

1

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AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION

Monday, October 3, 2022

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **SPECIAL ORDERS OF BUSINESS**
 - a. **PROCLAMATION** – Indigenous Peoples Day
 - b. **PROCLAMATION** – National Disability Employment Awareness Month
5. **COMMITTEE REPORTS**
 - a. Audit Committee Member Appointment
 - b. Community Diversity Engagement Committee Member Appointment
6. **PUBLIC COMMENTS**

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.
7. **PUBLIC HEARINGS**
 - a. **RESOLUTION** – Authorization for Supplemental Budget – Sewer Fund
RESOLUTION – Authorization for Supplemental Budget – Water Fund and Stormwater Fund
RESOLUTION – Authorization for Supplemental Budget – Water Facility Fund
RESOLUTION – Authorization for Supplemental Budget – Street Fund
RESOLUTION – Authorization for Supplemental Budget – American Rescue Plan Act Fund
RESOLUTION – Authorization for Supplemental Budget – General Fund – Police Department
RESOLUTION – Authorization for Supplemental Budget – Parks Services Fund
 - b. **RESOLUTION** – Exemption of McLeod Avenue Storm Drain Rehabilitation Contract from Competitive Bidding and Awarding Contract to Michels Trenchless, Inc.

8. ADMINISTRATIVE ACTION

- a. ORDINANCE – Relating to the Regulation of Fireworks Within the City of Keizer
- b. Keizer Community Dinner – American Rescue Plan Act (ARPA) Funding

9. CONSENT CALENDAR

- a. RESOLUTION – Authorizing the City Manager to Award and Enter Into a Contract with Knife River Corporation-Northwest for Grading, Paving and Resurfacing Work in Keizer Rapids Park
- b. RESOLUTION – Authorizing the City Manager to Sign Addendum #2 to Site Lease (City Hall Cell Site)
- c. Approval of September 6, 2022 Regular Session Minutes
- d. Approval of September 12, 2022 Work Session Minutes
- e. Approval of September 19, 2022 Regular Session Minutes

10. 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.

11. STAFF UPDATES

12. COUNCIL MEMBER REPORTS

13. AGENDA INPUT

October 10, 2022 - 6:00 p.m.

City Council Work Session

- Marion County Health Presentation – Mobile Crisis Unit

October 17, 2022 – 7:00 p.m.

City Council Regular Session

November 7, 2022 – 7:00 p.m.

City Council Regular Session

14. ADJOURNMENT

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

City of Keizer, Oregon

Proclamation

WHEREAS, in 1977, the International Conference on Discrimination Against Indigenous Populations in the Americas, sponsored by the United Nations, began to discuss replacing Columbus Day in the Americas with a celebration to be known as Indigenous Peoples' Day; and,

WHEREAS, The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly on Thursday, 13 September 2007, and the United States endorsed the United Nations Declaration on the Rights of Indigenous Peoples (the "Declaration") on 16 December 2010; and,

WHEREAS, the UN Declaration begins by:

“Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust”; and

WHEREAS, in August 1953, Termination to strip the Tribal nations of the United States of their identity, force assimilation into mainstream American culture, and deny the rights of self-determination enshrined in the 374 United States – Indian treaties established from 1778 to 1872, was begun when the 83rd Congress approved House Concurrent Resolution 108, which directed the government “as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, and to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and,

WHEREAS, in 1977, the first Restoration of Oregon Tribes was achieved with recognition of the Siletz Tribe, and has been completed for nine Tribes which have been persistent in rebuilding their nations and controlling their own destiny; and,

WHEREAS, the people of the city of Keizer, recognize and acknowledge that the city is built upon the homelands of the peoples of the Confederated Tribes of Siletz Indians and Confederated Tribes of the Grand Ronde and further recognize and acknowledge the many contributions made to our community through their knowledge, labor, spirituality, technology, science, philosophy, arts and culture.

NOW, THEREFORE, I, Cathy Clark, Mayor of the City of Keizer, together with the Keizer City Council assembled in Regular Session, do hereby proclaim October 10, 2022 as

INDIGENOUS PEOPLES DAY

AND FURTHER proclaim that the City of Keizer shall continue its efforts to promote the prosperity, dignity, respect, and well-being of Indigenous persons in our community and shall encourage businesses, organizations and public institutions to do the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer to be affixed this 3rd day of October, 2022.

MAYOR CATHY CLARK

City of Keizer, Oregon

Proclamation

WHEREAS, October 2022 marks the 77th anniversary of National Disability Employment Awareness Month; and

WHEREAS, the purpose of National Disability Employment Awareness Month is to educate about disability employment issues and celebrate the significant and varied contributions of America's workers with disabilities; and

WHEREAS, the history of National Disability Employment Awareness Month traces back to 1945 when Congress enacted a law declaring the first week in October each year "National Employ the Physically Handicapped Week;" and

WHEREAS, in 1962, the word "physically" was removed to acknowledge that not all disabilities are physical or visible, and to be more inclusive of the employment needs and contributions of individuals with disabilities; and

WHEREAS, in 1988, Congress expanded the week to a month and changed the name to National Disability Employment Awareness Month; and

WHEREAS, workplaces welcoming of the talents of all people, including people with disabilities, through active efforts in recruitment, hiring, retention and advancement, are a critical part of our efforts to build an inclusive community and strong economy; and

WHEREAS, activities during this month will reinforce the value and talent people with disabilities add to our workplaces and communities and affirm Keizer's commitment to an inclusive community that increases access and opportunities to all, including individuals with disabilities.

NOW, THEREFORE, I, CATH Y CLARK, Mayor of the City of Keizer, together with the Keizer City Council assembled in Regular Session, do hereby proclaim the month of October 2022 as

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

and call upon employers, schools, and other community organizations to work together to promote and expand employment of the talent and skills that people with disabilities possess to achieve full opportunity, participation, economic self-sufficiency, and independent living for people with disabilities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer to be herein affixed this 3rd day of October 2022.

MAYOR CATHY CLARK
City of Keizer, Oregon



CITY COUNCIL MEETING: OCTOBER 3, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

THRU: E. Shannon Johnson, City Attorney

SUBJECT: **AUDIT COMMITTEE MEMBER APPOINTMENT**

PROPOSED MOTION:

The Mayor should announce her appointment to the audit committee as follows: "I appoint Melissa Martin as a member of the audit committee."

I. SUMMARY:

There is a vacancy on the audit committee that needs to be filled. The Resolution creating the audit committee indicates that the citizen member shall be a budget committee member and shall be appointed by the Mayor.

II. BACKGROUND:

- A. The resolution creating the audit committee was adopted in 1993 and amended in 2013.
- B. The members of the audit committee are three Council members and two citizen members of the budget committee.
- C. Members of the audit committee are to be appointed by the Mayor and announced a regularly scheduled Council meeting.
- D. There is a citizen member vacancy on the audit committee that needs to be filled.

III. CURRENT SITUATION:

- A. A vacancy of a citizen member on the audit committee needs to be filled.

Audit Committee Member Appointment

October 3, 2022

- B. The Mayor has indicated that Melissa Martin of the budget committee has agreed to be an audit committee member and the Mayor wishes to appoint such member.

IV. ANALYSIS:

- A. **Strategic Impact** – None
- B. **Financial** – None
- C. **Timing** – The audit committee members are named as the review committee for a request for proposals recently issued. Such proposals have been received and they are in need of review. The vacancy needs to be filled immediately to review the proposals.
- D. **Policy/legal** – Resolution R2013-2312 indicates that the Mayor is to appoint members to the audit committee.

ALTERNATIVES:

- A. The Mayor announces appointment of Melissa Martin as a member of the audit committee.
- B. The Mayor announces another citizen budget committee member as a member of the audit committee.
- C. Take no action and the audit committee will have a vacancy on it and the make-up of the review committee in the request for proposals will need to be revised.

RECOMMENDATION:

Staff recommends that the Mayor announce the appointment of Melissa Martin as a member of the audit committee.

ATTACHMENTS:

- None



CITY COUNCIL MEETING: OCTOBER 3, 2022

To: Mayor Clark and City Council Members
 THRU: Adam J. Brown, City Manager
 FROM: Tracy Davis, City Recorder/Community Center Manager
 SUBJECT: Community Diversity Engagement Committee Member Appointment

PROPOSED MOTION:

None.

I. SUMMARY:

In August 2022, Councilor Reid's appointment to the Community Diversity Engagement Committee, Reverend Doctor R.W. Taylor, submitted his resignation to Councilor Reid. Councilor Reid would like to accept, with thanks, Reverend Doctor R.W. Taylor's past service on the Community Diversity Engagement Committee. Councilor Reid will announce the appointment of Benita Picazo to fill the remainder of that term to November 30, 2022. Because there is only one month left in the term, Councilor Reid would like to appoint Benita Picazo for the next term to November 30, 2025 as well.

II. BACKGROUND:

- A. The City Council created the Community Diversity Engagement (CDE) Committee in November 2021. Each Councilor member is appointed for two-year term by the Mayor pursuant to the Council Rules of Procedure. Each non-Councilor member is appointed for three-year term, except for the initial terms. The initial terms of the non-Councilor members are staggered so that not more than three will expire in the same year. Each Councilor shall directly appoint one citizen-at-large member following the same process as appointments of Volunteer Coordinating Committee members. The Mayor shall appoint the youth member. Members may be reappointed.

III. CURRENT SITUATION:

- A. Benita Picazo will begin serving on the Community Diversity Engagement Committee following appointment.
- B. Councilor Reid accepts, with thanks, to Reverend Doctor R.W. Taylor for his past service on the committee.

IV. ANALYSIS:

- A. **Strategic Impact** – None
- B. **Financial** – None
- C. **Timing** – A vacancy continues on the committee until a new member is appointed.
- D. **Policy/legal** – The Resolution creating the Community Diversity Engagement Committee establishes the appointment process.

ALTERNATIVES:

- A. Councilor Reid appoints Benita Picazo for the remainder of the term, plus the next term.
- B. Councilor Reid appoints Benita Picazo for the remainder of the term.
- C. Take no action and the committee will be without a member.

RECOMMENDATION:

Councilor Reid should announce the appointment of Benita Picazo for the remainder of the term, plus the next term.

ATTACHMENTS:

None



CITY COUNCIL MEETING: OCTOBER 3, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: Tim Wood, Finance Director

SUBJECT: **SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2022-23**

PROPOSED MOTION:

If no Councilors object, Council may adopt all seven Resolutions in one motion:

"I move that the City Council adopt the seven Resolutions attached to the staff report authorizing supplemental budgets."

I. SUMMARY:

Staff is recommending the City Council adopt seven resolutions authorizing supplemental budget adjustments for Fiscal Year 2022-23. The adjustments are:

- To recognize and appropriate \$150,000 of additional revenue in the Sewer Fund as the result of the sewer rate increase that is effective January 1, 2023.
- To recognize and appropriate \$125,000 and \$375,000 of additional working capital in the Water and Stormwater for the purchase of a Vac Con service vehicle that was originally budgeted in Fiscal Year 2021-22 but due to supply delays was not received until Fiscal Year 2022-23.
- To recognize and appropriate \$450,000 of additional working capital in the Water Facility Fund to provide appropriations for capital projects not completed during the prior fiscal year.
- To recognize and appropriate \$450,000 of additional working capital in the Street Fund to provide appropriations for capital projects not completed during the prior fiscal year.
- To transfer from contingency \$395,000 to personnel services in the American Rescue Plan Act Fund to provide appropriations for the accrued leave cash out.
- To recognize and appropriate \$55,000 of additional working capital to provide for the purchase of police vehicles in the General Fund – Police Department.

- To recognize and appropriate \$180,000 of additional working capital in the Parks Services Fund to provide appropriations for capital projects not completed during the prior fiscal year.

II. BACKGROUND:

- A. Oregon Budget Law provides that a supplemental budget may be adopted when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.
- B. When a supplemental budget will adjust fund expenditures by 10 percent or less the supplemental budget may be adopted by resolution at a regularly scheduled meeting of the City Council. The budget committee is not required to be involved.
- C. When a supplemental budget will adjust fund expenditures by 10 percent or more, then a public hearing must be held and public comment taken before adoption of the resolution authorizing the supplemental budget. The budget committee is not required to be involved.

III. CURRENT SITUATION:

- A. Staff is proposing seven supplemental budgets for Fiscal Year 2022-23
 1. To recognize and appropriate \$150,000 of additional revenue as the result of the sewer rate increase that is effective January 1, 2023. The biannual Water and Wastewater Task Force reviewed the cost of service analysis and recommended a system wide rate increase of 5% for both calendar year 2023 and 2024. The cost of service analysis specific to providing sewer services to the City of Keizer recommended a 5.6% and 5.2% increase for calendar years 2023 and 2024, respectively. This adjustment is to recognize the increase attributed to Fiscal Year 2022-23.
 2. To recognize and appropriate \$125,000 and \$375,000 of additional working capital in the Water and Stormwater for the purchase of a Vac Con service vehicle that was originally budgeted in Fiscal Year 2021-22 but due to supply delays was not received until Fiscal Year 2022-23.
 3. To recognize and appropriate \$450,000 of additional working capital in the Water Facility Fund to provide appropriations for capital projects, specifically the Meadows Well Filter Plant addition not completed during the prior fiscal year.
 4. To recognize and appropriate \$450,000 of additional working capital in the Street Fund to provide appropriations for capital projects, primarily street resurfacing projects, not completed during the prior fiscal year.
 5. To transfer from contingency \$395,000 to personnel services in the American Rescue Plan Act Fund to provide appropriations for the accrued leave cash out.

6. To recognize and appropriate \$55,000 of additional working capital to provide for the purchase of police vehicles in the General Fund – Police Department.
7. To recognize and appropriate \$180,000 of additional working capital in the Parks Services Fund to provide appropriations for capital projects not completed during the prior fiscal year, specifically ADA upgrades, field work, lighting and tree work throughout the park system.

IV. **ANALYSIS:**

A. **Strategic Impact** – N/A

B. **Financial** – The financial impact of this request is to:

1. Increase revenues and materials and services appropriations in the Sewer Fund by \$150,000.
2. Increase revenues and capital outlay appropriations in the Water and Stormwater Funds by \$125,000 and \$375,000 respectively.
3. Increase revenues and capital outlay appropriations in the Water Facility Fund by \$450,000.
4. Increase revenues and capital outlay appropriations in the Street Fund by \$450,000.
5. Reduce contingency and increase personnel services appropriations in the American Rescue Plan Act Fund by \$395,000.
6. To increase revenues and capital outlay appropriations by \$55,000 in the General Fund – Police Department.
7. Increase revenues and capital outlay appropriations by \$180,000 in the Park Services Fund.

C. **Timing** – In order for the supplemental budget to be reflected in Fiscal Year 2022-23 the resolutions must be adopted by June 30, 2023.

D. **Policy/legal** – N/A

ALTERNATIVES:

- A. Adopt attached resolutions.
- B. Take No Action – The City will need to identify alternate existing appropriations available or reduce spending to accommodate the unanticipated expenditures.

RECOMMENDATION:

Staff recommends that the City Council open the public hearing and take testimony. If there are no questions, Council should close the hearing and adopt the attached resolutions.

ATTACHMENTS:

- Resolution R2022-_____ Authorization for Supplemental Budget – Sewer Fund.
- Resolution R2022-_____ Authorization for Supplemental Budget – Water Fund and Stormwater Fund.
- Resolution R2022-_____ Authorization for Supplemental Budget – Water Facility Fund.
- Resolution R2022-_____ Authorization for Supplemental Budget – Street Fund.
- Resolution R2022-_____ Authorization for Supplemental Budget – American Rescue Plan Act Fund.
- Resolution R2022-_____ Authorization for Supplemental Budget – General Fund – Police Department Fund.
- Resolution R2022-_____ Authorization for Supplemental Budget – Parks Services Fund.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

AUTHORIZATION FOR SUPPLEMENTAL BUDGET - Sewer Fund

WHEREAS ORS 294 provides that a supplemental budget may be adopted when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.

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, 2023:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
Sewer Fund				
Charges for Services	6,430,000	150,000	-	6,580,000
Materials and Services	6,832,300	150,000	-	6,982,300
This supplemental budget request is to recognize and appropriate \$150,000 of additional revenue in the Sewer Fund as the result fo the sewer rate increase that is effective January 1, 2023.				

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

PASSED this _____ day of _____, 2022

SIGNED this _____ day of _____, 2022

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

AUTHORIZATION FOR SUPPLEMENTAL BUDGET - Water Fund and Stormwater Fund

WHEREAS ORS 294 provides that a supplemental budget may be adopted when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.

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, 2023:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
Water Fund				
Working Capital Carryforward	956,100	125,000	-	1,081,100
Capital Outlay	146,000	125,000	-	271,000
Stormwater Fund				
Working Capital Carryforward	1,255,900	375,000	-	1,630,900
Capital Outlay	757,100	375,000	-	1,132,100
This supplemental budget request is to recognize and appropriate \$125,000 and \$375,000 of additional working capital in the Water Fund and Stormwater Fund for the purchase of a Vac Con service vehicle that was originally budgeted in Fiscal Year 2021-22 but due to supply delays not received until Fiscal Year 2022-23.				

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

PASSED this _____ day of _____, 2022

SIGNED this _____ day of _____, 2022

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

AUTHORIZATION FOR SUPPLEMENTAL BUDGET - Water Facility Fund

WHEREAS ORS 294 provides that a supplemental budget may be adopted when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.

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, 2023:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
Water Facility Fund				
Working Capital Carryforward	287,500	450,000	-	737,500
Capital Outlay	490,000	450,000	-	940,000
This supplemental budget request is to recognize and appropriate \$450,000 of additional working capital in the Water Facility Fund to provide appropriations for capital projects not completed during the prior fiscal year.				

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

PASSED this _____ day of _____, 2022

SIGNED this _____ day of _____, 2022

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

AUTHORIZATION FOR SUPPLEMENTAL BUDGET - Street Fund

WHEREAS ORS 294 provides that a supplemental budget may be adopted when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.

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, 2023:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
Street Fund				
Working Capital Carryforward	1,485,900	450,000	-	1,935,900
Capital Outlay	2,118,600	450,000	-	2,568,600
This supplemental budget request is to recognize and appropriate \$450,000 of additional working capital in the Street Fund to provide appropriations for capital projects not completed during the prior fiscal year.				

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

PASSED this _____ day of _____, 2022

SIGNED this _____ day of _____, 2022

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

AUTHORIZATION FOR SUPPLEMENTAL BUDGET - American Rescue Plan Act Fund

WHEREAS ORS 294 provides that a supplemental budget may be adopted when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.

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, 2023:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
American Rescue Plan Act Fund				
Personnel Services	700,000	395,000	-	1,095,000
Contingency	4,380,100	-	395,000	3,985,100
This supplemental budget request is to transfer \$395,000 from contingency to personnel services to provide appropriations for the accrued leave cash out.				

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

PASSED this _____ day of _____, 2022

SIGNED this _____ day of _____, 2022

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

**AUTHORIZATION FOR SUPPLEMENTAL BUDGET - General Fund - Police
Department**

WHEREAS ORS 294 provides that a supplemental budget may be adopted when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.

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, 2023:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
General Fund Police Department				
Working Capital Carryforward	3,270,300	55,000	-	3,325,300
Capital Outlay	284,000	55,000	-	339,000
This supplemental budget request is to recognize and appropriate \$55,000 of additional working capital to provide for the purchase of police vehicles budgeted in the previous fiscal year but not received until the current fiscal year.				

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

PASSED this _____ day of _____, 2022

SIGNED this _____ day of _____, 2022

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

AUTHORIZATION FOR SUPPLEMENTAL BUDGET - Parks Services Fund

WHEREAS ORS 294 provides that a supplemental budget may be adopted when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.

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, 2023:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
Parks Services Fund				
Working Capital Carryforward	401,200	180,000	-	581,200
Capital Outlay	511,800	180,000	-	691,800
This supplemental budget request is to recognize and appropriate \$180,000 of additional working capital to provide appropriations for capital projects not completed during the prior fiscal year.				

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

PASSED this _____ day of _____, 2022

SIGNED this _____ day of _____, 2022

Mayor

City Recorder



CITY COUNCIL MEETING: Monday October 3, 2022

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: Adam J. Brown, City Manager

FROM: Bill Lawyer, Public Works Director

SUBJECT: **MCLEOD AVENUE STORM DRAIN REHABILITATION**

PROPOSED MOTION:

"I move the City Council adopt Resolution R2022-____ Exemption of McLeod Avenue Storm Drain Rehabilitation Contract from Competitive Bidding and Awarding Contract to Michels Trenchless Inc."

I. SUMMARY:

Ordinance No. 2005-519 requires that the City must attempt to obtain at least three quotes using the Informal Solicitation process. The type of work described below is specialized and to avoid further delay and the expense of performing a formal bidding process, staff is requesting an exemption from the competitive bidding process and authorization for the City Manager to enter into the contract with Michels Trenchless Inc.

II. BACKGROUND:

During routine video inspection of the storm drain system a 100-foot section of damaged 36" diameter concrete pipe was identified in the line on McLeod Avenue NE. Staff considered the options for repairing the damaged section of pipe and determined that the preferred option is to have a cured-in-place liner installed in the existing pipe as opposed to replacing the pipe.

III. CURRENT SITUATION:

The existing pipe has longitudinal cracking along a 100-foot section of the pipeline that will ultimately result in the failure of the pipe if repairs are not made. This pipeline runs between two houses which makes replacement more difficult and costly.

IV. ANALYSIS:

A. **Strategic Impact** – There is no direct strategic impact with approval of this project.

McLeod Avenue Storm Drain Rehabilitation

October 3, 2022

- B. **Financial** – Funds for this project are available in the City Council adopted Fiscal Year 2022/2023 Stormwater Fund budget
- C. **Timing** – Approval of this request will allow repairs to be completed before the fall and winter rainy season.
- D. **Policy/legal** – City Council approval is required to exempt the project from competitive bidding and award the contract.

ALTERNATIVES:

- A. Adopt the attached Resolution authorizing the City Manager to enter into a contract with Michels Trenchless, Inc.
- B. Take No Action – The pipeline will likely fail at some point in the future.

RECOMMENDATION:

Staff recommends the City Council open the public hearing and take testimony. If there are no questions, Council should close the hearing and adopt the attached Resolution exempting the McLeod Avenue Storm Drain Rehabilitation contract from competitive bidding and authorizing the City Manager to enter into a contract with Michels Trenchless Inc. in the amount of **\$53,888.00**.

ATTACHMENTS:

- Resolution R2022-___ Exemption of McLeod Avenue Storm Drain Rehabilitation Contract from Competitive Bidding and Awarding Contract to Michels Trenchless, Inc.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

EXEMPTION OF MCLEOD AVENUE STORM DRAIN
REHABILITATION CONTRACT FROM COMPETITIVE BIDDING
AND AWARDED CONTRACT TO MICHELS TRENCHLESS, INC.

WHEREAS, notice of public hearing on the proposed exemption of the McLeod Avenue Storm Drain Rehabilitation was published as required by Ordinance No. 2005-519;

WHEREAS, a public hearing was held to take comments on the draft findings for an exemption of the McLead Avenue Storm Drain Rehabilitation project;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the contract for the McLeod Avenue Storm Drain Rehabilitation is exempt from the competitive bidding requirements based upon the following findings:

1. The estimated amount of this project falls within an already established exemption from the formal bidding requirements under Ordinance No. 2005-519. Ordinance No. 2005-519 allows procurement of services not exceeding \$100,000 to be made under an Informal Solicitation using either quotes or proposals. Ordinance No. 2005-519 requires that the City must attempt to obtain at least three written quotes or proposals. Because this project is specialized and only one company has ever been able to perform the requested services, an exemption from the competitive bidding process is necessary.

1 2. The estimated contract price for the project is \$53,888.00.

2 3. Exempting the McLeod Avenue Storm Drain rehabilitation project from
3 competitive bidding and awarding a contract to Michels Trenchless, Inc. will avoid
4 further delays and the additional expense of formal bidding.

5 4. Exempting the McLeod Avenue Storm Drain rehabilitation project from
6 competitive bidding is unlikely to encourage favoritism in the awarding of public
7 contracts or substantially diminish competition for public contracts and will result in cost
8 savings to the City of Keizer.

9 5. The alternative contracting methods to be employed is directly awarding
10 the contract to Michels Trenchless, Inc. to avoid further delay and additional expense of
11 formal bidding.

12 6. Due to necessity to repair the damaged line, the estimated date of entering
13 into the contract is October 4, 2022.

14 BE IT FURTHER RESOLVED that the McLeod Avenue Storm Drain
15 rehabilitation project contract is awarded to Michels Trenchless, Inc. in the amount of
16 \$53,888.00.

17 BE IT FURTHER RESOLVED that City Manager is authorized to enter into the
18 contract with Michels Trenchless, Inc. for the McLeod Avenue Storm Drain
19 rehabilitation project.

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

3 PASSED this _____ day of _____, 2022.

4
 5 SIGNED this _____ day of _____, 2022.

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 8 _____
 Mayor

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 10 _____
 11 City Recorder



CITY COUNCIL MEETING: OCTOBER 3, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

THRU: E. Shannon Johnson, City Attorney

SUBJECT: **REGULATION OF FIREWORKS ORDINANCE**

PROPOSED MOTION:

"I move that the Council adopt Ordinance No. 2022-____ Relating to the Regulation of Fireworks Within the City of Keizer."

I. SUMMARY:

Following the public hearing on September 6, 2022, Council directed our office to prepare a fireworks ordinance. The Ordinance is before the Council for consideration.

II. BACKGROUND:

- A. The Council held a work session on this matter on August 8, 2022, followed by the public hearing on September 6, 2022.
- B. The Council is concerned that the use of illegal fireworks present a serious livability problem for the city's residents.
- C. In addition, the Council is concerned that during periods of high fire risk, the use of even legal fireworks present a dangerous situation.
- D. The Council directed our office to prepare an Ordinance with the following provisions:
 - 1. The ordinance prohibits the sale, possession, use or exploding of illegal fireworks at any time.
 - 2. The ordinance prohibits the sale, possession, use or exploding of all fireworks, legal or illegal, at any time a National Weather Service "Red Flag Warning" is in effect. A Red Flag Warning indicates high fire risk. The previous draft also

prohibited the sale or possession of legal fireworks during a Red Flag Warning. Council deleted that prohibition because the warnings could be suddenly imposed and prohibiting the sale or possession would be unfair and difficult to enforce.

3. The Ordinance prohibits the use of any fireworks after 10:00 p.m. until 10:00 a.m. the next day, except for New Year's Eve and July 4th.
4. The Ordinance also makes it a violation for the person who owns or controls property to allow a violation of any of the three restrictions above, namely, use/sale of illegal fireworks, use of any fireworks during Red Flag Warnings and use of any fireworks after 10 p.m. except for New Year's Eve and July 4th.

III. **CURRENT SITUATION:**

- A. Fireworks use is negatively impacting livability for City residents. It affects veterans suffering from post-traumatic stress disorder, it causes distress for many pets, and it is disturbing for all types of residents. In addition, use of fireworks during high fire risk periods is dangerous.
- B. Current tools to deal with the problem are limited to criminal offenses or State Fire Marshall violations. Neither of those remedies have been useful tools in addressing the problem.
- C. Prohibiting illegal fireworks at all times and prohibiting legal fireworks during Red Flag Warnings and in the late evening may reduce the problem.

IV. **ANALYSIS:**

- A. **Strategic Impact** – None
- B. **Financial** – None
- C. **Timing** – Addressing this issue now will give time to educate the public before the New Year's Eve or July 4th holidays.
- D. **Policy/legal** – Providing a livability community is something that the City should strive to do. The addition of a municipal violation option provides a useful tool to address this problem.

ALTERNATIVES:

- A. The recommended alternative is to adopt the Ordinance relating to the regulation of fireworks.
- B. Direct staff to look at other solutions such as education-only campaigns or additional ways to use existing remedies.

- C. Take no action. This alternative would likely result in continual livability impacts on the community.

RECOMMENDATION:

Staff recommends that Council adopt the attached Ordinance.

ATTACHMENTS:

- Ordinance 2022-_____ Relating to the Regulation of Fireworks Within the City of Keizer

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A BILL

ORDINANCE NO.
2022-_____

FOR

AN ORDINANCE

RELATING TO THE REGULATION OF
FIREWORKS WITHIN THE CITY OF KEIZER

WHEREAS, the Keizer City Council has authority to exercise police powers with
the City, including the regulation of fireworks;

WHEREAS, ORS 480.160 further authorizes cities to adopt regulations involving
fireworks;

WHEREAS, fireworks, especially those fireworks already illegal under state law,
negatively impact livability, creating significant noise which affects the City's residents
and pets;

WHEREAS, the National Weather Service periodically issues "Red Flag
Warnings," for times in which fire danger is deemed to be particularly dangerous and is
based on drought conditions, high temperatures, low relative humidity, high or erratic
winds, and dry vegetation and fuel;

WHEREAS, during periods for which a Red Flag Warning is in effect, the use of
any firework, including those otherwise legal under Oregon law, creates an increased
fire hazard;

WHEREAS, Oregon law currently prohibits the sale, use, or discharge of any fireworks unless specifically allowed under ORS 480.120 to ORS 480.124; however, enforcement is often difficult and these cases are not a high priority for prosecution;

WHEREAS, in order to further deter the use of illegal fireworks, and to allow City officials the ability to enforce firework regulations in municipal court and impose civil penalties, the City Council finds it is appropriate to enact municipal regulation of the sale, use, or discharge of these illegal fireworks;

WHEREAS, in order to reduce the risk of a dangerous fire, the City Council finds it is appropriate to prohibit the use of all fireworks (including legal fireworks) during Red Flag Warning periods;

Now, therefore, the City of Keizer ordains as follows:

Section 1. DEFINITIONS.

A. “Fireworks” has the meaning as defined in ORS 480.111.

B. “Person” means an individual or business entity.

C. “Red Flag Warning” means the warning issued by the National Weather Service indicating extreme fire danger as a result of conditions such as drought, high temperature, low humidity, high or erratic winds, and dry vegetation and fuel.

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Section 2. ILLEGAL FIREWORKS PROHIBITED.

1 A. A person commits an offense under this Section if, unless authorized
 2 pursuant to ORS 480.120 to ORS 480.124, a person sells, keeps or offers for sale,
 3 exposes for sale, possesses, uses, ignites, explodes, or has exploded any fireworks within
 4 the City of Keizer, or allows such conduct to occur.

5 B. A person commits the offense of allowing conduct under Subsection A of
 6 this Section to occur if the person authorizes or permits such conduct. A rebuttable
 7 presumption exists that the person who owns or controls the real property on which the
 8 conduct occurs has authorized or permitted the conduct if that person is on the property
 9 at the time of such conduct.

10 C. Violation of this Section is punishable by a minimum fine of \$300, a
 11 presumptive fine of \$400 and a maximum fine of \$500.

12 Section 3. TEMPORARY PROHIBITIONS DURING EXTREME FIRE
 13 DANGER.

14 A. During times in which the City of Keizer is subject to a Red Flag Warning,
 15 a person commits an offense under this Section, if they use, ignite, explode or have
 16 exploded any fireworks within the City of Keizer, or allow such conduct to occur.

17 B. A person commits the offense of allowing conduct under Subsection A of
 18 this Section to occur if the person authorizes or permits such conduct. A rebuttable
 19 presumption exists that the person who owns or controls the real property on which the
 20 conduct occurs has authorized or permitted the conduct if that person is on the property
 21 at the time of such conduct.

1 C. All persons are presumed to be aware and attentive of when Red Flag
2 Warnings are in place.

3 D. Subsection A does not apply to persons authorized by a permit from the
4 State Fire Marshal pursuant to ORS 480.130.

5 E. Violation of this Section is punishable by a minimum fine of \$300, a
6 presumptive fine of \$400, and a maximum fine of \$500.

7 Section 4. FIREWORKS LIMITED HOURS.

8 A. A person commits an offense under this Section if they use, ignite, explode
9 or have exploded any fireworks between the hours of 10:00 p.m. and 10:00 a.m. the
10 following day, except for the time period for December 31 to January 1, and July 4 to
11 July 5, or allows such conduct to occur.

12 B. A person commits the offense of allowing conduct under Subsection A of
13 this Section to occur if the person authorizes or permits such conduct. A rebuttable
14 presumption exists that the person who owns or controls the real property on which the
15 conduct occurs has authorized or permitted the conduct if that person is on the property
16 at the time of such conduct.

17 C. Violation of this Section is punishable by a minimum fine of \$300, a
18 presumptive fine of \$400, and a maximum fine of \$500.

19 Section 5. SEVERABILITY. If any section, subsection, sentence, clause,
20 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
21 is denied acknowledgment by any court or board of competent jurisdiction, then such

1 portion shall be deemed a separate, distinct, and independent provision and such holding
 2 shall not affect the validity of the remaining portions hereof.

3 Section 6. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
 4 days after its passage.

5 PASSED this _____ day of _____, 2022.

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7 SIGNED this _____ day of _____, 2022.

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 Mayor

 City Recorder



CITY COUNCIL MEETING: OCTOBER 3, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: Tim Wood, Assistant City Manager

SUBJECT: **KEIZER COMMUNITY DINNER – AMERICAN RESCUE PLAN ACT (ARPA) FUNDING**

PROPOSED MOTION:

"I move the City Council authorize the City Manager to enter into an agreement with St. Edwards Catholic Church to provide financial support from the ARPA Fund for the Keizer Community Dinner."

I. SUMMARY:

The Keizer Community Dinner needs financial support for the remainder of 2022 and all of 2023 totaling approximately \$7,500. The City has American Rescue Plan Act appropriations available that could be used to support the Keizer Community Dinner.

II. BACKGROUND:

- A. On the 4th Wednesday of every month a free, nondenominational dinner is held at St. Edwards Church.
- B. The dinner is hosted and staffed on a rotational basis by various services groups throughout Keizer.
- C. The Community dinner is open to all who would like to attend and serves as a way of building community.

III. CURRENT SITUATION:

- A. The Keizer Community Dinner has historically relied upon donations however due to the COVID19 pandemic and the inflationary economic environment costs have exceeded available donations.

Keizer Community Dinner – ARPA Funding

October 3, 2022

- B. Each dinner costs approximately \$400 to put on with Thanksgiving dinner costing closer to \$1,400, resulting in an annual cost of approximately \$6,000 for the year.
- C. The Keizer Community Dinner needs financial support for the remainder of 2022 and all of 2023 totaling approximately \$7,500.
- D. It is anticipated that donations and grants will be able to sustain the Keizer Community Dinner starting in 2024.

IV. ANALYSIS:

- A. **Strategic Impact** – N/A
- B. **Financial** – The City has available appropriations in the ARPA Fund to meet the funding request of \$7,500.
- C. **Timing** – The Keizer Community Dinner needs funds in advance of the Thanksgiving dinner in November 2022.
- D. **Policy/legal** – Council approval is required to appropriate ARPA funding.

V. ALTERNATIVES:

- A. Authorize the City Manager to enter into an agreement with St. Edwards Catholic Church to provide financial support from the ARPA Fund for the Keizer Community Dinner.
- B. Take No Action – The Keizer Community Dinner will need to find an alternate funding sources.

VI. RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to enter into an agreement with St. Edwards Catholic Church to provide financial support from the ARPA Fund for the Keizer Community Dinner.

ATTACHMENTS:

- None



CITY COUNCIL MEETING: Monday October 3, 2022

To: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: Adam J. Brown, City Manager

FROM: Bill Lawyer, Public Works Director

SUBJECT: KEIZER RAPIDS PARK TRAIL AND PARKING LOT PAVING

PROPOSED MOTION:

"I move the City Council adopt Resolution R2022-_____ Authorizing the City Manager to Award and Enter into a Contract with Knife River Corporation-Northwest for Grading, Paving and Resurfacing Work in Keizer Rapids Park."

I. SUMMARY:

The proposed project involves placement and grading of aggregate and paving the main parking areas for the disc golf course and the pathway to the boat in camp site on the Willamette River.

II. BACKGROUND:

The Parks & Facilities Division solicited bids through the informal bidding process for paving work in Keizer Rapids Park. A total of 3 bids were received that ranged from \$195,400.00 to \$99,989.00 with Knife River Corporation-Northwest submitting the lowest bid.

III. CURRENT SITUATION:

These areas of the park are currently gravel which increases maintenance of the areas and does not provide acceptable access for ADA compliance.

IV. ANALYSIS:

- A. **Strategic Impact** – This action supports the long-term goals of the Council completing a project identified in the adopted Parks Master Plan.
- B. **Financial** – Funds for this project are available in the City Council adopted Fiscal Year 2022/2023 Park Services Fund and Park Improvement Fund. Staff identified \$100,000.00 in the budget for this work. The cost is \$99,989.00.

Keizer Rapids Park Trail and Parking Lot Paving

October 3, 2022

- C. **Timing** – Approval at this request will allow the project to be completed prior to winter weather.
- D. **Policy/legal** – City Council approval is required to award this contract.

ALTERNATIVES:

- A. Adopt the attached Resolution authorizing the City Manager to enter into the contract.
- B. Take No Action – The areas of the park will remain gravel.

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to enter into this contract.

ATTACHMENTS:

- Map showing the areas to be graded and paved.
- Resolution R2022-____ Authorizing the City Manager to Award and Enter into a Contract with Knife River Corporation-Northwest for Grading, Paving and Resurfacing Work in Keizer Rapids Park

KEIZER RAPIDS PARK
DISC GOLF PARKING + ROAD
PAVING PROJECT
2022

A

"A"

B

GOLF PATH "B"

DISC GOLF
GATE
↓

C

D

ROADWAY TO GOLF PARKING LOT "D"

37

GOLF
PARKING LOT
"C"

EXISTING
GRAVEL
PARKING
OVERFLOW

N →

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

AUTHORIZING THE CITY MANAGER TO AWARD AND
ENTER INTO A CONTRACT WITH KNIFE RIVER
CORPORATION -NORTHWEST FOR GRADING, PAVING AND
RESURFACING WORK IN KEIZER RAPIDS PARK

WHEREAS, the City solicited bids through the informal bidding process and three bids
for this project were received. Knife River Corporation-Northwest was the low bid for a total
amount of \$99,989.00;

WHEREAS, funds available to complete this project are in the 2022/23 Parks Services
Fund and the 2022/23 Parks Improvement Fund;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is
hereby authorized to award the contract to, and if no objections are received, enter into a
contract acceptable to the City Attorney with Knife River Corporation-Northwest for a total cost
of \$99.989.00 for grading, paving and resurfacing work in Keizer Rapids Park. Funding for this
project is from the 2022/2023 Parks Services Fund and 2022/2023 Parks Improvement Fund.

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

PASSED this _____ day of _____, 2022.

SIGNED this _____ day of _____, 2022.

Mayor

City Recorder



CITY COUNCIL MEETING: OCTOBER 3, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

THRU: E. Shannon Johnson, City Attorney

SUBJECT: **CELL TOWER LEASE – POLICE PARKING LOT**

PROPOSED MOTION:

“I move that the City Council adopt Resolution R2022-___ Authorizing the City Manager to Sign Addendum #2 to Site Lease (City Hall Cell Site).”

I. SUMMARY:

The City entered into a cell site lease effective October 15, 1997 which currently terminates on or about October 14, 2022. Pursuant to Council direction, staff has been negotiating a new lease with the current tenant, but the new lease will not be complete prior to the termination date of the current lease and therefore an addendum and extension is needed.

II. BACKGROUND:

- A. City and Western PCS I Corporation entered into that certain Site Lease effective October 15, 1997.
- B. T-Mobile West Tower, LLC is now the current tenant under that lease.
- C. The current lease expires on or about October 14, 2022.
- D. The parties have been negotiating a new lease.
- E. The new lease will not be ready to sign until after the expiration date.
- F. The parties desire to amend the current lease to increase the rent and extend the lease.

III. CURRENT SITUATION:

- A. The current lease will expire on or about October 14, 2022 without an extension.
- B. Extending the lease four months allows time to complete a new lease.

IV. ANALYSIS:

- A. **Strategic Impact** – None
- B. **Financial** – Amending and extending the current lease increases the rent from the current rate of \$998.94 to \$1,900 per month, plus \$200 per month for the City of Salem non-broadband equipment.
- C. **Timing** – Signing the addendum will keep the current lease effective until a new lease can be entered into.
- D. **Policy/legal** – City Council authorized the City Manager to sign the current lease and it is appropriate that Council authorizes the signing of the extension.

ALTERNATIVES:

- A. Adopt the attached Resolution authorizing the City Manager to sign the addendum.
- B. Take no action and the current lease will terminate.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached Resolution.

ATTACHMENTS:

- Resolution R2022-____ Authorizing the City Manager to Sign Addendum #2 to Site Lease (City Hall Cell Site)

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2022-_____

4
5 AUTHORIZING THE CITY MANAGER TO SIGN ADDENDUM #2 TO
6 SITE LEASE (CITY HALL CELL SITE)

7
8 WHEREAS, the City and Western PCS I Corporation entered into that certain
9 Site Lease effective October 15, 1997;

10 WHEREAS, T-Mobile West Tower, LLC has stepped into the place of Western
11 PCS I Corporation as the tenant under that Site Lease;

12 WHEREAS, the current lease with T-Mobile West Tower, LLC expires on or
13 about October 14, 2022;

14 WHEREAS, the parties have been actively negotiating a new Cellular Tower
15 Lease and such new lease will not be finalized prior to the termination of the lease;

16 WHEREAS, the parties wish to amend and extend the lease until February 14,
17 2023 to allow time to complete the new Cellular Tower Lease and to increase the rent
18 from the current rate to \$1,900 per month, plus \$200 per month for the City of Salem
19 non-broadband equipment;

20 NOW, THEREFORE,

21 BE IT RESOLVED by the City Council of the City of Keizer that the City
22 Manager is authorized to sign Addendum #2 to Site Lease.

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

3 PASSED this _____ day of _____, 2022.

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5 SIGNED this _____ day of _____, 2022.

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 Mayor

 City Recorder



MINUTES
KEIZER CITY COUNCIL
Tuesday, September 6, 2022
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

Cathy Clark, Mayor
Laura Reid, Councilor
Shaney Starr, Councilor
Kyle Juran, Councilor Daniel
Roland Herrera, Councilor
Elizabeth Smith, Councilor
Kohler, Councilor
Youth Councilor Angelica
Sarmiento Avendano

Staff:

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

FLAG SALUTE

Adam Rigg, Troop 19 in South Salem, working on his Citizenship and Community Merit Badge led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

**a. PROCLAMATION:
Hispanic
Heritage Month**

Mayor Clark read the Proclamation recognizing September 15 through October 15, 2022 as Hispanic Heritage month, and presented the Proclamation to Councilor Roland Herrera. Councilor Herrera explained that this observance is to celebrate the culture, contributions and history of the Hispanic population.

**b. PROCLAMATION:
Constitution
Week**

Mayor Clark read the Proclamation recognizing September 17 through 23 as Constitution Week. Ruby Pantalone, representing the Daughters of the American Revolution accepted the Proclamation and shared information about the organization.

Mayor Clark introduced the new Youth Councilor, Angelica Sarmiento Avendano. Miss Sarmiento Avendano explained that she is a Junior at McNary High School, serves as Co-President of the Community Service Club is looking forward to expanding her role in the city.

**COMMITTEE
REPORTS**

Hersch Sangster and Jonathan Thompson, from the Northwest Keizer Neighborhood Association reported on recent activities and announced plans for the future.

On a personal note, Mr. Sangster thanked Keizer, City Staff and McNary students for assistance provided at the memorial held for his son-in-law.

PUBLIC COMMENT *Kevin Cameron*, Marion County Commissioner, shared information about the Marion County Reentry Initiative, Second Chance Breakfast on October 27, and asked that the City waive the fees for the rental of the Community Center.

Rhonda Rich, West Keizer Neighborhood Association, provided a brief history of the Association's efforts to get a traffic calming device on Cummings Lane and a stop sign at Shoreline and Dearborn. She noted that the consulting firm that did the speed study makes no mention of the proximity of the Cummings Elementary and asked that the area around the school get the same attention that has been given to other neighborhood schools.

Michael DeBlasi, Keizer, suggested that Council reject the report from DKS Engineering related to the 4-way stop on Cummings at Dearborn and the speed table, and shared information on possible alternatives including speed cushions and offset speed tables.

Carolyn Holman, Keizer, complained that in spite of continued monitoring by the WKNA the traffic report for the Cummings/Shoreline /Dearborn area was not shared with the association prior to putting it on the Council agenda. She questioned the cost of the report vs. the cost of putting in a speed table and concluded her testimony with an invitation to the next WKNA meeting.

Katherine Stone, Keizer, explained that members of the Salem-Keizer community are having a petition drive to recall members of the School Board and invited everyone to attend the School Board meetings.

Paula Guiles, Keizer, distributed the Keizer Community Library Annual Report highlighting past and future efforts.

Mayor Clark noted written comments received from *Jimmy Jones*, Community Action Executive Director, Salem, Mid-Willamette Valley Community Action Agency seeking additional government appointed representatives to join the Board of Directors and *Jane Herb*, Keizer, requesting that the addition of fluoride in the city water be discontinued.

PUBLIC HEARING
a. Regulation of
Fireworks
Ordinance

Mayor Clark opened the Public Hearing.

City Attorney Shannon Johnson summarized his staff report. Discussion followed regarding dangerous weather conditions (red flag warning), prohibition in parks, educating the public, timing of prohibition, and regulating the sale and possession of fireworks. Mayor Clark summarized that Council wished to: prohibit setting off fireworks after 10:00 p.m. except on July 4 and New Year's Eve, review item 3a to make sure it makes sense, and delete the prohibition of sale/possession during red flag warning times.

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

Councilor Smith moved that the Keizer City Council direct staff to prepare an ordinance for adoption as discussed. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. RESOLUTION –
Exemption of
the Brand Name
Specifications
Purchase of
Goods From
Competitive
Bidding and
Purchasing
Tricaster Brand
Name
Equipment for
Production
Studio**

Mayor Clark opened the Public Hearing.

Finance Director Tim Wood summarized his staff report.

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

Councilor Smith moved that the Keizer City Council adopt a Resolution - Exemption of the Brand Name Specifications Purchase of Goods From Competitive Bidding and Purchasing Tricaster Brand Name Equipment for Production Studio. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. RESOLUTION –
Exemption of
Consulting
Services
Agreement for
Strategic
Planning
Services from
Competitive
Bidding and
Awarding
Agreement to
SSW Consulting
LLC**

Mayor Clark opened the Public Hearing.

City Manager Adam Brown summarized his staff report. Discussion followed regarding qualifications of the consultant, the process timeline, strategic planning, competitive bidding and procurement laws.

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

Councilor Smith moved that the Keizer City Council adopt a Resolution - Exemption of Consulting Services Agreement for Strategic Planning Services from Competitive Bidding and Awarding Agreement to SSW Consulting LLC. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**d. RESOLUTION -
Exemption of
Agreement for
Building High
Performance
Organizations**

Mayor Clark opened the Public Hearing.

City Manager Adam Brown summarized his staff report.

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

Councilor Smith moved that the Keizer City Council adopt a Resolution - Exemption of Agreement for Building High Performance Organizations

**from
Competitive
Bidding and
Awarding
Agreement**

from Competitive Bidding and Awarding Agreement to Commonwealth Centers for High Performance Organizations. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ADMINISTRATIVE
ACTION**

**a. West Keizer
Neighborhood
Association
Traffic Calming
Requests**

Public Works Director Bill Lawyer summarized his staff report and noted that the consultant fee for the report was under \$6,000. He added that he was unfamiliar with 'speed cushions' and questioned where they would be placed should Council approve them. Discussion followed regarding the impact of stop signs to neighbors, traffic history, safety alternatives, and flashing speed limit signs.

Chief Teague noted that a speed table on Cummings Lane in front of the school, under the crosswalk would effectively slow traffic.

Council agreed by consensus that they supported (1) purchase and placement of portable speed monitoring flashing signs on Shoreline, and (2) installation of a speed table on Cummings Lane in front of the school, under the crosswalk and WKNA monitoring the effectiveness of both of these improvements.

**b. Waiver of
Community
Center Rental
Fees – Marion
County Reentry
Breakfast**

City Recorder Tracy Davis summarized her staff report.

Councilor Smith moved that the Keizer City Council approve a waiver of the Community Center rental fee and Community Center refundable security deposit for the Marion County Re-Entry Initiative Breakfast on October 27, 2022. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**CONSENT
CALENDAR**

- a. RESOLUTION – Authorizing the City Manager to Award and Enter Into a Contract with Schneider Water Services for Reitz Replacement Well
- b. RESOLUTION – Authorizing the City Manager to Enter Into an Agreement with H and B Painting Co. for Cleaning and Re-Sealing the Exterior Block Walls of the Civic Center
- c. Approval of August 8, 2022 Work Session Minutes
- d. Approval of August 15, 2022 Regular Session Minutes

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

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS Finance Director Tim Wood announced that the Community Diversity Engagement Committee had moved to recommend that Council recognize Indigenous People's Day; a formal resolution will be brought to Council at the next meeting. Additionally he requested clarification from Council on the types of projects Council wishes to fund with the Community Prosperity Grant funds. Can they be used for the purchase or partial purchase of a food truck or is it strictly for infrastructure surrounding it? Following discussion, it was agreed that further research would be done to determine the exact direction.

Mayor Clark asked Mr. Brown to reach out to the Southeast Keizer Neighborhood Association to find out what plans there are to invigorate the group. When that information is received, a Council liaison reappointment will be made because the current liaison has a conflict.

STAFF UPDATES City Manager Adam Brown provided an update on the Keizer Rapids Park turf fields.

Public Works Director Bill Lawyer announced that the splash fountain is now closed for the season and that the County has still not acquired enough white paint so street striping may not take place until next spring.

COUNCIL MEMBER REPORTS Mayor Clark and Councilors Starr, Kohler, Reid and Herrera shared details of various meetings and events they had attended and announced upcoming ones. Youth Councilor Sarmiento reported on activities at McNary High School.

AGENDA INPUT September 12, 2022 - 6:00 p.m. - City Council Work Session
 • Parks Tour
 September 19, 2022 – 7:00 p.m. - City Council Regular Session
 October 3, 2022 – 7:00 p.m. - City Council Regular Session

ADJOURNMENT Mayor Clark adjourned the meeting at 9:41 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Shaney Starr

Councilor #5 – Elizabeth Smith

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved:_____



MINUTES KEIZER CITY COUNCIL/PARKS ADVISORY BOARD WORK SESSION

Monday, September 12, 2022 Keizer, Oregon

CALL TO ORDER: Work Session convened at the Chalmers Jones Park gazebo at 6:00 p.m. The following were present:

Councilors:

Cathy Clark, Mayor
Roland Herrera
Laura Reid
Shaney Starr
Dan Kohler

Parks Advisory Board:

Tanya Hamilton, Chair
David Louden
Matt Lawyer
Clay Rushton
Gwen Carr
Lisa Cejka

Absent:

Mathew Poteet, Parks Board
Katie Brady, Parks Board
Mike Pantalone, Parks Board
Elizabeth Smith, Councilor
Kyle Juran, Councilor

Staff Present:

Robert Johnson, Parks Manager
Bill Lawyer, Public Works Director
Debbie Lockhart, Deputy City
Recorder

CITY PARKS TOUR

Palma Ciea Park

Tour participants were met at the park by members of the West Keizer Neighborhood Association Board who provided refreshments. Mr. Johnson explained that staff has been working with the West Keizer Neighborhood Association to improve the park so this visit is a 'before/after' view of it. There are now two new river viewing points since limbs that used to block the view have been removed. An Eagle Scout is scheduled to build/clear a path to the river starting at the first bench and going diagonally down the hill to the river where there is an excellent viewing spot. It is anticipated that the project will be completed within the next 5 to 6 weeks.

Keizer Rapids Park

Participants viewed the two new picnic shelters, the newly seeded and irrigated field near the boat ramp and the area planned for the turf fields. Robert Johnson noted that one of the picnic shelters near the Big Toy will be available to reserve for parties.

Bair Park

Mr. Johnson explained that the park is left in a natural state so that native plants and bulbs can thrive but is mowed near the beginning of July to reduce fire hazard. A trail to the remains of the Oakland Touring Car is planned as an Eagle Scout project. When it is completed an interpretive sign telling about the car and property will be installed.

ADJOURN

Meeting adjourned at Bair Park at 7:32 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

~ Absent ~

Councilor #2 – Shaney Starr

Councilor #5 – Elizabeth Smith

~ Absent ~

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved: _____



MINUTES
KEIZER CITY COUNCIL
Monday, September 19, 2022
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

Cathy Clark, Mayor
Laura Reid, Councilor
Shaney Starr, Councilor
Kyle Juran, Councilor Daniel
Roland Herrera, Councilor
Elizabeth Smith, Councilor
Daniel Kohler, Councilor
Youth Councilor Angelica
Sarmiento Avendano

Staff:

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

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

SPECIAL ORDERS OF BUSINESS None

COMMITTEE

Assistant City Manager Tim Wood summarized the staff report.

REPORTS

**a. Volunteer
Coordinating
Committee
Recommendations for
Appointment –
Keizer Budget
Committee and
Keizer Planning
Commission**

Councilor Smith moved that the Keizer City Council accept the Volunteer Coordinating Committee recommended appointments and appoint Marlene Parsons and Melissa Martin to positions 1 and 2 respectively on the Keizer Budget Committee, terms beginning September 1, 2022 and expiring August 31, 2025, and Matt Lawyer, Sarah Hutches and Jeremy Grenz to positions 1, 2 and 3 respectively on the Keizer Planning Commission, terms beginning October 1, 2022 and expiring September 30, 2025. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Francisco Saldivar, Keizer, reported that the Planning Commission had recently reviewed and discussed the new parking reform that the state has mandated and the options available to the City.

- PUBLIC COMMENT** Mayor Clark announced that public comment was received via email from *Amber DelPorto* regarding apartment construction on River Road.
- William Criteser*, Keizer, questioned what the City was doing for automobile charging stations and allowing electric golf carts on City streets. Mayor Clark indicated that staff would get that information to him. Additionally, he noted that he and his wife had recently been relieved of their volunteer duties at the Keizer Community Library and he assumed it was because they were pursuing the designation of a 'Public Library'. He voiced opposition to the proposed Library Fee.
- PUBLIC HEARING** *Mayor Clark opened the Public Hearing.*
- a. Area 51 Bar and Grill Liquor License Application** Assistant City Manager Tim Wood summarized his staff report. Hours of operation discrepancies were pointed out.
- With no further testimony, Mayor Clark closed the Public Hearing.*
- Councilor Smith moved that the Keizer City Council recommend approval of the application for Area 51 Bar and Grill Liquor License under the guidelines established by ORS 471.178 and the Ordinances of the City of Keizer. Councilor Reid seconded. Motion passed unanimously as follows:
- AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: None (0)
- ADMINISTRATIVE ACTION** Tim Wood summarized his staff report noting that the question is 'does Council want to expand potential uses of these funds to include the purchase or upgrading of food trucks?' He noted that there is some risk involved as a food truck is a mobile asset so there is no guarantee that the truck would remain in Keizer and there is a limited space in Keizer where a food truck could park.
- a. Community Prosperity Grant** Discussion took place regarding providing the space rather than the truck, adding a requirement that the business is based in Keizer, premise permits, providing covered eating areas, partnering with the Chamber to reach out to area businesses, and, if they have no interest in food pods, then adding the infrastructure for pads on City-owned property.
- Council agreed by consensus that they wanted no changes to the resolution and broad outreach to the River Cherry Overlay District.
- b. RESOLUTION - Relating to Wastewater Service Charges (2023-2024)** Tim Wood summarized his staff report and noted that rates are expected to go down in 2025. Public Works Director Bill Lawyer added that the system is more than adequate for the needs of Keizer.
- Katherine Stone*, Keizer, pointed out that no one really has a choice.
- Councilor Smith moved that the Keizer City Council adopt a Resolution

**Repeal of
Resolution
R2020-3128**

Relating to Wastewater Service Charges (2023-2024) Repeal of Resolution R2020-3128. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. RESOLUTION –
Authorizing the
City Manager to
Sign the
Intergovernmental
Agreement –
Joint Litigation
of Climate
Friendly and
Equitable
Communities
Rules**

City Attorney Shannon Johnson summarized his staff report and explained that in spite of this litigation, Keizer must move forward on the mandate because it is the law of the land until the courts make a decision otherwise. Mayor Clark provided additional information.

Councilor Smith moved that the Keizer City Council adopt a Resolution Authorizing the City Manager to Sign the Intergovernmental Agreement – Joint Litigation of Climate Friendly and Equitable Communities Rules. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**d. Wage Increase
and Accrued
Leave Cash Out
Option**

RESOLUTION – Authorizing the City Manager and Chief of Police to Sign Memorandum of Understanding No. 6 Relating to 2021-2023 Collective Bargaining Agreement

RESOLUTION – Authorizing the City Manager and Public Works Director to Sign Memorandum of Understanding No. 2 Relating to 2021-2024 Collective Bargaining Agreement

RESOLUTION – Approving a Wage Increase and Accrued Leave Cash Out Option for Non-Represented Employees

Human Resources Director Machell DePina summarized her staff report.

Councilor Smith moved that the Keizer City Council adopt the three resolutions attached to the staff report authorizing wage increase and accrual leave buy-out. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**CONSENT
CALENDAR**

- a. RESOLUTION – Authorizing Disposition of Surplus Property (2008 Vaccon Combination Truck)
- b. RESOLUTION – Amending Resolution R2021-3215 (Recognizing National Observances and Commemorative/Heritage Months) to Add Indigenous Peoples' Day

- c. RESOLUTION – Authorizing the City Manager to Purchase Three Dodge Durango Vehicles for Police Department

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

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS Councilor Kohler verified that consideration of using ARPA funds for the Keizer Community Dinner was on the October 3 agenda and asked that the Keizer Little League Park be added to the Parks Tour agenda every year.

STAFF UPDATES Machell DePina announced that there are currently four recruitments out. Tim Wood urged everyone to do high water usage projects this month since the sewer reset period will begin October 1.

COUNCIL MEMBER REPORTS Councilor Starr announced that she had enjoyed the Parks Tour. Councilor Kohler reported on meetings and events he had attended and encouraged everyone to attend the upcoming Keizer Community Dinner. Councilor Reid shared information from meetings and events she had attended and announced upcoming ones.

Councilor Herrera reviewed meetings and events he had attended and announced the upcoming Candidates Forum.

Youth Councilor Sarmiento shared information regarding events at McNary.

Mayor Clark reported on meetings and events she had attended.

AGENDA INPUT October 3, 2022 – 7:00 p.m. - City Council Regular Session
October 10, 2022 - 6:00 p.m. - City Council Work Session
• Marion County Health Presentation – Mobile Crisis Unit
October 17, 2022 – 7:00 p.m. - City Council Regular Session

ADJOURNMENT Mayor Clark adjourned the meeting at 8:20 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Shaney Starr

Councilor #5 – Elizabeth Smith

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved: _____