



MINUTES
KEIZER CITY COUNCIL
Monday, May 3, 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:

Tim Wood, City Manager Pro Tem
/Finance Director
Shannon Johnson, City Attorney
Bill Lawyer, Public Works Director
John Teague, Police Chief
Shane Witham, Planning Director
Tracy Davis, City Recorder

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

None

**COMMITTEE
REPORTS**

**a. Volunteer
Coordinating
Committee
Recommendation
for Appointments
for Keizer Public
Arts Commission
and Willamette
Water Trail
Partnership**

City Manager Pro Tem Tim Wood reported that following review of applications and acceptance of testimony from the candidates, the Volunteer Coordinating Committee unanimously recommended Kim Steen and Felicia Squires to the Public Arts Commission and Hersch Sangster to the Willamette Water Trail Partnership.

Councilor Smith moved that the Keizer City Council accept the Volunteer Coordinating Committee recommended appointments. 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**

Michael DeBlasi reported that the Southeast Keizer Neighborhood Association had reported two unsafe intersections to Traffic Safety-Bikeways-Pedestrian Committee and the Committee felt these intersections would be good candidates for the Pedestrian Flag Program. He brought attention to the handout each Councilor had received and

PUBLIC TESTIMONY

provided details on the program. Mayor Clark asked staff to come back with their perspective on this as a pedestrian safety measure and suggested that the opinion of the Safe Routes to School coordinator be included.

Marion County Fire District Chief *Kyle McMann* and Board President *Mike Welter* shared an informational slide show about the Fire District.

Mark Caillier, Interim Chamber Executive Director, shared the Chamber quarterly report noting that they are open for business but that area businesses are suffering due to the extended Covid-19 restrictions in place and because of that, the Chamber is losing members. He then shared current Chamber plans including the Keizerfest in August and progress with the Enhanced Visitor Experience program.

Alexis Smith, Keizer, voiced opposition to the current Covid-related restrictions and urged everyone protest peacefully and take off their masks.

Mathew Poteet, Keizer, invited everyone to a scavenger hunt sponsored by 50 businesses in Salem and Keizer and shared details about the event and the prizes.

Clair Steiner, Keizer, stated that she felt Council was not serving citizens equitably. She urged Council to look closely at their decisions and actions and to be aware that they serve a community that desperately needs their attention so that it can heal from two different pandemics – Covid and racism.

Jane Herb, Keizer, shared information about the Stand For Freedom Project which encourages the passing of resolutions and ordinances allowing municipalities to proclaim that their jurisdiction will not enforce mandates that go against the U.S. or Oregon Constitutions. The documents are meant to protect jurisdictions from the Governor's emergency order whims now and in the future. She urged everyone to learn more at the www.RestoreOregonNow.org website.

Rich Rodriguez, Keizer, voiced concern over melting glaciers and wild fires in Oregon, noting that we are living in a climate crisis and that he would be submitting a resolution on how the Council can respond.

Mickey Lansing Luehrs, Salem, on behalf of Friends of Cari Coleman shared information about funds that the organization has raised, announced that May is Brain Cancer Awareness Month, and thanked Chief Teague, Council and Tim Wood for their efforts.

Cyndi Swaney for Levi Herrera-Lopez, Keizer, read a letter from Mr. Herrera-Lopez related to injustices and systematic harassment suffered by people of color and specifically by Councilor Herrera.

R.J.Navarro, Keizer, shared information regarding a car show held to promote inclusivity and provide a welcome environment to all noting that they hope to hold the event every year, and announced the Willamette River Cleanup on May 22.

Katherine Stone, Keizer, asked for clarification about a grant received to assist the homeless. Mayor Clark provided details, fielded additional questions regarding the proposed mental health facility at Hillcrest and directed Ms. Stone to the city website for more information.

Deborah Kennedy, Keizer, reminded everyone of events that occurred during the tenure of Chuck Stull and noted that she did not feel that Councilor Herrera had violated the due process of Chris Eppley. Mayor Clark responded that the incident was investigated by the Oregon State police and reviewed by the District Attorney and no crime was committed. The issue was violation of Council Rules and Procedures and is in the Council packet and available for anyone to read.

PUBLIC HEARING

a. 7-11 Store Liquor License – Change of Ownership

Mayor Clark opened the Public Hearing.

City Manager Pro Tem Tim Wood read the staff report noting that because the notice published in the Keizertimes did not provide the required 14-day comment period, staff requests a continuance of the hearing to Monday, May 17, 2021.

Mayor Clark continued the Public Hearing to May 17, 2021.

ADMINISTRATIVE ACTION

a. Possible Councilor Investigation

City Attorney Shannon Johnson read his staff report. Mayor Clark clarified that some of the material included were from written comments that others had submitted.

Councilors Smith and Juran requested that this item be moved to the next meeting. There were no objections to doing so.

b. Southeast Keizer Neighborhood Association Annual Report

Because there was no representative from the Association, this item was moved to the Monday, May 17 meeting.

c. RESOLUTION – Authorizing City Manager Pro Tem to Offer Temporary Employment to Sergeant David

City Manager Pro Tem/Finance Director Tim Wood summarized the staff report. Lengthy discussion followed regarding the procedure necessary to consider this matter. Councilors eligible to make a motion to reconsider were unwilling to do so.

Mayor Clark moved that the Keizer City Council adopt a policy to allow all eligible Keizer employees who wish to retire early and allow the City the benefit of the PERS provisions under Senate Bill 1049 be allowed to do

LeDay

so with a sunset of December 31, 2024. Councilor Smith seconded.

Discussion followed regarding the policy and making the option available to all eligible employees, monetary impact, overtime, and the benefit of retaining current employees.

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 clarified that now that Council has adopted the above policy Council can move forward with consideration of the re-hire of Sgt. LeDay. Mr. Wood clarified pay rates.

Mayor Clark moved to reconsider the motion Authorizing City Manager Pro Tem to Offer Temporary Employment to Sergeant David LeDay which failed at the April 19, 2021 Council meeting. Councilor Reid seconded. Motion passed as follows:

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

NAYS: Smith and Day (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

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.

Discussion followed regarding the skill set of Sgt. LeDay, outsourcing, the eligibility of other employees, contents of the offer letter, the resolution which fulfills the policy just agreed upon, the importance of annual performance evaluations, involving the general public in this decision, and the need of having an HR person part of this discussion.

Motion passed as follows:

AYES: Clark, Reid, Herrera and Kohler (4)

NAYS: Juran, Day and Smith (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Clark asked staff to come back with anything the Council needs to look at in terms of policy regarding the implementation of Senate Bill 1049 and what would work for the City, as employer, and employees for performance evaluation and other issues regarding offering temporary post-retirement employment.

**d. ORDINANCE –
Declaring a
Sixth Local
State of
Emergency in
the City of
Keizer as a
Result of
COVID-19
Pandemic;
Declaring an
Emergency**

City Attorney Shannon Johnson summarized his staff report. Councilor Day suggested that the name of Chris Eppley as City Manager in the staff report for this item and the next be replaced with Tim Wood, City Manager Pro Tem.

Councilor Smith moved that the Keizer City Council adopt a Bill for an Ordinance Declaring a Sixth Local State of Emergency in the City of Keizer as a Result of COVID-19 Pandemic; Declaring an Emergency. 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)

Mr. Johnson explained that if Council wants to continue meeting in person there is no need for a motion.

**e. Approving
May 19, 2021
and May 24,
2021 as Virtual
Work Sessions**

Mr. Johnson summarized his staff report. Mayor Clark added that the presenter for the May 24 meeting is out of state so that meeting needs to be virtual.

Councilor Smith moved that the Keizer City Council approve the May 19, 2021 and May 24, 2021 virtual work sessions. 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)

**f. Approval of
Council Training
Opportunity**

City Manager Pro Tem Tim Wood summarized his staff report.

Councilor Smith moved to approve the \$300 registration costs for Mayor Clark and Councilor Reid to attend the Strategic Government Resources Elected Officials Conference – Common Ground on June 23 and June 24, 2021. 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. Keizer Police Community Service Unit and Community Response Unit Petty Cash Report
- B. Approval of April 12, 2021 Work Session Minutes
- C. Approval of April 19, 2021 Regular Session Minutes

Councilor Kohler pulled Item C.

Councilor Smith moved that the Keizer City Council approve items A and B of the Consent Calendar. 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)

Following clarification of when the Volunteer of the Quarter would be recognized, Councilor Smith moved for approval of Item C of the Consent Calendar. 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)

OTHER BUSINESS

Councilor Smith moved that the Keizer City Council suspend the rules to discuss release of the private investigator's report regarding the firearm discharge by the former City Manager. 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)

Councilor Smith moved that the Keizer City Council direct staff to release the private investigator's report regarding the former City Manager's discharge of a firearm in City Hall in its entirety along with a press release answering some of the common questions arising in connection with that incident. 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)

Councilor Day questioned the role of the Police if a person refuses to leave school property after being directed to do so. Chief Teague explained that if the School District wants to 'trespass' the offender, then the Police will help with that.

Chief Teague reported that the Community Response Unit apprehended a person who has committed numerous crimes over several years and gotten him into the Department of Corrections where he can get the help he needs to become a better citizen.

Planning Director Shane Witham reported that the Transportation Growth Management grant packet is now available. Staff will review and possibly come back to Council for permission to apply for a grant to update the Transportation System Plan. Additionally, the Oregon Housing Services Department has indicated that Keizer is at 24.7% which is just under the threshold for being severely rent burdened.

Public Works Director Bill Lawyer reported that the Claggett Creek Park play structure is now open for use; bids received recently for ADA upgrades have all been rejected because they were higher than anticipated. It will be readdressed this fall with just critical needs being addressed.

City Manager Pro Tem/Finance Director Tim Wood reported that the City continues to partner with Marion County holding Covid-19 Vaccine Clinics and that the Interim City Manager recruitment closing is May 17.

Mayor Clark noted that she was dissatisfied with the population forecast numbers by the Population Research Center at Portland State University and the Salem-Keizer Area Transportation Study has significant questions as to how those numbers were derived. As Chair of SKATS, she just signed a letter regarding methodology used and the low numbers and asked if Keizer was going to draft a letter as well. Mr. Witham explained that a meeting is planned with the head person to discuss this matter and he did not feel it was necessary for Keizer to send a letter but it is important to be supportive of the region.

COUNCIL MEMBER REPORTS

Councilor Reid announced that the McNary Principal, Erik Jespersen, received the Oregon Principal of the Year Award. McNary and Willamette Service Education District will be joining with the Center for Equity and Inclusion in a training pilot program.

Councilor Herrera congratulated Erik Jespersen and reported on the LAC scholarship program and the League of Oregon Cities Equity Inclusion Committee. He thanked sponsors and mentors and urged everyone to support McNary sports.

Councilor Kohler thanked Kevin Clark for his help in the Emergency Management course and announced that 400 meals were served at the last community dinner.

Councilor Day congratulated Erik Jespersen, thanked him and others from the Salem-Keizer School District for the tour, thanked Kevin Clark, Jim Trett and Bill Cline for their emergency training, and announced that his son had signed a letter of intent to play football next year at Linfield University.

Mayor Clark echoed the emergency training thanks already stated, thanked everyone helping neighbors in the canyon, and announced upcoming meetings and events.

WRITTEN COMMUNICATIONS

Mayor Clark noted receipt of the following written comments which will be posted on the City website: Carol Doerfler re: Ross Day; Levi Herrera (read during Public Testimony); and Davis Dyer re: Emergency Declaration.

AGENDA INPUT

May 4, May 6, and May 10 (if necessary), 2021, 6:00 p.m. - Keizer Budget Committee Virtual Meetings
May 17, 2021, 7:00 p.m. - City Council Regular Session
May 19, 2021, 6:00 p.m. - City Council/Planning Commission Work Session
May 24, 2021, 6:00 p.m. - City Council Work Session
June 7 2021, 7:00 p.m. - City Council Regular Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 10:22 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: 05-17-21