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AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION

Monday, August 1, 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. Volunteer of the Quarter Award – Phil Worthington

5. **COMMITTEE REPORTS**

a. Volunteer Coordinating Committee Recommendation for Appointment – Keizer Public Arts Commission

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** - Exemption of Migration, Hosting and Maintenance of Records from Competitive Bidding and Entering Into Contract with First Due Professional Services LLC

b. **RESOLUTION** – Forming Orchard Street Partition Street Lighting Local Improvement District
ORDINANCE – Spreading Assessments to Orchard Street Partition Street Lighting Local Improvement District

8. **ADMINISTRATIVE ACTION**

a. **ORDINANCE** – Establishing a Library Services Fee
RESOLUTION – Placing on the Ballot the Question of Establishing a Library Services Fee and Authorizing Filing of Explanatory Statement Relating to the Library Services Fee

- b. RESOLUTION – Repeal of Resolution R2022-3303 (Placing on the Ballot the Question of Prohibiting Psilocybin-Related Businesses Within the City and Authorizing Filing of Explanatory Statement Relating to this Prohibition)
ORDINANCE - Declaring a Ban on Psilocybin Service Centers and the Manufacture of Psilocybin Products
RESOLUTION – Placing on the Ballot the Question of Prohibiting Psilocybin-Related Businesses Within the City and Authorizing Filing of Explanatory Statement Relating to this Prohibition
- c. RESOLUTION – Adopting Policy for the Display of Flags at City Facilities
- d. Municipal Court Judge Evaluation Report
- e. RESOLUTION – Establishing the Amount of the Sewer System Development Charge for Wastewater Treatment Facilities; Repealing Resolution R2021-3206

9. CONSENT CALENDAR

- a. Approval of July 18, 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

August 8, 2022 - 6:00 p.m.
City Council Work Session

August 15, 2022 – 7:00 p.m.
City Council Regular Session

September 6, 2022 – 7:00 p.m. (Tuesday)
City Council Regular Session

14. ADJOURNMENT



CITY COUNCIL MEETING: AUGUST 1, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: Tracy Davis, City Recorder/Community Center Manager

SUBJECT: Volunteer of the Quarter Award

PROPOSED MOTION:

No motion necessary.

I. SUMMARY:

At their meeting on July 14, 2022, the Volunteer Coordinating Committee reviewed and discussed a nomination submitted by Susan Foster to recognize Phil Worthington for the Volunteer of the Quarter Award. The Committee unanimously voted to recognize Mr. Worthington for his volunteer work.

II. BACKGROUND:

The Volunteer Coordinating Committee serves in an advisory capacity to the City Council and is responsible for making recommendations for appointments to various Boards and Commissions. The Committee is also responsible for recognition of City volunteers.

III. CURRENT SITUATION:

Mr. Worthington has been invited to the meeting to accept the award. Our thanks and congratulations to Mr. Worthington for his contributions to our community.

RECOMMENDATION:

Staff recommends the Mayor present the Volunteer of the Quarter Award to Phil Worthington.

ATTACHMENTS:

- Nomination form submitted by Susan Foster
- Support letters from Gloria Bremer, Lia Sanford and Sandy & Henry Petite

A new submission has been received for Volunteer of the Quarter Nomination at 07/05/2022 6:00 PM

Name of Nominee: Phil Worthington

Address of Nominee: 5303 River Rd N

Nominee Phone Number or Contact Information: 541-990-8850

***Please provide a brief description, including the dates or time period, of the nominee's contributions and the reason why you are nominating for this award::**

Phil has worked as a volunteer for over 20 years helping to serve our community. He has provided expert help in the kitchen at St Edward Catholic Church in cooking and serving meals during many past holiday seasons as well as our monthly Keizer over the Community Dinner since 2016. Phil also headed up the food box distribution at St. Edward's during the Covid shut-downs, often handling over 500 boxes per week. And he drives up from his home in Lebanon to help all our Keizer residents whenever asked. I can't remember when he said no to a request for help.

File Upload (ONE ONLY):

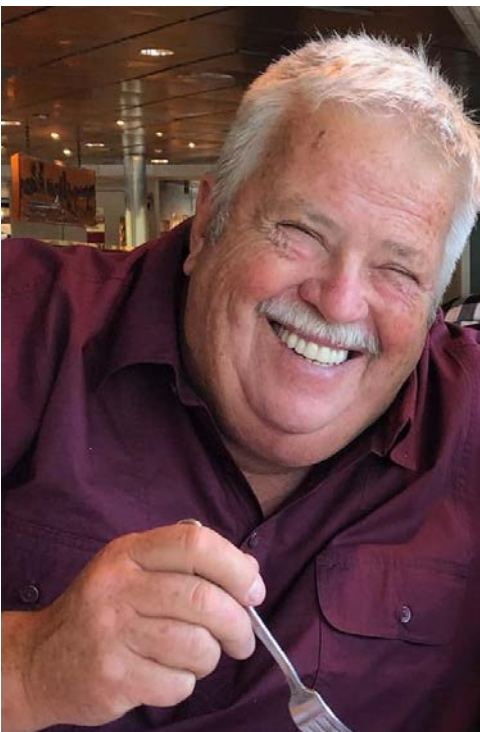
Please explain the impacts these contributions have had on the city of Keizer or the Keizer community::

Phil's contribution of his time and talents has helped building our community spirit over the years during the Keizer Community Dinner. He has been a role model to all of us - not just on providing food for people - but on providing an example of sharing your time and skills to help others.

Your Name: Susan Foster

Your Address: 5184 Nordic Ct N

Your contact information (email or phone): foster99@comcast.net



From: [SUSAN FOSTER](#)
To: [Lockhart, Debbie](#)
Subject: Letter for Phil Worthington
Date: Wednesday, July 6, 2022 5:22:56 PM

Debbie - this email was sent when we were distributing food boxes in the Farm to Family program. I'd like to submit it as a support letter for Phil.

----- Original message -----

From: Gloria Bremer <Date: 8/23/20 10:53 AM (GMT-08:00)>
To: Bonnie Henny
Subject: Farm to family.

I help a 100 year old lady who is quite spry but has some trouble remembering things. She's also a little bit nosey, no let's say "curious", about things that go on around her home. There is a gentleman in our town who is deaf and collects cans for a little extra money. Unfortunately some people pick on him. One evening I noticed the deaf gentleman being stopped by a man in a pickup. The pickup had pulled into the driveway area where my lady lives. My lady, of course went to the door to see what was going on, and I followed her because I was concerned that the deaf man might have been being harassed. Boy, was I mistaken about that! The man who had stopped him was Phil Worthington, who was making contact with him to get him some Farm to family food. Because we were there gawking like idiots, Phil spoke to us. He explained what he was doing and why he had stopped the deaf man, who he knew well. Then he explained the farm to family program. Interestingly, I had just heard an interview with Phil on K-Love Radio. I knew a little bit about what he was doing because of that interview.

As it turns out, my lady needs a little help with groceries sometimes and so do I. It was very fortunate that my lady was "curious" that day. Now, she gets that little bit of extra food that she needs every week. It's been a real blessing for both of us.

I'm quite certain that God had a hand in that chance meeting. I'm very thankful that there are people in the world like Phil who go the extra mile. The farm to family program is a truly wonderful thing.

I just want to say thank you for all you do and that I'm very grateful for folks like you and Phil Worthington that make it all possible. It's a fantastic program for the farmers and for those of us in need.

Sincerely,
Gloria Bremer

Debbie Lockhart, MMC
Deputy City Recorder
City of Keizer
503-856-3418

July 5, 2022

Dear Ms. Lockhart

The purpose of this letter is to provide a recommendation for Phil Worthington who has been a Leading Volunteer with the Keizer Community Dinner since 2016. Phil also was the Leader and Organizer of the distribution of the 2020-2021 "Federal Food Boxes" during the pandemic. My role is/was to assist Phil and with both volunteer projects.

I would describe Phil as being hard working, selfless, friendly, extremely reliable, going the extra mile plus, organized and an exceptional team leader and manager. The time and dedication Phil puts into these projects is outstanding.

The Keizer Community Dinner which is a free dinner for all, for many years had feed 600 plus Keizer residents on the fourth Wednesday of every month. Huge changes happened during the pandemic, nearly shutting down the dinner completely, however, because of Phil's dedication it did not shut down. Phil was instrumental in creating and insisting on a drive-thru event where Keizer residents could continue to get a hot meal, monthly, during the pandemic. With only a small hand full of volunteers, Phil and the small team provided free hot meals for Keizer once a month. Now the dinner has resumed with dine in meals, Phil and the team is beaming to be cooking for happy faces again.

The "Federal Food Boxes" were a massive project for distribution. Phil, happily, took the lead for this massive project. Every Wednesday morning Phil was at the distribution site early with fresh donuts, fruit and fresh brew coffee for all volunteers.

Phil led the distribution every Wednesday for 1,300 plus food boxes to be passed out for families in Keizer. The freezing cold, rain storms nor extreme heat never detoured Phil devotion to this project. Phil every week, after the distribution site was completed, Phil then personally delivered too 30 shut-ins to their homes, a food box.

When the fires in the canyon happened, Phil was the leader in making sure many folks in those devastated communities got boxes of fresh food boxes every week.

Based on my experience with Phil Worthington, I can wholeheartedly recommend Phil as an outstanding candidate for the Volunteer of the Month, and even the year if possible.

It is with great honor for me to know such a kind, giving and selfless man, and a privilege to work with Phil. If you have any questions, please feel free to email me or call me at 503-881-0031

Sincerely, Lia Sanford

To whom it may concern,

Phil Worthington!!

Who is this man Phil Worthington?? When something needs done in the community, we call upon Phil.

Some 25 plus years ago Phil saw an advertisement in the Statesman Journal for volunteers needed to serve meals to residents in our community. Phil started serving meals and from there Phil, Mary and Hans shared the cooking responsibilities.

The Keizer Chamber called upon the community leaders to establish the Keizer Community Dinner. The leaders of the community put our heads together, who are we going to get to be head chef? Once again Phil's name was brought forward. The core group met and Phil said yes. Phil has been instrumental in the success of the Keizer Community Dinner.

When the pandemic hit our community hard, a grant was received to provide food boxes. Volunteers were call upon to help. Once again, Phil was first to volunteer. Phil was in our community every Wednesday during this time. Phil would show up before the delivery truck, put signs up and get the distribution center organized. He off loaded the delivery truck to a refrigerated truck. Once folks arrived to get their food boxes he was right there to load cars. At the end of the day, Phil has a route he delivered the food boxes to.

During the fire season, volunteers were called upon. Once again, Phil said yes. He spent his time making sure supplies where delivered timely. You see, not only can Phil cook, Phil is a well trained fork lift driver.

Phil Worthington is a TRUE volunteer. No matter how large or small the project is, Phil is ready and willing to get the job done.

Thank you Phil...

Henry and Sandy Petite



CITY COUNCIL MEETING: AUGUST 1, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: Tracy Davis, City Recorder/Community Center Manager

SUBJECT: Volunteer Coordinating Committee Recommendations For
Appointments To The Keizer Public Arts Commission,

PROPOSED MOTION:

I move the City Council accept the recommendation of the Volunteer Coordinating Committee and appoint the following volunteers to serve on the Keizer Public Arts Commission: Kat Thoreson to position 1 term expiring on June 30, 2025, and Cole Malette to fill the remainder of the term for position 2, term expiring June 30, 2023.

I. SUMMARY:

The Volunteer Coordinating Committee met on July 14, 2022 to review and interview applicants for openings on the Keizer Public Art Commission.

II. BACKGROUND:

The Volunteer Coordinating Committee serves in an advisory capacity to the City Council and is responsible for making recommendations for appointments to various Boards and Commissions. The Committee is also responsible for recognition of City volunteers.

III. CURRENT SITUATION:

The Keizer Public Arts Commission had 2 openings on the Commission with these appointments the Commission will have a full slate of members. For the 2022-2023 school year, Youth Liaisons for Parks Advisory Board and Traffic Safety/Bikeways/Pedestrian Committee are needed.

RECOMMENDATION:

Staff recommends the City Council accept the recommended appointments as outlined.



CITY COUNCIL MEETING: AUGUST 1, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: E. Shannon Johnson, City Attorney

SUBJECT: **EXEMPTION OF MIGRATION, HOSTING AND MAINTENANCE OF RECORDS FROM COMPETITIVE BIDDING**

PROPOSED MOTION:

"I move the City Council adopt Resolution R2022-___ Exemption of Migration, Hosting and Maintenance of Records from Competitive Bidding and Entering Into Contract with First Due Professional Services LLC."

I. SUMMARY:

The City currently has an agreement with Kentucky Underground Storage, Inc. for web hosting and maintaining records for the City. Such agreement terminates on August 31, 2022. Kentucky Underground Storage had previously indicated that they do not want to continue hosting the records and that the owner of First Due Professional Services, LLC would like to continue maintaining the records. The owner of First Due Professional Services, LLC is now set up to host the records as well as maintain them and City staff would like to enter into a contract for the services.

II. BACKGROUND:

- A. Kentucky Underground Storage, Inc. has been hosting the records for the City for many years.
- B. The current agreement with Kentucky Underground Storage, Inc. is set to terminate on August 31, 2022 and Kentucky Underground Storage, Inc. has indicated that they do not want to enter into a new agreement.

Exemption of Migration, Hosting and Maintenance of Records

August 1, 2022

- C. The owner of First Due Professional Services, LLC has been assisting Kentucky Underground Storage, Inc. with the hosting of Keizer's records and is familiar with the City of Keizer.
- D. The City is in need of a scaled-downed version of record management.
- E. First Due Professional Services, LLC is willing to enter into an agreement for the scaled-downed version of record management that the City needs.
- F. Staff has not been able to locate any other vendor to provide scaled-downed services. Other firms provide only comprehensive services costing substantially larger amounts.
- G. Ordinance No. 2005-519 sets forth a process for exemption of solicitation methods to allow a different manner to select vendors.
- H. A public hearing has been set for tonight's meeting to consider the matter.

III. CURRENT SITUATION:

- A. The agreement with Kentucky Underground Storage, Inc. terminates on August 31, 2022.
- B. An exemption to the solicitation process is needed pursuant to Ordinance No. 2005-519.
- C. The City needs to enter into an agreement with a new vendor prior to August 31, 2022 so there is not a lapse in services to the public.

IV. ANALYSIS:

- A. **Strategic Impact** – None
- B. **Financial** – The financial impact of this request is the migration costs of \$2,175.00. The budget amount already includes the \$150.00 per month for hosting and maintenance costs.
- C. **Timing** – Approval at this request is needed to allow for a new contract by August 31, 2022.
- D. **Policy/legal** – Ordinance No. 2005-519 requires an exemption process if the City is unable to perform the solicitation process recommended.

ALTERNATIVES:

- A. Adopt the Resolution exemption the migration, hosting and maintenance of records from competitive bidding and entering into a contract with First Due Professional Services LLC.
- B. Direct staff to perform a particular solicitation method other than an exemption and attempt to negotiate a short term agreement with Kentucky Underground Storage, Inc. for the duration of the solicitation process.
- C. Take No Action and not have the records available online to the public.

RECOMMENDATION:

Staff recommends that the City Council open the public hearing and take testimony. If you have no questions, close the public hearing and if there are no valid objections, adopt the attached Resolution exempting the migration, hosting and maintenance of records from competitive bidding and entering into contract with First Due Professional Services LLC.

ATTACHMENTS:

- Resolution R2022-____

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2022-_____

4
5 EXEMPTION OF MIGRATION, HOSTING AND MAINTENANCE
6 OF RECORDS FROM COMPETITIVE BIDDING AND ENTERING
7 INTO CONTRACT WITH FIRST DUE PROFESSIONAL SERVICES
8 LLC

9
10 WHEREAS, notice of public hearing on the proposed exemption of the selection
11 of First Due Professional Services, LLC for the purpose of migrating, hosting and
12 maintenance of records for the City was published as required by Ordinance No. 2005-
13 519;

14 WHEREAS, a public hearing was held to take comments on the draft findings for
15 an exemption of the selection of First Due Professional Services, LLC for the purpose of
16 migrating, hosting and maintenance of records for the City;

17 NOW, THEREFORE,

18 BE IT RESOLVED by the City Council of the City of Keizer that the contract for
19 the purpose of migrating, hosting and maintenance of records for the City with First Due
20 Professional Services, LLC is exempt from the competitive bidding requirements based
21 upon the following findings:

- 22 1. The City of Keizer has been using Kentucky Underground Storage, Inc. for
23 hosting the records, but the owner of First Due Professional Services, LLC has been
24 maintaining the records. Kentucky Underground Storage, Inc. has indicated that they do
25 not want to continue hosting the records.

1 2. The City of Keizer is in need of a scaled-down system to host and maintain
2 records.

3 3. There are several vendors who host and maintain records, but because of
4 the services needed, they are not cost-effective.

5 4. Entering into a contract with First Due Professional Services, LLC will
6 keep vendor and staff time at a minimum.

7 5. Staff has indicated that only the scaled-down system to host and maintain
8 records is required.

9 6. It is unlikely that entering into a contract with First Due Professional
10 Services, LLC as an exemption from the procurement process will encourage favoritism
11 or substantially diminish competition for public contracts.

12 7. The City is unaware of any other party who is capable of providing the
13 required services in a scaled-down manner.

14 8. It is necessary to enter into a contract soon because the current contract
15 expires August 31, 2022.

16 9. The estimated contract price for the project is \$2,175 for migration and
17 \$150 per month for hosing and maintaining.

18 10. The alternative contracting methods to be employed is directly entering
19 into the contract with First Due Professional Services, LLC to avoid further delay and
20 additional expense of formal bidding.

1 BE IT FURTHER RESOLVED that the migration, hosting, and maintenance of
2 City records contract is awarded to First Due Professional Services, LLC.

3 BE IT FURTHER RESOLVED that City Manager is authorized to enter into the
4 contract with First Due Professional Services, LLC.

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

7 PASSED this _____ day of _____, 2022.

8

9 SIGNED this _____ day of _____, 2022.

10

11

12

Mayor

13

14

City Recorder

15



CITY COUNCIL MEETING: AUGUST 1, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: Tracy L. Davis, City Recorder/Community Center Manager

SUBJECT: **ORCHARD STREET PARTITION – RESOLUTION FORMING STREET LIGHTING DISTRICT AND ORDINANCE SPREADING ASSESSMENTS**

PROPOSED MOTION:

I move the City Council adopt Resolution R2022-_____ Forming Orchard Street Partition Street Lighting Local Improvement District.

AND

I move the City Council adopt a bill for an Ordinance Spreading Assessments to Orchard Street Partition Street Lighting Local Improvement District.

I. SUMMARY:

On May 16, 2022 the City Council adopted Resolution R2022-3283 declaring the City's intent to initiate Orchard Street Partition Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. On July 5, 2022 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements was mailed to the property owners as required under City of Keizer Ordinance 94-278.

II. BACKGROUND:

- A. New subdivisions are required to establish a lighting district as part of the City's development code.
- B. Each district is assessed annually the cost to provide lighting (electricity) for their specific district for the previous year.

Orchard Street Partition Street Light District/Engineer Report

- C. Notice of the Public Hearing was mailed to the property owners and published in the Keizertimes.

III. CURRENT SITUATION:

- A. This is a 3-lot subdivision currently being developed.
- B. There is no lighting within this new subdivision.
- C. As outlined in the Engineer Report, 1 street light will be mounted on an existing pole in this subdivision.
- D. A Public Hearing has been scheduled with notice sent for formation of this District.

IV. ANALYSIS:

- A. **Strategic Impact** – The addition of a street light will add to overall safety.
- B. **Financial** – The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating costs of the lights is then billed to the property owner on an annual basis, thereby recovering the City’s cost for bills paid throughout the year. All funds are budgeted through the Utility Fund.
- C. **Timing** – With the passage of the Resolution, Orchard Street Partition will be formed. The Ordinance will allow the assessments to be spread to the District in the following year.
- D. **Policy/legal** – The initiation of the district, the adoption of the City Engineer Report, and setting of public hearing meets the requirements outlined in City Ordinance 94-278.

ALTERNATIVES:

- A. Adopt the Resolution Forming the Orchard Street Partition Street Lighting District.
- B. If no action is taken, the formation of the District will not move forward.
- C. If the Resolution is adopted, the Ordinance Spreading the Assessments should then be adopted.

RECOMMENDATION:

Open the public hearing to first consider oral objections and written remonstrances to formation of Orchard Street Partition Street Lighting Local Improvement District. If valid remonstrances of

Orchard Street Partition Street Light District/Engineer Report

the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months. If remonstrances are not received, close the public hearing and consider adoption of the Resolution forming the lighting district. If Council forms the district, consider adoption of the proposed assessment Ordinance.

ATTACHMENTS:

- Resolution R2022-_____ Forming Orchard Street Partition Street Lighting Local Improvement District
- Ordinance No. 2022-_____ A Bill for an Ordinance Spreading Assessments to Orchard Street Partition Street Lighting District

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-____

FORMING ORCHARD STREET PARTITION STREET LIGHTING

LOCAL IMPROVEMENT DISTRICT

WHEREAS, the City of Keizer has adopted a Resolution initiating the formation of Orchard Street Partition Street Lighting Local Improvement District; and

WHEREAS, the City Council has adopted a Resolution approving the City Engineer’s Report for Orchard Street Partition Street Lighting Local Improvement District; and

WHEREAS, notice of public hearing to consider formation of street lighting district was mailed as required by Ordinance 94-278; and

WHEREAS, the City Council conducted a public hearing to receive objections and remonstrances to the formation of the street lighting district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Orchard Street Partition Street Lighting Local Improvement District is hereby formed, and that the street lights shall be installed within a reasonable time and in the manner set forth in the City Engineer’s Report for Orchard Street Partition Street Lighting Local Improvement District.

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

1 **BILL NO.**_____

ORDINANCE NO. 2022-_____

2 **A BILL FOR**

3
4 **AN ORDINANCE SPREADING ASSESSMENTS TO**
5 **ORCHARD STREET PARTITION STREET LIGHTING LOCAL**
6 **IMPROVEMENT DISTRICT**

7
8 Section 1. FINDINGS. The City Council of the City of Keizer makes the following
9 findings:

10 a. The City Council did heretofore declare its intention to install street lights to
11 serve an area known as Orchard Street Partition Street Lighting Local
12 Improvement District which is described as follows:

13 Orchard Street Partition - identified on the
14 assessors map 07 3W 03AA -lots 1-3 in the City
15 of Keizer, County of Marion, State of Oregon;

16
17 which includes the installation of one (1) 47-watt LED luminaries at 30'
18 mounting height attached to an existing wooden pole with a 6' aluminum mast
19 arm located within the subject local improvement district, all in accordance with
20 the City Engineer's Report for Orchard Street Partition Street Lighting Local
21 Improvement District.

22 b. The total initial estimated cost of Orchard Street Partition Street Lighting Local
23 Improvement District is \$128.22.

24 c. The per space/lot assessment formula was used for this district.

25 d. The improvements in the district have been or will be constructed as provided
26 in the Engineer's Report.

27 e. Notice was duly mailed to the benefited property owners on July 12, 2022.

28 f. A meeting of the City Council was held at the time and place fixed by public notice
29 for the purpose of considering any such written objections to the proposed
30 assessments.

- 1 g. No written objections to the proposed assessments were filed.
- 2 h. The Council has considered the matter and determined that construction of said
- 3 improvements was and is of material benefit to the City, and all the property to
- 4 be assessed therefore will be specially benefited by the improvements in the
- 5 amounts shown on the assessment roll.

6 NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

7 Section 2. ASSESSMENTS.

8 a. First Annual Assessment. It is hereby determined that the share of the cost of

9 the improvements for Orchard Street Partition Street Lighting Local

10 Improvement District for each parcel and property benefited thereby for the first

11 annual assessment is the amount set opposite the description of each piece or

12 parcel of land as described in Orchard Street Partition Street Lighting District

13 Assessment Roll as set forth in Exhibit "A" attached, and that each piece or parcel

14 of land benefited by the improvements, to the full extent of the amount so set

15 opposite such piece or parcel and that the respective amounts represent the

16 proportionate benefits of said improvements to said respective parcels of

17 property, and the Council does hereby declare that each of the parcels of

18 property described in Orchard Street Partition Street Lighting District Roll as set

19 forth in Exhibit "A" attached is hereby assessed the first annual assessment

20 amount set opposite each respective description.

21 i. Summary of first annual assessment costs for formation of the lighting

22 district to serve the area known as "Orchard Street Partition Street

23 Lighting Local Improvement District":

24	1 Pole and 47 Watt Luminaries	\$61.92
25	Engineering Costs	\$42.00

Administrative Fee	<u>\$24.30</u>
Total Estimated Assessments	\$128.22

ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

c. Mode of Collecting Assessments. Assessments for Orchard Street Partition Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

d. Lien on Property. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this ____ day of _____, 2022.

SIGNED this ____ day of _____, 2022.

Mayor

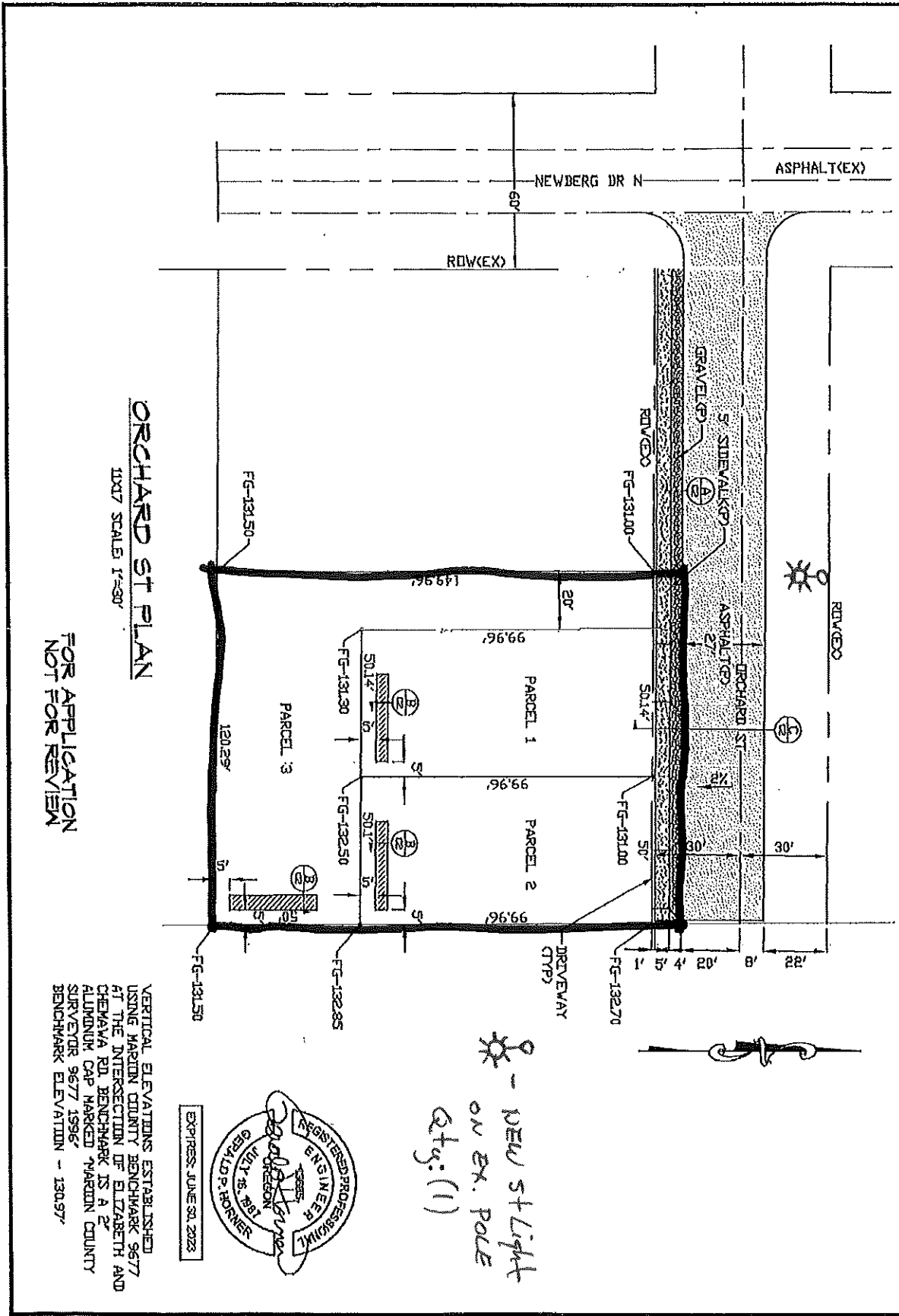
City Recorder

PRELIMINARY ASSESSMENT ROLL

ORCHARD STREET PARTITION
STREET LIGHTING DISTRICT

Assessors Map and Tax Lot No.
073W03AA
03302

<u>Lot#</u>	<u>Owner</u>	<u>Cost (per lot)</u>
1 - 3	TORAN, IVO 17961 BOONES FERRY RD. NE HUBBARD, OR 97032	\$42.74 (first year)
	Total Assessment:	\$128.22



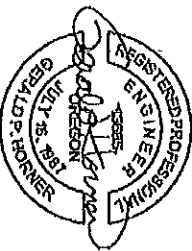
ORCHARD ST PLAN

1/8" = 1'-0"

FOR APPLICATION
NOT FOR REVIEW

VERTICAL ELEVATIONS ESTABLISHED USING MARDIN COUNTY BENCHMARK 9677 AT THE INTERSECTION OF ELIZABETH AND CHEMAYA RD. BENCHMARK IS A 2" ALUMINUM CAP MARKED "MARDIN COUNTY SURVEYOR 9677 1596" BENCHMARK ELEVATION - 130.97'

EXPIRES: JUNE 30, 2023



NEW ST Light
ON EX. POLE
City: (1)

<p>DATE: 07-14-22 BY: [Signature]</p>	<p>ORCHARD ST PARTITION KEIZER, OR 97108</p>	<p>GRADING PLAN</p>	<p>ENGINEER: WILLAMETTE ENGINEERING INC. P.O. BOX 9032 SALEM, OREGON 97305 PH: 503-304-0905 FAX: 503-304-9512</p>
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CITY COUNCIL MEETING: AUGUST 1, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: E. Shannon Johnson, City Attorney

SUBJECT: **LIBRARY**

PROPOSED MOTION:

"I move that the City Council adopt Ordinance 2022-____ Establishing a Library Services Fee."

AND

"I move that the City Council adopt Resolution R2022-____ Placing on the Ballot the Question of Establishing a Library Services Fee and Authorizing Filing of Explanatory Statement Relating to the Library Services Fee."

I. SUMMARY:

This matter came before the Council on July 5, 2022. At that time, Council passed a motion that the library fee not be put on the November 2022 ballot and that staff review the matter further and report back to Council.

At the July 18, 2022 meeting, several persons testified in favor of placing the question on the November 2022 ballot. After discussion, Council gave preliminary direction to staff to prepare the documents necessary to place a \$2.50 per month fee on the November 2022 ballot. Consequently, we prepared the attached Ordinance and Resolution.

II. BACKGROUND:

- A. See the attached July 5, 2022 staff report for in-depth background information.

III. CURRENT SITUATION:

- A. Council has shown concern regarding the issue of admission of the proposed Keizer Public Library into the Chemeketa Cooperative Regional Library System (CCRLS). This is due to recent communications from the CCRLS Executive Director that cast doubt on the admission. Accordingly, at the July 5, 2022 meeting, Council felt that it would be appropriate to step back for a new look at the situation.
- B. At the July 18, 2022 meeting, several persons expressed the idea that now is the time to let voters decide and that a commitment from CCRLS to allow admission before a vote is not necessary. Based on this testimony, the Council felt that it was appropriate to move forward to put the proposed fee of \$2.50 per month on the November 2022 ballot.
- C. Some Council members expressed interest in having either a dollar cap on the fee or some percentage limit to annual increases. The Police Services Fee does not have either of those limits, but the Parks Services Fee is capped at \$8.00 per month (the current fee is \$4.00). The cap concept only works if the cap would be sufficient for a long period, especially in a voter-approved Ordinance. The reason for this is because if the cap is reached, there would likely be pressure to send the increase back to the voters, though that would not be legally required. A percentage limit on the annual increase (escalator clause) would solve that problem since though limited annually, there would not be an upper cap. However, the maximum annual increase would have to be sufficiently large enough to take care of years where expenses take an unexpected jump.
- D. The City Manager, Finance Director and I reviewed this matter. We recommend placing an upper limit on fee increases of ten percent (10%) annually. The fee would be determined each year by Council in the budget process and we would anticipate the fee may increase by small amounts or not at all most years. In addition, the attached Ordinance has a requirement for a public hearing before adoption of any fee increase or decrease and the fees are dedicated only to library services. See Sections 4 and 5 of the attached Ordinance.
- E. If the measure passes, the Council would then turn to the matter of the contractual relationship between the City and Keizer Community Library. In addition, the issue of admission to CCRLS would at some point be addressed. The passage of the measure only provides for a funding mechanism for library services. It does not address the mechanics and details of establishing a public library.

IV. ANALYSIS:

- A. **Strategic Impact** – This action has no effect on the Council’s short or long-term goals.

Library

August 1, 2022

- B. **Financial** – This action would not have direct effect on the City’s current budget. A \$2.50 monthly per unit would equate to approximately \$416,000 annually. There is a possibility that future City budgets could be effected if the library services fee revenues did not equal the library’s total expenses.
- C. **Timing** – This is essentially the last meeting to adopt this Ordinance if Council wishes to place this on the November 2022 ballot.
- D. **Policy/legal** – The City Council has the authority to refer matters to the ballot. The City Council also has the authority to add fees directly to utility bills as has been done to the police services fee and the parks fee. Ballot issues must be created by Ordinance.

ALTERNATIVES:

- A. Adopt the attached Ordinance and Resolution that places the library services fee on the ballot. If passed by the voters, it authorizes the Council to impose up to \$2.50 per month per unit dedicated to library services. Annual increases would be limited to ten percent.
- B. Amend the Ordinance by removing the percentage limit for fee increases.
- C. Amend the Ordinance to impose a flat dollar cap on the fee instead of an annual percentage limit.
- D. Amend the Ordinance to increase or decrease the ten percent limit.
- E. Take no action. This action would mean the issue is not on the November 2022 ballot.

PLEASE NOTE: If the Ordinance does not pass unanimously at this meeting, it will be difficult to place on the November 2022 ballot.

RECOMMENDATION:

Staff recommends that the City Council review the matter, and if Council deems it appropriate, adopt the attached Ordinance and Resolution.

ATTACHMENTS:

- July 5, 2022 Staff Report
- Ordinance
- Resolution R2022-____ (with Ballot Title and Explanatory Statement)



CITY COUNCIL MEETING: July 5, 2022

To: MAYOR CLARK AND CITY COUNCIL MEMBERS

FROM: Adam Brown, City Manager

SUBJECT: LIBRARY

PROPOSED MOTION:

I move the City Council direct staff to look further into the library fee proposal and work with the the library workgroup to answer outstanding issues related to the feasibility of the Keizer Public Library through a fee on the Keizer community services bill.

I. SUMMARY:

The Keizer Community Library (KCL) currently housed at the Keizer Cultural Center would like to expand services to be recognized as a public library. If the public library could qualify to join Chemeketa Cooperative Regional Library System (CCRLS) as a public library, the resources available to residents would be greatly expanded. Council previously discussed a fee of \$1.50 and \$2.00 for consideration and directed staff to come back with a financial plan at those levels. There appear to be some outstanding questions with which should be resolved prior to putting the matter on the ballot.

II. BACKGROUND:

- A. Keizer Community Library (KCL) originally submitted a proposal to the Keizer City Council for the City to fund the library for \$125,000 each year, which would allow the library to be recognized as a public library in Oregon. A \$1.00 service fee would be enough to generate \$125,000.
- B. A work group was formed by the Mayor to discuss the request by the Keizer Community Library. The amount requested annually cannot be sustained by the city general fund, so the option of a fee on the utility bill was suggested as an option. That prompted an additional question of whether the city council should vote for that on their own, which is within their powers, or by referral to the electorate in the November general election ballot. The work group was asked to make a recommendation to the City Council as to which manner it should be approved.
- C. Minimum Standards for Public Library - The minimum conditions became effective

on January 1, 2020 as Oregon Administrative Rule (OAR) 543-010-0036 and are as follows:

1. The State Library Board will officially recognize those public libraries that become legally established under one of the methods described in ORS 357.216-286 or 357.400- 621 and have met all minimum conditions.
 2. Libraries, that have a service population of over 2000, shall meet the following minimum conditions:
 - a. Have at least half (50%) of its operational financial support from public funds.
 - b. Be open to the public a minimum of 20 hours per week.
 - c. Provide a collection comprising books, media, or electronic resources.
 - d. Offer free public access computers with Internet access.
 - e. Offer free public wireless Internet access (wi-fi).
 - f. Provide a website that enables local library users to access State Library of Oregon resources and services available to all Oregon residents.
 - g. Dedicate at least 0.50 full-time equivalent (FTE) paid staff time exclusively to library functions.
 - h. Have basic policies in place and accessible online for collection management, circulation, and patron confidentiality that incorporate relevant American Library Association (ALA) professional ethical codes, rules, and guidelines.
 - i. Provide basic services for reference and youth services.
 - j. Complete the annual statistical report as required under ORS 357.520 and OAR 543-010-0035.
 3. As initially proposed, the Keizer Community Library would meet all minimum conditions at \$1.00 per month or more.
 4. The work group discussed the issue of the City Council approving the additional fee on the water bill or referring the matter to the voters. The workgroup voted 2-1 to refer the matter to voters.
- D. Discussion followed the workgroup's recommendation about whether to ask for more than the \$125,000 request if the item was referred to ballot. No recommendation was made by the work group on this point.

- E. The following table gives a general idea of increments of fees and the corresponding yield, which may be helpful in determining funding levels. Past practice has been to keep the fees in whole dollar amounts, however, the Council can create the fee at any increment.

Fee	Fee Yield
\$1.00	\$166,667
\$1.25	\$208,333
\$1.50	\$250,000
\$1.75	\$291,667
\$2.00	\$333,333
\$2.25	\$375,000
\$2.50	\$416,667

III. CURRENT SITUATION:

- A. The workgroup's recommendation was given to the entire city council on May 16, 2022 to refer the matter to voters on the November ballot. City staff presented how the library finances would look at increments of \$1.00, \$1.50, and \$2.00. All three funding scenarios would meet the minimum standards set by the State of Oregon for the Keizer Community Library to be a public library.
- B. The City Council requested that staff bring back proposals at the \$1.50 and \$2.00 increments to the July 5, 2022 council meeting.
- C. Questions that remain to answer include the dollar amount that would best serve Keizer residents, the city's relationship with CCRLS, which election would be best, if there is a need to collect feedback from residents, and when imposition of the fee should begin.
- D. City staff have worked with the library volunteers on budgets for both scenarios. Staff agrees that additional communication is needed with CCRLS and perhaps more communication and feedback with the public. In lieu of this recognition, staff is recommending that we wait until August to consider the issue. Staff can continue to work with the Keizer Community Library board members and CCRLS staff to put together a proposal that would best meet Keizer's needs.

IV. ANALYSIS:

- A. **Strategic Impact** – This action has no impact on the council's short or long-term goals.
- B. **Financial**
1. The original funding request was for \$125,000. Attached are funding models

as requested by the council.

2. Property owners, and to the extent to which they are passed on to tenants, already pay a tax rate of .0818 per thousand dollars of assessed value per year. That amounts to an average of \$16.36 per household. That tax will remain regardless of additional funding from the city. It is estimated that \$75,000 will come back to the Keizer Public Library with membership in the cooperative. The CCRLS tax generated revenues of \$232,000 last year from Keizer residents.
- C. **Timing** – While it is possible to get a question on the November ballot for 2022, there appears to be too many questions to answer to approve language at this time. More information is needed to have a solid recommendation for voters to consider. Language will have to be approved in August if it is to make the November ballot.
- D. **Policy/legal** – The City Council has the authority to refer matters to the ballot. The City Council also has the authority to add fees directly to utility bills as has been done to with the public safety fee and the parks fee. Ballot issues must be created by ordinance. The city attorney would need time to write the ordinance in time to meet the deadlines for the November ballot.

ALTERNATIVES:

- A. Recommended Action – Reconsider in August.
- B. Take No Action - Under the current library benefit from CCRLS tax, Keizer residents can buy-up to get a full-service library card for \$60 per year. This allows them to exceed the 10-item limit currently capped under the tax benefit as well as accessing eBooks, eAudiobooks, and streaming movies. That benefit can be used at all CCRLS area libraries. Residents would be limited to the current benefit without the buy-up cost.

RECOMMENDATION:

Staff recommends that the Council table the item for refinement with the staff, partners, and the library work group.

ATTACHMENTS:

- Attachment A: Service Level Impacts at Various Funding Levels.
- Attachment B: Financial Models at \$1.50 and \$2.00

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A BILL
FOR

ORDINANCE NO.
2022-_____

AN ORDINANCE

ESTABLISHING A LIBRARY SERVICES FEE

WHEREAS, the City Council wishes to establish a Keizer Public Library;

WHEREAS, the current City budget cannot produce sufficient revenues for on-going and sustained operation of a library;

WHEREAS, the City Council finds it in the best interest of the community to establish a library services fee;

WHEREAS, the City Council has reviewed the matter in public meetings to solicit comment and testimony regarding the proposed fee;

NOW THEREFORE, the City of Keizer ordains as follows:

Section 1. FINDINGS. Library services benefit the residents and enterprises of the City of Keizer. Library services provide a multitude of economic and social benefits to the public, including, but not limited to:

- A. Libraries help build community.
- B. Libraries provide free and equal access to educational resources for everyone.
- C. Libraries are important in preserving history and keeping the public informed.

1 D. Libraries provide economic support by improving workforce skills
2 and other economic benefits.

3 The Keizer City Council finds and determines the necessity of this library
4 services fee to provide a funding mechanism to help pay for the benefits of library
5 services and to provide an acceptable level of service.

6 Section 2. DEFINITIONS. For purposes of this Ordinance, the following
7 mean:

8 A. Non-Residential Unit. A Premise or a portion of a Premise not used for
9 personal, domestic accommodation in independent living facilities. A Non-Residential
10 Unit includes, but is not limited to, governmental, not-for-profit, business, commercial
11 and industrial enterprises. Each portion of a Non-Residential Unit that has permanent
12 provisions for distinct and defined access to an individual enterprise shall be considered
13 as a separate Non-Residential Unit. Enterprises that provide senior living, assisted
14 living, nursing care and similar services exclusively shall be considered non-residential.

15 B. Premise. A parcel or portion of a parcel of land within the corporate limits
16 of the City of Keizer that receives a direct or indirect benefit from library services. It is
17 presumed that a Premise receives a direct or indirect benefit from library services if the
18 Premise is developed. A Premise is presumed to be developed if served by water,
19 stormwater, wastewater utility, or has improvements, including, but not limited to
20 buildings, parking lots or outdoor storage.

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1 C. Residential Unit. A Premise or a portion of a Premise with one or more
 2 rooms in a building or portion thereof designed for or that provides complete
 3 independent living facilities for one or more persons and includes permanent provisions
 4 for sleeping, cooking and sanitation. An accessory or ancillary residential unit on a
 5 Premise shall be considered as a separate residential unit. In Premises with two or more
 6 apartments, condominiums, mobile homes, or other residential units, each residential
 7 unit shall be considered as a separate residential unit for purposes of calculating the
 8 library services fee. Premises or portions of Premises primarily used for transient
 9 lodging whose occupants are subject to Ordinance 98-382 (Transient Occupancy Tax)
 10 shall not be considered a residential unit.

11 Section 3. ESTABLISHMENT OF LIBRARY SERVICES FEE.

12 A. Except as exempted below, a library services fee is established upon all
 13 Premises within the Keizer City limits. The date of imposition of the fee shall be set by
 14 Council Resolution.

15 B. Premises owned by the City of Keizer and Keizer Urban Renewal Agency
 16 are exempt from the payment of any library services fee.

17 C. The library services fee for each utility account shall be based on a
 18 monthly amount applied to the number of Residential Units and Non-Residential Units
 19 allocated to that utility account.

20 D. Residential Units and Non-Residential Units that are the basis for
 21 calculating the library services fee do not in any way create an obligation of the property

1 or Premises and the obligation to pay the library services fee is a personal obligation of
2 the customer responsible for payment of the City utility account. No lien will attach to
3 any Premise because of the nonpayment of the library services fee.

4 E. All developed property receives a direct or indirect benefit from library
5 services. Unless specifically exempted, the library services fee applies to all City of
6 Keizer utility accounts, including those that serve local, state and federal governments,
7 and to utility accounts that serve Premises that are entitled to an exemption from or
8 deferral of ad valorem property taxes, as well as Premises not connected to utility
9 services.

10 F. The library services fee described herein is not subject to the property tax
11 limitations of Article IX, Sections 11b and 11(19) of the Oregon Constitution and is not
12 a fee imposed on property or property owners by fact of ownership.

13 Section 4. AMOUNT OF LIBRARY SERVICES FEE. The amount of the
14 library services fee shall be set by Resolution. However, the initial amount shall not
15 exceed \$2.50 per month per unit and once imposed any increase shall not, alone or
16 cumulatively, exceed ten percent (10%) in any twelve (12) month period. The Council
17 must hold a public hearing prior to adopting any fee increase or decrease. In addition,
18 the Council may set by Resolution fees for extra services required in collecting
19 delinquent customer accounts for the library services fee.

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1 Section 5. DEDICATED FUNDS.

2 A. There shall be a Library Services Fund. All library services fee revenues
3 imposed and collected under this Ordinance shall be deposited in the Library Services
4 Fund.

5 B. The Library Services Fund shall be used for the purposes of City library
6 maintenance, operation, administration and improvements as determined each year
7 during the budget process. The library services fee shall not be used for any other
8 governmental or proprietary functions of the City. Any revenues in excess of actual
9 expenses as identified in the budget process shall be carried forward to next year's
10 budget.

11 C. Council may, but is not required to, appropriate other funds for library
12 services.

13 Section 6. BILLING.

14 A. The customer(s) responsible for paying the City utility account is
15 responsible for payment of the library services fee. For non-utility Premises, the
16 property owner as set forth in the Marion County tax records shall be the responsible
17 party.

18 B. The City shall collect the library services fee by adding the library service
19 fee to the utility bill of each customer in the City of Keizer. For non-utility accounts, the
20 billing shall be mailed to the property owner's address as set forth in the County
21 property records, unless such owner requests the billing be sent to a different address.

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2 C. If a Premise has more than one utility account, the library services fee for
3 the Premises shall be calculated based on the total number of Residential Units and Non-
4 Residential Units on the Premise. The Residential Units and Non-Residential Units may
5 be combined into one account or allocated to each account.

6 D. Charges for water, wastewater, stormwater, police services fee, parks
7 services fee, and the library services fee may be billed on the same utility bill. If full
8 payment of utility billing is not made, payment shall be applied in the following order:

- 9 1. Sewer and Sewer Franchise Fee;
- 10 2. Sewer Administration and Sewer Administration Franchise Fee;
- 11 3. Water and Water Franchise Fee;
- 12 4. Stormwater and Stormwater Franchise Fee;
- 13 5. Police Services Fee;
- 14 6. Parks Services Fee;
- 15 7. Library Services Fee.

16 Section 7. PAYMENT DUE DATE. The library services fee shall be due the
17 same date as the utility bill. For non-utility accounts, the due date shall be the 22nd of
18 the month the bill is received.

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1 Section 8. ADJUSTMENT OF ACCOUNTS.

2 A. Customers who believe their library services fee, as applied to their
3 Premise, is not within the intent of this Ordinance may request, in writing, a review of
4 their library services fee by the Finance Director. The Finance Director shall initiate a
5 review of a customer's library services fee.

6 i) If a customer's charge is reduced as a result of this review, the
7 corrected library services fee shall begin with the next billing and a credit or refund shall
8 be made retroactively, not to exceed one year from the last billing.

9 ii) If a customer's charge is increased as a result of this review, the
10 corrected library services fee shall begin with the next billing and the customer may be
11 billed for the increase retroactively, not to exceed one year from the last billing.

12 B. If an existing customer has not been billed for the library services fee, the
13 library services fee shall begin with the next billing and the customer may be billed
14 retroactively, not to exceed one year.

15 C. Customers not satisfied with the results of the review by the Finance
16 Director may appeal the Finance Director's decision to the Keizer Hearings Officer who
17 shall determine, by preponderance of the evidence, whether the Finance Director's
18 decision should be upheld or reversed, or upheld in part and reversed in part. A Notice
19 of Appeal must be in writing and physically delivered to the Finance Director no later
20 than fourteen (14) calendar days from the date of the Finance Director's decision. The
21 hearing before the Keizer Hearings Officer shall be conducted no later than twenty (20)

1 days from the date of the appeal, unless a different date is stipulated by the City and the
 2 customer, or good cause is shown for setting the matter forward. Testimony at the
 3 hearing shall be taken upon oath or affirmation of the witnesses. The Hearings Officer
 4 shall consider only the matters set forth in the Notice of Appeal. The Findings and
 5 Decision of the Hearings Officer shall be served upon the customer by first class mail
 6 within ten (10) days after the hearing concludes. The Hearings Officer decision shall be
 7 effective ten (10) days following the date of the decision. The Findings and Decision of
 8 the Hearings Officer shall be final and conclusive, subject only to writ of review under
 9 ORS 34.010 to 34.100, which shall be the sole remedy.

10 D. The Finance Director may write off closed accounts and retroactive bills if
 11 it is in the best interest of the City and may write off refunds, unless the customer
 12 requested otherwise, if the cost of making the refund would exceed the amount of the
 13 refund.

14 Section 9. DELINQUENCY.

15 A. A library services fee is delinquent if payment in full is not received on or
 16 before the due date.

17 B. If a customer's utility account is delinquent for police services, parks,
 18 and/or library services fee only, the City may not discontinue water services billed on
 19 that account. However, the City may refuse to restore water service to the Premise if the
 20 delinquent charges and other costs incurred are not paid.

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1 C. Delinquent amounts owing may be collected by all legal means, including,
2 but not limited to the referral or assignment to a collection agency.

3 Section 10. REFERRAL. This Ordinance is referred to the electors of the City
4 of Keizer for approval at the next statewide general election on November 8, 2022.

5 Section 11. EFFECTIVE DATE. This Ordinance shall take effect and become
6 operative thirty (30) days after the date on which it is approved by a majority of the
7 voters in the City of Keizer.

8 PASSED this _____ day of _____, 2022.

9 SIGNED this _____ day of _____, 2022.

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Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

PLACING ON THE BALLOT THE QUESTION OF ESTABLISHING
A LIBRARY SERVICES FEE AND AUTHORIZING FILING OF
EXPLANATORY STATEMENT RELATING TO THE LIBRARY
SERVICES FEE

WHEREAS, the City Council wishes to establish a Keizer Public Library;

WHEREAS, the City has the authority to impose fees and finds it in the best
interest of the community to establish a library services fee;

WHEREAS, the City Council wishes to refer an Ordinance establishing a
library services fee to the voters at a statewide general election;

WHEREAS, the City Council of the City of Keizer adopted Ordinance No.
2022-_____ which establishes a library services fee and refers the matter to the electors
of the City;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that a measure
election is hereby called for the purpose of submitting to the electors of the City of
Keizer a measure establishing a library services fee.

BE IT FURTHER RESOLVED that the ballot title as set forth in Exhibit "A"
be filed by the City Recorder with the City Elections Officer to be referred to a vote of
the people by placing the measure on the ballot at the November 8, 2022 general
election in accordance with Oregon law.

1 BE IT FURTHER RESOLVED as required by ORS 254.465, the measure
2 election shall be conducted by mail by the County Clerk of Marion County, according
3 to the procedures adopted by the Oregon Secretary of State.

4 BE IT FURTHER RESOLVED that the City Council of the City of Keizer
5 authorizes the City Manager to act on behalf of the City to take such further action as
6 is necessary to carry out the intent and purposes set forth herein, in compliance with
7 the applicable provisions of law.

8 BE IT FURTHER RESOLVED that the City Recorder shall publish in the
9 Keizertimes in compliance with the applicable provisions of law a notice of receipt of
10 the ballot title, including notice that an elector may file a petition for review of the
11 ballot title.

12 BE IT FURTHER RESOLVED that the explanatory statement for the measure
13 as set forth in Exhibit “B” attached hereto and by this reference incorporated herein is
14 hereby approved and shall be filed with the city elections officer for use in the Marion
15 County Voter’s Pamphlet.

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

18 PASSED this _____ day of _____, 2022.
19 SIGNED this _____ day of _____, 2022.

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Mayor

City Recorder

BALLOT TITLE

Caption: ESTABLISHES A LIBRARY SERVICES FEE WITHIN THE CITY OF KEIZER

Question: Shall City of Keizer establish a library services fee within the City limits?

Summary: Keizer City Council wishes to establish a Keizer Public Library. The current city budget cannot produce sufficient revenues for on-going and sustained operation of a library. Keizer City Council adopted an Ordinance to be referred to the voters to establish a library services fee at an initial amount of no more than \$2.50 per month for each residential or non-residential unit or premises in the City of Keizer. The fee could not be increased more than ten percent in a twelve-month period.

Approval of this measure would establish a library services fee within the Keizer City limits.

**EXPLANATORY STATEMENT FOR PRINTING IN THE
MARION COUNTY VOTER PAMPHLET**

Election Date: November 8, 2022

Approval of this measure would establish a library services fee within the City of Keizer.

Keizer City Council wishes to establish a Keizer Public Library. The current city budget cannot produce sufficient revenues for on-going and sustained operation of a library. The City Council of the City of Keizer has adopted Ordinance No. 2022-____ establishing a library services fee and referred the Ordinance to the voters. The initial amount of the fee cannot be more than \$2.50 per month for each residential and non-residential unit. The fee could not be increased more than ten percent in any 12 month period. The Council must hold a public hearing prior to adopting any fee increase or decrease. The fees would be placed in a fund dedicated for library services.

A "Yes" vote means a library services fee is established. A "No" vote means that a library services fee will not be established within Keizer.

Total Words: 152

Authorized Signature: _____

Title: Mayor

Printed Name: Cathy Clark

Local Government Unit: City of Keizer



CITY COUNCIL MEETING: AUGUST 1, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: E. Shannon Johnson, Keizer City Attorney

SUBJECT: **OREGON PSILOCYBIN SERVICE ACT**

PROPOSED MOTION:

"I move that the City Council adopt Resolution R2022-___ Repeal of Resolution R2022-3303 (Placing on the Ballot the Question of Prohibiting Psilocybin-Related Businesses Within the City and authorizing Filing of Explanatory Statement Relating to this Prohibition)."

AND

"I move that the City Council adopt Ordinance 2022-___ Declaring a Ban on Psilocybin Service Centers and the Manufacture of Psilocybin Products."

AND

"I move that the City Council adopt Resolution R2022-___ Placing on the Ballot the Question of Prohibiting Psilocybin-Related Businesses Within the City and Authorizing Filing of Explanatory Statement Relating to this Prohibition."

I. SUMMARY:

At the July 18, 2022 City Council meeting, Council voted to adopt Ordinance 2022-___ Declaring a Ban on Psilocybin Service Centers and the Manufacture of Psilocybin Products. The vote was not unanimous and therefore it is before you for a second reading. I incorrectly indicated that the ballot title Resolution could be adopted, however because the Ordinance was not fully adopted, the Resolution should not have been adopted and therefore a Resolution is before you repealing Resolution R2022-3303 and a new Resolution is before you for adoption that places the matter on the ballot. The Ordinance and both Resolutions are attached.

II. BACKGROUND:

- A. In November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act which allows for the manufacture, delivery and administration of psilocybin at licensed facilities.
- B. ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state.
- C. The Oregon Health Authority has initiated a rulemaking process and intends to begin accepting applications on January 2, 2023.
- D. The Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program and staff does not know how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the City.
- E. The Council may adopt an Ordinance to be referred to the electors of the City prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the City or an Ordinance to be referred to the electors to place a temporary ban on this matter until regulations can be established. The Council could also choose not to refer the Opt-out provision to the voters and direct staff to prepare Psilocybin regulations for Council review.
- F. The Keizer City Council at its July 5, 2022 meeting directed City Attorney to prepare appropriate documentation to place a permanent ban before the voters of Keizer.
- G. The Keizer City Council at its July 18, 2022 meeting voted to adopt the Ordinance declaring a ban on Psilocybin Service Centers and the Manufacture of Psilocybin Products. Such Ordinance did not receive a unanimous vote and a second reading is therefore required.
- H. The Keizer City Council at its July 18, 2022 meeting adopted Resolution R2022-3303 placing the matter on the ballot. Such Resolution should not have been adopted. Therefore, a Resolution repealing Resolution R2022-3303 is before Council at tonight's meeting.
- I. The Ordinance Declaring a Ban on Psilocybin Service Centers and the Manufacture of Psilocybin Products is before Council at tonight's meeting for a second reading.
- J. A new Resolution placing the matter on the ballot is before Council tonight.

III. CURRENT SITUATION:

- A. The Oregon Health Authority will continue with its rulemaking process and take applications.
- B. Council needs to repeal Resolution R2022-3303 and have a second reading of the attached Ordinance. Following the adoption of the repealing Resolution and the Ordinance, adopt the attached Resolution to place this matter before the electors of the City.

IV. ANALYSIS:

- A. **Strategic Impact** – None
- B. **Financial** – None
- C. **Timing** – If Council desires to ban Psilocybin Service Centers and the manufacture of Psilocybin products in the City, the Ordinance and ballot related materials must be prepared and submitted soon for inclusion in the November 8, 2022 election.
- D. **Policy/Legal** – ORS 475A sets out the requirements if the City desires to ban or temporarily ban Psilocybin Service Centers and the manufacture of Psilocybin products in the City. If a Measure to prohibit these uses is not passed by the voters, the City may not ban such Psilocybin uses.

ALTERNATIVES:

- A. Adopt the attached Resolution repealing Resolution R2022-3303, adopt on second reading the Ordinance, and adopt the Resolution to refer to the voters a ban on Psilocybin Service Centers and the manufacture of Psilocybin products in the City.
- B. Direct City Attorney to prepare appropriate “time, place and manner” regulations for Council’s consideration. The concern with this option is that we may not be aware of the Oregon Health Authority’s rules at the end of the year when we would need to adopt the local rules.
- C. Decide not to proceed with sending the question to the voters.

NOTE: Even if Council chooses Alternatives B or C, the repealing Resolution should still be adopted.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached Resolution repealing Resolution R2022-3303. Following the adoption of the repealing Resolution and if Council deems it appropriate, adopt the attached Ordinance and Resolution.

ATTACHMENTS:

- Resolution repealing Resolution R2022-3303
- Ordinance (for second reading)
- Resolution R2022-___ (with Ballot Title and Explanatory Statement)

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

REPEAL OF RESOLUTION R2022-3303 (PLACING ON THE BALLOT THE QUESTION OF PROHIBITING PSILOCYBIN-RELATED BUSINESSES WITHIN THE CITY AND AUTHORIZING FILING OF EXPLANATORY STATEMENT RELATING TO THIS PROHIBITION)

WHEREAS, Resolution R2022-3303 was adopted by Keizer City Council on July 18, 2022;

WHEREAS, Resolution R2022-3303 was only to be adopted if the Ordinance which declared a ban on psilocybin services centers and the manufacture of psilocybin products in the area subject to the jurisdiction of the City was adopted unanimously;

WHEREAS, the City Council of the City of Keizer did not adopt the Ordinance by unanimous vote;

WHEREAS, it is appropriate to repeal Resolution R2022-3303;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution R2022-3303 (Placing on the Ballot the Question of Prohibiting Psilocybin-Related Businesses Within the City and Authorizing Filing of Explanatory Statement Relating to this Prohibition) is hereby repealed in its entirety.

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

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City Recorder

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A BILL
FOR

ORDINANCE NO.
2022-_____

AN ORDINANCE

DECLARING A BAN ON PSILOCYBIN SERVICE CENTERS
AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities;

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state;

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state’s psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023;

WHEREAS, as of the date of this Ordinance, the Oregon Health Authority has not completed the rulemaking process for implementing the state’s psilocybin regulatory program, and the City of Keizer is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the City;

WHEREAS, ORS 475A.718 provides that a City Council may adopt an Ordinance to be referred to the electors of the City prohibiting the establishment of state

1 licensed psilocybin product manufacturers and/or psilocybin service centers in the area
2 subject to the jurisdiction of the City;

3 WHEREAS, the City Council seeks to refer to the voters of Keizer the question
4 of whether to establish a ban on state-licensed psilocybin product manufacturers and
5 psilocybin service centers within the City’s jurisdictional boundaries;

6 NOW THEREFORE, the City of Keizer ordains as follows:

7 Section 1. PROHIBITION DECLARED. The establishment of psilocybin
8 product manufacturers under ORS 475A.290 and psilocybin service centers licensed
9 under ORS 475A.305 is prohibited in the City of Keizer.

10 Section 2 REFERRAL. This Ordinance is referred to the electors of the City of
11 Keizer for approval at the next statewide general election on November 8, 2022.

12 Section 3 EFFECTIVE DATE. This Ordinance shall take effect and become
13 operative thirty (30) days after the date on which it is approved by a majority of the
14 voters in the City of Keizer.

15 PASSED this _____ day of _____, 2022.

16 SIGNED this _____ day of _____, 2022.

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Mayor

City Recorder

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

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3 Resolution R2022-_____

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6 PLACING ON THE BALLOT THE QUESTION OF PROHIBITING
7 PSILOCYBIN-RELATED BUSINESSES WITHIN THE CITY AND
8 AUTHORIZING FILING OF EXPLANATORY STATEMENT
9 RELATING TO THIS PROHIBITION

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12 WHEREAS, Ballot Measure 109, known as the Oregon Psilocybin Services Act,
13 which passed in November 2020, requires the Oregon Health Authority (“OHA”) to
14 begin accepting applications for licenses to manufacture, deliver and administer
15 psilocybin on January 2, 2023;

16 WHEREAS, Ballot Measure 109 also allows local governments to prohibit
17 psilocybin-related businesses by referring an Ordinance to the voters at a statewide
18 general election;

19 WHEREAS, the City Council of the City of Keizer adopted Ordinance No. 2022-
20 _____ which declares a ban on psilocybin services centers and the manufacture of
21 psilocybin products in the area subject to the jurisdiction of the City and refers the
22 matter to the electors of the City;

23 NOW, THEREFORE,

24 BE IT RESOLVED by the City Council of the City of Keizer that a measure
25 election is hereby called for the purpose of submitting to the electors of the City of
26 Keizer a measure prohibiting psilocybin service centers and the manufacture of
27 psilocybin products in the area subject to the jurisdiction of the city.

1 BE IT FURTHER RESOLVED that the ballot title as set forth in Exhibit “A” be
2 filed by the City Recorder with the City Elections Officer to be referred to a vote of the
3 people by placing the measure on the ballot at the November 8, 2022 general election in
4 accordance with Oregon law.

5 BE IT FURTHER RESOLVED as required by ORS 254.465, the measure
6 election shall be conducted by mail by the County Clerk of Marion County, according to
7 the procedures adopted by the Oregon Secretary of State.

8 BE IT FURTHER RESOLVED that the City Council of the City of Keizer
9 authorizes the City Manager to act on behalf of the City to take such further action as is
10 necessary to carry out the intent and purposes set forth herein, in compliance with the
11 applicable provisions of law.

12 BE IT FURTHER RESOLVED that the City Recorder shall publish in the
13 Keizertimes in compliance with the applicable provisions of law a notice of receipt of
14 the ballot title, including notice that an elector may file a petition for review of the ballot
15 title.

16 BE IT FURTHER RESOLVED that the explanatory statement for the measure as
17 set forth in Exhibit “B” attached hereto and by this reference incorporated herein is
18 hereby approved and shall be filed with the city elections officer for use in the Marion
19 County Voter’s Pamphlet.

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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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Mayor

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City Recorder

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BALLOT TITLE

Caption: PROHIBITS PSILOCYBIN-RELATED BUSINESSES WITHIN THE CITY OF KEIZER

Question: Shall City of Keizer prohibit psilocybin service centers and the manufacture of psilocybin products within the Keizer's jurisdictional boundaries?

Summary: State law allows operation, manufacturing, distribution and possession of psilocybin and psilocin. State law provides that a City Council may adopt an Ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of psilocybin service centers and manufacture of psilocybin products within Keizer's jurisdictional boundaries.

**EXPLANATORY STATEMENT FOR PRINTING IN THE
MARION COUNTY VOTER PAMPHLET**

Election Date: November 8, 2022

Approval of this measure would prohibit psilocybin service centers and the manufacture of psilocybin products within the City of Keizer. Psilocybin is a drug derived from certain mushrooms. Oregon voters legalized psilocybin through Ballot Measure 109 (2020) which directs the Oregon Health Authority (OHA) to develop a psilocybin licensing and regulatory program for the state by January 2, 2023.

Ballot Measure 109 (2020) allows a local government to adopt an Ordinance to be referred to the voters that prohibits the establishment of certain licensed psilocybin-related businesses. The City Council of the City of Keizer has adopted Ordinance No. 2022-____ declaring a ban on psilocybin service centers and the manufacture of psilocybin products within the jurisdictional boundaries of the City and referred the Ordinance to the voters.

A “Yes” vote means psilocybin-related businesses are prohibited within Keizer. A “No” vote means that psilocybin-related businesses would not be prohibited within Keizer.

Total Words: 149

Authorized Signature: _____

Title: Mayor

Printed Name: Cathy Clark

Local Government Unit: City of Keizer



CITY COUNCIL MEETING: AUGUST 1, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: E. Shannon Johnson, City Attorney

SUBJECT: **POLICY FOR DISPLAY OF FLAGS AT CITY FACILITIES**

PROPOSED MOTION:

"I move the City Council adopt Resolution R2022-____ Adopting Policy for the Display of Flags at City Facilities."

I. SUMMARY:

At the July 11, 2022 Community Diversity Engagement Committee meeting, it was moved that that the Council adopt a policy and procedure for the purpose of flying of ceremonial flags.

II. BACKGROUND:

- A. An issue was raised on whether the City could fly a flag such as a Pride Flag on City-owned flagpoles.
- B. This issue raises free-speech rights under both the federal and state constitutions.
- C. Generally speaking, a governmental entity cannot make a public forum available for free speech, and then pick and choose between different types of speech. For example, some years ago as part of the Adopt-a-Road program in Marion County, an allegedly violent group applied to volunteer for the program. Ultimately, the county had to allow that volunteer effort and put the group's name on signs along the road. In similar fashion, there was concern that a program that allowed a party to fly a flag on a City flagpole would mean that the City would have to allow all manner of flags, no matter how distasteful the content.
- D. There is a method by which the City could provide a flag to be flown on a City flagpole and not be trapped having to allow all flags. In the same manner as an

individual or group has free-speech rights, there is such a thing as “governmental speech”. Government speech is a situation where the forum is not open to all; instead, the government controls the speech. In this fashion, if the government does not open the door to allow everyone to apply, the government can control speech as long as it does not create a public forum that is open to all.

- E. I have attached a draft policy that allows the City Council to determine if a particular flag will be flown. The draft is based on a policy recently adopted by Coos Bay. The key part of this program is that there is no “application” to fly a flag. Three Councilors must initiate the matter and is totally within the purview of the City Council. (The Coos Bay policy only required two Councilors; however, Council Procedures requires three Councilors to place an item on the agenda, so it seems appropriate to keep that consistent.)
- F. The draft policy requires a two-thirds majority vote by Council to place a flag on City flagpoles.

III. **CURRENT SITUATION:**

- A. The City currently has requests occasionally for flying flags on City-owned flagpoles and there is no mechanism to allow flags.
- B. In order to allow flying flags on City-owned flagpoles, the City Council must adopt policies to prevent issues relating to free-speech rights under both the federal and state codes.

IV. **ANALYSIS:**

- A. **Strategic Impact** – This action has no impact on the Council’s short or long-term goals
- B. **Financial** – None
- C. **Timing** – Approval at this request will allow Councilors to request flags.
- D. **Policy/legal** – A policy is needed to prevent issues relating to free-speech rights.

ALTERNATIVES:

- A. Adopt the attached Resolution adopting a policy for the display of flags at City facilities.
- B. Direct staff to amend the policies for adoption at a future meeting.
- C. Take No Action. Flags other than the United States, the State of Oregon, the City of Keizer and the POW flags will be the only flags on display on City flagpoles.

RECOMMENDATION:

Staff recommends that the City Council review the matter and take appropriate action.

ATTACHMENTS:

- Resolution R2022-___ (with policy)

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

ADOPTING POLICY FOR THE DISPLAY OF FLAGS AT CITY FACILITIES

WHEREAS, the City wishes to adopt policies for the display of flags at City facilities;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the policies for the display of flags at City facilities attached hereto, and by this reference incorporated herein, are hereby adopted.

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 OF KEIZER POLICY FOR THE DISPLAY OF FLAGS
AT CITY FACILITIES

1. PURPOSE.

The purpose of this policy is to establish clear guidelines regarding the display of flags at City facilities. As used herein, flags shall also mean banners placed on utility poles in the right-of-way.

2. POLICY.

A. Conformance with Federal and State Regulations. Flags shall be displayed in accordance with federal and state regulations, including, but not limited to Title 4, Chapter 1 of the United States Code, and Oregon Revised Statute 186.110.

B. City Manager Authority. The City Manager is authorized to order the City flag(s) to be lowered to half-staff as listed below. The flag will be lowered as soon as practicable following notification of the death, and will remain lowered until internment or up to two weeks, whichever is shorter.

- a) A City employee killed in the line of duty.
- b) Death of a current or former City Council Member.

C. Ceremonial or Commemorative Flags.

- a) Non-Public Forum. The City's flagpoles are not a forum for free expression by the public. Ceremonial or commemorative flags shall be displayed as an expression of the City's official sentiments as determined in the sole discretion of the Council. A request to display a commemorative or ceremonial flag must be presented by at least three members of the City Council in order to be placed on a City Council meeting's agenda for consideration by the Council. Council members must present their requests to display a commemorative or ceremonial flag at least sixty (60) days prior to the date requested for display of the flag. A Council resolution authorizing the display of a commemorative or ceremonial flag must be approved by a two-thirds majority vote of the Council members present.
- b) Commemorative or ceremonial flags may only be displayed for seven days if displayed during the normal City workweek. If the day of commemoration occurs on a weekend or City holiday, the flag will be posted on the last working day before the weekend or holiday, and removed seven days after the weekend or holiday. The Council may extend the period a commemorative or ceremonial flag may be displayed for up to a total time of one month (maximum of 31 days). Only City staff may place and remove flags.

- c) The City will not display a commemorative or ceremonial flag based upon the request of a third party, nor will the City use its flagpoles to sponsor the expression of a third party.
- d) Any commemorative or ceremonial flag displayed on a City flagpole, shall be displayed in the last position of honor, in the event that such flag pole is also displaying the flag(s) of the United States, the State of Oregon, and/or the City of Keizer.
- e) If the Council Members requesting the display of the commemorative or ceremonial flag also wish a flag ceremony, such request must be made at the time of the initial request, in accordance with Section 2(C)(a) above. Any such flag ceremony shall consist of (1) publicity on the City's website and social media accounts, a press release, and staff support.

D. Implementation of Policy. The City Manager, or his designee, is authorized to develop standard operating procedures to implement this Policy.



CITY COUNCIL MEETING: AUGUST 1, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: E. Shannon Johnson, City Attorney

SUBJECT: **MUNICIPAL JUDGE REPORT – COUNCILOR CHECK IN**

PROPOSED MOTION:

None

I. SUMMARY:

In accordance with the Municipal Judge evaluation process, no later than the second meeting in October each year, the appointed Councilors are to report their observations to the Council at a regularly scheduled meeting. The appointed Councilors are ready to report their observations at tonight's meeting.

II. BACKGROUND:

- A. On January 4, 2021, the Council adopted the updated Municipal Judge Evaluation process.
- B. On January 4, 2021, Mayor Clark appointed Councilor Reid and Councilor Juran to attend arraignments and/or hearings and check in with the Judge for 2022.
- C. Councilors Reid and Juran are ready to present their reports.
- D. If Council deems it necessary, a formal evaluation between the Council and the Municipal Court Judge shall be scheduled, but it is not required. This process does not affect the Municipal Judge's position of validity, effectiveness or jurisdiction of the municipal court or the Municipal Judge.

III. CURRENT SITUATION:

- A. Councilors Reid and Juran should present their verbal report at tonight’s meeting.
- B. If Council deems it necessary, a formal evaluation between the Council and the Municipal Court Judge shall be scheduled.

IV. ANALYSIS:

- A. **Strategic Impact** – None
- B. **Financial** – None
- C. **Timing** – Observations of the appointed Councilors are to be presented to the Council at a regularly scheduled meeting before the second meeting in October each year.
- D. **Policy/legal** – Resolution R2021-3142.

ALTERNATIVES:

- A. Councilors Reid and Juran report to the Council their findings.
- B. Calendar this matter to a future Council meeting.
- C. Revisit the adopted Municipal Judge Evaluation process.

RECOMMENDATION:

Staff recommends that Councilor Reid and Councilor Juran report their observations. Following the report, if the Council deems it necessary to hold a formal evaluation between the Council and the Municipal Court Judge, Council should direct staff to schedule the evaluation in executive session.

ATTACHMENTS:

- None



CITY COUNCIL MEETING: AUGUST 1, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: E. Shannon Johnson, City Attorney

SUBJECT: **SALEM SEWER SYSTEM DEVELOPMENT CHARGE FOR WASTEWATER TREATMENT FACILITIES**

PROPOSED MOTION:

"I move the City Council adopt Resolution R2022-__ establishing the amount of the sewer system development charge for wastewater treatment facilities; repealing Resolution R2021-3206."

I. SUMMARY:

The City entered into an Intergovernmental Agreement (IGA) with the City of Salem relating to wastewater treatment. Pursuant to the IGA, the City agreed to adopt the City of Salem's sewer system development charge for wastewater treatment facilities. The City of Salem has provided the new charges effective July 1, 2022.

II. BACKGROUND:

- A. In 2009, the City entered into an IGA with the City of Salem relating to wastewater treatment.
- B. The City agreed to adopt the City of Salem's sewer system development charge for wastewater treatment facilities.
- C. Council adopted Resolution R2021-3206 establishing the amount of the sewer system development charge for wastewater treatment facilities effective July 1, 2021.
- D. The charge is essentially a "pass through" to Salem.

Salem Sewer SDC

August 1, 2022

- E. This charge is separate from the transmission sewer SDC collected by Keizer for construction of new sewer lines.
- F. It is appropriate to repeal Resolution R2021-3206 and adopt the City of Salem's 2022 charge as contemplated under the IGA.
- G. State law requires that all fees be adopted by the City Council and that public comment be accepted.
- H. There is no requirement for a formal public hearing, but the Mayor must ask if any party wants to provide comment.

III. **CURRENT SITUATION:**

- A. The City is currently collecting 2021-2022 charges under the IGA.
- B. The City needs to collect 2022-2023 charges under the IGA.

IV. **ANALYSIS:**

- A. **Strategic Impact** – None
- B. **Financial** – This is essentially a “pass-through” to Salem.
- C. **Timing** – Adoption of the 2022-2023 charges will allow the City to collect the correct amount under the IGA.
- D. **Policy/legal** – State law requires that all fees be adopted by the City Council and that public comment be accepted.

ALTERNATIVES:

- A. Adopt the attached Resolution establishing the 2022-2023 amount under the IGA.
- B. Take No Action – The City will not collect the correct amount under the IGA.

RECOMMENDATION:

Staff recommends that the City Council allow for public comment and unless there are objections or questions, adopt the attached Resolution.

ATTACHMENTS:

- Resolution R2022-____

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2022-_____

4
5 ESTABLISHING THE AMOUNT OF THE SEWER SYSTEM
6 DEVELOPMENT CHARGE FOR WASTEWATER
7 TREATMENT FACILITIES; **REPEALING RESOLUTION**
8 **R2021-3206**
9

10 WHEREAS, the City Council adopted Resolution R2021-3206 establishing the
11 sewer system development charge for wastewater treatment facilities;

12 WHEREAS, the City of Keizer entered into an Intergovernmental Agreement
13 with the City of Salem for wastewater treatment in 2009;

14 WHEREAS, pursuant to such Intergovernmental Agreement, the City agreed to
15 adopt the City of Salem sewer system development charge for wastewater treatment
16 facilities;

17 WHEREAS, it is appropriate to repeal Resolution R2021-3206 and adopt the
18 City of Salem's 2022 sewer system development charge for wastewater treatment
19 facilities effective July 1, 2022;

20 NOW, THEREFORE,

21 BE IT RESOLVED by the City Council of the City of Keizer that effective July
22 1, 2022 the sewer system development charges for wastewater treatment facilities on
23 properties with a ¾" meter or less set by the City of Salem are hereby adopted as
24 follows:

25 Sanitary Sewer Connection Fee \$ 51.00
26 SDC-Sewer Reimbursement \$ 51.00

1	SDC-Sewer Improvement	\$114.00
2	SDC-Sewer Compliance	\$130.00
3	Automation Surcharge	<u>\$ 5.00</u>
4	Total	\$351.00

5
6 BE IT FURTHER RESOLVED the Resolution R2021-3206 (Establishing the
7 Amount of the Sewer System Development Charge for Wastewater Treatment
8 Facilities) is hereby repealed in its entirety.

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

11 PASSED this _____ day of _____, 2022.

12
13 SIGNED this _____ day of _____, 2022.

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Mayor

City Recorder



MINUTES
KEIZER CITY COUNCIL
Monday, July 18, 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
Daniel Kohler, Councilor
Roland Herrera, Councilor
Kyle Juran, Councilor
Shaney Starr, Councilor
Laura Reid, Councilor

Staff:

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

Absent:

Elizabeth Smith, Councilor

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

None

**COMMITTEE
REPORTS**

Katie Brady, Keizer, reported that the Parks Advisory Board had discussed the restroom closure schedules, reporting vandalism and motorized vehicles in prohibited areas of parks to the non-emergency police number, the Big Toy re-opening and the splash fountain mosaic.

Tammy Kunz, Northeast Keizer Neighborhood Association, reported that the association would have a booth at KeizerFEST as part of their marketing campaign; the Kennedy Family Council is looking for partners to donate school supplies for up to 100 families and is building a partnership with the Keizer Community Library to assist with bi-lingual education for adults so that they can help their children.

PUBLIC COMMENT

Mayor Clark acknowledged written comments received from *Elizabeth Swan* regarding Psilocybin and *Betty Hart* regarding the Keizer library.

Fatima Falcone, Dan Meyers, Pat Meyers, Kris Adams, Vicki Brammeier, John Goodyear, Karen Johnson, Gary Steiner, Diane Menicosy, Rhonda Rich, Jane Herb, Carolyn Homan, Michael Pantalone, and John Robinson spoke in support of putting the library issue and fee on the November ballot.

B.J. Toewe, Keizer, also speaking in favor of putting the Library fee on the November ballot, shared details about the benefits of being part of the Chemeketa Cooperative Regional Library Service, options for funding and background information.

PUBLIC HEARING

None

ADMINISTRATIVE ACTION

City Attorney Shannon Johnson summarized his staff report. Mayor Clark clarified that the 'director' is the Public Works Director.

a. ORDINANCE – Amending Keizer Parks Regulations Regarding Smoking

Councilor Reid moved that the Keizer City Council adopt a Bill for an Ordinance Amending Keizer Parks Regulations Regarding Smoking: (Amending Ordinance No. 2018-791); Declaring an Emergency. Councilor Kohler seconded. Motion passed as follows:

AYES: Clark, Herrera, Reid, Kohler, Starr and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

b. Keizer Community Library Funding

Finance Director Tim Wood summarized his staff report. Discussion followed regarding the process considering testimony heard earlier in the meeting, the ease of implementing the fee, the need for supplemental temporary funding and ballot timelines.

Councilor Reid moved that the Keizer City Council authorize the Finance Director to enter into an agreement with the Keizer Community Library to provide \$60,000 for ongoing community library operations and \$15,000 for grant writing services using American Rescue Plan Act (ARPA) funds. Councilor Herrera seconded.

Kris Melquist, part of the Library Board reported that the library had recently received a grant from the Spirit Mountain Foundation and grant requests have been submitted regularly with the last request going out April 2022.

Following discussion Councilors agreed by consensus to review grant efforts quarterly via a two-way dialog between a library representative and Council.

Councilor Kohler clarified that if the ballot measure did not pass, then the \$60,000 + \$15,000 (\$75,000) is what the Community Library would have to operate on in lieu of becoming a Public Library.

Motion passed as follows:

AYES: Clark, Herrera, Reid, Kohler, Starr and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

Focusing on putting the library issue on the November 2022 ballot, Council and library advocates discussed the ever-changing CCRLS membership criteria, becoming a public library outside the CCRLS umbrella, putting pressure the CCRLS to allow Keizer to become a member, benefits available to a Public Library through the State Library and the importance of receiving public funding in order to establish the Public Library.

Councilor Kohler moved that the Keizer City Council direct staff to prepare the appropriate documentation to put the question of funding the Keizer Public Library at a level of \$2.50 on the November ballot. Councilor Reid seconded.

Discussion followed regarding different fees for big box stores and apartment complexes; a level of service funding cap, sunset or escalator; and ARPA funding vs. sustained funding.

Motion passed as follows:

AYES: Clark, Herrera, Reid, Kohler, Starr and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**c. ORDINANCE –
Declaring a Ban
on Psilocybin
Service Centers
and the
Manufacture of
Psilocybin
Products**

City Attorney Shannon Johnson summarized his staff report. Discussion followed regarding election requirements, the need for more information and more regulations, protecting the children, a temporary ban and the current incompleteness of research.

Councilor Reid moved that the Keizer City Council adopt a Bill for an Ordinance Declaring a Ban on Psilocybin Service Centers and the Manufacture of Psilocybin Products. Councilor Kohler seconded. Motion passed as follows:

AYES: Clark, Reid, Kohler, Starr and Juran (5)

NAYS: Herrera (1)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**RESOLUTION –
Placing on the
Ballot the
Question of
Prohibiting
Psilocybin
Related
Businesses
Within the City
and Authorizing
Filing of
Explanatory
Statement
Relating to this
Prohibition**

Mr. Johnson reminded Council that because the vote was not unanimous, it would need to come back for a second reading.

Councilor Reid moved that the Keizer City Council adopt a Resolution Placing on the Ballot the Question of Prohibiting Psilocybin Related Businesses Within the City and Authorizing Filing of Explanatory Statement Relating to this Resolution. Councilor Kohler seconded.

Motion passed as follows:

AYES: Clark, Reid, Kohler, Starr and Juran (5)

NAYS: Herrera (1)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**d. Legislative
Priorities**

City Manager Adam Brown shared a slide presentation and referred to a white board listing available LOC priorities. After discussion the following top five issues were determined by consensus to be priorities:

- Local Funding to Address Homelessness
- Infrastructure Funding to Support Needed Housing
- Address Measure 110 Shortcomings
- Alcohol Revenues
- Infrastructure Financing and Resilience

**e. Lakepoint
Community
Church Request
for Community
Center and
Chalmers Jones
Park Gazebo
Fee Waivers**

City Recorder/Community Center Manager Tracy Davis summarized her staff report.

Councilor Reid moved that the Keizer City Council approve a waiver of the Community Center rental fee, Community Center refundable security deposit, and rental fee for the Chalmers Jones Park Gazebo for the Lakepoint Community Church ServeFest event on August 27, 2022 and August 28, 2022. Councilor Kohler seconded. Motion passed as follows:

AYES: Clark, Herrera, Reid, Kohler, Starr and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**CONSENT
CALENDAR**

- A. RESOLUTION – Approving the City Engineer’s Report; Declaring the City’s Intent to Form Ryden Forest Street Lighting Local Improvement District; Providing Notice and Setting Hearing
- C. Approval of July 5, 2022 Regular Session Minutes

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

AYES: Clark, Herrera, Reid, Kohler, Starr and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**OTHER BUSINESS/
STAFF UPDATES**

a. Fireworks

b. Park Vandalism

a. **Fireworks:** Chief Teague suggested that fireworks be addressed at a Council Work Session with a subsequent work group formed including citizens who have been vocal about the issue and that people in the work group ride along with police on July 4 and December 31/January 1. Mayor Clark asked that information on the scope, magnitude and options be included in the work session.

b. **Park Vandalism:** Councilor Starr reported that Lt. Copeland is putting information together on this and suggested that a work session be held to address this. Mayor Clark suggested that Lt. Copeland meet with the Parks Advisory Board first and a joint work session be held after that.

Mayor Clark reported that it was time to appoint an elected official to the Mid-Willamette Valley Community Development Partnership Board and Kyle Juran had agreed to serve so she was officially appointing him to represent Keizer and would be working with the Chamber to find a person to appoint for the other position.

Following discussion regarding Council's role in the KeizerFEST parade Councilor Starr volunteered to find out the details.

Mayor Clark reported that Keizer Heritage is making plans for Keizer's 40th Birthday. Councilors Reid and Kohler volunteered to work on a city history.

City Manager Adam Brown announced that he would be at a City Managers' Conference for the remainder of the week.

Chief Teague reminded everyone on National Night Out.

COUNCIL MEMBER REPORTS

Councilor Herrera reported on meetings and events he had attended, announced upcoming ones, and expressed condolences to the family of Spencer Webb who perished in an accident at Triangle Lake.

Councilor Reid announced Keizer Homegrown Theatre events and shared information about the Community Diversity Engagement Committee booth at KeizerFEST.

Councilor Kohler reported on meetings and events he had attended and announced the upcoming Community Dinner at which Council will serve.

Councilor Starr reported that she had attended the Latino Business Alliance and Parks Board meetings and would be attending the Chamber Board installation.

Councilor Juran reported that KeizerFEST setup would begin soon.

Mayor Clark reported on meetings and events she had attended and announced upcoming ones, thanked volunteers for their ongoing dedication, congratulated the Marion County Fair Board and urged everyone to register for National Night Out.

AGENDA INPUT

August 1, 2022 – 7:00 pm - City Council Regular Session
 August 8, 2022 – 6:00 pm – City Council Work Session
 August 15, 2022 – 7:00 pm - City Council Regular Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 10:19 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

~ Absent ~

Councilor #5 – Elizabeth Smith

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved: _____