process.

(d) Project Management to schedule and manage Vendor resources including; support, programming, technical services, and consulting.

(e) Technical consultation and services to assist client in assuring adequate hardware configuration.

(f) Technical services to install Vendor products on Client servers.

(g) Technical services to assist in the migration of client data to new environment.

(h) Scheduling and coordination of on-site, classroom, or Internet training covering new software

(i) Scheduling and coordination of training for financial applications, utility billing applications, land management and ancillary applications. This training may occur on different dates and be performed by different consultants.

(j) Project Management and Business Analyst review of existing and custom forms

(k) Project Management and Business Analyst review of existing Reports including and "Local" Reports that may have been modified using Progress Report Writer

(l) Project Management and Business Analyst review of existing Process Flow

(m) Project Management, Programmer and Business Analyst review for Custom Code Reduction if applicable

(n) Project Management, Programmer and Business Analyst review of third-party software integration points if applicable.

5.2 CUSTOM CODE RE-WRITE

Based on the results of the Custom Code Review, and with mutual approval by both parties vendor will re-write custom to run on the Version Seven products as defined in the appropriate Order Form.

5.3 Migration Consulting

Migration Management Services include On-Site Services and Remote Services. The services are comprised of but not limited to the following:

(a) Custom Code review will be conducted to evaluating current client custom code with the goal of reducing the need for said code in new environment.

(b) Review of new software and changes between new environment and old environment.

(c) Recommendations to Client on best practices associated with use of the new products.

(d) Client specific training on use of products and services. Training is limited to features and functionality that client is currently using in the old environment as applied to new environment.

(e) Vendor takes a "Train the Trainer" approach to training activities associated with the services provided under this section, for that purpose, all services provided to the client under this section will be provided to the Client Trainer(s).

6 CLIENT RESPONSILBITES

6.1 Migration Scheduling

(a) Client will participate in the Scheduling session to determine the Migration Schedule and schedule training and consulting dates.

(b) Client will approve in writing the mutually agreed to schedule. Client schedule change requests after approval will require a Change Order.

6.2 Access

(a) Client will provide administrative level access to servers and other equipment as requested by Vendor to facilitate the services being rendered by the Vendor under this agreement.

(b) Client will provide training and meeting facilities as defined by Vendor, at the client location to accommodate Vendor and Client staff.

6.3 Custom Code Documentation and v7 Analysis

(a) Client will participate in Custom Code Review meetings.

(b) Client will require that personnel with the authority to make decisions about the exclusion or inclusion of custom code are at all meetings.

(c) Client will provide written sign off and acknowledgement of decisions made regarding custom code inclusion or reduction prior to the migration. Written acknowledgement will be considered part of the Statement of work, and any alterations made after the project (Kick off) will require a change order, be subject to applicable fees, and will be considered outside of the timeline and scope of the project.

6.4 Review of New Environment and legacy Environment differences (Gap Analysis).

(a) Client will participate in (Gap Analysis) Review meetings.

(b) Client will require that personnel with the authority to make decisions about how Gap Analysis items are integrated into Clients Business Environment are at all meetings.

(c) Client agrees and understands that it is purchasing a new product and that features and functionality in the new system may have been updated to support the needs of the overall Springbrook client base. Client is responsible for ensuring that software provided meets their needs.

(d) Client agrees and understands that changes to standard functionality are considered custom requests and will require a change order.

6.5 V7 Software Installation

Client will make their information technology staff available as requested by Vendor Project Manager to facilitate the installation of software.

6.6 V7 Standard Reports Review

(a) Client will participate in Standard Report Review meetings.

(b) Client will require that personnel with the authority to make decisions about reporting and the appropriateness of reports being provided are in all meetings.

(c) Client will be required to approve all reports and confirm that reporting requirements are being met.

(d) Client agrees and understands that it is purchasing a new product and that standard reports in the new system may have been updated to support the needs of the overall Springbrook client base. Client is responsible for ensuring that reports provided meet their needs.

(e) Client agrees and understands that changes to reports are considered custom requests and will require a change order.

6.7 V7 Application Overview Session

Client will participate in Application Overview Session, with at least one Client Trainer.

6.8 Third Party Product Interfaces

(a) Client will notify, at the beginning of the project, Vendor Project Manager of all third party interfaces between Vendor Products and other products or services not provided by Vendor.

(b) Client understands that interfaces not previously purchased by Client from Vendor and interfaces that are not current on annual maintenance will require a Change Order to be completed.

(c) Session will consistent of review of converted data per module between trainer and client.

6.9 Go-Live Session

(a) Client Project Manager will work with Vendor Client Manager to schedule the Go-Live Conversion.

(b) Depending on size of Client database, client will be required to schedule 2 to 4 days of downtime to accommodate the conversion of data prior to the go-live session.

(c) Client will make appropriate staff available during the go-live session.

(d) Client will be prepared and have appropriate staff available to validate that the conversion and the new software meets their requirements as defined by this agreement.

(e) Software Consultant will be on-site for this session.

7 ENTIRE AGREEMENT

This Agreement is a supplement to the terms and conditions set forth in clients licensing and maintenance agreement in effect with Vendor. Notwithstanding any other agreement in the event that a term or condition in this agreement conflicts with any previous agreement this agreement will prevail.

IN WITNESS WHEREOF, each of the parties hereto has caused this addendum to be executed by its duly authorized officer or representative.

Vendor:
By: ____________________
Name (Print): ____________________
Title: ____________________
Date: ____________________

Client:
By: ____________________
Name (Print): ____________________
Title: ____________________
Date: ____________________

V6.05 to V7 (.NET) Migration Pricing for: City of Keizer, OR

Application/Products	Bdgt for Custom Code Rewrite	Consulting & Training
Finance Suite (GL, AP, ACH, Bank Rec, Bdgt)		$3,600
Extended Budgeting & Forecasting		
Standard Federal/State Reporting		
AP Electronic Check Signature		
Payroll	$1,350	$4,500
PR Electonic Check Signature		
Opt'l FLSA Consulting, Setup and Training post-migration		If Rqst'd - TBD
Central Cash Management/Point Of Sale		$600
Utility Billing Suite	$13,725	$4,800
Service Order Request Management		
Meter Inventory and History		
Postal Link Address Certification		
Standard Meter Reading Interface		Included in UB
Sub Total Trng, Consulting and Custom ReWrite:	$15,075	$13,500
Migration Management & Post Migration Transition Services	$15,600	
Pre Migration Project Management		
Detailed Custom Code Analysis		
Pre-Training Prep., Testing, Data Validation & Quality Assurance		
Technical and Network Services		
Post Migration Project Mgt & Transition Services		
Sub Total Project & Migration Mgt. Related Services:	$15,600	
Access Agent - License up to 100 "Casual" Users	$2,500	
Access Agent - 1st Year Maintenance	$625	
Sub Total Database Related Fees:	$3,125	
	$0	
Total Estimated Project Costs	$47,300	

Prices Valid for 120 Days from: 8/25/2011

10 - Existing Concurrent Users will be Upgraded to an Equal Number of Named Users and/or Devices

Consulting and Training portion of this quotes includes on-site and remote services provided by Springbrook. On-site Consulting portion of these quote assumes a one week go-live event unless otherwise noted on the quote. If both the client and Springbrook determine and mutually agree that additional time is required, a change order will be completed. Your agency will not be invoiced for any additional time without pre-approval.

Training/Consulting Estimate does not include travel time or expenses.

	V6.05 to V7 (.NET) Migration Pricing for:	
	City of Keizer, OR	
Program ID	**Description of Custom Code to be ReWritten**	
	(If Required)	
Utility Billing		
p-ub408Meterreader_1.p	Meter reading import procedure.	$ 269.12
p-ub493p.p	Billing statement print procedure. - **Majority of Migrating Clients have elected a V7 Standard form so this may not be required.**	$ 2,691.18
Custub.prl	Billing statement. **Majority of Migrating Clients have elected a V7 Standard form so this may not be required.**	$ 2,691.18
ub-bill2.i	Billing engine. The billing engine was customized with a custom calculation for the SMUF rate code. The custom calculation is to multiply .054 by the flat multiplier, round it to two decimal places and multiply it by the percent of period.	$ 1,614.71
W-ub152u.w	Add/Remove service rates utility. **(Custom can be removed in V7)**	$ -
w-ub477p.w	Past due statements print window The Print Past Dues window was customized to only export information on accounts with over $50.00 past due and to also export the phone number.	$ 1,614.71
Custub.prl	Past due statement 1 - **Majority of Migrating Clients have elected a V7 Standard form so this may not be required.**	$ 2,152.94
Custub.prl	Past due statement 2 - **Majority of Migrating Clients have elected a V7 Standard form so this may not be required.**	$ 1,614.71
w-ubc001.w	Export tax lot info to ASCII	$ 1,076.47
Sub-Total UB		**$ 13,725.00**
Payroll		
w-prc001.w	Export employee info into Excel - **All V7 reports and "Grids" in V7 can be exported. Still Required?**	$ 1,350.00
Sub-Total Payroll		**$ 1,350.00**
	GRAND TOTAL ALL CUSTOM	**$ 15,075.00**

City of Keizer, OR

3 Fiscal Year - 0% Payment Option

Deposit is subject to appropriation. If project is not approved, deposit will be applied toward subsequent year's maintenance

Training, Consulting & Migration Management Services	Amount Due	Budget Yr
10% Trng/Migration Mgt. Downpayment invoiced & due no later than Dec 15, 2011	$ 2,910	FY 11/12
15% Trng/Migration Mgt. Invoiced & due by Jul 15, 2012	$ 4,365	FY 12/13
50% Trng/Migration Mgt. invoiced & due by Dec 15, 2012	$ 14,550	FY 12/13
100% Database components when ordered in CY 2011 or 2012	$ 3,125	FY 12/13
25% Rem Balance of Trng/Migration Management invoiced & due on Jul 15, 2013	$ 7,275	FY 12/13
Sub-Total Training, Consulting, Migration Mgt, DB Licenses:	$ 32,225	
Budget for Custom ReWrite - If Req'd		
50% Custom (If Req'd) due on Signoff	$ 7,538	FY 12/13
50% Custom - (If Req'd) Rem Bal due on or before Dec 15, 2012	$ 7,538	FY 12/13
Sub-Total Custom	$ 15,075	
GRAND TOTAL:	$ 47,300	

Optional Pricing - Not Requested/Required

Optional Springbrook Professional Services	Application License Fees	Annual Maintenance	Training & Consulting	Project Management
Advanced Query/Reporting Training (Web)			$100/hr.	
Add'l Onsite Training			$150/hr	$150/hr
Data Mapping Services - Bank of 8 hours			$1,000	$150/hr
Workflow Requirement Analysis			$150/hr.	$150/hr.
Individual Workflow Setup, $150.00 Per/Hour			$150/hr.	$150/hr.
Post-Migration Progress to SQL Database Conversion - Optional			Call for Quote	Call for Quote
Optional 3rd Party Database Fees				
SQL - OpenEdge 10.1C DataServer Lic - "Heavy" Users	$625.00	$156.25	n/a	n/a
SQL - OpenEdge 10.1C App Server Ent Lic - "Heavy Users"	$125.00	$31.25	n/a	n/a
OpenEdge 10.1C Application Server Enterprise - "Heavy User"	$750.00	$187.50	n/a	n/a
Access Agent - Up to 100 "Casual User" Licenses	$2,500.00	$625.00	n/a	n/a
Application Server Tier "Heavy" License - Progress to SQL "swap" *	$300.00	$75.00	n/a	n/a

** Data Mapping Services - Telephone consultation to help clients with ODBC, Crystal Reports etc. since database structures from V6.0n to V7 are significantly different & Progress Report Writer is no longer available in V7.*

Opt'l Service Prices valid for 180 days
Opt'l 3rd-Party Prices valid for 30 days

***Progress OpenEdge 10.1C App Server Enterprise required if SQL is used for the Database*

* Client is responsible for purchasing SQL License(s) separately

The Order Form is a checklist showing additional licenses (if applicable), services or subscriptions that the Licensee will purchase, the amounts charged for each, the cost for implementation services, and, if and where applicable, any new or additional maintenance costs. By signing the Order Form, Licensee and Licensor are agreeing to add these additional professional services (and/or) applications under the umbrella of the original license, maintenance, and/or Master Agreements in addition to any terms described in this agreement to be executed between Licensor and Licensee, and to the prices contained herein.

Springbrook Software – Licensor	Licensee
By ______________________	By ______________________
Signature_________________	Signature_________________
Title_____________________	Title_____________________
Date_____________________	Date_____________________

Fax or e-mailed V7 Agreement

To: Liz Burnell – Contract Administrator	**From:** Susan Gahlsdorf-Finance Director
Company: Springbrook Software	**Agency:** City of Keizer, OR
Email: liz.burnell@sprbrk.com	**Email:** gahlsdorfs@keizer.org
Fax: 503-820-4537	**Pages:**
Phone: 503-820-4520	**Date:**
Re: Springbrook V7 Migration Agreement	

REMARKS:

☒ Process ☒ For your review ☐ Reply ASAP ☐ Please comment

Susan,

When the V7 Migration Project is approved, please sign, date and fax (or scan and email) both this *V7 Order Form* along with the *V7 Migration Master Agreement* to Liz's attention at either the fax number or email address highlighted above. If there are any questions pertaining to the V7 Migration Master Agreement, Liz will serve as your organizations primary point of contact for this document.

Upon signed receipt, Liz will forward an executed copy of both documents back to you for your records, she will notify our accounting department to generate an invoice for the deposit and she will request from our implementations department that a Springbrook Project Manager be assigned to begin working with you to schedule all aspects of the migration event.

Within five to ten working days of a receiving the signed agreement, a member of our Implementation Department will phone to schedule an introduction call. Migrations are scheduled by your assigned Project Manager on a first-come-first-serve basis upon receipt of the deposit.

Thank you for your continued business!

Jim Nelson

Springbrook V7 Migration Manager
Jim.nelson@sprbrk.com
320.229.3907 – Direct Line

COUNCIL MEETING:___________________________

AGENDA ITEM NUMBER:_____________

TO: **MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

THROUGH: **CHRIS EPPLEY, CITY MANAGER**

FROM: **SUSAN GAHLSDORF, FINANCE DIRECTOR**
AND
BILL HOPKINS, NETWORK ADMINISTRATOR

SUBJECT: **DENALI ADVANCED INTEGRATION VIDEO/AUDIO DATA STORAGE SYSTEM**

BACKGROUND: The City of Keizer's Police Department in the ordinary course of operations is required to store large amounts of video/audio data. Much of the video/audio data is required to be retained for extended periods of time.

ISSUE: The current media storage system is about to run out of space and needs to be augmented with an additional media storage system.

In accordance with the City's purchasing policy, Staff identified Denali Advanced Integration's media storage system as the least cost solution that best met the needs of the Police Department

At the current rate of data accumulation the new system is expected to meet the Police data storage requirements for at least ten more years.

FISCAL IMPACT: The media storage system will cost $17,295 of which $5,000 is covered by existing budget appropriations. The additional $12,295 will be financed through an interfund loan of up to $12,300 and repaid over a period not to exceed three years.

The Transportation Improvement Fund has approximately $1,100,000 unappropriated funds available. The City does not anticipate spending this full amount until after June 30, 2014. ORS 294.460 provides for loans from one fund to another when made within compliance with state statutes. There are no other Interfund City loans outstanding at this time.

RECOMMENDATION: Staff recommends the City Council approve the attached resolution authorizing an interfund loan and budget adjustment to purchase the video/audio media storage system from Denali Advanced Integration.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2011-___________

AUTHORIZATION OF INTERFUND LOAN TO THE GENERAL FUND FROM THE TRANSPORTATION IMPROVEMENT FUND AND TRANSFER OF APPROPRIATION FOR PURCHASE OF MEDIA STORAGE SYSTEM

WHEREAS, the General Fund needs up to $12,300 to purchase a video/audio media storage system for Police Department operations;

WHEREAS, the Transportation Improvement Fund has approximately $1,100,000 unappropriated funds available. The City does not anticipate spending this full amount until after June 30, 2014. ORS 294.460 provides for loans from one fund to another when made within compliance with state statutes.

NOW, THEREFORE BE IT RESOLVED that the Council authorize an interfund loan to the General Fund up to $12,300 from the Transportation Improvement Fund.

NOW, THEREFORE BE IT RESOLVED that all monies borrowed during the period authorized, be repaid by June 30, 2014 including interest at the established Oregon State Investment Pool interest rate for the applicable the time period.

		Adopted/ Amended Budget	Adjustment DR	Adjustment CR	Revised Budget
General Fund					
Resources		8,696,800		12,300	8,709,100
Expenditures	General Services	1,233,300	12,300		1,245,600
Administrative Services Fund					
Resources				12,300	
Expenditures	Capital Outlay	55,400	12,300		67,700
Transportation Fund					
Expenditures	Capital Outlay	1,540,000		12,300	1,527,700
Transfers Out	Interfund Loan to General Fund	-	12,300		12,300

PASSED this _____ day of _________________, 2011

SIGNED this _____ day of _________________, 2011

____
Mayor

____
City Recorder

COUNCIL MEETING: **<u>October 17, 2011</u>**

AGENDA ITEM NUMBER: _______________

TO: **MAYOR CHRISTOPHER AND CITY COUNCILORS**

THROUGH: **CHRIS EPPLEY, CITY MANAGER**

FROM: **MACHELL DEPINA, HUMAN RESOURCES DIRECTOR**
AND
SUSAN GAHLSDORF, FINANCE DIRECTOR

SUBJECT: **AUTHORIZATION FOR APPROPRIATION TRANSFER FOR CHANGES IN LABOR ATTORNEY COSTS**

BACKGROUND: The City's Labor Attorney costs are budgeted in various funds. The Human Resources budget (part of the Administrative Services Fund) covers City-wide activities such as policy development and other matters impacting all staff. The Police Operating Budget covers personnel matters related to KPA represented employees as well as collective bargaining. Public Works budgets (Park Operations, Streets, Water, and Storm Water) cover personnel matters related to Local 320 represented employees as well as bargaining.

ISSUE: Since the beginning of the fiscal year, several personnel matters have required legal assistance and have cost the City the majority if of its Labor Attorney appropriation in both the Police Operating budget and Public Works budgets. These were issues which the City was not aware of when the City's budget was adopted, and include a number of grievances and personnel matters that resulted in immediate and ongoing legal advice being necessary to minimize risk to the City and to provide the legal capacity to take needed actions. As always, care was taken to minimize costs.

FISCAL IMPACT: The FY11-12 Adopted Budget provides $25,000 for labor attorney costs in the Police Operations budget. Staff estimates an additional $48,800 is needed for the remainder of this fiscal year to cover contract negotiation, arbitration and grievance activity in the Police Department. The FY11-12 Adopted Budget provides $9,100 for labor attorney costs in Public Works budgets. Staff estimates an additional $36,000 is needed for the remainder of this fiscal year to cover contract negotiations and grievance activity in the Public Works Department. The impact on each fund is provided on the attached resolution.

Unused appropriation from FY10-11 has increased FY11-12 working capital carry forward above the amount projected for all impacted funds and is available for transfer to the Labor Attorney line-item in each fund.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution if it so chooses.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2011-_______________

AUTHORIZATION FOR RESOLUTION TRANSFER OF UNANTICIPATED WORKING CAPITAL CARRYFORWARD FOR LABOR ATTORNEY EXPENSES

WHEREAS ORS 294.450 allows for the transfer of appropriation authority and a like amount of resources between funds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2012:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
General Fund				
Resources	8,696,800	49,700		8,746,500
Police Operating Expenses	5,167,600	48,800		5,216,400
Parks Operating Expenses	275,700	900		276,600
Street Fund				
Resources	4,158,000	1,300		4,159,300
Materials & Services	571,400	1,300		572,700
Water Fund				
Resources	2,975,900	31,100		3,007,000
Materials & Services	1,006,100	31,100		1,037,200
Storm Water Fund				
Resources	1,325,900	2,700		1,328,600
Materials & Services	298,900	2,700		301,600

Due to unanticipated personnel issues, union grievances and potential arbitration on labor contract negotiations, additional appropriation is needed to cover labor attorney costs in the Public Works budgets and Police Operating budgets. The General Fund and Public Works funds had unexpended appropriation at the end of FY10-11 above projections. This has resulted in a higher than anticipated working capital Carryforward for FY11-12. The additional resources are available for appropriation to cover the cost of labor attorney expenses.

PASSED this _____ day of __________________, 2011

SIGNED this _____ day of __________________, 2011

____
Mayor

____
City Recorder

CITY COUNCIL MEETING:__________October 17, 2011___

AGENDA ITEM NUMBER:__________________________

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS C. EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, MMC
CITY RECORDER

SUBJECT: PLAZA MORELIA – LIQUOR LICENSE APPLICATION - CHANGE OF OWNERSHIP/ADDITIONAL PRIVELEGE

BACKGROUND:

On September 28, 2011 the City received an application for a change of ownership and additional privilege for the Limited On-Premises Sales liquor license for Plaza Morelia, located at 3391 River Road N, Keizer, Oregon. Plaza Morelia has maintained a Limited On-Premises (sell of beer and wine on site in conjunction with their food service) and Limited Off-Premises license (sell of beer and wine as part of their convenience store operation) since 2007. Earlier this year, the City approved renewal of each license type for Plaza Morelia. Due to an oversight by the licensee during the renewal process, Plaza Morelia did not pay the appropriate fees to the Oregon Liquor Control Commission for the On-Premises license, therefore it expired. The Off-Premises license is still in effect. An expired license requires a new application be filed and approved by the local governing body. In addition, Plaza Morelia is adding a new partner to their business operation. The new partner is Cesar Vallejo.

The Keizer Police Department reports a clear background check on the new applicant. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned and has no additional comment on the application.

RECOMMENDATION:

It is recommended the City Council review the application and recommend approval of the Limited On-Premises Sales liquor license for Plaza Morelia 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.

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales ($402.60/yr)
  - ☐ Commercial Establishment
  - ☐ Caterer
  - ☐ Passenger Carrier
  - ☐ Other Public Location
  - ☐ Private Club
- ☒ Limited On-Premises Sales ($202.60/yr)
- ☐ Off-Premises Sales ($100/yr)
  - ☐ with Fuel Pumps
- ☐ Brewery Public House ($252.60)
- ☐ Winery ($250/yr)
- ☐ Other:

ACTIONS

- ☒ Change Ownership
- ☐ New Outlet
- ☐ Greater Privilege
- ☒ Additional Privilege
- ☐ Other

90-DAY AUTHORITY

☐ Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company ☐ Individuals

CITY AND COUNTY USE ONLY

Date application received: ________

The City Council or County Commission:

________ (name of city or county)

recommends that this license be:

☐ Granted ☐ Denied

By: ________ (signature) (date)

Name: ________

Title: ________

OLCC USE ONLY

Application Rec'd by: LV8

Date: 8/18/11

90-day authority: ☐ Yes ☐ No

RECEIVED
OREGON LIQUOR CONTROL COMMISSION
AUG 10 2011
SALEM REGIONAL OFFICE

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
   ① PLAZA MORELIA LLC ③
   ② ④
2. Trade Name (dba): PLAZA MORELIA
3. Business Location: 3391 River RD N (number, street, rural route) Keizer (city) (county) OR (state) 97303 (ZIP code)
4. Business Mailing Address: 3391 River RD N (PO box, number, street, rural route) Keizer (city) OR (state) 97303 (ZIP code)
5. Business Numbers: (503) 304-4356 (phone) (503) 385-1081 (fax)
6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No
7. If yes to whom: Leodegario / Edelmira Type of License: OFF PREMISES
8. Former Business Name: PLAZA MORELIA
9. Will you have a manager? ☒ Yes ☐ No Name: ________ (manager must fill out an Individual History form)
10. What is the local governing body where your business is located? Keizer OR Marion (name of city or county)
11. Contact person for this application: Cesar Vallejo (name) (971) 388-0101 (phone number(s))
    1011 Shoshone CT SE Salem, OR 97317 (address) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

① Leodegario Vallejo C. Date 6-14-11 ③ [signature] Date 6-14-11

② Edelmira Pacheco Date 6-14-11 ④ ________ Date ____

A Cesar Vallejo LLC was added to Plaza Morelia to be the contact person for to Language matters. There were no $$$ ~~0~~ money need to do this change.
All three members are family.

OREGON LIQUOR CONTROL COMMISSION

BUSINESS INFORMATION

Please Print or Type

Applicant Name: Leodegario Vallejo Phone: 971-388-0725

Trade Name (dba): PLAZA MORELIA LLC

Business Location Address: 3391 River RD N

City: Keizer OR ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:			Outdoor Area Hours:		
Sunday	9:00 AM to 8:00 pm		Sunday	N/A to N/A	
Monday	8:00 to 8:00 pm		Monday	to	
Tuesday	8:00 to 9:00 pm		Tuesday	to	
Wednesday	8:00 am to 9:00 pm		Wednesday	to	
Thursday	8:00 am to 9:00 pm		Thursday	to	
Friday	8:00 to 9:00 pm		Friday	to	
Saturday	8:00 to 9:00 pm		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:

- ☐ Live Music
- ☐ Recorded Music
- ☐ DJ Music
- ☐ Dancing
- ☐ Nude Entertainers
- ☐ Karaoke
- ☐ Coin-operated Games
- ☐ Video Lottery Machines
- ☐ Social Gaming
- ☐ Pool Tables
- ☐ Other: ________

DAYS & HOURS OF LIVE OR DJ MUSIC

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

SEATING COUNT

Restaurant: 15 Outdoor: ________

Lounge: ________ Other (explain): A small Taco Place inside STORE.

Banquet: ________ Total Seating: 15 Chairs

OLCC USE ONLY

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

Investigator Initials: LV

Date: 8/18/11

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

Applicant Signature: [signature] **Date:** 8-16-11

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)

COUNCIL MEETING: <u>October 17, 2011</u>

AGENDA ITEM NUMBER: _______________

TO: **MAYOR CHRISTOPHER AND COUNCIL MEMBERS**

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

FROM: **CHIEF H. MARC ADAMS**
AND
SUSAN GAHLSDORF, FINANCE DIRECTOR

<u>SUBJECT</u>: **AUTHORIZATION FOR APPROPRIATION OF LAW ENFORCEMENT GRANT FUNDS**

<u>BACKGROUND:</u> The FY11-12 Amended Budget included $50,000 in the Law Enforcement Grant Fund split $15,000 for Materials and Services and $35,000 for Capital Outlay. The $35,000 in capital outlay has been fully expended on Oregon Department of Transportation grants for a pilot program for Intelligence Policing. Resolution R2011-2151 was passed on July 11, 2011 authorizing expenditure of these funds.

<u>ISSUE:</u> The Police Department typically receives up to $50,000 on various routine capital outlay grants during the fiscal year ($48,260 in FY09-10 and $48,526 in FY10-11). These grants are primarily from the US Department of Justice, distributed through an interagency agreement with the City of Salem, known as Justice Assistance Grants (JAG). The Department anticipates receiving a similar amount of grant funds in FY11-12 over and above the $35,000 non-routine grant received earlier this year.

ORS 294 allows for the expenditure of grants (in the year of receipt) after enactment by the governing body of the municipal corporation of appropriation ordinances or resolutions authorizing the expenditure. The attached resolution, if approved, provides that authorization.
<u>FISCAL IMPACT:</u> An additional $50,000 in Grant revenues is anticipated for FY11-12 for Capital Outlay expenditures leaving no net fiscal impact to the City's financial position.

<u>RECOMMENDATION:</u> Staff recommends the council adopt the attached resolution authorizing the expenditure of grant funds as described above.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2011-_______________

AUTHORIZATION FOR APPROPRIATION OF LAW ENFORCEMENT GRANT FUNDS FOR ROUTINE CAPITAL OUTLAY GRANTS

WHEREAS ORS 294 allows for expenditure of grants (in the year of receipt) after enactment by the governing body of the municipal corporation of appropriation ordinances or resolutions authorizing the expenditure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2012:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
LAW ENFORCEMENT GRANT FUNDS				
Revenue	50,000	50,000		100,000
Capital Outlay	35,000	50,000		85,000

The Police Department anticipates receiving $50,000 in routine capital outlay grants in FY11-12, primarily from the US Department of Justice, through an interagency agreement with the City of Salem.

PASSED this _____ day of __________________, 2011

SIGNED this _____ day of __________________, 2011

____
Mayor

____
City Recorder

COUNCIL MEETING: October 17, 2011

TO: **MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

FROM: **SUSAN GAHLSDORF**
FINANCE DIRECTOR

SUBJECT: **AUTHORIZATION FOR APPROPRIATION OF GRANT FUNDS RECEIVED FOR KEIZER RAPIDS PARK BOAT RAMP**

BACKGROUND: On August 1, 2011 City Council passed Resolution R2011-2153 authorizing the City Manager to sign State Marine Board Facility Grant Cooperative Agreement for Keizer Rapids Park boating improvements. The grant agreement provides for a $50,000 grant from the Marine Board plus $700,000 to be procured from the Oregon Department of Fish and Wildlife federal Sport Fish Restoration funds.

ISSUE: ORS 294 allows for the expenditure of grants (in the year of receipt) after enactment by the governing body of the municipal corporation of appropriation ordinances or resolutions authorizing the expenditure. The attached resolution, if approved, provides that authorization.

FISCAL IMPACT: There is no net fiscal impact on the City's financial position from receipting and expended the above mentioned grant funds.

RECOMMENDATION: Adopt the attached resolution authorizing the expenditure of the State Marine Board Facility Grant for $50,000 and the Oregon Department of Fish and Wildlife federal Sport Fish Restoration Grant for an additional $700,000.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2011-_______________

AUTHORIZATION FOR APPROPRIATION OF GRANT FUNDS RECEIVED FOR KEIZER RAPIDS PARK BOAT RAMP

WHEREAS ORS 294 allows for expenditure of grants (in the year of receipt) after enactment by the governing body of the municipal corporation of appropriation ordinances or resolutions authorizing the expenditure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2012:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
Park Improvement Fund				
Revenues	564,500	750,000		1,314,500
Capital Outlay	564,500	750,000		1,314,500

The City of Keizer was awarded a $50,000 grant from the Oregon State Marine Board for Keizer Rapids Park Boating improvements which Council approved on August 1, 2011, R2011-2153. The grant agreement requires $250,000 to be expended from Park Improvement Fund resources plus $700,000 to be procured from the Oregon Department of Fish and Wildlife federal Sport Fish Restoration Funds and expended through the City's Park Improvement Fund.

PASSED this _____ day of _________________, 2011

SIGNED this _____ day of _________________, 2011

____
Mayor

____
City Recorder

MINUTES
KEIZER CITY COUNCIL
Tuesday, September 6, 2011
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Council President Clark called the meeting to order at 6:09 pm. Roll Call was taken as follows:

Present:	**Staff:**
Lore Christopher, Mayor (6:12)	Chris Eppley, City Manager
Cathy Clark, Council President	Shannon Johnson, City Attorney
Jim Taylor, Councilor	Nate Brown, Community Development
David McKane, Councilor	Marc Adams, Police Chief
Brandon Smith, Councilor	Bill Lawyer, Public Works
Joe Egli, Councilor	Tracy Davis, City Recorder
Mark Caillier, Councilor	

FLAG SALUTE

Council President Clark led the pledge of allegiance.

SPECIAL PRESENTATION

Councilor McKane presented Certificates of Appreciation and checks to Rick Adams from Keizer Young Life and Pastor Tom Fox from Lakepoint Community Church as partial reimbursement for costs incurred hosting breakfasts for Good Vibrations participants in July. Mr. Adams and Mr. Fox thanked the City. Councilor McKane added that all donations collected were spent on the two breakfasts at City Hall.

PUBLIC TESTIMONY

Dave Bauer, Keizer, thanked Council for their recent Transit District partnership decision and voiced appreciation for the decision making process which included extensive discussion and questions. He then criticized the Mayor’s response to his testimony at that meeting stating that correcting citizen input is not the Mayor’s job; the job of the Mayor and Council is to listen.

Ron Baumer, Color Me Mine in Keizer Station, reported that he is involved in an international program called “Pinwheel for Peace” wherein pinwheels are flown around the world on September 21. A portion of the proceeds from sales of the pinwheels will be donated to Keizer Public Arts. He requested permission to participate in this event by placing pinwheels in the Civic Center Park. He also provided additional information regarding how various projects are used for fundraisers for area schools.

Sherrie Gottfried, Keizer Renaissance Inn, reported that Keizer was well represented at the State Fair. She reviewed handouts that were distributed, displays, room nights at the Renaissance Inn that were directly related to the State Fair as well as impacts to area businesses. Ms. Gottfried also thanked business and Council participants and noted that many who had stayed in Keizer were looking forward to returning. Councilor Clark commended Ms. Gottfried for her tireless labor and noted that this was a great opportunity for outreach for Keizer.

PUBLIC HEARING

a. ORDINANCE ~ Withdrawing Territory from Marion County Fire District No. 1

RESOLUTION ~ Authorizing Mayor to Sign Intergovernmental Agreement Relating to Fire and Emergency Services Within the City of Keizer

RESOLUTION ~ Proposing Annexation to Keizer Fire

RESOLUTION ~ Declining to Withdraw Clear Lake Area from Marion County Fire District No. 1

City Attorney Shannon Johnson explained that this matter was re-opened from an earlier Public Hearing. He noted that first the question of whether or not this is a two-step process needs to be determined, and second, if that is approved, the annexation would need to be addressed. Because there was a question as to whether or not this is a legislative issue or a quasi judicial issue, he read the Oregon Revised Statute noting that the main criteria in the withdrawal is the best interest of the city; the other criteria set forth are lengthy dealing with the different goals. He suggested that, if there were no objections, he would not read those exact criteria. Chris Crean, attorney for Marion County Fire District, stated that the statute requires this to be read at the first hearing and this meeting was well past the first hearing; there was no point in reading them now so he would not object.

Responding to Mr. Johnson's query regarding ex parte contacts, conflicts or bias from Council, the Mayor and each Councilor listed meetings and contacts to the best of their knowledge. They had no declaration of bias. Councilor Clark specifically stated that neither she nor her husband has any financial connection with either Keizer Fire District or Marion County Fire District. Mr. Johnson encouraged audience members to state objections to ex parte contacts, bias, prejudice, notice, opportunity to be heard or jurisdiction for the record at this time. There were none.

Mr. Johnson then reviewed voting procedures and options, provided suggestions regarding the public testimony and clarified voting and referendum issues.

Mayor Christopher Re-Opened the Public Hearing.

KEIZER FIRE DISTRICT
Joe VanMeter, Keizer, President of the Fire District Board, noted that attorneys for both Keizer and Marion County agree that this withdrawal is on solid legal foundation. He explained that withdrawal will allow improved services to Keizer and Clearlake and provided details regarding emergency services, trainings, open houses, work with youth, equipment replacement plans and volunteer recruitment.

Chief Cowan, Keizer, noted that campaigning has been taking place in the Clearlake area but not through the Keizer Fire District. He added that the petition circulated was not legal and used misinformation. He explained that Keizer Fire District fields all calls from Keizer citizens so if Clearlake is annexed, Clearlake calls will be fielded by Keizer Fire.

Bob Blackmore, Attorney from Lake Oswego, stated that the Keizer Fire District believes this request is on solid legal footing and announced that he was available to answer any questions. He noted that some figures offered by Marion County Fire were speculative and he provided clarification regarding taxes.

Chief Cowan, Mr. VanMeter and Mr. Blackmore then fielded questions and provided clarification regarding benefits to the remainder of Keizer if the District is serving Clearlake, the Marion County Commission legal briefing which voiced agreement with Keizer Fire, election details, ambulance services, and personnel changes.

MARION COUNTY FIRE
Randy Franke, Marion County, current president of the Marion County Fire District Board of Directors, noted that the most important issue tonight was what those most affected by the proposal want, i.e. the Keizer citizens living in the Clearlake area. He refuted the accusation that this matter was brought about because Marion County cancelled the ambulance service agreement noting that after the first public hearing, a meeting had taken place to revise ambulance boundaries and Keizer Fire District offered nothing for the change. He noted that the majority of the Clearlake residents did not ask for this change; petitions turned in tonight represented over 660 Clearlake residents opposing the annexation. Mr. Frank concluded his testimony stating that this is about money, not service.

Chris Crean, Portland, attorney for Marion County, stated that the Marion County Commission legal opinion says only that the matter is unclear and that it will be a long, complicated, and expensive process to resolve. He asserted that Clearlake residents will see their taxes go up under one condition and, under the other condition the City does not have the right to withdraw. He questioned if the City had investigated the Keizer Fire budget and the District's ability to indemnify Keizer for expenses incurred for this issue and provided suggestions for equitable voting that would be defensible under the statute.

Kevin Henson, Marion County, suggested that the system is not broken and that both Districts should work together to develop mutually beneficial solutions to stabilize both budgets and service delivery models for both districts. He suggested sharing administrative expenses, healthcare plans, training divisions, fire prevention and investigation, fleet maintenance, etc. noting that much more can be done by working together. He concluded noting that Clearlake currently enjoys terrific service by two good fire districts and requested not to be put into a position to battle over fire service delivery models for Marion County Fire simply to address Keizer Fire District's financial shortfalls.

Mr. Franke, Mr. Henson and Mr. Crean then fielded questions and provided clarification regarding increased taxes for Clearlake residents, ambulance service areas, email discussions to reach a compromise between the two parties, the legal opinion from Marion County attorney, signatures on the petition, state statutes, ambulance deployment, petitions submitted, Clearlake emergency response, election details and Clearlake boundaries.

Ken Dawson, Keizer, Clearlake resident, urged both Fire Districts to work together to provide fire services to the Clearlake area noting that, because the tax rate for Clearlake would be lower and because of the demographics of the area, he supported the withdrawal and annexation.

Bill Quinn, Keizer, Keizer Fire District Budget Committee member, spoke in support of the withdrawal and annexation noting that the Fire District short- and long-range plans make sense and that Clearlake residents will benefit.

Hank Tarter, Keizer, voiced support for the withdrawal and annexation noting that Keizer Fire has been a good steward of tax dollars and if they feel it is necessary to annex the Clearlake area to continue the type of service Keizer citizens have become accustomed to, he supports them.

Ron Raleigh, Keizer, a volunteer with Keizer Fire, explained that he and 7 others own property that is partially in the Marion County Fire District so they pay taxes for both fire districts but cannot vote on Marion County Fire District issues. He voiced support for the withdrawal and annexation.

Kris Lockard, Keizer, spoke in support of the withdrawal and annexation noting that turning over Station 6 to Keizer Fire is the right thing to do. She noted that legal expenditures for Marion County are six figures due to conflict within Marion County Fire District and poor leadership and that she pays more in taxes to Marion County Fire District than she does to the entire City of Keizer.

Cal Ekstrand, Keizer, voiced support for the withdrawal and annexation. He commended the Keizer Fire District for their commitment to this cause and objected to several signatures on the petitions because they were not from Keizer and were not accompanied by a written statement. Mayor Christopher noted that the petitions did in fact have written statements on the top of each page.

Alex Miller, Keizer, spoke in support of the withdrawal and annexation. He shared an experience where he lost his child, noted that property taxes and insurance rates would go down, and expressed the opinion that Keizer neighborhood citizens would be better served by Keizer Fire District and rural areas would be better served by Marion County Fire District.

Raeann McDonald, Falls City, Executive Director at Willamette Lutheran Retirement Community, voiced opposition to the withdrawal and annexation noting that Marion County Fire District has served the community well. She provided details of past service, including emergency, educational and volunteer services. Noting that everyone is facing budget shortfalls, she challenged the Keizer Fire District to dig deep and address their budget issues but not at the cost of their neighbor. She explained that Keizer Fire and Marion County Fire have both always provided ambulance service to her facility.

Wayne Miller, Keizer, resident of the Clearlake area and Board member of Marion County Fire, urged Council not to withdraw from the Marion County Fire District.

Orville Downer, Salem (River Road), Board member of Marion County Fire voiced opposition to the withdrawal and annexation.

David Hillis, Keizer, declared opposition to the withdrawal and annexation noting that the proposed annexation would diminish Clearlake response time.

Tony Goodsell, Keizer, expressed opposition to the withdrawal and annexation noting that if the annexation goes through, Clearlake residents will be double taxed.

Daniel Chapin, Keizer, spoke in opposition to the withdrawal and annexation noting that current service is outstanding, Marion County Fire District is involved with the community and annexation will destroy that, and if the annexation goes through it will have a detrimental effect on the residents of the rural area outside Keizer.

Bill Dyer, Keizer, employee of Marion County Fire District voiced opposition to the withdrawal and annexation. He questioned the finances of the Keizer District and where the money would come from to pay the costs arising from this issue. Mr. Johnson explained that there would be an intergovernmental agreement between the Keizer Fire District and the City. The City would be responsible for direct costs and Keizer Fire would reimburse the City for those costs.

Claudia Black, Keizer, expressed opposition to the withdrawal and annexation for the following reasons: short response time and nearby emergency facility, new and efficient equipment, a history of successfully working closely with Keizer Fire District

Bruce Chapin, Salem (Wheatland Road), declared opposition to the withdrawal and annexation noting that this issue effects the area around Keizer, the fire districts have worked together successfully in the past, and a rural fire department is more geared to fight fires in areas with no fire hydrants and to address emergencies related to farm equipment.

Mike Welter, Keizer, resident of the Clearlake area, voiced opposition to the withdrawal and annexation noting that it appeared that the important issue is capturing of tax revenue and not public safety and the best interest of the City. He noted that Marion County Fire District had shown financial responsibility by making appropriate cuts when they experienced budget difficulties and suggested that Keizer Fire do the same. He also questioned if it was legal to develop a public budget in executive session as the Keizer Fire District had done.

Debi Welter, Keizer, resident of the Clearlake area, spoke in opposition to the withdrawal and annexation and explained that the Vineyards One Board has worked hard to find out and relay to residents all information regarding this matter. The petition was circulated to allow residents who want to keep things they way they are to sign it but no one pressed anyone into signing. She added that before any government gets involved in something like this there must be a clear reason to do so and the burden of proof lies with the party requesting the change and she felt the Keizer Fire District had not made their case. She reiterated previous testimony requesting a business plan or budget from Keizer Fire District

Duane Byerley, Keizer, President of Cedar Bluff Homeowners Association, expressed opposition to the withdrawal and annexation noting that it doesn't need to be "fixed" and common sense would indicate it would be best to leave it unchanged.

Greg Miller, Keizer, Board member of the Vineyard Subdivision, declared opposition to the withdrawal and annexation. He encouraged Council to make a defendable, business-based decision for the citizens and asked them to consider the net benefit and protection of families.

Joan Johnson, southeast Salem, spoke in opposition to the withdrawal and annexation noting that she had signed the petition because everyone is in this together. She asked Council to keep in mind that their decision will affect everyone and to move forward to draw both districts together to work cooperatively to provide excellent service at the level citizens expect and pay for. She added that it was likely that this change would have no effect on insurance premiums.

David Zahn, Keizer, voiced opposition to the withdrawal and annexation noting that he had gone door to door to talk with residents of Clearlake and was pleased to find so many people who were aware of what was going on and who opposed the current efforts of the Keizer Fire District. He added that many residents were unaware of the letter that had been submitted to the KFD asking for them to take over the area, and they had signed the petition opposing same. He urged Council to draw both districts together to work together and combine their efforts in an area which will help each fire district, save taxpayer money, work under one group and bring the administration, training, public information, and maintenance staff, etc. together to prevent duplication of resources and waste of taxpayer money. He added that in response to questions when he was circulating the petition, he had stated that if Keizer Fire District found they did not have enough funds to operate both stations, it would be their decision, but they would most likely close the Clearlake station rather than the Chemawa Road one.

Don Zielinski, Keizer, Marion County Fire, expressed opposition to the withdrawal and annexation voicing the belief that Keizer will have to raise taxes whether or not this area is annexed.

Jonathan Louthan, Keizer, declared opposition to the withdrawal and annexation. He corrected some information that had been transmitted via email, suggested that Clearlake residents be allowed to vote on this issue and not the remainder of Keizer, and reviewed impact on staffing that the annexation would cause.

Mark Jennings, Keizer, resident of Clearlake and Marion County Fire volunteer, voiced opposition to the withdrawal and annexation. He suggested that there must be a better way to solve the problem; a solution that does not harm one over the other; the best situation is the way it is right now with the two districts working side by side for the common good of the community.

Greg Ego, Keizer, a member of the Keizer Fire Board, denied that the Keizer Fire District had conducted their budget meetings in closed sessions, that the District was planning to initiate a bond election for equipment and that the annexation issue is related to budget problems. He noted that the District is operating on a balanced budget in 10-11 and 11-12. Regarding paying for the cost of this litigation, Mr. Ego noted that Fire District employees had volunteered to forego their cost of living raises in order to cover those costs. Discussion followed regarding these costs and how to pay them.

Austin Chapin, Salem, living north of Keizer, a fourth generation farmer in the area and involved with Keizer all his life, discouraged voting for the withdrawal and annexation. He added that he had participated in collection of the signatures for the petition and felt it inappropriate to discredit the signatures. He noted that he felt compromise was not an option because Marion County is not fighting for control of Keizer, Keizer is fighting for control of Marion County and this is not a compromise situation.

Dan Zahn, Keizer, Clearlake resident voiced opposition to the withdrawal and annexation noting Chief Cowan's statement that 'it is not what is best for Clearlake, it is what is best for Keizer,' bothered him. He felt that staying the way it is would be best for Clearlake. He concluded his testimony noting that he hoped the decision of Council tonight did not reflect where they lived.

Chief Cowan then fielded questions and provided clarification regarding communications between Chief Henson and Chief Cowan, the ambulance services agreement, service levels and response times, automatic mutual aid and computer automated dispatch, sustainability, staffing, concern about the transition and ensuring that the Clearlake station remains open, and Keizer Fire District's equipment replacement plan.

Rebuttal

Keizer Fire District Chief Cowan voiced concern regarding volunteers on duty collecting petition signatures using fire apparatus and saying that the Clearlake station would be closed. He noted that some testimony indicated that insurance rates would drop, and that currently Clearlake revenue supports areas outside of Keizer and this change would keep those revenues in Keizer. Regarding compromise, he explained that the relationship with Marion County had made that impossible and Board direction had been to handle this in a formal public process and let the public vote.

Mr. Blackmore, attorney for Keizer Fire District, discussed the Marion County legal opinion noting that legally it was consistent on all the legal points throughout. He also discussed "Qualified Tour of Duty" employees used by Marion County Fire District.

Marion County Fire District Chief Henson addressed the rumors regarding closure of Clearlake Station stating that MCFD has no intention of closing Station 6 or giving up their assets. He then fielded questions regarding dispatching fire trucks, the use of paramedics vs. Qualified Tour of Duty (QTOD) staff, and the MCFD equipment replacement plan.

Mr. Crean, attorney for Marion County Fire District, expressed the opinion that if Council did not move to solve Keizer Fire District's budget problems it would force them back to the negotiating table with MCFD. He noted that he too was in agreement with Marion County's legal opinion but as indicated by Keizer City Attorney, Marion County was addressing a different issue. He stated that he felt the City could call for an election exclusively in Clearlake area so there would be one election in the Fire District and a separate election in the Clearlake district and it would require the majority of both to approve.

Chief Henson added that Turner Fire District has nothing to do with Marion County Fire District. He then suggested that instead of getting 'snippets' of information during this sort of testimony, both parties should be working together to find a way to partner.

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

<u>Councilor Clark moved that Keizer City Council Adopt a Bill for an Ordinance Withdrawing Territory from Marion County Fire District No. 1. Councilor Taylor seconded.</u>

Councilor McKane explained why he would not support this motion stating that the City of Keizer does not provide fire service, they leave it to the professionals and as stated throughout the hearing, the city probably has two of the best fire services around. He expressed disappointment that the Districts cannot work together to remedy this issue, and noted that he did not feel qualified to decide on who can provide the best fire service. He voiced concern that if the City moves forward and holds this election the voice of Clearlake will not be heard because it will be drowned out by the rest of Keizer. He encouraged both Districts to put the past behind and move forward.

Councilors Caillier and Egli voiced agreement with Councilor McKane but felt the citizens should decide this matter.

Councilor Clark noted that tonight she heard two fire districts dedicated to saving lives and protecting property, and she heard citizens concerned about economy. She voiced concern regarding legal expenditures and how to provide public safety and make it sustainable, and concluded stating that the Fire Districts have trained personnel but the citizens are paying the bills so should decide the issue through a vote.

Councilor Taylor noted that all who testified were persuasive but he was not persuaded by either. He added that the Council's mission is to do what is best for all of Keizer, not just Clearlake, and would therefore support this.

Councilor Smith noted that there had been extensive documents and comments from both sides and he felt he was not the best qualified to determine which entity would serve Keizer best so he would let the voters decide.

Mayor Christopher noted that her decision was not about money. The men and women in Keizer Fire and Marion Fire both put their lives on the line for all citizens when the bell rings, so it is not about those individuals. It is about the management and leadership of the organizations and moving forward. The Keizer Fire District works with CERT and EVAK and the City on a more consistent basis than does Marion County, however, day to day either one will give excellent service. In a disaster situation, however, service is best held to an urban fire service provider and the organization training our personnel. She noted that if this goes to a vote, both districts have until December to work something out but she would vote in favor of this.

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

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

ADMINISTRATIVE ACTION

a. ORDINANCE ~ Amending Keizer Development Code Regarding Section 2.203 (Permitted Uses Generally); Amending Ordinance 98-389

Mr. Johnson reminded Council that this was addressed in a public hearing and Council directed staff to prepare an ordinance. This has to do with clarifying the weight limitations for vehicles used in home occupations. Planning Commission decided not to change the gross vehicle weight, but clarified it; they declined to change the parking ordinance. Council supported the Planning Commission position.

Councilor Clark moved that the Keizer City Council adopt a Bill for an Ordinance Amending Keizer Development Code Regarding Section 2.203 (Permitted Uses Generally); Amending Ordinance 98-389. Councilor Taylor seconded. Motion passed unanimously as follows:

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

b. Resolution ~ Authorizing Filing of Explanatory Statement Relating to Charter Amendment Election – Public Safety Communications Fee

Mr. Johnson reminded Council that at their previous meeting they had authorized the filing of a Charter Amendment having to do with a Public Communications Fee and because of the timeline it needs to be brought to Council. The explanatory statement has been drafted for Council review and needs to be adopted tonight. Informal approval has been received from the Secretary of State's office.

Councilor Clark moved that the Keizer City Council adopt a Resolution Authorizing Filing of Explanatory Statement Relating to Charter Amendment Election – Public Safety Communications Fee. Councilor Taylor seconded. Motion passed as follows:

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

CONSENT CALENDAR

A. RESOLUTION – Authorizing the City Manager to Enter Into Web Development and Maintenance Agreement with Kentucky Underground Storage, Inc.
B. RESOLUTION – Amending the Resolution Establishing the Keizer Channel 23 Advisory Committee; (Amending R2008-1837, Repealing R2008-1905)
C. RESOLUTION – Amending City Summer Concert Band Selection Task Force (Amending R2010-2081)

Councilor Clark moved to approve the Consent Calendar. Councilor Taylor seconded. Motion passed unanimously as follows:

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

COMMITTEE REPORTS Postponed due to late hour.

RECESS TO EXECUTIVE SESSION *(11pm)*

a. Executive Session in Accordance with ORS 192.660(2)(f) – To consider information or records that are exempt by law from public inspection.

DECISIONS FOLLOWING EXECUTIVE SESSION

Reconvened at 11:25 p.m.

City Manager Chris Eppley noted that based on discussions during the Executive Session he would ask the City Attorney to provide the potential language for a Minute Motion regarding directing City staff to begin the appeal process to the Court of Appeals for the LUBA decision.

Mr. Johnson explained that he had given proposed language to Councilor Clark.

<u>Councilor Clark moved that Keizer City Council direct staff to file an appeal regarding the Land Use Board of Appeals Case Number 2011-043. Councilor Taylor seconded. Motion passed unanimously as follows:</u>

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

OTHER BUSINESS Councilor Clark invited everyone to the September 11 Memorial Ceremony and noted that the Commissioners Breakfast was cancelled so that everyone could attend the Red Cross Real Heroes breakfast.

WRITTEN COMMUNICATIONS None

AGENDA INPUT

September 12, 2011
5:45 p.m. – City Council/Parks Advisory Board Work Session
- City of Keizer Annual Parks Tour

September 19, 2011
7:00 p.m. – City Council Meeting

October 3, 2011
7:00 p.m. – City Council Meeting

ADJOURNMENT Mayor Christopher adjourned the meeting at 11:28 p.m.

MAYOR: APPROVED:

Lore Christopher

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Cathy Clark

Councilor #2 – Brandon Smith

Councilor #5 – Joe Egli

Councilor #3 – Mark Caillier

Councilor #6 – James Taylor

Minutes approved:

MINUTES
KEIZER CITY COUNCIL
Monday, September 19, 2011
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:	**Staff:**
Lore Christopher, Mayor	Chris Eppley, City Manager
Cathy Clark, Council President	Shannon Johnson, City Attorney
Jim Taylor, Councilor	Nate Brown, Community Development
Brandon Smith, Councilor	Marc Adams, Police Chief
Joe Egli, Councilor	Rob Kissler, Public Works Director
Mark Caillier, Councilor	Bill Lawyer, Public Works
Absent:	Tracy Davis, City Recorder
David McKane, Councilor	

FLAG SALUTE

Mayor Christopher led the pledge of allegiance.

SPECIAL PRESENTATION

Public Works Superintendent, Bill Lawyer introduced Joe Corsi and Alex Finn reviewing the work history and hobbies of both. Mayor Christopher presented them with 10-Year Employment Recognition Awards.

PUBLIC TESTIMONY

Vickie Hilgemann, Keizer, President of the Keizer Parks Foundation, reported that the Wild Wild Rec program was very successful this summer with seven weeks at three parks and a 53% increase in attendance over last summer. She reviewed members of the community who had participated in the program and the activities they provided, listed the various financial supporters, and asked for permission to continue the program for another year.

Leanna Dickerson, supervisor of the Keizer branch of the Boys and Girls Club, reported that many children who had never been to the clubhouse returned to the park program from last year. She noted that participation of the various community members added much to the program and thanked the Keizer Parks Foundation for sponsoring this program.

Council agreed by consensus to permit this program to continue.

Ms. Hilgemann then presented a check for $1500 to the City noting that earlier in the year the Foundation had donated $2000 towards the dog park irrigation project and this sum is from summer fundraising efforts.

She explained that a large portion of this donation came from dog park users who organized a garage sale at the RiverFair and from businesses that helped sponsor the event. She noted that $1,066 was raised through this event with the remainder coming from the Paw Pavers and other donations.

Rena Peck, Federal Programs Manager for the City of Salem Urban Development Department, provided information on the Consolidated Annual Performance Report. She summarized the contents of the report, areas of assistance provided by the program, program partners and details of assistance provided. She reviewed deadline dates for applications and fielded questions regarding home monitoring, website links, loan repayments, and fund allocations. Ms. Peck also noted that the report was on the Salem website and encouraged citizen comment.

PUBLIC HEARING

None

ADMINISTRATIVE ACTION

a. ORDINANCE ~ Withdrawing Territory from Marion County Fire District No. 1 (Second Reading)

City Attorney Shannon Johnson reported that the matter was before Council on several connected issues the first of which is the second reading for the proposed Ordinance. He provided additional explanation regarding the process for adopting the related resolutions and noted that if there was no bias to declare it would be appropriate to vote.

<u>Councilor Clark moved that the Keizer City Council adopt a Bill for an Ordinance Withdrawing Territory from Marion County Fire District No. 1. Councilor Taylor seconded. Motion passed as follows:</u>

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

RESOLUTION ~ Declining to Withdraw Clear Lake Area from Marion County Fire District No. 1

(Alternative to Ordinance above; no vote necessary.)

RESOLUTION ~ Proposing Annexation to Keizer Fire

<u>Councilor Clark moved that the Keizer City Council adopt a Resolution Proposing Annexation to Keizer Fire. Councilor Taylor seconded. Motion passed as follows:</u>

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

RESOLUTION ~ Authorizing Mayor to Sign Intergovernmental Agreement Relating to Fire and Emergency Services within the City of Keizer

Councilor Clark moved that the Keizer City Council adopt a Resolution Authorizing Mayor to Sign Intergovernmental Agreement Relating to Fire and Emergency Services within the City of Keizer. Councilor Taylor seconded. Motion passed as follows:

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

b. Requested Partial Refund of Park SDC's (Emerald Pointe Retirement Center)

Mr. Johnson explained that when Emerald Pointe Retirement Center was constructed the City did not have a separate category for Senior Housing and the multi-family rate was $800 per unit. Emerald Pointe paid that amount under protest with the thought there should be a separate category. A letter of agreement was entered into in which Council agreed to consider a partial refund if a new category was adopted. He explained that Mr. Hawkins with Emerald Pointe had submitted a letter relating to how the math would work but it varied from what the City thought was equitable. He provided details of the difference. Mr. Johnson and City Manager Chris Eppley then fielded questions regarding the formula for determining the amount owed/to be refunded, adoption and implementation of the rates, and the percentage difference between what was paid and the current rate.

Jeff Hawkins with Emerald Pointe provided details of the discussion that took place originally regarding this issue noting that it was related to the number of people occupying a dwelling unit. He noted that the question was determining the right proportionality required by statute and the impact of seniors on the parks in Keizer.

Councilor Clark moved that the Keizer City Council direct staff to refund Parks System Development Charges overpayment to Emerald Pointe Retirement Center in the amount of $13,680.00. Councilor Smith seconded.

Retroactive refunds and appropriate rates for Senior Housing were discussed.

Motion failed as follows:

AYES: Christopher, Smith and Clark (3)
NAYS: Egli, Taylor and Caillier (3)
ABSTENTIONS: None (0)
ABSENT: McKane (1)

Mr. Johnson noted that if Council would like to consider another motion to review this, the minutes could be provided and Council could determine future action at future meetings. He noted that staff would get the minutes together based on Councilor Taylor's request and Council could act as they see fit at a future meeting.

c. RESOLUTION ~ Authorization for Supplemental Budget – Parks Operations and Rental Expenses – Designating Rental Income as Dedicated Park Operations Revenue

Public Works Director Rob Kissler reported that the City had recently purchased the Buchholz property and anticipates renting it out. He noted that rental income is dedicated to be used for park operations expenses including the rental house maintenance and improvements over and above the $264,400 appropriated in the FY 11-12 Budget. It is anticipated that revenue and expenses are expected to be equal and any funds not expended at year end would carry over as dedicated revenue in future years above the 2.5% General Support Resources funding minimum.

Regarding tagging these funds for specific projects Mr. Kissler noted that staff anticipates using the funds at Keizer Rapids Park since the revenue is generated there but wants flexibility to spend funds in other locations as well. He explained that negotiations are underway for the farm rent and those funds will be dedicated to Keizer Rapids Park as well.
Mr. Johnson added that this figure is only for the house rental because staff did not want to speculate on the crop portion.

Councilor Clark moved that Keizer City Council adopt a Resolution – Authorization for Supplemental Budget – Parks Operations and Rental Expenses – Designating Rental Income as Dedicated Park Operations Revenue. Councilor Taylor second. Motion passed as follows:

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

CONSENT CALENDAR

A. RESOLUTION – Authorizing the City Manager to Enter Into Lease Agreement with IKON Office Solutions for Utility Billing Department Copier
B. RESOLUTION – Correcting Scrivener's Error – R2011-2159
C. Approval of August 1, 2011 Regular Session Minutes
D. Approval of August 15, 2011 Regular Session Minutes

Councilor Clark moved to approve the Consent Calendar. Councilor Taylor seconded. Motion passed as follows:

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

COMMITTEE REPORTS

Councilor Egli reported that the Keizer Urban Renewal Board meeting had been cancelled.

Councilor Clark expressed appreciation to the Keizer Fire District for the 9/11 remembrance and announced dates for the Sustainability Summit, Keizer 23 TV meeting, Salem-Keizer Area Transportation Study meeting and the League of Oregon Cities conference.

OTHER BUSINESS

Rob Kissler reported on the dog park closure/reseeding, announced that Area B West project will be starting on September 20 and will hopefully be complete in early October and noted the date and time for the next Traffic Safety Commission meeting. Responding to questioning regarding Verda/Chemawa intersection improvements, Mr. Kissler reviewed the necessary steps noting that he thought construction funds would be available in 2014.

Community Development Director Nate Brown reported that Planning Commission had met and began review the Home Occupation Text Amendment. Review will continue at the October meeting. Additionally, formal notice of approval of the Technical Assistance Grant has not been received but is expected shortly.

Mayor Christopher thanked the Keizer Fire District for the September 11 remembrance noting that Marion County, Keizer Police Department Honor Guard and Salem Fire Bagpipers participated. She noted that it has been 10 years since that terrible day and this was a wonderful way to remember fellow Americans who died. She then thanked Rob Kissler and the Parks Department staff for the parks tour noting that the parks look good even with the little money available and praised the landscaping at the Public Works shop on Rickman.

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

October 3, 2011
7:00 p.m. – City Council Meeting
October 10, 2011
5:45 p.m. – City Council Work Session (Tentatively cancelled)
October 17, 2011
7:00 p.m. – City Council Meeting

ADJOURNMENT

Mayor Christopher adjourned the meeting at 8:17 p.m.

MAYOR: APPROVED:

Lore Christopher

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

~ Absent ~
Councilor #1 – David McKane

Councilor #4 – Cathy Clark

Councilor #2 – Brandon Smith

Councilor #5 – Joe Egli

Councilor #3 – Mark Caillier

Councilor #6 – James Taylor

Minutes approved:

City of Keizer, Oregon

KEIZER SINCE 1982

Proclamation

WHEREAS, *the Mayor and City Council for the City of Keizer recognizes that volunteer effort is an extremely important asset to the community, and*

WHEREAS, *the Mayor and City Councilors wish to make known their gratitude and appreciation for those who give of themselves in fulfilling their public duty and promoting a better community through their actions,*

NOW THEREFORE, BE IT PROCLAIMED *by Mayor Lore Christopher of Keizer, Oregon, with the concurrence of the City Council assembled in regular session that*

Matthew Chappell

is appointed to serve his community as a member of the **Keizer Planning Commission** *with his term expiring in September of 2014. Let it also be known that the governing body of the City of Keizer does hereby give its heartfelt thanks and appreciation for his dedication and commitment to the community in volunteering his time and energy to the betterment of Keizer.*

IN WITNESS WHEREOF, *I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to be affixed to this document this 17th day of October, 2011.*

Signed:________________________, October 17, 2011

Lore Christopher, Mayor Date

City of Keizer, Oregon

Proclamation

WHEREAS, *the Mayor and City Council for the City of Keizer recognizes that volunteer effort is an extremely important asset to the community, and*

WHEREAS, *the Mayor and City Councilors wish to make known their gratitude and appreciation for those who give of themselves in fulfilling their public duty and promoting a better community through their actions,*

NOW THEREFORE, BE IT PROCLAIMED *by Mayor Lore Christopher of Keizer, Oregon, with the concurrence of the City Council assembled in regular session that*

John Rizzo

is appointed to serve his community as a member of the ***Keizer Planning Commission*** *with his term expiring in September of 2014. Let it also be known that the governing body of the City of Keizer does hereby give its heartfelt thanks and appreciation for his dedication and commitment to the community in volunteering his time and energy to the betterment of Keizer.*

IN WITNESS WHEREOF, *I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to be affixed to this document this 17th day of October, 2011.*

Signed:________________________, October 17, 2011

Lore Christopher, Mayor Date

City of Keizer, Oregon

Proclamation

***WHEREAS**, the Mayor and City Council for the City of Keizer recognizes that volunteer effort is an extremely important asset to the community, and*

***WHEREAS,** the Mayor and City Councilors wish to make known their gratitude and appreciation for those who give of themselves in fulfilling their public duty and promoting a better community through their actions,*

***NOW THEREFORE, BE IT PROCLAIMED** by Mayor Lore Christopher of Keizer, Oregon, with the concurrence of the City Council assembled in regular session that*

Joseph Gillis

is appointed to serve his community as a member of the **Keizer Budget Committee** *with his term expiring in August of 2014. Let it also be known that the governing body of the City of Keizer does hereby give its heartfelt thanks and appreciation for his dedication and commitment to the community in volunteering his time and energy to the betterment of Keizer.*

***IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to be affixed to this document this 17th day of October, 2011.*

Signed:________________________, October 17, 2011

Lore Christopher, Mayor   Date

City of Keizer, Oregon

KEIZER
SINCE 1982

Proclamation

***WHEREAS**, the Mayor and City Council for the City of Keizer recognizes that volunteer effort is an extremely important asset to the community, and*

***WHEREAS,** the Mayor and City Councilors wish to make known their gratitude and appreciation for those who give of themselves in fulfilling their public duty and promoting a better community through their actions,*

***NOW THEREFORE, BE IT PROCLAIMED** by Mayor Lore Christopher of Keizer, Oregon, with the concurrence of the City Council assembled in regular session that*

Ronald Hart

is appointed to serve his community as a member of the **Keizer Budget Committee** *with his term expiring in August of 2014. Let it also be known that the governing body of the City of Keizer does hereby give its heartfelt thanks and appreciation for his dedication and commitment to the community in volunteering his time and energy to the betterment of Keizer.*

***IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to be affixed to this document this 17th day of October, 2011.*

Signed:_________________________, October 17, 2011

Lore Christopher, Mayor Date

City of Keizer, Oregon

Proclamation

***WHEREAS**, the Mayor and City Council for the City of Keizer recognizes that volunteer effort is an extremely important asset to the community, and*

***WHEREAS,** the Mayor and City Councilors wish to make known their gratitude and appreciation for those who give of themselves in fulfilling their public duty and promoting a better community through their actions,*

***NOW THEREFORE, BE IT PROCLAIMED** by Mayor Lore Christopher of Keizer, Oregon, with the concurrence of the City Council assembled in regular session that*

Jeff Lewis

is appointed to serve his community as a member of the **Keizer Budget Committee** *with his term expiring in August of 2014. Let it also be known that the governing body of the City of Keizer does hereby give its heartfelt thanks and appreciation for his dedication and commitment to the community in volunteering his time and energy to the betterment of Keizer.*

***IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to be affixed to this document this 17th day of October, 2011.*

Signed:________________________, October 17, 2011

Lore Christopher, Mayor Date

CITY OF KEIZER MISSION STATEMENT
KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION

A G E N D A

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

October 17, 2011

Immediately Following Adjournment of City Council Meeting

Keizer Civic Center - Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC TESTIMONY**

   This time is provided for citizens to address the Urban Renewal Agency on any matter not scheduled for public hearing.

4. **PUBLIC HEARING**

5. **ADMINISTRATIVE ACTION**

   a. **RESOLUTION – Authorization for Appropriation Transfer for Urban Renewal Consultant and Legal Fees**

6. **CONSENT CALENDAR**

   a. **Approval of August 8, 2011 Urban Renewal Agency Work Session Minutes**

   b. **Approval of August 24, 2011 Urban Renewal Agency Minutes**

   c. **Approval of September 6, 2011 Urban Renewal Agency/City Council Special Session Minutes**

7. **OTHER BUSINESS**

   This time is provided to allow Urban Renewal Agency members the opportunity to bring matters before the Agency that are not on tonight's agenda.

8 **AGENDA INPUT**

9. **ADJOURN**

Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at (503) 390-3700 at least two working days (48 hours) in advance.

BOARD MEETING: October 17, 2011

AGENDA ITEM NUMBER: _______________

TO: **CHAIR CHRISTOPHER AND BOARD MEMBERS**

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

FROM: **SUSAN GAHLSDORF, CPA**
FINANCE DIRECTOR

SUBJECT: **AUTHORIZATION FOR APPROPRIATION TRANSFER FOR URBAN RENEWAL CONSULTANT AND LEGAL FEES**

BACKGROUND: At the City Council/Urban Renewal Agency joint work session on October 10, 2011, Council directed staff to pursue a substantial plan amendment to the North River Road Urban Renewal District as a means towards securing the City's financial risks related to its Keizer Station Local Improvement District (LID) debt.

ISSUE: City staff interviewed various urban renewal consultants and determined Elaine Howard Consulting, LLC was best suited to assist the District and City with a substantial plan amendment. This firm has successfully completed a variety of substantial plan amendments throughout Oregon compared to one or two identified by the other consulting firms. Elaine Howard Consulting bills for services by the hour and estimates this project will cost up to $25,000 to complete.

The City consults with K & L Gates bond counsel for legal matters relating to its urban renewal district. Staff anticipates expending up to $5,000 for legal work related to the substantial plan amendment.

Neither the consulting costs nor the legal costs were anticipated when the FY11-12 budget was adopted. ORS 294 provides that transfers of appropriations may be made within a given fund when authorized by official resolution of the governing body.

FISCAL IMPACT: Staff recommends discontinuing the River Road Renaissance program and using unspent funds to cover the cost of consulting services and legal services as identified above. Staff estimates unspent funds will total approximately $1 million. Staff plans to request authorization to use the remaining $965,000 to pay LID bonds when that opportunity presents itself.

RECOMMENDATION: Staff recommends the Board pass the attached resolution if it so chooses.

KEIZER URBAN RENEWAL AGENCY, STATE OF OREGON

RESOLUTION UR2011-______

AUTHORIZATION FOR APPROPRIATION TRANSFER FOR URBAN RENEWAL CONSULTANT AND LEGAL FEES

WHEREAS ORS 294 provides that transfers of appropriations may be made within a given fund when authorized by official resolution of the governing body.

NOW THEREFORE BE IT RESOLVED by the Board of the Keizer Urban Renewal Agency that the following appropriations be made for fiscal year ending June 30, 2012:

Urban Renewal Project Fund

	Existing Budget	**Increase**	**Decrease**	**Amended Budget**
Materials & Services	$ 186,600	$ 35,000		$ 221,600
Capital Outlay	$ 709,000		$35,000	$ 674,000

The Agency needs to expend up to $25,000 for consulting services and up to $5,000 for legal services to complete a substantial plan amendment to the North River Road Urban Renewal District.

The City anticipates up to $1,000,000 in unexpended appropriation from discontinuing the River Road Renaissance program budgeted as capital outlay.

PASSED this _____ day of _________________________, 2011.

SIGNED this _____ day of _________________________, 2011.

____
Chair

____
City Recorder

MINUTES
KEIZER URBAN RENEWAL AGENCY
WORK SESSION
Monday, August 8, 2011
Keizer Civic Center
Keizer, Oregon

CALL TO ORDER

Agent Christopher called the session to order at 6:35 p.m. Roll Call was taken as follows:

Present:	**Staff:**
Lore Christopher, Chair	Chris Eppley, City Manager
Brandon Smith	Shannon Johnson, City Attorney
David McKane	Nate Brown, Community Development Director
Joe Egli	Tracy Davis, City Recorder
Cathy Clark	
Jim Taylor	
Mark Caillier	

DISCUSSION

a. Visitor Information Services Facility

Community Development Director Nate Brown reminded Agents that they had recently adopted an amendment to the Urban Renewal Plan that would incorporate the provision of visitor information facilities as a listed project. He reviewed the requests that were submitted to the agency: (1) Participation with the Transit District, and (2) Funding a portion of interior remodel in Keizer Station for the Chamber of Commerce which would include visitor information services. He explained that staff needs direction as to how to approach these requests if the agency wishes to do so. He directed attention to the staff report which set out 5 questions for consideration and requested that the Agency provide staff direction.

City Attorney Shannon Johnson indicated that the actual construction is permanent construction in a leasehold interest so the permanent construction is not a problem, but the lease term is a question. Capital improvements are supposed to be bought with urban renewal money and this is a sort of capital improvement but not in terms of a permanent or long-term lease so that would be the question for legal use of urban renewal money.

Discussion then took place regarding investment in private vs. public assets and the fact that improvements done on River Road have been investments in private assets. Mr. Johnson explained that the issue is not private vs. public; it is the capital improvement on something that is not permanent.

Agent Christopher noted that if the City does not participate in the building of the Transit Center, the Transit District will build a 1200 square foot facility with a break room and toilets for the bus drivers only. If the City contributes to this and adds onto the building, a visitor services center is a potential tenant. This would provide staffing for the building and a contract could be written with Transit to share in the building operation costs.

A representative for the Transit District then provided additional information and fielded questions regarding the footprint of the building, possible uses, the building timeline (10-month design process, construction beginning June 2012, and completion May 2013) and the federal requirement that they maintain bus service presence for the life of the facility. He also noted that it was important to the Transit District building design team that they know by the end of August if the City of Keizer is going to participate in the project. Discussion also took place regarding joint ownership of the building, building design, the potential for a tourism center to bring additional economic development to the community, the timeline, submitting the concept to the Kiezer Urban Renewal Board for their recommendation, security, and the effect of using urban renewal resources on River Road projects. It was agreed that this project should go to KURB for their recommendation.

Mr. Brown explained that this allocation does not affect the allocation of the River Road Renaissance. Mr. Eppley added that these funds could be used to augment any other programs in the urban renewal budget: River Road Renaissance, Something Special once that is defined, or it could be held in reserve for future unforeseen obligations. He noted that the purpose of River Road Renaissance was to mitigate impacts to River Road that could have been brought on by development of Keizer Station and those impacts have been absorbed and the project is more or less completed.

Lengthy discussion then took place regarding River Road Renaissance, and leasing options for the City portion of the Transit building. Mr. Eppley explained that, should this project take place, the City would own the square footage that they built and lease the ground under a long-term lease.

Christopher, Smith, Caillier and Clark were interested in pursuing this project, Taylor was not and McKane and Egli were uncommitted due to too many unanswered questions.

Regarding funding improvements to the lease space at Keizer Station, Agent Egli noted that KURB had not formally voted on this issue. Discussion took place regarding whether or not the Agency supported this issue with Rich Duncan explaining that because the Transit District project is anticipated to be complete in two years, the Chamber has signed a two-year lease for the space at Keizer Station and the Chamber is hoping that they will be able to locate the Chamber offices at the Transit District site as well. He also provided information regarding the Chamber plan to build business, the lease payments, and the lease period.

Regarding sending to KURB for their recommendation the discussion regarding funding the improvements to the lease space at Keizer Station for a Chamber office, Agents Christopher, Taylor and Clark declared that they were to interested in funding the project so it did not need to go to KURB; Agents Caillier, McKane, Egli and Smith were interested enough to request a recommendation from KURB.

Mr. Duncan then fielded questions regarding the decision to move from the Heritage Center to Keizer Station. Christine Dieker, Executive Director of the Keizer Chamber of Commerce, indicated that the Heritage Center had warned her to expect a letter to vacate by December to accommodate expansion of the museum.

ADJOURNMENT

With no further business the work session was adjourned at 7:57 p.m.

APPROVED:

Debbie Lockhart, Deputy City Recorder

Lore Christopher, Chair

AGENCY MEMBERS

David McKane

Mark Caillier

Jim Taylor

Cathy Clark

Brandon Smith

Joe Egli

Minutes approved:______________________________

MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, August 24, 2011
Keizer Civic Center
Keizer, Oregon

CALL TO ORDER

Agent Christopher called the session to order at 7:00 p.m. Roll Call was taken as follows:

Present:	**Absent:**
Lore Christopher, Chair	Joe Egli
Brandon Smith	**Staff:**
David McKane	Chris Eppley, City Manager
Cathy Clark	Shannon Johnson, City Attorney
Jim Taylor	Susan Gahlsdorf, Finance Director
Mark Caillier	Debbie Lockhart, Deputy City Recorder

PUBLIC TESTIMONY

Christine Dieker, Keizer, Executive Director of the Keizer Chamber of Commerce, expressed appreciation that the City is looking to aggressive movement towards visitor services as shown in past support for events such as the Iris Festival and Good Vibrations and the upcoming K-Fest Committee. She added that citizens of Keizer benefit from dollars spent by visitors and the Chamber appreciates City collaboration efforts. Ms. Dieker explained that the facility at Keizer Station will offer information through a gallery of monitors that would give information about the community and River Road businesses. She explained that locating in Keizer Station at one of the busiest interchanges on I-5 allows the Chamber to be a storefront for River Road with the potential to promote local products in a highly visible environment. Ms. Dieker then fielded questions regarding the roll of the Chamber in promoting commerce, providing a place to network, staffing, training and customer service.

Richard Walsh, Keizer, explained that he served on the Keizer Visioning Committee, and part of the 20-year plan for Keizer was to encourage tourism. He explained that Keizer is located in the middle of the state and near a freeway so it is a central location for a meeting place; the Civic Center was constructed with this in mind and was one of the steps towards promoting tourism. He admitted that there are financial problems but the City had financial problems when Keizer Station was created and now it has a business district that generates approximately $4,000,000 per year that is pumped back into the community. This happened because the City took a risk and now the opportunity is available to take another risk and follow the vision for the city. Mr. Walsh pointed out that someday there would be a train station at Keizer Station and the transit center will have people coming from all over the state; a visitor information center would be a natural fit for that environment.

Sherrie Gottfried, Keizer Renaissance Inn, distributed a handout which included the definitions of a tourist and a visitor and three pages showing people who visited the community for various reasons and returned. She noted that visitors come back because Keizer is a small town and the Renaissance Inn offers personal services. She concluded her testimony stating that Keizer needs a visitor services center because otherwise visitors will go to Salem; with a visitor center at Keizer Station, visitors can be directed into Keizer.

Carol Doerfler, Keizer, agreed with the previous testimony but objected to the cost of the facility. She voiced opposition to spending $500,000 on a visitor information facility when the children in Keizer have one bowling alley and a failing skate park. She suggested that Keizer should have a community pool instead; Carlton has a community pool, Dallas and Forest Grove have aquatic centers. She recommended that instead of spending $500,000 to build a visitor center in Keizer Station the funds be used for sidewalks so children could safely walk to school. Agent Christopher responded that the pool at the Kroc Center is for Keizer and Salem children and explained that the cost of the visitor center would be under $500,000; most likely approximately $369,000.

Rick Hammerquist, Keizer, voiced agreement with Mr. Walsh regarding looking into the future towards the development of Keizer as a tournament town but expressed doubt that a visitor center would be able to administer a tournament. He noted that the city is getting tournaments and parades without a visitor center and in this electronic age, information is readily available without a physical facility. He added that Keizer citizens like Keizer the way it is and want it to stay the same. He then fielded questions regarding where tournament participants stay and coaches sharing information and coupons from area businesses with participants.

Garry Whalen, Keizer, voiced support for the decision made by KURB against funding the visitor center either at Keizer Station or at the Transit District building and urged the Agency to uphold that recommendation.

Allan Pollock, Salem, General Manager of the Transit District, explained that when the transit center was being developed and it looked like it was going to be in Keizer, the District wanted to partner; they didn't want the center to be a “stand alone” facility but rather a dual purpose. He noted that it was still the desire of the District to do that if they could partner with the City and have a co-located dual-purpose building. The District has recently taken possession of the land and is now ready to have further discussions. He explained that funds for this building are from the federal government and “Connect Oregon” and the District does not have the necessary funds to build a facility to lease out to a tenant but was hopeful that if visitor services went into a portion of the building, it could be co-staffed with Transit District personnel. He expressed the hope that the Visitor Services staff would share Transit information in return for the co-staffing. He explained that there might be a possibility of building the facility in phases so that additional square footage could be added at a later date, but the District portion of the facility would consist of private restrooms and break rooms for the drivers only; a partner would make it possible to build additional public facilities. Mr. Pollock then fielded questions and provided information regarding partnering with other entities, bus routes, and designing a building that could be added onto at a later date.

Ken LeDuc, Keizer, urged the Agency to support the KURB recommendation noting that electronic information is readily available so a visitor center might not be necessary and encouraged the Transit District to look into a partnership with a private company. He then requested clarification regarding the Something Special Fund and asked if a sports complex was going to be put in the newly annexed area of Keizer Rapids Park. Mayor Christopher explained that nothing would be done with the newly annexed property at Keizer Rapids Park until a Master Plan for that area is developed and that process will involve multiple opportunities for public input as did the original master planning of Keizer Rapids Park. Mr. Eppley explained that in the past there was an amendment to the Urban Renewal District that added a series of projects to the Urban Renewal Plan and one of them was, for lack of a better word “something special”. He explained that typically through the life of a District the position of various projects changes; how the allocation of funding ultimately plays out can look different from the beginning. Regarding the “Something Special Fund”, there is none; there was a concept worked into the Urban Renewal Plan and the purchase of the Buchholz property was the fulfillment of the Something Special idea but whatever happens at Keizer Rapids Park will not happen prior to a full planning process.

Allan Prell, Keizer, voiced support for funding the visitors facility noting that everyone does not have Smart Phones and that having an information place that could be an area where people can ask locations of attractions would be extremely valuable to the community.

Dennis Koho, Keizer, spoke in opposition of funding a visitor facility noting that Keizer is a residential community and that the only businesses that would benefit from tourism are motels and restaurants. He voiced the opinion that this would not be a wise investment, expressed support for the City and Transit but urged that the City support the position of the Urban Renewal Board.

Matt Chapell, Keizer, indicated that he thought the location of the transit center was good and adding the visitor center to the transit center at a later date was a good idea. He noted that he did not see an immediate need but would like to focus on tourism and building up the sports theme for Keizer in the future.

PUBLIC HEARING

None

ADMINISTRATIVE ACTION

a. Urban Renewal Funding for Visitor Information Services Facilities in Keizer Station Area B

Sam Litke explained that the Keizer Urban Renewal Board had unanimously recommended that the Agency not fund any portion of the Transit District building or design but ask the Transit District to design a building that could potentially be added onto if, in the future, the City can fund building an addition. He added that the Board had also recommended that the Agency not fund the Chamber's request for $30,000 for a temporary office in Area A with 6 in favor, 2 abstentions and 1 member absent. He noted that several letters in opposition had been submitted for the record as well.

Mayor Christopher indicated that she felt the Board was at a disadvantage because they thought the money for this project was money designed to go into River Road projects, but it was not; it is program income. She provided information regarding the real estate transactions that provided these funds and noted that the question is: Do you want to reinvest one-time profits in the community for something that can benefit the community? She explained that she wants to make smart decisions to sustain business in Keizer and bring business and jobs to Keizer. A visitor center, coupling with Transit and another statewide agency would mean jobs and sustaining local businesses. She noted that right now, in the bad economy, the only industry that is thriving is tourism; partnering with Transit for a visitor facility at the Transit Center would be significant and an opportunity she did not want to lose.

Discussion then followed regarding concern about the Keizer Station LID and how it would affect urban renewal program funds and other funds, the location of the transit center, the lack of planned public restrooms at the Transit Center, alternate parcels of property, co-locating and partnering with another agency, expanded access, City review and approval of the facility as it relates to the Building Code and Keizer Station Master Plan requirements.

Agent Clark moved that the Urban Renewal Agency not fund the Chamber's request for $30,000 for temporary office space in Area A. Agent Taylor seconded. Motion passed as follows:

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

Agent Clark moved that the Urban Renewal Agency fully fund the design only of the visitor center in Area B (estimated to be between $25,000 and $65,000) and postpone funding the actual building until adequate funding can be assured. Agent Christopher seconded.

City Manager Chris Eppley interjected that this is supposing that participation with Transit is an appropriate expenditure. The recommendation is: If the Agency determines that they want to participate, then only fund the design work. The recent amendment makes it a legal expenditure in the District but it does not make it a good decision. He clarified that staff recommendation is only to fund the design should they choose to move forward.

Agent Clark withdrew her motion.

Agent Clark moved that the Urban Renewal Agency determine that participation with the Transit District is an appropriate expenditure. Agent Smith seconded. Motion passed as follows:

AYES: Christopher, Smith, Caillier, and Clark (4)
NAYS: McKane and Taylor (2)
ABSTENTIONS: None (0)
ABSENT: Egli (1)

Agent Clark moved that the Urban Renewal Agency participate in design of the site on a limited basis up to $65,000 but withhold funding of construction until such time when funding is made available. Agent Smith seconded.

Agent Smith indicated that he supported this project but also supports the Keizer Urban Renewal Board and out of respect for the decision of the Board would oppose this motion. He added that he feared that the City is missing an opportunity and that he hoped the Transit District would be able to design the facility for expansion later even though it would probably cost more.

Agent Taylor noted that he would not support this because he felt it had been rushed through and the City might need the money for other things.

Agent Clark questioned if the City is making visitors feel welcome. She noted that kiosks still work; they provide a personal touch; River Road Renaissance is working but there are no definite projects planned and the partnership with Transit would not hurt River Road Renaissance.

Motion failed as follows:

AYES: Christopher and Clark (2)
NAYS: Smith, McKane, Caillier and Taylor (4)
ABSTENTIONS: None (0)
ABSENT: Egli (1)

CONSENT CALENDAR

a. Approval of August 1, 2011 Urban Renewal Agency Minutes

Agent Christopher moved to approve the Consent Calendar. Agent Clark seconded. Motion passed as follows:

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

OTHER BUSINESS None

ADJOURNMENT With no further business the meeting was adjourned at 9:38 p.m.

APPROVED:

Debbie Lockhart, Deputy City Recorder

Lore Christopher, Chair

AGENCY MEMBERS

David McKane

Mark Caillier

Jim Taylor

Cathy Clark

Brandon Smith

~ Absent ~
Joe Egli

Minutes approved:________________________________

MINUTES
KEIZER CITY COUNCIL and URBAN RENEWAL AGENCY
JOINT SPECIAL SESSION
Tuesday, September 6, 2011
Keizer Civic Center
Keizer, Oregon

CALL TO ORDER

Chair/Mayor Christopher called the session to order at 11:25 p.m. Roll Call was taken as follows:

Present:
- Lore Christopher, Chair
- Brandon Smith
- David McKane
- Joe Egli
- Cathy Clark
- Jim Taylor
- Mark Caillier

Staff:
- Chris Eppley, City Manager
- Shannon Johnson, City Attorney
- Bill Lawyer, Public Works
- Nate Brown, Community Development
- Tracy Davis, City Recorder

PUBLIC TESTIMONY

None

ADMINISTRATIVE ACTION

a. CITY COUNCIL RESOLUTION – Authorizing the City Manager to Award and Enter Into An Agreement with K & E Excavating, Inc. for Construction of Improvements in the Area B West Site Development

City Manager Chris Eppley explained that this was to level the dirt in Area B in preparation for Salem Radiology to build.

Mayor Christopher moved for the Keizer City Council to approve a Resolution Authorizing the City Manager to Award and Enter Into an Agreement with K & E Excavating, Inc. for Construction of Improvements in the Area B West Site Development. Councilor Clark seconded.

Councilor Smith announced a potential conflict of interest because his brother works for K & E Excavating.

Motion passed unanimously as follows:

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

b. UR RESOLUTION – Authorizing the City Manager to Award and Enter Into An Agreement with K & E Excavating, Inc. for Construction of Improvements in the Area B West Site Development

Agent Clark moved for the Urban Renewal Agency to approve a Resolution Authorizing the City Manager to Award and Enter Into an Agreement with K & E Excavating, Inc. for Construction of Improvements in the Area B West Site Development. Agent Taylor seconded.

Agent Smith announced a potential conflict of interest because his brother works for K & E Excavating.

Motion passed unanimously as follows:

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

ADJOURNMENT

With no further business the meeting was adjourned at 11:34 p.m.

APPROVED:

Debbie Lockhart, Deputy City Recorder

Lore Christopher, Mayor/Chair

COUNCILORS/AGENCY MEMBERS

David McKane

Mark Caillier

Jim Taylor

Cathy Clark

Brandon Smith

Joe Egli

Minutes approved:______________________________