MINUTES
KEIZER CITY COUNCIL
Tuesday, February 18, 2025
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Clark called the meeting to order at 6:01 p.m.

Mayor Clark announced that there was a request to move item 8.i. to after item 8.c. There were no objections.

ROLL CALL

Roll call was taken as follows:

Present:	Staff:
Cathy Clark, Mayor	Adam Brown, City Manager
Shaney Starr, Council President	Tim Wood, Assistant City Manager
Soraida Cross, Councilor	Shane Witham, Planning Director
Kyle Juran, Councilor	Joseph Lindsay, City Attorney
Daniel Kohler, Councilor	Bill Lawyer, Public Works Director
Marlene Parsons, Councilor	Andrew Copeland, Police Chief
Lore Christopher, Councilor	Garrett Klever, Human Resources Director
Absent:	Melissa Bisset, City Recorder
Ma'Layah Latty-Farrar, Youth Councilor	

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

SPECIAL ORDERS OF BUSINESS

There were no special orders of business.

COMMITTEE REPORTS

Anne-Marie Storms, Deputy Fire Marshal, Keizer Fire, provided an update on calls for service, programs and upcoming events.

Lisa Cejka, Parks and Recreation Advisory Board, shared about their recent meeting. She noted that there were matching grant funds still available.

PUBLIC COMMENTS

Mayor Clark shared the written comments that had been received.

Lisa Cejka, Keizer, expressed her concerns about the comments related to Youth Liaison that she heard at the most recent work session. She commented on the accomplishments of the various Youth Liaisons over the last several years. She encouraged the Council to consider having the Youth Liaisons be voting members.

PUBLIC HEARINGS

a. OLCC Application - Change of Ownership - Off-Premises Liquor License - Pat's Cig and Vape

City Recorder Melissa Bisset summarized the staff report.

<u>Council President Starr moved the City Council recommend approval of the application for a change of ownership for an Off-Premises Sales Liquor License from Mog and Mog Inc. for Pat's Cig and Vape under the guidelines established by ORS 471.175 and the Ordinances of the City of Keizer. Councilor Kohler seconded. Motion passed unanimously as follows:</u>
AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

ADMINISTRATIVE ACTION

a. <u>RESOLUTION</u> - Authorizing City Manager to Sign Management Agreement with Keizer Community Field Association for Keizer Multi-Sports Synthetic Turf Fields

City Manager Adam Brown summarized the staff report. There was a question about how the contract was developed and if there was a professional that had reviewed the contract.

Councilor Cross shared that she would be interested in data, hours, and who was getting to play.

There would be a work session on the topic.

<u>Councilor Christopher moved to table the Resolution to no later than April 21st. Councilor Kohler seconded. Motion passed unanimously as follows:</u>
AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

b. <u>RESOLUTION</u> - Authorizing City Manager to Sign Letter of Intent With Raising Cane's Restaurants LLC (Keizer Station Area B)

City Manager Adam Brown summarized the staff report. Discussion followed regarding paying down PERS debt versus paying down the unfunded liability. There would be future discussion about the PERS debt during a Budget Committee meeting.

There were comments about land that was owned by the City in that no taxes were collected an the financial benefits to the City and community by selling the land.

<u>Council President Starr moved to adopt Resolution R2025- Authorizing City Manager to Sign Letter of Intent With Raising Cane's Restaurants LLC (Keizer Station Area B). Councilor Kohler seconded. Motion passed unanimously as follows:</u>
AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

c. <u>ORDINANCE</u> - Establishing a Franchise Agreement with Portland General Electric for Placement of Utilities in the Public Rights-of-Way; Repeal of Ordinance No. 2012-667

City Attorney Joseph Lindsay summarized the staff report. It was clarified that there would be no increase in the fees related to the Franchise Agreement.

Wendy Veliz, Local Government Affairs Manager, expressed her gratitude to the City for working on the Franchise Agreement. She commented on the most appropriate trees to be strategically planted and stated that vegetation management was best practice in their new Franchise Agreements.

Gratitude was expressed to PGE for the paint to remove graffiti.

There was a comment about working together with PGE on utility box wraps.

<u>Council President Starr moved to adopt an Ordinance No. 2025- Establishing a Franchise Agreement with Portland General Electric for Placement of Utilities in the Public Rights-of-Way; Repeal of Ordinance No. 2012-667. Councilor Kohler seconded. Motion passed unanimously as follows upon first reading:</u>
AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Clark called for a recess.

d. <u>RESOLUTION</u> - Authorizing City Manager to Sign Volunteer Economic Development Advisor Agreement

The meeting resumed at 8:12 p.m.

City Manager Adam Brown summarized the staff report.

Mr. Ronald Raleigh, Keizer, opposed the passing of the item and shared his professional experience with bidding. He expressed concern over the bid process and felt it needed to go to the public. He suggested there could be an economic development board. He shared that he had reached out to the KeizerTimes about the issue.

There was discussion about whether these types of contracts existed in other Cities and the intent of the contract.

Discussion ensued regarding what other Cities were doing for economic development. There was a discussion about using volunteers.

It was clarified that the help was with working on selling the orphan properties that the City owned or having them leased out for additional income, to create jobs, and be added to the County tax rolls. Mr. Brown shared that last year, the strategy was to sell the properties and have the revenue be added to the unfunded accrued liability to give the City a better perpetual savings in cost versus revenue.

The term of the contract was two-years, and Mr. Brown offered for it to be a one-year agreement.

It was requested to have questions and check-ins with the Council and for language to be included in the contract to report on activities and documents on economic development opportunities. Mr. Brown stated that he could include information in his City Manager Report.

Mr. Brown explained how he would be using the consultant.

<u>Council President Starr moved to adopt Resolution R2025- Authorizing City Manager to Sign Volunteer Economic Development Advisor Agreement. Councilor Kohler seconded.</u>

Mayor Clark proposed removing Recital B and the phrase or other City-owned sites as a friendly amendment, and it was accepted by mover and seconder.

Council President Starr proposed to change the Conflict of Interest and Confidentiality Statement to be separate agreements and under the Conflict of Interest to include perceived, actual, or potential conflicts of interest, under Section 9, Item D.

City Attorney Lindsay stated that he would change Item D to read, Advisor agrees to sign an annual Statement of Confidentiality and update Statement of Actual, Potential, or Perceived Conflicts of Interest if they change throughout the year, and these are two separate agreements.

Mayor Clark expressed her concern with the agreement due to past experience and ties with other organizations historically that lead to a different way of looking at economic development, and she preferred to take the time to engage in what would be necessary to have economic development staff establish Keizer's strength and position in the Salem-Keizer Metropolitan Area economy.She noted that comparable cities had economic development staff and encouraged the Council to consider how to engage in the economic strength in the region. She requested that this be included in the Council's goals.

<u>Motion passed as follows:</u>
AYES: Cross, Kohler, Starr, Juran, Christopher, and Parsons (6)
NAYS: Clark (1)
ABSTENTIONS: None (0)
ABSENT: None (0)

e. Discussion - Community Diversity Engagement Committee

City Attorney Adam Brown summarized the staff report.

Carrie Brown, Keizer, spoke about the role of the Community Diversity Engagement Committee (CDEC) and commented on the last two meetings. She stated that one of the requests from the Council was for the CDEC to look at renaming the CDEC and thought that at the last joint work session, there was an agreement to look at the naming of the CDEC.

Jane Titchenal, Keizer, expressed her thoughts on the reasoning for a potential name change and felt that the potential name change was based out of fear. There was also no objective evidence that funding would be lost due to the word diversity in the committee name. She noted that the people wanting to keep the current committee name were present. She commented on the partners around the City that were standing in their power, protecting families and students, standing up against ignorance that is being displayed. She hoped that the CDEC would be given the time to do their work and expressed her support for the CDEC.

Ray White, Keizer, shared that he wanted to help collaborate to ensure that the voices of the community were being heard and that people in the community who may not understand what's available to them. He believed the CDEC was passionate and capable of achieving this within their work. He encouraged the Council to consider the message the committee name would send and how the City could involve different voices in decisions. He supported refining the committee's focus, using existing resources, and encouraging collaboration between committees. He inquired about any concerns or fears about keeping the current name.

Mr. Brown commented on the consent calendar being time-sensitive for the waterline replacement item.

<u>Councilor Christopher moved to extend the time until 9:20 to handle the consent calendar and items g, h and j. Motion was seconded by Councilor Parsons. Motion passed as follows:</u>
AYES: Clark, Juran, Kohler, Starr, Christopher, and Parsons (6)
NAYS: Cross (1)
ABSTENTIONS: None (0)
ABSENT: None (0)

f. Discussion to be brought to the next Community Diversity Engagement Committee (CDEC) Meeting - Rename CDEC Committee

This item was moved to the March 3rd Council meeting.

g. <u>RESOLUTION</u> - Resolution R2025-____ Amending the Keizer Public Art Commission (KPAC); Amending Resolution No. R2015-2552; Repeal of Resolution R2020-3059

City Attorney Joseph Lindsay summarized the staff report, which would bring the council liaison into alignment with a non-voting member.

<u>Council President Starr moved to adopt Resolution R2025- Amending the Keizer Public Art Commission (KPAC); Amending Resolution No. R2015-2552; Repeal of Resolution R2020-3059. Councilor Kohler seconded. Motion passed unanimously as follows:</u>
AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)
NAYS: None (0)
ABSTENTIONS: None (0)

ABSENT: None (0)

h. Discussion - Adoption of Personnel Policies (Council approved policies)

Human Resources Director Garrett Klever summarized the staff report.

There was a consensus to have this item brought back as a package at the March 3rd meeting for adoption.

i. <u>RESOLUTION</u> - Establishing a Public City Library in the City of Keizer and Establishing Rules, Policies, and Regulations for the Keizer Public Library

This item was taken out of order and followed item 8.c.

City Attorney Joseph Lindsay summarized the staff report. Mr. Lindsay stated that the number of board members had changed to 12 members. The terms of officers would be three years and officers would be elected annually. He verified with the State that non-profit boards serve as library boards. Some of the rules were established for violations, which included a loss of library privileges that would go to the City Manager for appeal, but the suggestion was to make appeals go to the Library Board since it operates for the non-profit on lines 14 and 15 of the Resolution.

Also, line 22 in the Resolution could have different language about which funds could be limited by stating that discretionary funds could be subject to annual budgetary approval.

City Attorney Lindsay explained that the Library Board could make the decision as its own non-profit having its own budget officer or the City could initiate agreements for them to seek approval of the City for additional expenditures. If the Library Board wanted to retain its public status, they would need to adhere to their half of expenditures. Mr. Lindsay clarified that Budgetary Powers of the City would drive the Budget.

Discussion ensued regarding the City budgetary process, potential library funding, and who would be responsible for funding.

City Attorney Lindsay explained that the Resolution establishes a Public Library, which means that the City was currently funding at least half of the library's budget with public funds. The law doesn't say that the level of funding has to be maintained but rather, if funding falls short then there would be a couple of rebuilding years, and if there was still no public funding, then the State Library would no longer recognize the Public Library status. There was also a State Law option to rescind the Public Library recognition during two public meetings.

Discussion ensued regarding past course funding of the library and potential new sources, such as Transiet Occupancy Taxes (TOT) funds.

BJ Toewe, Keizer, shared the history of the Keizer Community Library. She stated that there was a commitment from the City for $30,000 and commented that Keizer could receive Chemeketa Cooperative Regional Library Service (CCRLS) benefits.

It was noted that the number of items checked out had doubled in the last two years.

Councilor Christopher asked for the Resolution to be passed with the funding to be from TOT fund for sustainable funding. She asked that proposed language not state that the City would be investigating funding but rather identify where the funding would come from.

There was a question about what would happen if no public funds were given to the Library. Ms. Toewe confirmed that the Library could no longer operate under the public status with no obligation, violations, or fines.

Ms. Toewe confirmed that a Master's Degree in Library Services and library size were not required by the Oregon State Library. Ms. Toewe explained that nothing was required by the Oregon State Library, but there were recommended standards to be used as a tool.

The volunteers and the Board of the Keizer Community Library were commended for their dedication and commitment to the Library.

Discussion continued about potential funding. Mayor Clark asked about the funding request going before the Long Range Planning Task Force for long-range planning and funding of the library to build a policy to commit to this funding.

City Attorney Lindsay explained that a separate agreement or policy could indicate such a financial baseline and that the Oregon Revised Statutes required the Library to have 50 percent public funding and not specifically City funding. He clarified that if the Library were to secure different funding then the City could back off on its financial support, recognizing that for the last two years, and City funds had been used. He clarified that the State simply wants to see how the City planned to pay its portion within the Resolution.

On page 262 of the packet and line 22 of the Resolution, Mr. Lindsay suggested that if people were okay with the City investigating ways to pay for 50 percent of the Library budget, he offered to remove the language about the City searching for grants and then say that the City of Keizer proposes to finance through the use of discretionary TOT funds or other discretionary funds subject to approval.

<u>Council President Starr moved to adopt Resolution R2025- Establishing a Public City Library in the City of Keizer and Establishing Rules, Policies, and Regulations for the Keizer Public Library as amended regarding the 12 members of the Keizer Library Board, the three-year term, and changing Item 7a to referring to the Library Board rather than the City Manager regarding library privileges. Councilor Kohler seconded.</u>

Councilor Juran expressed his concern about encumbering money that was not set aside and asked what the $30,000 might be taken away from. He felt that without knowing where the money would come from that he couldn't say that $30,000 could be spent on the Library.

Councilor Christopher felt that it wouldn't be honest or truthful to vote on funding when there was an unknown about where the funds would come from for the Library. She wanted to ensure that the tax burden wouldn't be increased for Keizer residents and wanted language that would allow the Resolution to be adopted with the understanding that the Budget Committee was still in control.

City Attorney Lindsay suggested an amendment to say that the City of Keizer would finance the

Library through the use of discretionary funds subject to annual budgetary approval.

Mayor Clark disagreed with the friendly amendment because the amendment needs to be refined and go to a second motion.

<u>Council President Starr moved to amend the motion to amend the language in Section 1B to say the City of Keizer will finance the library through the use of discretionary funds subject to annual budgetary approval. Councilor Kohler seconded.</u>

Mayor Clark felt that the entire Long Range Planning Task Force should have a conversation to consider all the different ways the TOT funding was being used for economic development before the Resolution was adopted.

There was discussion about how TOT funds are being used and could be used. It was noted that 20 percent of TOT funds were dedicated to the Event Center, and a third hotel coming, so TOT funds would increase.

Discussion ensued regarding a potential funding policy.

<u>*Mayor Clark stated, "All in favor of amending the Resolution as stated".* Motion passed as follows:</u>
AYES: Cross, Kohler, Starr, Christopher, and Parsons (5)
NAYS: Clark, Juran (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

<u>*Mayor Clark stated that the Resolution stands amended for the TOT back to the original with the amendments regarding the changes and the changes to section 1B, and asked for anything further for the motion.* Motion passed as follows:</u>
AYES: Cross, Kohler, Starr, Christopher, and Parsons (5)
NAYS: Clark, Juran (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Clark stated for the record that although she voted against the amended Resolution, she wanted the Library but felt that the Resolution was premature because of the uncertainty with funding.

It was noted that in order for the Keizer Community Library to submit the application to the State to receive Public Library status, they needed the Resolution to pass.

There was a 10-minute recess at 8:01 p.m.

j. Approval of the January 18, 2025 Work Session Minutes

Mayor Clark noted the following changes to the January 18, 2025, minutes where it refers to the discussion on Section 4.3 for Council President and states, "There was a consensus of the Council to have the City Attorney Lindsay work on the language of Section 4.3 and bring it back to Council on January 21st." Mayor Clark requested that this be corrected to read, "There was a majority of Council who agreed to have the City Attorney Lindsay work on the language of Section

4.3 and bring it back to Council on January 21st."

Mayor Clark noted a second correction on Section 20 where she asked for removal of references to the Council Work Plan that was done in 2020 and 2021, and this was not reflected in the minutes and was no longer in use. She would like to double check that the minutes note that this was stated and if not, then the January 18th minutes should be brought back when other corrections are made to remove from the Council Rules of Procedure because it was now outdated.

Mayor Clark noted a third correction to the minutes by removing the words about getting a report on the Council goals by saying that "The City Manager and Mayor would bring a report" and that was not how they were doing it, as it was only when there was a Work Plan where it was a council-led objective.

Council President Starr moved that the Keizer City Council approve the January 18, 2025, Work Session Minutes as amended. Calendar. Councilor Christopher seconded. Motion passed unanimously as follows:
AYES: Clark, Starr, Cross, Kohler, Juran, Christopher, and Parsons (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

Councilor President Starr moved that the Keizer City Council approve the Consent Calendar. Councilor Kohler seconded. Motion passed unanimously as follows:
AYES: Clark, Starr, Cross, Kohler, Juran, Christopher, and Parsons (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

a. **Approval of January 21, 2025 Regular Session Minutes**

b. **Approval of February 3, 2025 Regular Session Minutes**

c. **RESOLUTION - Authorizing the City Manager to Award and Enter Into a Contract with Flow Line Construction LLC for 2025 Waterline Replacement Project**

OTHER BUSINESS

There was no other business.

STAFF UPDATES

There were no staff reports due to a lack of time.

COUNCIL MEMBER REPORTS

There were no Council Member Reports due to a lack of time.

AGENDA INPUT

Monday, February 24, 2025 - 6:00 p.m. - City Council Work Session - Short Term and Long-

Term Goals

Monday, March 3, 2025 - 6:00 p.m. - City Council Regular Session

Monday, March 10, 2025 - 6:00 p.m. - Long Range Planning Task Force Meeting

ADJOURNMENT

Mayor Clark adjourned the meeting at 9:17 p.m.

MAYOR: APPROVED:

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Cathy Clark Dawn Wilson, Deputy City Recorder

Minutes approved: ________________________

"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."