



MINUTES
KEIZER CITY COUNCIL
Monday, April 19, 2021
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
Elizabeth Smith, Councilor
Roland Herrera, Councilor
Daniel Kohler, Councilor
Ross Day, Councilor
Kyle Juran, Councilor
Laura Reid, Councilor

Staff:

Shannon Johnson, City Attorney
Tim Wood, City Manager Pro Tem
/Finance Director
Machell DePina, Human Resources
Bill Lawyer, Public Works Director
Shane Witham, Planning Director
Tracy Davis, City Recorder

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

**a. PROCLAMATION –
Phil Bay**

Councilors Reid and Kohler shared a brief history of former Councilor Phil Bay and praised his long-standing devotion and dedication to Keizer. Mayor Clark added to their statements and Councilor Herrera personally thanked Mr. Bay. Brandon Bay introduced the family and a few family members shared their thoughts. Mayor Clark then read the proclamation and announced that there would be a reception for Mr. Bay in the lobby.

**COMMITTEE
REPORTS**

**a. Volunteer
Coordinating
Committee –
Keizer City
Council Youth
Councilor
Appointment**

City Manager Pro Tem Tim Wood reported that following review of an application and acceptance of testimony from Miranda Coleman, the Volunteer Coordinating Committee unanimously recommended her to fill the position of Youth Councilor for the 2021-2022 term beginning September 1, 2021.

Councilor Smith moved that the Keizer City Council accept the Volunteer Coordinating Committee recommended appointment of Miranda Coleman as Youth Councilor. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Juran, Day, Herrera, Smith and Kohler (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**COMMITTEE
REPORTS**

Matt Lawyer, Keizer, reported that the Planning Commission had accepted staff recommendation for amendments to the Development Code which bring consistency throughout sections and allow more flexibility for development and recommended the changes to Council.

**PUBLIC
TESTIMONY**

Cyndi Swaney, Tom Holman, and Michele Roland-Schwartz, Keizer, voiced support for Councilor Herrera; each sharing their own personal thoughts regarding his contributions to the City, transparency, inclusivity and special needs.

Responding to comments regarding his special needs, Councilor Herrera admitted that he had made no requests of staff or Council to accommodate those needs but had used his personal computer instead. Mayor Clark added that staff works hard to provide services and equipment but needs must be communicated to them in order to do so.

R.J.Navarro, Keizer, announced the launch of the Southeast Keizer Community Garden and an upcoming Seed Swap Meet, and urged everyone to contribute to the ‘Little Free Library’ in the area.

Gwen Carr, Keizer, stated that she was uncomfortable with the fact that Council seemed more concerned about an email sent by a Councilor than they were about an employee discharging a gun in City Hall.

Kevin Coons, Keizer, expressed dismay at the resignation of Chris Eppley if it was based solely on the recent firearm discharge incident because ‘things happen’. He suggested that this incident be used as an opportunity to enforce firearms education and the responsibility of handling them rather than to point fingers and blame.

PUBLIC HEARING

**a. Round Table
Pizza Liquor
License –
Change of
Ownership**

Mayor Clark opened the Public Hearing.

City Manager Pro Tem Tim Wood read the staff report.

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

Councilor Smith moved that the Keizer City Council recommend approval of the application for Round Table Pizza under the guidelines established by ORS 471.178 and the Ordinances of the City of Keizer and forward this recommendation to the Oregon Liquor Control Commission for final approval. Councilor Reid seconded. Motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

- b. RESOLUTION – Apportioning Assessments Between Parcels (Keizer Station Area A Local Improvement District Tax Lot 063W36A04300)** *Mayor Clark opened the Public Hearing.*
 City Attorney Shannon Johnson summarized his staff report.
With no further testimony, Mayor Clark closed the Public Hearing.
Councilor Smith moved that the Keizer City Council approve a Resolution Apportioning Assessments Between Parcels (Keizer Station Area A Local Improvement District Tax Lot 063W36A04300). Councilor Reid seconded. Motion passed unanimously as follows:
 AYES: Clark, Reid, Day, Juran, Herrera, Smith and Kohler (7)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: None (0)
- c. RESOLUTION - Exemption of Jack Street Storm Drain Repair Contract from Competitive Bidding and Awarding Contract to Michels Corporation** *Mayor Clark opened the Public Hearing.*
 Public Works Director Bill Lawyer read his staff report, fielded questions and provided clarification.
With no further testimony, Mayor Clark closed the Public Hearing.
Councilor Smith moved that the Keizer City Council approve a Resolution Exemption of Jack Street Storm Drain Repair Contract from Competitive Bidding and Awarding Contract to Michels Corporation. Councilor Reid seconded. Motion passed unanimously as follows:
 AYES: Clark, Reid, Day, Juran, Herrera, Smith and Kohler (7)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: None (0)
- d. RESOLUTION – Exemption of Willamette Drive North Storm Drain Repair Contract from Competitive Bidding and Awarding Contract to Michels Corporation** *Mayor Clark opened the Public Hearing.*
 Public Works Director Bill Lawyer explained that this project was similar to the Jack Street project.
With no further testimony, Mayor Clark closed the Public Hearing.
Councilor Smith moved that the Keizer City Council approve a Resolution Exemption of Willamette Drive North Storm Drain Repair Contract from Competitive Bidding and Awarding Contract to Michels Corporation. Councilor Reid seconded. Motion passed unanimously as follows:
 AYES: Clark, Reid, Day, Juran, Herrera, Smith and Kohler (7)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: None (0)
- ADMINISTRATIVE ACTION**
a. West Keizer Carol Doerfler, President of West Keizer Neighborhood Association introduced members of the board in attendance, reviewed the annual report and provided additional details.

Neighborhood Association Annual Report

Councilor Smith moved that the Keizer City Council accept the Annual Report of West Keizer Neighborhood Association and extend recognition for an additional year. Councilor Reid seconded. Motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. b. Greater Gubser Neighborhood Association Annual Report

Patti Tischer, President of Greater Gubser Neighborhood Association, distributed the association annual report, shared historical information and quotes as well as highlights of the year and future association plans.

Councilor Smith moved that the Keizer City Council accept the Annual Report of Greater Gubser Neighborhood Association and extend recognition for an additional year. Councilor Reid seconded. Motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. Possible Councilor Investigation

Council agreed by consensus to take this item out of order (after Committee Reports).

Councilor Herrera expressed his affection for the community of Keizer and reviewed his past volunteer efforts and accomplishments. He explained that due to his personal limitations, he forwards City documents to his personal email so that he can read them on his large-screen home computer and denied that he had forwarded the recent City Manager related incident report to the Keizertimes. He concluded his statement noting that his focus has always been on what is best for Keizer and that he has been honored to serve and will continue to do so with pride, spirit and optimism.

Mayor Clark noted that forwarding documents to personal emails outside the City system violates the public records law and all Councilors signed agreements to keep emails within the system so that public records requests could be accommodated. Additionally Councilors should not be posting on social media during meetings.

Councilor Smith moved that the Keizer City Council prepare a memo of corrective action to be brought to the May 3 City Council meeting. Councilor Reid seconded.

Councilor Reid pointed out that this is not a personal attack. Council will need to work with Councilor Herrera to decide what can be done to take care of his limitations and enable him to comply with the rules and that

the rules apply to all Councilors.

Councilor Day expressed dismay that the same people who are screaming 'due process' on this issue are the ones who wanted Council to fire Chris Eppley without due process. The incident report was leaked before Mr. Eppley had the benefit of an investigation and whoever did that denied a good man due process. This sends a negative message to the rest of Keizer's employees.

Mayor Clark noted that only 11 people had access to the incident report. A search was done of the City system and this is the only one that popped up in the search. When it leaves the security of the City system, it cannot be traced.

Motion passed as follows:

AYES: Clark, Reid, Juran, Day, Smith and Kohler (6)

NAYS: None (0)

ABSTENTIONS: Herrera (1)

ABSENT: None (0)

Mayor Clark assigned Councilors Smith and Juran to prepare the memo.

- d. RESOLUTION – Adopting the City of Keizer Council Rules of Procedure; Repealing R2020-3058** Attorney Johnson summarized his staff report and noted that Councilor Day had found some scrivener's errors in Section 6.1(b), 6.1(f) and 10.3C. Councilor Smith moved that the Keizer City Council approve a Resolution Adopting the City of Keizer Council Rules of Procedure; Repealing R2020-3058 as amended. Councilor Reid seconded. Motion passed unanimously as follows:
- AYES: Clark, Reid, Juran, Day, Herrera, Smith and Kohler (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)
- e. RESOLUTION – Adoption of 2021-2022 City Council Goals/Work Plan** City Manager Pro Tem Tim Wood read the staff report. Discussion followed regarding various items of the work plan. Councilor Day urged that whoever works on the community diversity engagement part of the work plan consider the suggestions made by Courtney Clendening. Councilor Smith moved that the Keizer City Council approve the Resolution - Adoption of 2021-2022 City Council Goals/Work Plan. Councilor Reid seconded. Motion passed unanimously as follows:
- AYES: Clark, Reid, Juran, Day, Herrera, Smith and Kohler (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Clark appointed the following:

Parks Master Plan and Community Outreach: Smith & Herrera

Community Diversity and Engagement: Herrera, Smith & Reid

Council Rules: Smith, Kohler & Reid COMPLETE

Volunteer Training: Kohler & Day

Recruit and Hire City Manager: Smith & Clark with HR, Wood & Johnson

Housing Disparity and Barriers: Smith, Juran & Clark

**f. RESOLUTION –
Authorizing City
Manager Pro
Tem and Chief
of Police to Sign
2021-2023
Collective
Bargaining
Agreement with
Keizer Police
Association**

Mr. Johnson read the staff report. Mayor Clark thanked Human Resources Director Machell DePina, Chief Teague and members of the Keizer Police Association for bringing this forward. Chief Teague expressed satisfaction with the document.

Councilor Smith moved that Keizer City Council approve a Resolution Authorizing City Manager Pro Tem and Chief of Police to Sign 2021-2023 Collective Bargaining Agreement with Keizer Police Association. Councilor Reid seconded. Motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**CONSENT
CALENDAR**

- a. RESOLUTION – Authorizing Finance Director to Enter Into Agreement with PowerDMS for Pro Base and License Software Services
- b. RESOLUTION – Authorizing City Manager Pro Tem to Offer Temporary Employment to Sergeant David LeDay
- c. Approval of March 29, 2021 Work Session Minutes
- d. Approval of April 1, 2021 Special Session Minutes
- e. Approval of April 5, 2021 Regular Session Minutes

Councilor Kohler pulled item b.

Councilor Smith moved that the Keizer City Council approve items a, c, d and e of the Consent Calendar. Councilor Kohler seconded. Motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Kohler noted that item b involved a lot of money and questioned if that has been the practice. Mr. Wood explained that there has been a change in the PERS program, so this is something new, but there is a sunset date in this new provision so the practice would not continue when it ends. He noted that this is a way to reduce the City's

PERS liability. The City is not paying more for Sgt. LeDay's time, but by letting him retire early, the City does not have to pay the 6% employee match (a cash savings up front of \$6500) and the employee contribution of \$26,000 per year will directly pay down the ongoing PERS liabilities.

Chief Teague provided detailed clarification on the benefits of this action and directed attention to his staff report in the packet for further clarification. Discussion followed regarding pay scale, benefits, how often LeDay's skills are used, entry-level salary, the benefits of mutual aid with other organizations, the training that LeDay would do with his replacement, and setting a precedent.

Councilor Reid moved that the Keizer City Council approve a Resolution Authorizing City Manager Pro Tem to Offer Temporary Employment to Sergeant David LeDay. Councilor Kohler seconded.

Councilor Reid urged Council to listen to the expertise of the Finance Director and Police Chief in terms of this position and how it will benefit Keizer. Councilor Herrera and Kohler echoed this. Mayor Clark voiced concern regarding setting a precedent.

Mr. Johnson assumed a friendly amendment to insert the correct amount in the hourly rate. Councilors Reid and Kohler accepted the amendment.

Motion failed as follows:

AYES: Reid, Herrera and Kohler (3)

NAYS: Juran, Smith, Clark and Day (4)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Reid moved that the Keizer City Council look into this further in terms of setting more specific criteria as a precedent and revisit this issue once those criteria are in place. Councilor Herrera seconded.

Mayor Clark offered a friendly amendment to come back with an offer more in line with traditional temporary employment and that this offer be more in line with existing policy and practices rather than a new one relative to Senate Bill 1049.

Councilors Reid and Herrera accepted the friendly amendment.

Councilor Reid indicated that she would like clarification on what that means in terms of the financial package. Mr. Wood explained that a typical 6-month savings would be about \$12,500 in benefits and approximately \$12,000 in accrued time off that would not be paid out and this could be extended after six months.

Motion restated: That the Keizer City Council come back with an offer more in line with traditional temporary employment and more in line with existing policy and practices rather than a new one relative to Senate Bill 1049. Motion passed as follows:

AYES: Clark, Reid, Juran, Day, Herrera and Smith (6)
NAYS: Kohler (1)
ABSTENTIONS: None (0)
ABSENT: None (0)

**COUNCIL LIAISON
REPORTS**

Councilor Reid announced 'Meet McNary Night' for incoming freshmen.

Councilor Herrera recognized three students that won the leadership scholarships.

Councilor Kohler announced that pictures of the Phil Bay presentation would be posted on the City's website and thanked Public Works for speedy repair of an area stop sign.

Councilor Day reported that the Traffic Safety-Bikeways-Pedestrian Committee had discussed grant opportunities and remedies for two intersections that are hazardous to pedestrians and met with neighborhood associations regarding sidewalk connectivity.

Mayor Clark reported on the Mid-Willamette Valley Homeless Alliance, announced that the former Hillcrest Youth Correctional Facility has sold and will become part of a mental health facility for drug and alcohol treatment and that the pallet home site on Portland Road will only be allowed to remain for 18 months due to Department of Environmental Quality regulations.

OTHER BUSINESS

City Recorder Tracy Davis reminded Council of the April 26 Work Session.

City Manager Pro Tem/Finance Director Tim Wood announced that Marion County would be hosting a small vaccine clinic at the Community Center and that a sound contractor would be working in the Chambers soon to remedy the faulty sound system.

**WRITTEN
COMMUNICATIONS**

Mayor Clark announced that written comments received would be included in the record and posted on the website: Jeanie White, Jonathan Thompson, Levi Herrera-Lopez, Sean Nikas, Carrie Brown, Elizabeth Sagmiller, Alicia Martinez Itzaina, Elizabeth Heredia and LaTonya Gibbs, regarding Councilor Herrera; and Rich Rodriguez, regarding CO² emissions.

AGENDA INPUT

April 26, 2021, 6:00 p.m. – Council Work Session – FEMA Training
May 3, 2021, 7:00 p.m. – City Council Regular Session
May 4, May 6, and May 10, 2021, 6:00 p.m. - Keizer Budget Committee
Virtual Meetings
May 17, 2021, 7:00 p.m. - City Council Regular Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 10:43 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Ross Day

Councilor #5 – Elizabeth Smith

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved: 05-03-21