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

KEIZER CITY COUNCIL
EXECUTIVE SESSION

Monday, July 19, 2010
5:45 p.m.
Keizer Civic Center
Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **DISCUSSION**

   a. **Pursuant to ORS 192.660(2)(i)** – *To review and evaluate the employment related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.*

4. **ADJOURN**

[redacted]

The Oregon Public Meeting Law authorizes governing bodies to meet in executive session in certain limited situations. An executive session is defined as any meeting or part of a meeting of a governing body which is closed to certain persons for deliberations on certain matters as defined by ORS 192.660. These sessions are closed to the public. The media may attend the session, unless the Oregon State Statutes specifically prohibits media attendance. The governing body is not allowed to take any final action or make any final decisions during the executive sessions. Any final action or decision must be made after returning or at the next regularly scheduled meeting.

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, July 19, 2010
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. **RESOLUTION – Authorization for Supplemental Budget for Expenditure of Carryover Funds for Chemawa Road Improvements**

6. **ADMINISTRATIVE ACTION**

7. **CONSENT CALENDAR**

   a. **RESOLUTION – Regarding Evaluation of City Manager and Declining to Grant Salary Increase**

   b. **RESOLUTION – Approving Extension of the Cable Television Franchise Agreement with Comcast of Oregon I, Inc. (Formerly known as Far-West Communications, Inc., dba AT&T Cable Services)**

   c. **Approval of June 14, 2010 Work Session Minutes**

   d. **Approval of June 21, 2010 Regular Session Minutes**

8. COMMITTEE REPORTS

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

August 2, 2010
5:45 p.m. – Executive Session

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

August 9, 2010
5:45 p.m. – City Council Work Session
- **City of Keizer Water – Fluoride Issue**

August 16, 2010
7:00 p.m. – City Council Regular Session

12. ADJOURNMENT

CITY COUNCIL MEETING: July 19, 2010

AGENDA ITEM NUMBER:________________

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER

FROM: ROB KISSLER, PUBLIC WORKS DIRECTOR AND SUSAN GAHLSDORF, FINANCE DIRECTOR

SUBJECT: SUPPLEMENTAL BUDGET FOR CHEMAWA ROAD NORTH IMPROVEMENTS

DATE: JULY 12, 2010

BACKGROUND:

On July 6, 2010 the City Council passed a resolution authorizing the Mayor to enter into an agreement with the Oregon Department of Transportation for improvements along Chemawa Road N.

The FY09-10 projected budget provided $450,000 appropriation for Street Fund matching dollars for the upgrade of Chemawa Road North. Funds were not expended by June 30th and therefore carryover to FY10-11 as un-appropriated.

Oregon Budget Law allows for a supplemental budget when an occurrence or condition which had not been ascertained at the time of the preparation of a budget for the current year which requires a change in financial planning (ORS 294.480). Budget Law further provides that a resolution or ordinance be passed to provide authority for the expenditure of these funds. Additionally, when the adjustment exceeds 10 percent or more of the affected fund's total expenditures the governing body shall publish notice of, and hold a public hearing regarding, the supplemental budget.

FISCAL IMPACT:

Funds were anticipated to be expended in FY09-10. These funds carry over to FY10-11 and need to be expended providing no net fiscal impact to the Street Fund.

RECOMMENDATION:

Staff recommends Council hold a public hearing to allow input on the Street Fund supplemental budget. After which, staff recommends Council adopt the attached resolution authorizing a supplemental budget to expend up to $450,000 for Chemawa Road North Improvements.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2010-_____

AUTHORIZATION FOR SUPPLEMENTAL BUDGET FOR EXPENDITURE OF CARRYOVER FUNDS FOR CHEMAWA ROAD IMPROVEMENTS

WHEREAS ORS 294.480 (a) provides for a supplemental budget when an occurrence or condition which had not been ascertained at the time of the preparation of a budget for the current year which 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, 2011:

Street Fund	Increase	Decrease
Resources	$450,000	
Expenditures – Materials & Services	$450,000	

Matching funds budgeted in FY09-10 for the Chemawa Road North improvements were not expended and are available to be carried over to FY10-11 for expenditure.

PASSED this _____ day of __________________, 2010

SIGNED this _____ day of __________________, 2010

____
Mayor

____
City Recorder

CITY COUNCIL MEETING: July 19, 2010

AGENDA ITEM NUMBER: _______________

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

FROM: MACHELL DEPINA
HUMAN RESOURCES DIRECTOR

SUBJECT: CITY MANAGER EVALUATION AND SALARY FREEZE

ISSUE

The City Manager's contract provides for a yearly performance review and Council action if a step increase or cost-of-living increase is not granted. The yearly performance review has been completed for the year ending June 30, 2010 and the Council has determined the City Manager's performance to be satisfactory.

The Council has also determined the City Manager will not be given a salary increase for the 2010-11 fiscal year, to remain consistent with other non-represented employees not provided such an increase due to budget cuts. The attached Resolution implements a salary freeze for the City Manager for the 2010-11 fiscal year.

RECOMMENDATION

It is recommended that the Council review the attached Resolution and take appropriate action.

If you have any questions regarding this staff report, please contact me by phone at 503-856-3417 or by email at depinam@keizer.org.

Thank you.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2010-_____

REGARDING EVALUATION OF CITY MANAGER AND DECLINING TO GRANT SALARY INCREASE

WHEREAS, the Keizer City Council has extended the contract of the City Manager to June 30, 2011 pursuant to Resolution R2010-2011;

WHEREAS, the Employment Contract between the City of Keizer and Christopher C. Eppley provides for a performance review at least once each fiscal year;

WHEREAS, the City Council has conducted the performance review for the fiscal year ending June 30, 2010 and the Council has determined that Christopher C. Eppley's performance is satisfactory;

WHEREAS, the Employment Contract does not require formal contract amendment for salary increases, but requires Council action if a step increase/cost-of-living increase is not granted;

WHEREAS, a salary freeze for all non-represented City employees has been implemented for the 2010-11 fiscal year;

WHEREAS, the Council has determined that the City Manager will not be given a salary increase for the 2010-11 fiscal year to remain consistent with other non-represented employees;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that a salary freeze for the City Manager will be implemented for the 2010-11 fiscal year. This shall equate to no step increase or cost-of-living increase.

PASSED this __________ day of _________________, 2010.

SIGNED this __________ day of _________________, 2010.

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Mayor

____

City Recorder

CITY COUNCIL MEETING: **July 19, 2010**

AGENDA ITEM NUMBER:____________

TO:	**MAYOR CHRISTOPHER AND COUNCIL MEMBERS**
THROUGH:	**CHRISTOPHER C. EPPLEY, CITY MANAGER**
FROM:	**E. SHANNON JOHNSON, CITY ATTORNEY**
SUBJECT:	**EXTENSION OF COMCAST CABLE TELEVISION FRANCHISE AGREEMENT**

The Comcast cable television franchise agreement expired July 12, 2010. We have had very preliminary discussions with Comcast, but are waiting for them to work through agreements with Salem and Marion County. Consequently, the franchise should be extended to work through any issues that Salem and Marion County may have, along with any issues that may be particular to Keizer.

Comcast has taken the position in the last few years that they are not required to sign any extension agreements with local jurisdictions. Therefore, there is no extension agreement attached. Instead we have drafted a resolution indicating that the City is allowing them to proceed under the current regulations.

RECOMMENDATION:

Adopt the attached Resolution.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2010-_____

APPROVING EXTENSION OF THE CABLE TELEVISION FRANCHISE AGREEMENT WITH COMCAST OF OREGON I, INC. (FORMERLY KNOWN AS FAR-WEST COMMUNICATIONS, INC., DBA AT&T CABLE SERVICES)

WHEREAS, the City of Keizer and Far-West Communications, Inc. entered into that certain cable television franchise agreement on or about August 29, 1994;

WHEREAS, the term of the agreement is for five years with two five-year renewal terms;

WHEREAS, the First Renewal Agreement was extended to July 31, 2005;

WHEREAS, the Second Renewal Agreement was extended to July 12, 2010;

WHEREAS, the parties have begun informal renewal negotiations in accordance with Section 626 of Title VI of the Communications Act of 1934, as amended, and the parties continue to reserve all rights under Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto;

WHEREAS, because the parties were unable to reach agreement on the renewal by July 12, 2010, the parties have agreed that it will be necessary to extend the agreement;

WHEREAS, the City requested that Comcast of Oregon I, Inc. enter into an extension agreement extending the agreement to January 31, 2011, but Comcast of Oregon I, Inc. would not enter into a written extension agreement. Comcast of Oregon I,

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

Inc. does not object to extending the agreement to January 31, 2011, or until a renewed agreement is signed, whichever occurs first;

WHEREAS, it is in the public interest to extend the agreement for an additional period of time so that cable service to the public will not be interrupted;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the cable television franchise agreement with Comcast of Oregon I, Inc. shall be extended through January 31, 2011, or until a renewed agreement is signed, whichever occurs first.

PASSED this __________ day of _________________, 2010.

SIGNED this __________ day of _________________, 2010.

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Mayor

____
City Recorder

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

MINUTES
KEIZER CITY COUNCIL WORK SESSION
Monday, June 14, 2010
Keizer Civic Center
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the work session to order at 5:47 p.m. The following were present:

Councilors:	**Staff**
Lore Christopher, Mayor	Chris Eppley, City Manager
Jim Taylor, Council President	Nate Brown, Community Development
Cathy Clark, Councilor	Rob Kissler, Public Works Director
David McKane, Councilor	Marc Adams, Police Chief
Mark Caillier, Councilor	Tracy Davis, City Recorder
Brandon Smith, Councilor	
Richard Walsh, Councilor	

DISCUSSION

a. Keizer Civic Center Community Room Kitchen

City Manager Chris Eppley explained that the kitchen is unfinished because completion was halted when it was clear that the Civic Center project was coming in over budget. He noted that the Keizer Rotary has volunteered to complete the project so that they can use it for their Thursday meetings. Mr. Eppley would be the project manager. Councilor Caillier distributed an estimate of the project and reviewed the kitchen equipment that is already owned by the City and what is needed. Discussion then took place regarding details of the project, funding, value of the volunteer labor, necessary equipment, residential vs. commercial and related fire code issues. Further discussion took place regarding equipment available at the Keizer Little League fields and purchasing used equipment. Councilor Caillier suggested that Council consider setting aside $5650 for kitchen project with the hope that there would be enough to purchase an ice maker. Councilors directed staff to move forward.

ADJOURN

Meeting adjourned at 6:15 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Deputy City Recorder

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Cathy Clark

Councilor #2 – Brandon Smith

Councilor #5 – Richard Walsh

Councilor #3 – Mark Caillier

Councilor #6 – James Taylor

Minutes approved:

MINUTES
KEIZER CITY COUNCIL
Monday, June 21, 2010
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
Jim Taylor, Council President	Rob Kissler, Public Works
Richard Walsh, Councilor	Nate Brown, Community Development
Cathy Clark, Councilor (via phone)	Marc Adams, Police Chief
Mark Caillier, Councilor	Kevin Watson, Assist. to the City Mgr.
David McKane, Councilor	Tracy Davis, City Recorder
Brandon Smith, Councilor	

FLAG SALUTE

Mayor Christopher led the pledge of allegiance.

Mayor Christopher announced the winners of the "If I Were Mayor" essay and poster Contest: Samantha Welsh and Jonathan Collins respectively and read the winning essay. The second and third place essay winners were introduced with the Mayor reading those essays as well. Second and third place poster winners explained the inspiration for their posters.

PUBLIC TESTIMONY

Alex Pellico, Keizer, on behalf of the Parks Advisory Board thanked Council and the Budget Committee for reinstating funds for city parks. He reported on subjects that were addressed at the last meeting including posting when parks are sprayed with fertilizer or weed killer, permanent portable toilet facilities, interactive fountain park operation schedule and notification of citizens, and revising of the Parks Master Plan. Following a request from Council, Mr. Kissler agreed to investigate the possibility of citizens renting the Splash Park for a day and paying operation fees. Mr. Pellico then reminded everyone of the Summer Wild Wild Rec Program and the upcoming Marie Dorion sign dedication at Keizer Station Park.

Darrell Richardson, Keizer, explained that he has lived next door to Sunset Park for 32 years and maintained the park all those years and now the City is trying to take away his access so that he cannot drive through the park to access his back yard. City Manager Chris Eppley explained that because the issue is still being debated in court he would not be able to talk about it at length. He provided some history of the issue explaining that the ruling was unclear so attorneys are still working on clarification and it appeared that both parties are close to reaching an amicable decision. Mayor Christopher pointed out to Mr. Richardson that he took the Council out of the issue when he hired an attorney to sue the City so they could not provide any information. Councilor McKane urged Mr. Richardson to be patient.

PUBLIC HEARINGS

a. Spice Island Catering Liquor License Application

City Manager Chris Eppley reported that an application was submitted for a Full On Premises and Other Public Location Sales Liquor License for Spice Island Catering owned by Jerry Crane and doing business at Volcano Stadium in Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done, and Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application. Staff recommends that following a public hearing Council approve the application. Councilor Caillier declared a conflict of interest nothing that he would abstain from discussion and voting on this matter.

Mayor Christopher opened the Public Hearing.

Mr. Crane fielded questions regarding Volcano Stadium and the Responsible Vendor Program.

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

<u>Councilor Taylor moved to recommend approval of the application for a Full On-Premises Sales and Other Public Locations Liquor License for Spice Island Catering under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer and to forward this recommendation to the Oregon Liquor Control Commission for final approval. Motion passed as follows:</u>

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

b. RESOLUTION ~ Abandonment of Benevan Court Street Lighting District (Public Hearing continued from 5/17/10)

Public Works Director Rob Kissler reviewed the history of this Street Lighting District noting that an original petition was never signed by the developer or the subsequent purchaser. He recommended that Council abandon establishment of a lighting district at this time until further development occurs. Mr. Kissler then fielded questions regarding removal of the lights and future development.

Mayor Christopher opened the Public Hearing. With no testimony, Mayor Christopher closed the Public Hearing.

<u>Councilor Taylor moved to adopt Resolution for Abandonment of Benevan Court Street Lighting Local Improvement District. Councilor</u>

Walsh seconded. Motion passed unanimously as follows:

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

c. ORDER ~ Amendment of Rates for Franchise Solid Waste Collection Within the City of Keizer

City Manager Chris Eppley explained that the two waste haulers and recyclers serving Keizer had not had a fee increase unrelated to increased services since 1992 and they were requesting a 7% increase in their residential fee structure.

Mayor Christopher opened the Public Hearing.

Estele Harlan, Lincoln City, Oregon, Solid Waste Management Consultant, provided clarification of the handout showing the fee structure and assured Council that the rates are good rates - lower in Keizer than in Salem - and fielded questions regarding the proposed increase, equipment, and comparison with Salem.

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

Councilor Taylor moved to adopt an Order in the Matter of the Amendment of Rates for Franchise Solid Waste Collection Within the City of Keizer. Councilor Smith seconded. Motion passed unanimously as follows:

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

Mr. Eppley explained that Oregon has one of the highest recycling rates in the country; Marion County has the highest in Oregon. He applauded the haulers for this.

ADMINISTRATIVE ACTION

a. ORDINANCE ~ Amending the Utility License Fees for Sewer Utilities (Second Reading)

Mr. Eppley explained that because this Ordinance did not pass unanimously at the previous meeting, it is before Council for the required second reading and vote.

Councilor Taylor moved to adopt a Bill for an Ordinance Amending the Utility License Fees for Sewer Utilities in the City of Keizer and Declaring an Emergency (Amending Ordinance No. 2002-468; Repealing Ordinance 2003-488). Councilor Smith seconded. Motion passed as follows:

AYES: Christopher, Walsh, Smith, Taylor and Clark (5)
NAYS: McKane and Caillier (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

b. ORDINANCE ~ Establishing Utility License Fees for Storm Water Utilities (Second Reading)

Mr. Eppley explained that because this Ordinance did not pass unanimously at the previous meeting, it is before Council for the required second reading and vote.

Councilor Taylor moved to adopt a Bill for an Ordinance Establishing Utility License Fees for Storm Water Utilities in the City of Keizer and Declaring an Emergency. Councilor Smith seconded. Motion passed as follows:

AYES: Christopher, Walsh, Smith, Taylor and Clark (5)
NAYS: McKane and Caillier (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

A. RESOLUTION ~ Authorizing Disposition of Surplus Property
B. RESOLUTION ~ Authorizing the City Manager to Enter Into Master Walkaway Lease Agreement With EAN Holdings, LLC., dba Enterprise Fleet Management for Police Vehicles
C. RESOLUTION ~ Authorizing the City Manager to Enter Into Purchase Agreement with Tebron Company Inc., for Purchase of New Server for Sophos Email Security and Control
D. Approval of May 17, 2010 Regular Session Minutes
E. RESOLUTION ~ Authorization for Budget Adjustment for Community Center Fund, Amending R2010-2050

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

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

COMMITTEE REPORTS

Councilor Clark thanked city staff for their help with the City booth at the Iris Festival; announced the recipients of the Connect Oregon 3 project, upcoming times and dates for the Salem-Keizer Area Transportation Study meeting, the K-23 Advisory Committee meeting, and reported that the July Mid-Willamette Area Commission on Transportation meeting was cancelled.

Councilor McKane reminded everyone of the upcoming Good Vibrations Motorcycle Rally July 16-18; the Good Vibrations Task Force meeting on June 23 to update the group and finalize plans, and the Traffic Safety Commission meeting on June 29.

Councilor Caillier reported that donations are still being accepted for the Community Center carpet cleaner fund and can be given to the City of Keizer or Keizer Rotary and that the Marie Dorion sign unveiling ceremony will be held at Keizer Station Park on July 10 at 2 pm.

Councilor Taylor reported on the upcoming Keizer Points of Interest Committee meeting.

Councilor Walsh

- Reported that he had participated on Bureau of Land Management interview sessions for post service wrapping up things done relating to Keizer Rapids Park
- Reported that the first Personnel Policy meeting was held with completed policies. Focus will now move into labor negotiations, etc.
- Congratulated McNary graduates and commended the Courthouse Athletic Club for hosting the Senior Party.

Councilor Smith reported that the June Keizer Urban Renewal Board meeting had been cancelled and questioned the daily cost of running the water fountain. Rob Kissler responded that he thought it was $28-31 per hour. Discussion then took place regarding opening up the park for corporate sponsorship and contracting with the Salem technician to service the Keizer Splash Park.

OTHER BUSINESS

Chris Eppley reported that the Daily Journal of Commerce awarded the City of Keizer the first place award for public buildings; the award will be displayed in the case in the Civic Center lobby. He then distributed a summary of legislative priorities from the League of Oregon Cities and asked Council to vote on the top four.

Rob Kissler invited everyone to the Chemawa Road North Improvements Open House which is being held regarding planned improvements to Chemawa Road North from Roth's IGA to Keizer Rapids Park. He also provided detailed information on the Lockhaven/Wheatland paving project and additional planned paving projects.

Community Development Director Nate Brown reported on upcoming Economic Opportunities Analysis Technical Advisory Committee meeting.

Assistant to the City Manager Kevin Watson invited everyone to the ARES demonstration at the Power Land Museum.

Mayor Christopher reported that the next free summer concert at Keizer Rapids Park is July 10 beginning at 5:30.

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

July 6, 2010 (Tuesday)

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

- Food Waste Recycling Program

July 12, 2010

5:45 p.m. – City Council Work Session

- Keizer Chamber of Commerce

July 19, 2010

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

ADJOURNMENT Mayor Christopher adjourned the meeting at 8:37.

MAYOR: APPROVED:

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Lore Christopher

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Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – David McKane	Councilor #4 – Cathy Clark
Councilor #2 – Brandon Smith	Councilor #5 – Richard Walsh
Councilor #3 – Mark Caillier	Councilor #6 – James Taylor

Minutes approved:

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