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AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION

Monday, February 6, 2023

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. City of Wilsonville Presentation – Extension of the Westside Express Service Commuter Line

b. PROCLAMATION – Black History Month

5. COMMITTEE REPORTS

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

8. ADMINISTRATIVE ACTION

a. ORDINANCE – Establishing Criminal History Record Check Policies; Repealing Ordinances 2007-553, 2015-718, and 2015-720; Declaring an Emergency

b. ORDINANCE – Amending Keizer Parks Regulations Regarding Conduct; (Amending Ordinance No. 2018-791); Declaring an Emergency

- c. RESOLUTION – Repealing Resolution R2019-2948 (Authorizing City Manager to Order Removal of Persons from City Property)
- d. Letter of Support - HB 2095 Photo Radar and Speed Limit Setting

9. CONSENT CALENDAR

- a. RESOLUTION – Authorizing the City Manager to Award and Enter Into An Agreement with Gelco Construction Company for 2023 Waterline Replacement Project
- b. Approval of January 9, 2023 Work Session Minutes
- c. Approval of January 17, 2023 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

February 13, 2023 – 6:00 p.m.

City Council Work Session

- Canceled

February 21, 2023 – 7:00 p.m. (Tuesday)

City Council Regular Session

February 27, 2023 – 4:00 p.m.

City Council Work Session

- Strategic Planning Session

March 6, 2023 – 7:00 p.m.

City Council Regular Session

14. ADJOURNMENT

City of Keizer Mission Statement

Keep City Government Costs And Services To A Minimum By Providing City Services To The Community In A Coordinated, Efficient, And Least Cost Fashion



WHEREAS, Black History Month celebrates rich cultural heritage, triumphs and adversities that are an integral part of our country's history; and,

WHEREAS, the 2023 theme, Black Resistance, continues the legacy and inspiration of leaders like the Rev. Henry Highland Garnett who, 179 years ago, proposed that the only path to freedom, justice, equality, self-determination, and/or social transformation is resistance; and,

WHEREAS, Black people and communities have resisted historic and ongoing oppression in all its forms, advocating for a dignified self-determined life in a just democratic society in the United States and around the world; and,

WHEREAS, fifty years after the first celebrations, then-President Gerald R. Ford officially recognized Black History Month at the country's 1976 bicentennial and called on Americans to "seize the opportunity to honor the too-often neglected accomplishments of Black Americans in every area of endeavor throughout our history," and,

WHEREAS, Dr. Carter G. Woodson, a founder of the Association for the Study of African American Life and History, first had the idea of this month-long celebration in 1926 out of concern that Black children were not being taught about their ancestors' achievements in American schools; and,

WHEREAS, in order to resist inequality and to advocate for themselves, Black men and women formed labor unions based on trades and occupations, including the Colored National Labor Union, Colored Musicians Club, Coalition of Black Trade Unionists, and Negro American Labor Council, cultural centers such as libraries including George Cleveland Hall Library (Chicago, IL), Dart Hall (Charleston, SC), and colleges and universities; and,

WHEREAS, Black people have continuously sought ways to nurture and protect Black lives and secure autonomy of their physical and intellectual bodies through armed resistance, voluntary emigration, nonviolence, education, literature, sports, media, legislation and politics. Black led institutions and affiliations have lobbied, litigated, legislated, protested, and have achieved success.

THEREFORE, I, Cathy Clark, Mayor of the City of Keizer, here with the Keizer City Council assembled in Regular Session, do hereby proclaim the month of February 2023, as

Black History Month

And urge all the people of Keizer to heed the call to study the history of Black Americans' responses and support efforts to establish safe spaces, institutions, communities, and homes, where Black life can be sustained, fortified, and respected.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to be affixed to this document this 6th day of February 2023

*MAYOR CATHY CLARK
City of Keizer, Oregon*



CITY COUNCIL MEETING: FEBRUARY 6, 2023

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: John Teague, Chief of Police

SUBJECT: **CRIMINAL HISTORY CHECK POLICIES**

PROPOSED MOTION:

I move the City Council adopt Ordinance Number 2023-_____ Establishing Criminal History Record Check Policies; Repealing Ordinances 2007-553, 2015-718 and 2015-720; Declaring an Emergency.

I. SUMMARY:

The Law Enforcement Officers Safety Act (18 USC §926C) (LEOSA) provides for active and certain retired police officers to carry concealed firearms throughout the United States, subject to some restrictions. LEOSA requires the Police Department to certify that police officers meet certain requirements before the Department may issue a certification under LEOSA. LEOSA does not explicitly require law enforcement agencies to conduct criminal history checks, but the Police Department wishes to ensure its process of certification is thorough. City ordinance allows the Police Department to conduct criminal history checks on each of the City's full-time and reserve police officers, which it does annually. The ordinance will add "law enforcement officers as defined by and pursuant to the [LEOSA]" (Section 7), which will allow the City to conduct annual criminal history checks on retired police officers requesting to be certified under LEOSA.

II. BACKGROUND:

- A. The City has been lawfully following LEOSA but wishes to be more thorough when providing LEOSA certification to retired police officers.
- B. State law requires a government subdivision to explicitly allow access to criminal histories, accessed via the Oregon State Police.

Criminal History Record Check Policies

February 6, 2023

- C. The ordinance has been previously amended. Concurrent with the addition of the LEOSA section, the City attorney wishes to repeal the amended ordinances and establish a single ordinance. See attached Ordinance.

III. CURRENT SITUATION:

- A. The Police Department provides LEOSA certification to retired police officers who meet certain requirements, including self-reporting any criminal history.
- B. Rather than relying upon self-reporting, the Police Department wishes to conduct criminal history checks on retired police officers who wish to be LEOSA certified.
- C. To do so, it is appropriate to provide for such background checks in the Criminal History Record Check Ordinance. See Section 7 of the attached Ordinance.

IV. ANALYSIS:

- A. **Strategic Impact** – None
- B. **Financial** – None
- C. **Timing** – Approval of this request will allow the Police Department to conduct criminal history checks as outlined in the Ordinance.
- D. **Policy/legal** – This is what is required to allow the Police Department to provide background checks.

ALTERNATIVES:

- A. Adopt the attached ordinance – provides for criminal history checks for all eligible police officers pursuant to LEOSA.
- B. Take No Action – the Police Department will continue to rely upon self-reporting of eligible retired police officers' criminal history who request LEOSA certification.

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 2023-____ Establishing Criminal History Record Check Policies.

ATTACHMENTS:

- Ordinance No. 2023-____ Establishing Criminal History Record Check Policies

A BILL

ORDINANCE NO.
2023-_____

FOR

AN ORDINANCE

ESTABLISHING CRIMINAL HISTORY RECORD CHECK
POLICIES; **REPEALING ORDINANCES 2007-553, 2015-
718, AND 2015-720**; DECLARING AN EMERGENCY

WHEREAS, the Keizer City Council adopted Ordinance No. 2007-553 on
January 22, 2007 that established policies concerning criminal history record checks;

WHEREAS, the Keizer City Council adopted Ordinance No. 2015-718 on April
20, 2015 and Ordinance No. 2015-720 on May 18, 2015 which amended the policies
concerning criminal history record checks;

WHEREAS, the Keizer City Council desires to add a category to the criminal
history record check policies that allow criminal history record checks for qualified law
enforcement officers pursuant to the Law Enforcement Officers Safety Act (18 USC
§926C);

WHEREAS, the City Council of the City of Keizer finds for the reasons recited
below that it is in the public interest to access Oregon State Police (OSP) criminal
offender information through the LEDS system, for all applicants for employment,
public service volunteers with the City of Keizer, contracted tow truck drivers, liquor
license applicants, and certain other non-profit volunteers;

1 WHEREAS, it is also appropriate to have criminal history record checks for all
2 volunteer/employee positions;

3 WHEREAS, it is also appropriate to have criminal history record checks
4 performed for any qualified law enforcement officer to comply with the Law
5 Enforcement Officers Safety Act;

6 NOW, THEREFORE,

7 The City of Keizer ordains as follows:

8 Section 1. In order for the City government to operate effectively, persons
9 selected for employment or as a public service volunteer with the City of Keizer must
10 have the highest degree of public trust and confidence.

11 Section 2. All City employees and public service volunteers represent the City
12 to its citizens. Many City employees and volunteers have responsibilities to regulate and
13 maintain public health and safety. Some City employees have the ability and authority
14 to bind the City contractually, have access to public funds and property, and possess
15 access to privileged and proprietary information submitted to the City in confidence.

16 Section 3. There is a need to protect youths from harmful or dangerous
17 encounters and to that end a review of the criminal records of those who volunteer with
18 youth in the City is necessary and appropriate.

19 Section 4. Tow truck drivers interact with the public in stressful situations
20 (accidents, disabled vehicles, etc.) in which they can be taken advantage of by the tow

1 truck driver. Therefore, it is necessary and appropriate that the tow truck driver's
2 criminal record history is reviewed.

3 Section 5. Liquor license applicants are required to apply to the City for
4 recommendation to the Oregon Liquor Control Commission (OLCC) in their licensing
5 process. It is necessary and appropriate that such applicants' criminal record history is
6 reviewed in the City's recommendation process.

7 Section 6. City Manager shall determine which volunteer/employee positions
8 require a criminal offender information check. Such applicants/volunteers with the City
9 will be required to authorize the City to conduct a criminal offender information check.

10 Section 7. Qualified law enforcement officers as defined by and pursuant to
11 the Law Enforcement Officers Safety Act require a criminal offender information check
12 to allow the law enforcement officers and retired officers to carry weapons nationwide.

13 Section 8. A member of the Police Department trained and authorized to
14 perform criminal history checks will conduct the check on the prospective employee or
15 volunteer as directed by the City Manager. The Police Department will report “criminal
16 record” or “no criminal record” to the City Manager or appropriate Department Director.
17 Any further review shall be at the City Manager’s discretion.

18 Section 9. The written criminal history record on persons that are not hired or
19 appointed as a volunteer will be retained in accordance with the requirements of state
20 law for a period of three years and thereafter will be destroyed. The criminal history

1 record of applicants and volunteers with a criminal history that are hired or appointed
2 will become a part of the confidential personnel files of that employee or volunteer.
3 Access to confidential personnel files is limited to only authorized persons who have an
4 official need to access such files that is sanctioned by law or regulation.

5 Section 10. Non-profit organizations serving youth in the community,
6 including, but not limited to youth baseball, youth basketball, youth soccer and youth
7 football organizations may request that the Police Department perform criminal history
8 checks. Subject to workload priorities and staff availability, the Police Department may
9 perform such criminal record checks on the prospective youth volunteers. The Police
10 Department shall confirm only if a criminal record exists, without any detail of such
11 record. The youth volunteer organization may request criminal record history directly
12 with the Oregon State Police pursuant to state statute and administrative rule.

13 Section 11. Criminal history checks of contracted tow truck drivers and liquor
14 license applicants shall be performed by the Police Department.

15 Section 12. The written criminal history record on law enforcement officers
16 pursuant to the Law Enforcement Officers Safety Act will be retained in accordance
17 with state law and thereafter will be destroyed.

18 Section 13. Ordinance No. 2007-553 (Establishing Criminal History Record
19 Check Policies Concerning Applicants for Potential Employees and Certain Volunteers;
20 Declaring an Emergency), Ordinance No. 2015-718 (Amending Ordinance No. 2007-

532), and Ordinance No. 2015-720 (Correcting Scrivener's Error With Regard to
Ordinance No. 2015-718; Declaring an Emergency) are hereby repealed in their entirety.

Section 14. This Ordinance being necessary for the immediate preservation
of the public health, safety and welfare, an emergency is declared to exist and this
Ordinance shall take effect immediately upon its passage.

PASSED this _____ day of _____, 2023.

SIGNED this _____ day of _____, 2023.

Mayor

City Recorder



CITY COUNCIL MEETING: FEBRUARY 6, 2023

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: E. Shannon Johnson, City Attorney

SUBJECT: **KEIZER PARK REGULATIONS**

PROPOSED MOTION:

I move the City Council adopt Ordinance No. 2023-___ Amending Keizer Parks Regulations Regarding Conduct; (Amending Ordinance No. 2018-791); Declaring an Emergency.

I. SUMMARY:

With the adoption of the new Rules of Conduct Ordinance, it is appropriate to revise a Section in the Park Regulations to reference the new Ordinance.

II. BACKGROUND:

- A. City Council adopted the Rules of Conduct Ordinance on January 3, 2023. That Ordinance sets forth a process for excluding persons from parks and other City property based on their conduct.
- B. Section 21 – Conduct in the Park Regulations has a short section that provides that persons can be excluded from the park, however there is no process for that in the Park Regulations.

III. CURRENT SITUATION:

- A. The Park Regulations have a section that should be revised to reference the new Ordinance and the attached Ordinance accomplishes this.

IV. ANALYSIS:

- A. **Strategic Impact** – None

Park Regulations

February 6, 2023

- B. **Financial** – None
- C. **Timing** – It is appropriate to adopt this amendment now so there is no inconsistency between the Rules of Conduct Ordinance and the Park Regulations.
- D. **Policy/legal** – It is preferable to adopt this clarification so that if a specific case comes up there is no claim as to the correct process.

ALTERNATIVES:

- A. Adopt the Ordinance that amends Section 21 of the Park Regulations to reference the new Rules of Conduct Ordinance.
- B. Do not adopt the clarifying amendment. This is not recommended as discussed above.

RECOMMENDATION:

Staff recommends that Council adopt the attached Ordinance to amend Section 21 of the Park Regulations to reference the new Rules of Conduct Ordinance.

ATTACHMENTS:

- Ordinance No. 2023-_____ Amending Keizer Park Regulations Regarding Conduct

A BILL

ORDINANCE NO.
2023-_____

FOR

AN ORDINANCE

AMENDING KEIZER PARKS REGULATIONS
REGARDING CONDUCT; (AMENDING
ORDINANCE NO. 2018-791); DECLARING AN
EMERGENCY

The City of Keizer ordains as follows:

Section 1. AMENDMENT OF KEIZER PARKS REGULATIONS
REGARDING CONDUCT. Ordinance No. 2018-791 (Establishing Keizer Parks
Regulations) is hereby amended at Section 21 as follows:

“ Section 21. CONDUCT Persons who violate the
Rules of Conduct according to Keizer Ordinance
Adopting Rules of Conduct for City Property, who
willfully harass or interfere with any government
employee in the performance of his or her duties in a
park, or who by their conduct or by threatening or
profane language annoy, willfully molest, unreasonably
interfere with the use of a park by any other person, who
have committed a public offense or violation in a park,

who operate any vessel in an unsafe manner or conduct themselves in an unsafe manner, may be excluded from the park pursuant to Keizer City Ordinance Adopting Rules of Conduct for City Property.”

Section 2. ORDINANCE REMAINS IN EFFECT. Except as amended herein, Ordinance No. 2018-791 (Establishing Keizer Parks Regulations) remains in full force and effect.

Section 3. EFFECTIVE DATE. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance shall take effect immediately upon its passage.

PASSED this _____ day of _____, 2023.

SIGNED this _____ day of _____, 2023.

Mayor

City Recorder



CITY COUNCIL MEETING: FEBRUARY 6, 2023

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: E. Shannon Johnson, City Attorney

SUBJECT: **REPEALING RESOLUTION R2019-2948**

PROPOSED MOTION:

I move the City Council adopt Resolution R2023-___ Repealing Resolution R2019-2948 (Authorizing City Manager to Order Removal of Persons From City Property).

I. SUMMARY:

Resolution R2019-2948 provides that the City Manager may set hours of operation and other rules for City property, as well as provides for the City Manager to remove persons from City property when appropriate. With the adoption of the new Rules of Conduct Ordinance, this Resolution is not necessary and should be repealed.

II. BACKGROUND:

- A. Resolution R2019-2948 (attached) was adopted on February 4, 2019. The Resolution authorized the City Manager to set rules and if necessary, order the removal of persons violating such rules.
- B. The new Rules of Conduct Ordinance provides for rules and the provision of excluding persons from City property.
- C. Since the Rules of Conduct Ordinance is now adopted, it is appropriate to repeal the Resolution so there is no confusion on which process to use.

III. CURRENT SITUATION:

- A. The Rules of Conduct Ordinance has been adopted and covers the issues stated above.

Repeal of Resolution R2019-2948

February 6, 2023

- B. Resolution R2019-2948 should be repealed.

IV. ANALYSIS:

- A. **Strategic Impact** – None
- B. **Financial** – None
- C. **Timing** – It is appropriate to repeal the Resolution now so that if an issue comes up there will not be confusion as to which process to use.
- D. **Policy/legal** – Repealing the Resolution avoids any legal argument as to which process to use.

ALTERNATIVES:

- A. Adopt the Resolution repealing Resolution R2019-2948.
- B. Take no Action – This would result in two different processes in place.

RECOMMENDATION:

Staff recommends adopting the Resolution Repealing Resolution R2019-2948 (Authorizing City Manager to Order Removal of Persons from City Property). Please let me know if you have any questions. Thank you.

ATTACHMENTS:

- Resolution R2019-2948
- Resolution R2023-_____ Repealing Resolution R2019-2948 (Authorizing City Manager to Order Removal of Persons From City Property).

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2019-2948

AUTHORIZING CITY MANAGER TO ORDER REMOVAL OF
PERSONS FROM CITY PROPERTY

WHEREAS, the City Manager is the administrative head of the City pursuant to
the City Charter;

WHEREAS, the City Manager may from time-to-time be called upon to order
certain locations of City-owned property be closed to the public at certain times;

WHEREAS, it is appropriate to formally designate the City Manager as the
Person in charge pursuant to state statute for purposes of ordering removal of persons;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City
Manager is designated as the Person in charge as that term is defined in ORS 164.205(5);

BE IT FURTHER RESOLVED that the City Manager may delegate such
authority to a department head in writing for no more than fourteen (14) days;

BE IT FURTHER RESOLVED that the City Manager may issue standing orders
regarding specific locations or times that City-owned property is closed to the public and
such orders shall be observed and enforced by law enforcement officials without further
order by the City Manager;

1 BE IT FURTHER RESOLVED that the City Manager may order removal of
2 persons from City-owned property if such persons are violating any applicable law or are
3 causing or creating a disturbance or unsafe situation;

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

6 PASSED this 4th day of February, 2019.

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8 SIGNED this 4th day of February, 2019.

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Mayor



City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2023-_____

REPEALING RESOLUTION R2019-2948 (AUTHORIZING CITY
MANAGER TO ORDER REMOVAL OF PERSONS FROM CITY
PROPERTY)

WHEREAS, the City Council adopted Resolution R2019-2948 (Authorizing City
Manager to Order Removal of Persons from City Property on February 4, 2019;

WHEREAS, the City Council adopted Ordinance No. 2023-854 (Adopting Rules
of Conduct for City Property) on January 3, 2023;

WHEREAS, such Ordinance authorizes the City Manager and Department
Directors to establish rules and provides for ordering persons to be excluded from City
property;

WHEREAS, it is appropriate to repeal Resolution R2019-2948 in that the
Ordinance referenced above provides the process for adopting rules and excluding
persons from City property;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution
R2019-2948 (Authorizing City Manager to Order Removal of Persons from City
Property) 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 _____, 2023.

4
 5 SIGNED this _____ day of _____, 2023.

6
 7
 8 _____
 9 Mayor

10 _____
 11 City Recorder



CITY COUNCIL MEETING: Monday February 6, 2022

To: MAYOR CLARK AND CITY COUNCIL MEMBERS

FROM: Adam J. Brown

SUBJECT: **HB 2095 PHOTO RADAR AND SPEED LIMIT SETTING**

PROPOSED MOTION:

I move the City Council authorize a letter of support for House Bill 2095 a bill allowing all 231 cities to use mobile and fixed radar and to increase local speed limit setting authority from increments of five (5) miles per hour to ten (10) miles per hour.

I. SUMMARY:

Only certain cities in the State of Oregon have the authority to use mobile photo radar. Currently local governments can change speed limits in increments of five (5) miles per hour. HB 2095 extends the right to use mobile photo radar to all Oregon cities.

II. BACKGROUND:

- A. Currently only Albany, Beaverton, Bend, Eugene, Gladstone, Medford, Milwaukie, Portland and Tigard can use photo radar under ORS 810.438. HB 2095 would extend that authority to all cities in Oregon.
- B. All cities in Oregon can adjust speeds on local streets in five (5) mile increments. HB 2095 would allow cities to adjust speed limits in ten (10) mile increments so that a change of more than five miles would not have to take multiple steps.

III. CURRENT SITUATION:

- A. Mayor Clark and Councilors Kohler and Starr asked that this item be placed on the agenda for consideration.
- B. The League of Oregon Cities is requesting letters of support for HB 2095
- C. I have spoken with the Police Chief who is not opposed to this legislation. This legislation allows the city to use additional technology and gives them additional authority to set speed limits, but does not require them to do so. That decision can still be made at a local level.

IV. ANALYSIS:

- A. **Strategic Impact** – Does not apply.
- B. **Financial** - No Financial Impact.
- C. **Timing** – Giving cities the authority to change the speed limit and implement photo radar does not obligate Keizer to do this.
- D. **Policy/legal** – The Council should have a majority vote on legislative issues in which the mayor is able to speak on behalf of the City Council to sign letters of support.

V. ALTERNATIVES:

- A. Authorize the letter of support.
- B. Take No Action – The bill will proceed for consideration by the legislature without Keizer's letter of support.

RECOMMENDATION:

Staff recommends the City Council authorize a letter of support for House Bill 2095 a bill allowing all 231 cities to use mobile and fixed radar and to increase local speed limit setting authority from increments of five (5) miles per hour to ten (10) miles per hour.

Attachment: HB 2095 Summary



Enhanced Transportation Safety for All

HB 2095

It's time the legislature provide access to transportation safety across all of Oregon's cities. 231 cities do not have the authority for mobile photo radar and only the city of Portland can use fixed photo radar, but limited to high-crash corridors.

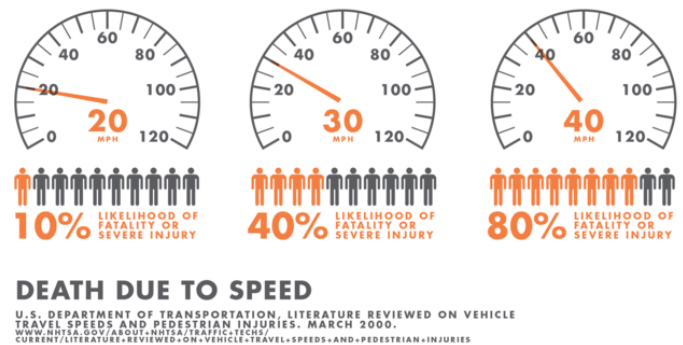
Mobile and Fixed Photo Radar

Only 10 cities in Oregon (Albany, Beaverton, Bend, Eugene, Gladstone, Medford, Milwaukie, Oregon City, Portland, and Tigard) can use photo radar for managing speed under [ORS 810.438](#). Portland is the only city allowed to set up fixed photo radar sites and only on high-crash corridors.

Transportation safety in neighborhoods and throughout the transportation system is a critical priority for all cities across Oregon and not confined to urban communities or limited to 10 out of 241 cities. The use of fixed photo radar by the City of Portland is confined to "high-crash corridors." If safety is a concern for the legislature, it makes little sense to add safety enhancements after a travel corridor is designated as a high-crash corridor instead of a strategy focused on preventing high-speed crashes.

Local Speed Setting Authority

All cities in Oregon can adjust speed on their local streets in increments of 5 miles per hour (MPH). Cities appreciate the authority, but believe it is best to modify the scale of speed adjustment from 5 mph to a maximum of 10 mph allowing a city to adjust the speed in one step.



Speed without question is a critical contributor to the survivability of a crash between a pedestrian or an individual riding a bike. Based on US Department of Transportation research, a collision at 30 mph has a survivability of 60-percent v.s. only 20-percent at 40 mph and 90-percent survivability at 20 mph.

Local Speed Setting Authority

HB 2095 expands authority for use of fixed and mobile photo radar to all cities in Oregon, and the use of fixed photo radar on "high-speed" corridors. In addition, it modifies existing authority for cities to adjust speed limits up to 10 mph.

Contact: Jim McCauley, Legislative Director jmccauley@orcities.org



CITY COUNCIL MEETING: Monday February 6th, 2023

To: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: Adam J. Brown, City Manager

FROM: Bill Lawyer, Public Works Director

SUBJECT: ANNUAL WATERLINE REPLACEMENT PROJECT

PROPOSED MOTION:

I move the City Council adopt Resolution R2022- ____ Authorizing the City Manager to Award and Enter into an Agreement with Gelco Construction Company for 2023 Waterline Replacement Project.

I. SUMMARY:

This project includes the replacement of approximately 1,875 feet of steel water main with ductile iron water main, new fire hydrants, valves, service updates and all other appurtenances necessary to completely replace the steel water main.

II. BACKGROUND:

The Public Works Department solicited bids for the replacement of the steel water mains on a Newberg Drive, from Orchard Street to Lockhaven Drive, and on Rivercrest Drive from Cummings Lane to Rafael Avenue.

A total of six bids were received and opened on January 17th, 2023 at 2:00pm. The bids ranged from a high of \$793,504.00 to a low of \$377,945.00. The lowest responsive bid was submitted by Gelco Construction Company.

III. CURRENT SITUATION:

- A. The existing steel pipeline is due for replacement.
- B. Replacing the pipeline will result in all of the pipe on Newberg Drive having ductile iron pipe and will loop the waterlines on Rivercrest Drive.

IV. ANALYSIS:

- A. **Strategic Impact** – Replacement of the steel water mains citywide is identified in the adopted Water Master Plan Update Capital Improvement Program.
- B. **Financial** – Funds for this project are identified in the City Council adopted Fiscal Year 2022/2023 budget.
- C. **Timing** – Approval of this request will allow the project to be completed prior to the annual watermain flushing program.
- D. **Policy/legal** – City council approval is required to award this contract.

ALTERNATIVES:

- A. Adopt Resolution R2022-____ authorizing the City Manager to award and enter into an agreement with Gelco Construction Company for the 2023 Waterline Replacement project.
- B. Take no action – Not approving this project could result in staff needing to repair additional leaks in the existing steel pipeline.

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution R2022-____ authorizing the City Manager to award and enter into an agreement with Gelco Construction Company for the 2023 Waterline Replacement project.

ATTACHMENTS:

- Resolution R2022-____ Authorizing the City Manager to Award and Enter Into an Agreement with Gelco Construction Company for 2023 Waterline Replacement Project

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2023-_____
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5 AUTHORIZING THE CITY MANAGER TO AWARD AND ENTER
6 INTO AN AGREEMENT WITH GELCO CONSTRUCTION
7 COMPANY FOR 2023 WATERLINE REPLACEMENT PROJECT
8

9 WHEREAS, replacement of water mains citywide is identified in the adopted
10 Water Master Plan Update Capital Improvement Program;

11 WHEREAS, the City solicited bids for the replacement of water mains of various
12 city streets in the City;

13 WHEREAS, six bids for this project were received and opened. Gelco
14 Construction Company submitted the low responsive bid for a total amount of
15 \$377,945.00. The City Engineer has reviewed and certified the bids;

16 WHEREAS, a notice on intent to award the bids was sent to the bidders on January
17 30, 2023;

18 NOW, THEREFORE,

19 BE IT RESOLVED by the City Council of the City of Keizer that the City Manager
20 is hereby authorized to award the contract to, and if no objections are received, enter into
21 an agreement with Gelco Construction Company for a total of \$377,945.00 to replace
22 water mains within the City. Funding for this project is from the Water Facility
23 Replacement Fund.
24
25

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

3 PASSED this _____ day of _____, 2023.

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5 SIGNED this _____ day of _____, 2023.

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Mayor

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City Recorder



MINUTES
KEIZER CITY COUNCIL
WORK SESSION
Monday, January 9, 2023
Keizer, Oregon

**CALL TO
ORDER**

Mayor Clark called the work session to order at 6:00 p.m. Attendance was taken as follows:

Present:

Cathy Clark, Mayor
Laura Reid, Councilor
Shaney Starr, Councilor
Kyle Juran, Councilor
Soraida Cross, Councilor
Robert Husseman, Councilor

Staff Present:

Adam Brown, City Manager
Tim Wood, Assistant City Manager
Shannon Johnson, City Attorney
Machell DePina, Human Resources
Tracy Davis, City Recorder

Absent:

Dan Kohler, Councilor

DISCUSSION

**a. City Council
Orientation**

Mayor Clark urged Councilors to take advantage of the information posted on the City website and to send their bios and photos to staff for posting. She explained that they each have a city phone number and email and that they never have to put up with harassment. Harassing calls should be forwarded to city staff for follow-up. Notes should be retained for 5 years and could be stored electronically or given to the City Recorder. Councilors are encouraged to attend city events and should refrain from using texting for city business.

Information was provided with discussion following related to the Marion County Breakfast; Council Liaison duties; meetings with City Manager/Department Heads; television, electronic meeting, email and evacuation procedures; mandatory training and reporting; evaluations of City Manager, City Attorney and City Municipal Judge; and community events and organizations.

City Recorder Tracy Davis distributed the section in Personnel Policies relating to travel and training cost reimbursement adding that she was available to register Councilors for events. Mayor Clark urged Councilors to have Ms. Davis register them for events and make their reservations. She noted that they should get Council approval if they wished to attend a conference or training that cost over a certain amount in order to ensure that funds are distributed fairly.

Mayor Clark urged Councilors to read the Council Rules of Procedures. She

highlighted various subjects including use of acronyms, proclamations, Council member reports, public testimony time, written comments, placing items on the agenda and the role of liaisons.

City Attorney Shannon Johnson shared information regarding suspending the rules during a meeting. Both Assistant City Manager Tim Wood and Mr. Johnson urged Councilors to ask questions prior meetings whenever possible. Human Resources Director Machell DePina urged Councilors to share positive information about City employees.

ADJOURN

Mayor Clark adjourned the work session at 7:42 p.m.

APPROVED:

MAYOR:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Soraida Cross

Councilor #2 – Shaney Starr

Councilor #5 – Robert Husseman

~ Absent ~

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved: _____



MINUTES
KEIZER CITY COUNCIL
Monday, January 17, 2023
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Clark called the meeting to order at 7:04 pm. Roll call was taken as follows:

Present:

Cathy Clark, Mayor
Laura Reid, Councilor
Shaney Starr, Councilor
Kyle Juran, Councilor
Soraida Cross, Councilor
Robert Husseman, Councilor
Daniel Kohler, Councilor
Youth Councilor Angelica
Sarmiento Avendano

Staff:

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

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

SPECIAL ORDERS OF BUSINESS

**a. Presentation by
NLC Service
Line Warranty
Program (Zoom)**

Dennis Lion, National League of Cities Service Line Program, gave a slide presentation via Zoom regarding the program and fielded questions regarding the type of home to which the service is offered, pricing, renewal increases, the payment process, the cost of restoration of street and sidewalks, and contractors used. Council agreed by consensus to bring this issue back as an agenda item for Council consideration.

**b. Presentation by
Oregon
Business
Recovery
Center**

Fatima Falcon, Oregon Business Recovery Center, and *Kevin O'Malley*, Wilsonville Chamber, shared a slide presentation regarding the Oregon Business Recovery Center programs and fielded questions regarding grants, partnerships, federal program guidelines, and administration.

**COMMITTEE
REPORTS**

Lisa Cejka, Keizer, reported on the most recent Parks Board meeting and fielded questions regarding the Parks Matching Grant program and the Committee Youth Liaison recruitment.

Councilor Kohler thanked Kacey McCallister for his service on the Community Diversity Engagement Committee and appointed Amy Bauer to fill his position. Councilor Husseman announced that he would be appointing LaTonya Gibbs to the committee.

PUBLIC COMMENTS

Mayor Clark acknowledged for the record receipt of a letter from *Dana Petre-Miller* regarding methane gas.

Cori Falardeau, Keizer Chamber of Commerce Executive Director, provided an update of recent Chamber activities including details about the giving basket and food box programs. She reminded everyone of the upcoming First Citizen's Banquet and business recovery and business education classes and urged everyone to support the youth who applied for the Dennis Koho Award.

PUBLIC HEARINGS

a. RESOLUTION – Exemption of the Brand Name Specification Purchases for Ben Miller Family Park

Mayor Clark opened the Public Hearing.

Public Works Director Bill Lawyer summarized his staff report and fielded questions regarding the fall protection surface and play structures.

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

Councilor Starr moved that the Keizer City Council adopt a Resolution - Exemption of the Brand Name Specification Purchase of Surface America Fall Protection Product from Competitive Bidding and Purchasing Play Structure Materials, Surface America Fall Protection Materials, and Installation Services from Ross Recreational Equipment Co., Inc. for Ben Miller Family Park. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Husseman, Cross, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. RESOLUTION – Exemption of Contract for Compensation Analyses From Competitive Bidding and Awarding Contract to Lane Council of Governments

Mayor Clark opened the Public Hearing.

Human Resources Director Machell DePina summarized her staff report and fielded questions regarding Local Government Personnel Services.

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

Councilor Starr moved that the Keizer City Council adopt a Resolution - Exemption of Contract for Compensation Analyses from Competitive Bidding and Awarding Contract to Lane Council of Governments. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Husseman, Cross, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

a. ORDINANCE – Delegating Authority to

City Attorney Shannon Johnson summarized his staff report.

Councilor Starr moved that the Keizer City Council adopt a Bill for an Ordinance – Delegating Authority to Public Works Director to Establish Design Standards and Construction Specifications; Repeal of Ordinance No. 93-248 and Ordinance No. 2007-554. Councilor Reid seconded.

**Public Works
Director to
Establish
Design
Standards and
Construction
Specifications**

Motion passed unanimously as follows:

AYES: Clark, Reid, Husseman, Cross, Kohler, Starr and Juran (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**CONSENT
CALENDAR**

- a. Approval of December 12, 2022 Work Session Minutes
- b. Approval of December 19, 2022 Regular Session Minutes
- c. Approval of January 3, 2023 Regular Session Minutes

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

AYES: Clark, Reid, Husseman, Cross, Kohler, Starr and Juran (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

OTHER BUSINESS None

STAFF UPDATES Human Resources Director Machell DePina announced that recruitment was underway for a police officer.

**COUNCIL
MEMBER
REPORTS**

Councilor Cross listed meetings and events she had attended and expressed anticipation for upcoming ones.

Councilor Juran urged neighbors to attend their neighborhood association meetings and announced cancellation of the Planning Commission meeting.

Councilor Starr reported on meetings and events she had attended.

Councilor Kohler reported on meetings and events he had attended and thanked those who filled in for him at meetings he was unable to attend.

Councilor Husseman announced the upcoming Traffic Safety/Bikeways/ Pedestrian Committee meeting.

Councilor Reid announced McNary finals week and conferences and committee meetings and shared information regarding plans underway for the City's 40th Birthday celebration.

Youth Councilor Sarmiento shared information about McNary theatrical and sporting events.

Mayor Clark provided extensive details regarding various meetings and events she had attended, urged everyone to volunteer for the 'Point In Time' program, and announced upcoming meetings and events.

AGENDA INPUT

February 6, 2023, 7:00 p.m. – City Council Regular Session
 February 13, 2023, 6:00 p.m. – City Council Work Session CANCELLED
 February 21, 2023, 7:00 p.m. (Tuesday) – City Council Regular Session
 February 27, 2023, 6:00 p.m. – City Council Work Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 8:41 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Soraida Cross

Councilor #2 – Shaney Starr

Councilor #5 – Robert Husseman

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved: _____