AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION
Monday, March 2, 2020
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

5. COMMITTEE REPORTS
   a. Volunteer Coordinating Committee Recommendation for Appointment – Youth Councilor

6. PUBLIC TESTIMONY
   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. 2020 City of Keizer Liquor License Renewals

8. ADMINISTRATIVE ACTION
   a. Fee Waiver Request for Soggy Day in the Park at Keizer Rapids Park
   b. RESOLUTION – Authorizing Mayor to Send Letter of Support for Salem Area Mass Transit District to Use in Grant Applications for Federal Transit Administration Low – No Programs and the Bus and Bus Facilities Grant Programs

9. CONSENT CALENDAR
   a. RESOLUTION – Authorizing City Manager to Award and Enter Into An Agreement with Gelco Construction Inc. for the Construction of Pathway Along Delight Street North
b. **RESOLUTION** – Authorizing City Manager to Award and Enter Into An Agreement with R&R General Contracting for Upgrades to ADA Curb Ramps and Pedestrian Traffic Signals on River Road (Phase 2)

c. **RESOLUTION** – Authorizing the City Manager to Enter Into Amendment Number 01 to Oregon Department of Transportation Local Agency Certification Program Supplemental Project Agreement for Fiber Optic Interconnect – River Road: Shangri-La Avenue to Wheatland Road

d. Approval of February 10, 2020 Work Session Minutes

e. Approval of February 18, 2020 City Council Regular Session Minutes

10. **COUNCIL LIAISON REPORTS**

11. **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.*

12. **WRITTEN COMMUNICATIONS**
*To inform the Council of significant written communications.*

13. **AGENDA INPUT**

    **March 9, 2020**
    6:00 p.m. – City of Keizer Long Range Planning Task Force

    **March 16, 2020**
    7:00 p.m. - City Council Regular Session

    **April 6, 2020**
    7:00 p.m. - City Council Regular Session

14. **ADJOURNMENT**

The City of Keizer is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). The Keizer Civic Center is wheelchair accessible. If you require any service that furthers inclusivity to participate, please contact the Office of the City Recorder at least 48 business hours prior to the meeting by email at davist@keizer.org or phone at (503)390-3700 or (503)856-3412. Most regular City Council meetings are streamed live through the City’s website and cablecast on Comcast Channel 23 within the Keizer City limits. Thank you for your interest in the City of Keizer.
TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, MMC
CITY RECORDER

SUBJECT: VOLUNTEER COORDINATING COMMITTEE RECOMMENDATIONS FOR APPOINTMENT

ISSUE:

The Volunteer Coordinating Committee met on February 20, 2020 to review applications and interview candidates to fill the remainder of the 2019-2020 term and the 2020-2021 term for the Keizer Youth Councilor position. The Committee is recommending Daniel Matthews to serve as Keizer Youth Councilor, term expiring June 30, 2021.

RECOMMENDATION:

It is recommended the City Council accept the recommendations of the Volunteer Coordinating Committee and appoint Daniel Matthews to serve as Keizer Youth Councilor, term expiring June 30, 2021.
TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, MMC
CITY RECORDER

SUBJECT: 2020 LIQUOR LICENSE RENEWALS

♦ 7-Eleven Store #2362-17727G(south)  ♦ Los Dos Hermanos
♦ 7-Eleven Store #2362-17762C(north)  ♦ Love of the Game
♦ Abby’s Pizza  ♦ Mario’s Bar
♦ AJ’s Hideaway Bar and Grill  ♦ Mariscos La Sirenita
♦ All Stars Sports Grill  ♦ Mommy and Maddi’s
♦ B&S Market  ♦ Nancy’s Burgers and Fries
♦ Bai Bua Thai Kitchen  ♦ Neighborhood Market #7
♦ Bi Mart #624  ♦ Neighborhood Mini Mart
♦ Café Yum  ♦ Ocean Sushi & Teriyaki
♦ Casamigo’s Mexican Restaurant  ♦ Odd Moe’s Pizza
♦ Chemawa Market  ♦ Outback Steak House
♦ Chen’s Dynasty  ♦ Pats 1 Cigs
♦ Cherry Ave Market and Deli  ♦ Pho Keizer
♦ Cherry’s Nagani  ♦ Plaza Morelia
♦ Chipotle Mexican Grill  ♦ Red Ginger Restaurant
♦ Coopers Deli & Pub  ♦ Ringo’s Tavern
♦ Cost Plus World Market  ♦ Rite Aid #5364
♦ El Patron  ♦ Round Table Pizza #964
♦ Elks Lodge #2472  ♦ Royal Pub
♦ Good Times 1  ♦ Safeway Store #1516
♦ Growl Movement  ♦ Shari’s of Keizer
♦ Gustav’s Bargarten Keizer  ♦ Smoker Friendly #2
♦ Gyro Stop  ♦ Smoker Friendly #3
♦ Hops N Drops  ♦ Sweet Home Thai Cuisine
♦ JC’s Pizzeria  ♦ Target Store #2110
♦ Jeff and Sheryl’s  ♦ Teriyaki Town and Sushi
♦ John’s Chinese Restaurant  ♦ Thai Lotus
♦ Keizer Food Market  ♦ The Pour House Saloon
♦ Keizer Liquor Store  ♦ Town and Country Lanes Inc
♦ Keizer Mart  ♦ US Market #125
♦ Keizer Shell Food Mart  ♦ VIP Beverage and Event Services
♦ Keizer Sub Shop  ♦ Walgreens #04230
♦ Kolby’s Restaurant Bar & Billiards  ♦ Waremart by Winco
♦ La Hacienda Real  ♦ Willow Lake Golf Center
BACKGROUND:

Each year the Oregon Liquor Control Commission requires liquor establishments to renew their license to sell alcoholic beverages. The City of Keizer adopted an Ordinance which declares business owners shall have the responsibility to contribute to, rather than jeopardize the well being of the community and the liquor licensee should promote, sell and serve alcoholic beverages in a responsible manner which minimizes the risks associated with its use. The Ordinance outlines guidelines for annual review of each of the liquor establishments within the City.

ISSUE:

Following the guidelines as outlined in the Ordinance, notice of public hearing was published in the Keizertimes asking for objections to the license renewals. No responses were received by the writing of this report.

The Keizer Police Department has reviewed the 2019 calls for service at each of the establishments and has no reason to recommend denial of the liquor license renewals for the above listed establishments. Their report is attached.

The Keizer Community Development Department also had an opportunity to comment on zoning issues for each of these establishments. There were no zoning violations noted.

RECOMMENDATION:

It is recommended the Keizer City Council open the public hearing, receive testimony, and close the public hearing. It is further recommended the Council vote to recommend renewal of the listed liquor licenses and forward this recommendation to the Oregon Liquor Control Commission.
TO: Mayor Clark and City Council Members

THRU: Chris Eppley, City Manager

FROM: John Teague, Chief of Police
       Paula Collins, Support Services Supervisor

SUBJECT: Liquor License Renewals for 2020

DATE: February 24, 2020

ISSUE:
Shall the City Council approve the renewal of the liquor licenses for businesses which sell and/or serve alcoholic beverages within the City of Keizer?

BACKGROUND:
Under the direction of the chief of police, the support services supervisor conducted a review of police calls for service at the establishments that sell and/or serve alcohol in the City of Keizer for calendar year 2019. Using the guidelines set forth in City Ordinance 2010-623, it was determined that none of the establishments reviewed were found to be in violation of the ordinance in that there was no history of serious or persistent problems detected.

RECOMMENDATION:
The Keizer Police Department has no reason to recommend denial of the liquor license renewals for the establishments which sell and/or serve alcoholic beverages within the City of Keizer.

JOT/pfc
TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: BILL LAWYER
PUBLIC WORKS DIRECTOR

SUBJECT: FEE WAIVER REQUEST FOR A SOGGY DAY IN THE PARK AT KEIZER RAPIDS PARK

BACKGROUND:

The Claggett Creek Watershed Council (CCWC) is planning the third annual Soggy Day in the Park event for Saturday April 18th, 2020. This event is designed to encourage families from the community to get into the outdoors, have fun, learn something about the Willamette River through boat rides on the river and learn about invasive species through nature hikes in the natural area of the park. Other activities planned include backhoe demonstrations, food catered by Adam’s Rib Smokehouse and bouncy houses for kids to play in.

This matter is before the Council to consider whether it is appropriate to waive or reduce fees for the event. Here is a breakdown of the total fees for the event as proposed.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Fee for Amphitheater permit</td>
<td>$60.00</td>
</tr>
<tr>
<td>Refundable Deposit</td>
<td>$150.00</td>
</tr>
<tr>
<td>Use Fees (7hrs. @$40.00 per hr.)</td>
<td>$280.00</td>
</tr>
<tr>
<td><strong>Total Fees</strong></td>
<td><strong>$490.00</strong></td>
</tr>
</tbody>
</table>

It is appropriate for Council to consider the matter of the fees and make a minute motion to deny the waiver request, waive some of the fees, or waive all of the fees for the April 18th, 2020 Soggy Day in the Park event at the Keizer Rotary Amphitheatre and Keizer Rapids Park.

RECOMMENDATION:

The City Council should consider the matter and make a minute motion to formalize its intent with regard to the fees.

Please contact me with any questions or concerns.
CITY COUNCIL MEETING: March 2, 2020

AGENDA ITEM NUMBER:______________

TO:   MAYOR CLARK AND COUNCIL MEMBERS
THROUGH:   CHRISTOPHER C. EPPLEY, CITY MANAGER
FROM:  E. SHANNON JOHNSON, CITY ATTORNEY
SUBJECT:  LETTER OF SUPPORT (SALEM AREA MASS TRANSIT DISTRICT)

Salem Area Mass Transit District (SAMTD) is applying for Federal Transit Administration Low-No program and Bus and Bus Facilities grant programs. The grants will be for the purchase of battery electric buses and the supporting charging infrastructure.

Salem Area Mass Transit District has requested that the City provide a letter of support to provide with its grant applications. I have attached a copy of the request for your information.

RECOMMENDATION:

Review the matter and if Council desires, adopt the attached Resolution authorizing the Mayor to sign the letter of support attached to the Resolution.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh
Subject: FW: Support Letter Request
Attachments: City of Keizer_Low_No Grant Support_3.2020.doc

From: Steve Dickey [mailto:Steve.Dickey@cherriots.org]
Sent: Wednesday, February 26, 2020 11:02 AM
To: Brown, Nate <brownn@keizer.org>
Subject: Support Letter Request

Dear Nate,

Salem Area Mass Transit District’s (SAMTD) is applying for Federal Transit Administration (FTA) Low-No program and the Bus and Bus Facilities grant programs. These grants will be for the purchase of battery electric buses and the supporting charging infrastructure. As part of the application process we are asking our valued community partners to provide a letter of support for these grant applications. We have provided a sample letter for your use in this request. Please feel free to edit it as you see fit.

Once you have completed the letter and have signed it, please forward a scanned copy to Kathy Martens at: kathy.martens@cherriots.org. If you would prefer to mail a hard copy, please send it to:

Cherriots
Attn. Kathy Martens
555 Court Street NE. Suite 5230
Salem, OR 97301

We need to receive the copies by March 10, 2020 at the latest.

We appreciate your consideration of providing these letters of support.

Thank you,

Stephen Dickey
Director of Strategic Initiatives and Program Management
Civil Rights Officer
steve.dickey@cherriots.org
Direct: 503-361-2552

555 Court St NE, Suite 5230
Salem, OR 97301
Administration: 503-588-2424
Fax: 503-566-3933
[DATE]

Jane Williams, Acting Administrator
U.S. Department of Transportation
Federal Transit Administration
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Ms. Williams:

I am writing in support of Salem Area Mass Transit District’s (SAMTD) Federal Transit Administration (FTA) Low-No program and the Bus and Bus Facilities grant application. The mission of SAMTD is to provide a safe, friendly and reliable public transportation system for local commuters. For the City of Keizer, a project like this would improve overall access and transportation to various important aspects of our citizens.

It’s our understanding these grants will provide funding to purchase five electric zero emission vehicles and related charging infrastructure. We know SAMTD is committed to sustainable practices and having electric vehicles is another step towards attaining those practices. Electric vehicles will also help support and maintain clean air and reduce dependence on petroleum-based fuels. In turn, this will improve air quality in the Salem-Keizer urbanized area. A clean and efficient bus transit system improves the quality of life and increases connectivity between citizens and their livelihood.

We at the City of Keizer highly support any projects that will bring sustainable practices to our area and be an example for other transit agencies.

Sincerely,

[Your name, Your Title]
[Your Agency’s Name]
CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2020-_____  

AUTHORIZING MAYOR TO SEND LETTER OF SUPPORT FOR  
SALEM AREA MASS TRANSIT DISTRICT TO USE IN GRANT  
APPLICATIONS FOR FEDERAL TRANSIT ADMINISTRATION LOW  
–NO PROGRAM AND THE BUS AND BUS FACILITIES GRANT  
PROGRAMS  

WHEREAS, Salem Area Mass Transit District (SAMTD) is applying for Federal  
Transit Administration (FTA) Low-No program and the Bus and Bus Facilities grant  
programs to purchase battery electric buses and the supporting charging infrastructure;  

WHEREAS, SAMTD has requested that the Keizer City Council prepare a letter  
of support for it to use in the application process;  

WHEREAS, the City Council desires to have the Mayor send a letter of support to  
SAMTD to use in the application process;  

NOW, THEREFORE,  

BE IT RESOLVED by the City Council of the City of Keizer that the Mayor is  
authorized to send the attached letter of support to SAMTD.  

BE IT FURTHER RESOLVED that the City of Keizer’s support does not include  
any promise or commitment for financial support.
BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _______ day of _________________, 2020.

SIGNED this _______ day of _________________, 2020.

_________________________________
Mayor

_________________________________
City Recorder
March 3, 2020

Jane Williams, Acting Administrator
U.S. Department of Transportation
Federal Transit Administration
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Ms. Williams:

I am writing on behalf of the Keizer City Council in support of Salem Area Mass Transit District’s (SAMTD) Federal Transit Administration (FTA) Low-No program and the Bus and Bus Facilities grant application. The mission of SAMTD is to provide a safe, friendly and reliable public transportation system for local commuters. For the City of Keizer, a project like this would improve overall access and transportation to various important aspects of our citizens.

It is the Keizer City Council’s understanding these grants will provide funding to purchase five electric zero emission vehicles and related charging infrastructure. The City Council knows SAMTD is committed to sustainable practices and having electric vehicles is another step towards attaining those practices. Electric vehicles will also help support and maintain clean air and reduce dependence on petroleum-based fuels. In turn, this will improve air quality in the Salem-Keizer urbanized area. A clean and efficient bus transit system improves the quality of life and increases connectivity between citizens and their livelihood.

We at the City of Keizer highly support any projects that will bring sustainable practices to our area and be an example for other transit agencies.

Sincerely,

Cathy Clark,
Mayor
TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: BILL LAWYER
PUBLIC WORKS DIRECTOR

SUBJECT: DELIGHT STREET PATHWAY

DATE: February 24, 2020

BACKGROUND:

Providing a route for pedestrians along Delight Street North that is not part of the vehicle travel lane has been a priority of the West Keizer Neighborhood Association (WKNA) for a number of years. Staff has worked with the WKNA and the School District to coordinate the completion of this goal.

An asphalt pathway will be constructed along the west side of Delight Street from Chemawa Road North to Dearborn Avenue North and will be 10 feet wide. The project also includes the addition of white fog lines to be placed on both sides of Delight Street to delineate the vehicle lanes from the pathway. This portion of the pathway will be constructed and funded by the City of Keizer.

The School District will construct and fund a pathway from Dearborn Avenue North to the Cummings School property and across the property to the school building.

Public Works solicited bids for the city’s portion of the project and received 8 bids which were opened on Tuesday February 18th, 2020 at 2:00pm. The bids ranged from a high of $239,822.00 to a low of $149,580.00 with Gelco Construction Inc. submitting the lowest bid. The engineers estimate for this project was $170,000.00

FISCAL IMPACT:

Funding is available in the City Council adopted FY 19-20 Street Fund Capital Outlay budget.
RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution authorizing the City Manager to enter into a contract with Gelco Construction Inc. in the amount of $149,580.00 for the construction of a 10 foot wide asphalt pathway along Delight Street North.

Please contact me with any questions or concerns.
CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2020-_____

AUTHORIZING THE CITY MANAGER TO AWARD AND ENTER INTO AN AGREEMENT WITH GELCO CONSTRUCTION INC. FOR THE CONSTRUCTION OF PATHWAY ALONG DELIGHT STREET NORTH

WHEREAS, construction of a pathway along Delight Street North has been a priority of the West Keizer Neighborhood Association (WKNA) for a number of years;

WHEREAS, staff has worked with WKNA and the school district to coordinate completion of the pathway and white on both sides of Delight Street to delineate the vehicle lanes from the pathway;

WHEREAS, the pathway will be constructed and funded by the City and the school district will construct and fund a pathway from Dearborn Avenue North to Cummings School property;

WHEREAS, the City issued a request for bids and eight bids for this project were received. Gelco Construction Inc. submitted the low bid for a total amount of $149,580.00. The City Engineer has reviewed and certified the bids;

WHEREAS, a notice of intent to award the bids was sent to the bidders on February 24, 2020;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to award the contract to and enter into an agreement with Gelco Construction Inc. for the construction of a pathway along Delight Street North.
Inc. for a total cost of $149,580.00 for construction of the pathway along Delight Street North.

Funding for this project is from the 2019/2020 Street Fund.

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

PASSED this _________ day of ____________________, 2020.

SIGNED this _________ day of ____________________, 2020.

_________________________________
Mayor

_________________________________
City Recorder
TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: BILL LAWYER
PUBLIC WORKS DIRECTOR

SUBJECT: AMERICAN FOR DISABILITIES ACT (ADA) CURB RAMP UPDATE ON RIVER ROAD PHASE 2

DATE: February 24, 2020

BACKGROUND:

The Public Works Department Streets Division is planning to resurface River Road from Claggett Street to Swingwood Court. Requirements of the American with Disabilities Act (ADA) mandate that curb ramps and pedestrian traffic signals be brought up to current ADA standards as part of, or prior to resurfacing the roadway. Staff determined separating the ADA ramp and pedestrian signal work from the road resurfacing work would result in a cost savings to the city and plans to have this work done prior to the resurfacing work.

Public Works solicited bids for the project and received 5 bids which were opened on Tuesday February 18th 2020 at 2:30pm. The bids ranged from a high of $657,660.00 to a low of $499,100.00 with R & R General Contracting submitting the lowest bid. The engineers estimate for this project was $500,000.00

FISCAL IMPACT:

Funding is available in the City Council adopted FY 19-20 Street Fund Capital Outlay Budget.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution authorizing the City Manager to enter into a contract with R & R General Contracting in the amount of $499,100.00 for the upgrades to the ADA curb ramps and associated pedestrian traffic signal upgrades on River Road from Claggett Street to Swingwood Court.

Please contact me if you have questions.
CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2020-_____

AUTHORIZING THE CITY MANAGER TO AWARD AND ENTER
INTO AN AGREEMENT WITH R & R GENERAL CONTRACTING
FOR UPGRADES TO ADA CURB RAMPS AND PEDESTRIAN
TRAFFIC SIGNALS ON RIVER ROAD (PHASE 2)

WHEREAS, the Public Works Department is planning to resurface River Road from Claggett Street to Swingwood Court;

WHEREAS, the American with Disabilities Act (ADA) requires that curb ramps and pedestrian traffic signals be brought up to current ADA standards as part of, or prior to resurfacing of the roadway;

WHEREAS, bids for the ADA curb ramp and pedestrian traffic signal portion of the project was solicited;

WHEREAS, five bids for this project were received.  R & R General Contracting submitted the low bid for a total amount of $499,100.00.  The City Engineer has reviewed and certified the bids;

WHEREAS, a notice of intent to award the bids was sent to the bidders on February 24, 2020;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to award the contract to and enter into an agreement with R & R General Contracting for a total cost of $499,100.00 for upgrades to ADA curb ramps and pedestrian...
traffic signals on River Road from Claggett Street to Swingwood Court. Funding for this
project is from the Street Fund.

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

PASSED this __________ day of _________________, 2020.

SIGNED this __________ day of _________________, 2020.

_________________________________
Mayor

_________________________________
City Recorder
TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: FIBER OPTIC INTERCONNECT – RIVER ROAD: SHANGRI-LA AVENUE TO WHEATLAND ROAD – AMENDMENT NO. 1

In August 2019, the City Council authorized the City Manager to enter into Oregon Department of Transportation Local Agency Certification Program Supplemental Project Agreement between the City of Salem, ODOT and the City for the fiber optic interconnect project on River Road between Shangri-La Avenue to Wheatland Road.

The estimated cost of the project under the original agreement is $1,970,000 of which $1,767,681 is from federal and state funds. The City’s match is 10.27 percent.

It has now been determined that the estimated cost of the project is $2,400,000 or which $2,153,520 is from federal and state funds. The City’s match is 10.27 percent. Funds are available in the Street Fund. The Oregon Department of Transportation has prepare Amendment No. 1 to the agreement to revise the cost of the project.

In addition, Amendment No. 1 also identifies approval of the City of Salem’s Americans with Disabilities Act process.

The attached Resolution authorizes the City Manager to sign Amendment No. 1.

RECOMMENDATION:

Adopt the attached Resolution.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh
CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2020-_____

AUTHORIZING THE CITY MANAGER TO ENTER INTO
AMENDMENT NUMBER 01 TO OREGON DEPARTMENT OF
TRANSPORTATION LOCAL AGENCY CERTIFICATION
PROGRAM SUPPLEMENTAL PROJECT AGREEMENT FOR FIBER
OPTIC INTERCONNECT – RIVER ROAD: SHANGRI-LA AVENUE
TO WHEATLAND ROAD

WHEREAS, Council adopted Resolution No. R2019-3016 authorizing the City
Manager to enter into the Oregon Department of Transportation Local Agency
Certification Program Supplemental Project Agreement between the City of Salem,
ODOT and the City for the fiber optic interconnect project on River Road between
Shangri-La Avenue to Wheatland Road;

WHEREAS, it has been determined that the agreement should be amended to
increase the funds needed for the project;

WHEREAS, the Oregon Department of Transportation has prepared Amendment
Number 01 to the Agreement to add funds to the project and to identify approval of the
City of Salem’s Americans with Disabilities Act process;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City
Manager is hereby authorized to enter into Amendment Number 01 to the Agreement, a
copy of which is attached hereto and by this reference made a part hereof.
BE IT FURTHER RESOLVED that this Resolution shall take effect immediately

upon the date of its passage.

PASSED this _________ day of __________________, 2020.

SIGNED this _________ day of __________________, 2020.

_________________________________
Mayor

_________________________________
City Recorder
AMENDMENT NUMBER 01
LOCAL AGENCY CERTIFICATION PROGRAM SUPPLEMENTAL PROJECT
AGREEMENT NO. 33250
CERTIFIED AGENCY PERFORMING ON BEHALF OF A NON-CERTIFIED AGENCY
River Road: Shangri-La Avenue to Wheatland Road (Keizer)
City of Salem / City of Keizer

This is Amendment No. 01 to the Agreement between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as “State” or “ODOT;” CITY OF SALEM, acting by and through its designated officials, hereinafter referred to as “Certified Agency;” and CITY OF KEIZER, acting by and through its designated officials, hereinafter referred to as “Non-certified Agency,” entered into on August 26, 2019.

It has now been determined by State, Certified Agency, and Non-certified Agency that the Agreement referenced above shall be amended to increase federal funds.

1. Effective Date. This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.

2. Amendment to Agreement.

   a. RECITALS, Paragraph 3e, page 2, which reads:

   3e. Certified Agency is in the process of having its Americans with Disabilities Act (ADA)-related design exception and curb ramp inspection processes reviewed and approved by ODOT and FHWA for use on federal-aid projects. Certified Agency is preparing additional documentation describing its ADA-related processes and anticipates submitting the documentation to ODOT for review by December 31, 2019. Certified Agency and ODOT have agreed to pursue completing the review of Certified Agency’s ADA-related processes within six months of the date of Certified Agency’s completed submission. Certified Agency and ODOT would prefer to have Certified Agency’s ADA-related process approved prior to the commencement of the construction phase of the Project, provided Certified Agency meets ODOT and FHWA’s approval requirements and has received a formal letter from ODOT notifying Agency of this approval.

   Shall be deleted in its entirety and replaced with the following:

   3e. ODOT issued a formal letter dated November 14, 2019 notifying Certified Agency that its Americans with Disabilities Act (ADA)-related design exception and curb ramp inspection processes have been reviewed and approved by ODOT and FHWA for use on federal-aid projects. Certified Agency’s ADA-related processes were approved by ODOT and FHWA prior to ODOT’s issuance of notice to proceed with the construction phase of the Project.
b. TERMS OF AGREEMENT, Paragraph I.4, Page 3, which reads:

I. Project Overview

4. The total Project cost is estimated at $1,970,000, which is subject to change. The federal and state funds for this Project are limited to $1,767,681. Non-certified Agency shall be responsible for all remaining costs, including any non-participating costs, all costs in excess of the federal or state funds, and the 10.27 percent match for all eligible costs. Any unused federal or state funds obligated to this project will not be paid out by the applicable funding agency, and will not be available for use by Certified Agency or Non-certified Agency for this Agreement. “Total Project Cost” means the estimated cost to complete the entire Project, and includes any federal funds, state funds, local matching funds, and any other funds. Certified Agency will report the final cost of each phase of the Project at the completion of each phase, as well as the Total Project Cost at the end of the Project, to the ODOT Regional Local Agency Liaison.

Shall be deleted in its entirety and replaced with the following:

4. The total Project cost is estimated at $2,400,000, which is subject to change. The federal and state funds for this Project are limited to $2,153,520. Non-certified Agency shall be responsible for all remaining costs, including any non-participating costs, all costs in excess of the federal or state funds, and the 10.27 percent match for all eligible costs. Any unused federal or state funds obligated to this project will not be paid out by the applicable funding agency, and will not be available for use by Certified Agency or Non-certified Agency for this Agreement. “Total Project Cost” means the estimated cost to complete the entire Project, and includes any federal funds, state funds, local matching funds, and any other funds. Certified Agency will report the final cost of each phase of the Project at the completion of each phase, as well as the Total Project Cost at the end of the Project, to the ODOT Regional Local Agency Liaison.

3. Counterparts. This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.

4. Original Agreement. Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.
THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2018-2021 Statewide Transportation Improvement Program, (Key No. 20740) that was adopted by the Oregon Transportation Commission on July 20, 2017 (or subsequently approved by amendment to the STIP).

SIGNATURE PAGE FollowS
ODOT / City of Salem / City of Keizer
Agreement No. 33250, Amendment No. 1

Certified Agency, CITY OF SALEM, by and through its designated officials
By _____________________________
   City Manager
Date ___________________________

LEGAL REVIEW APPROVAL (if required in Certified Agency’s process)
By _____________________________
   Certified Agency Legal Counsel
Date ___________________________

Non-certified Agency, CITY OF KEIZER, by and through its designated officials
By _____________________________
   City Manager
Date ___________________________

LEGAL REVIEW APPROVAL (if required in Non-certified Agency’s process)
By _____________________________
   Non-certified Agency Legal Counsel
Date ___________________________

STATE OF OREGON, by and through its Department of Transportation
By _____________________________
   Deputy Highway Division Administrator
Date ___________________________

APPROVAL RECOMMENDED
By _____________________________
   Certification Program Manager
Date ___________________________

By _____________________________
   State Traffic/Roadway Engineer
Date ___________________________

By _____________________________
   Region 2 Manager
Date ___________________________

By _____________________________
   Region 2 Project Delivery Manager
Date ___________________________

APPROVED AS TO LEGAL SUFFICIENCY
By _____________________________
   Assistant Attorney General
Date ___________________________

Certified Agency Contact:
Julie Titchbourne, Engineering Prog. Mgr.
City of Salem Public Works Dept.
555 Liberty Street SE, Room 325
Salem, OR 97301
Phone: (503) 588-6211
Email: ititchbourne@cityofsalem.net

Non-certified Agency Contact:
Bill Lawyer, Public Works Director
City of Keizer
PO Box 21000
Keizer, OR 97307
Phone: (503) 856-3555
Email: lawyer@keizer.org

ODOT Contact:
Kumar Rethnasamy, Trnsp. Project Leader
ODOT Region 2, Area 3
455 Airport Road SE, Bldg. B
Salem, OR 97301
Phone: (503) 986-2692
Email: kumar.rethnasamy@odot.state.or.us
CALL TO ORDER

Mayor Clark called the meeting to order at 6:00 pm. Roll call was taken as follows:

Present:  
- Cathy Clark, Mayor  
- Kim Freeman, Councilor  
- Marlene Parsons, Councilor  
- Laura Reid, Councilor  
- Roland Herrera, Councilor  
- Elizabeth Smith, Councilor  
- Dan Kohler, Councilor

Staff:  
- Chris Eppley, City Manager  
- Shannon Johnson, City Attorney  
- Nate Brown, Community Development Director  
- Shane Witham, Senior Planner  
- Bill Lawyer, Public Works Director  
- Tracy Davis, City Recorder

DISCUSSION

a. BLI/HNA and Transportation Growth Study Issues

Community Development Director Nate Brown reviewed what was learned in the Cost of Growth Study noting that System Development Charges in cities that had expanded their urban growth boundaries (UGB) were 10 times greater than those Keizer. He pointed out that the study created some additional capacity through rezoning so the City may be able to meet the multiuse needs specified in the Buildable Lands Inventory which may allow the City to adopt it. He added that PSU will be issuing a population number specific to Keizer (rather than the Salem/Keizer shared UGB) in November and that single-family exclusive zoning is now a thing of the past in Oregon.

Mr. Brown then pointed out that the Growth Impact Study requires the city to choose three scenarios and will analyze 24 different intersections in the city and surrounding area and identify rough costs of improvements and impacts to System Development Charges.

Scenario One: Status quo – natural growth of the city

Scenario Two: Expansion of the UGB for employment land only

Scenario Three: ‘Divorce’ from Salem and establish a separate UGB

He explained that scenario three would require
- The city to expand the UBG by 400 to 600 acres
- An immediate periodic review
- Recreating of all the studies that have been done
- Massive changes in the Comprehensive Plan and the Development Code and other ordinances
o Provision for all housing types and income levels
o Significant analysis for site selection studies, utilities, education issues and other master plan revisions, levels of service for all services

He added that both the Planning Commission and the Buildable Lands Inventory Housing Needs Analysis Project Advisory Committee endorsed using the current UGB for at least another 10 years.

Discussion followed regarding the PSU population study, impacts of housing needs in Portland, retaining the sense of community in Keizer, the impact of expansion on the traffic infrastructure, new statutes, and the advisability of pursuing smaller expansion for employment lands.

Council confirmed that they understood the three scenarios.

Mr. Brown noted that the next steps are to:
- Decide if/when to adopt the BLI/HNA
- Complete the Transportation Study
- Decide which course of action on the UBG the City wishes to pursue

City Manager Chris Eppley stressed the importance of adopting studies in a timely manner so that they don’t have to be redone. Discussion followed on the process for adopting and/or amending the BLI/HNA, developing existing properties, and concentrating on employment lands.

Mayor Clark urged staff to bring clear options to Council with pros and cons so that they can have all the pieces and understanding to share with the community.

**ADJOURNMENT** Mayor Clark adjourned the meeting at 7:26 p.m.

MAYOR: APPROVED:

__________________________  ____________________________
Cathy Clark     Debbie Lockhart, Deputy City Recorder
COUNCIL MEMBERS

__________________________  ____________________________
Councilor #1 – Laura Reid    Councilor #4 – Roland Herrera
__________________________  ____________________________
Councilor #2 – Kim Freeman   Councilor #5 – Elizabeth Smith
__________________________  ____________________________
Councilor #3 – Marlene Parsons    Councilor #6 – Daniel R. Kohler

Minutes approved:______________
CALL TO ORDER

Mayor Clark called the meeting to order at 7:00 pm. Roll call was taken as follows:

Present:
Cathy Clark, Mayor
Kim Freeman, Councilor
Daniel Kohler, Councilor
Marlene Parsons, Councilor
Elizabeth Smith, Councilor
Roland Herrera, Councilor
Absant:
Laura Reid, Councilor

Staff:
Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community Development Director
Bill Lawyer, Public Works Director
John Teague, Police Chief
Tim Wood, Finance Director
Tracy Davis, City Recorder

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

SPECIAL ORDERS OF BUSINESS

a. Moment of Silence – Keizer Police Officer Dan Carroll

Mayor Clark shared information about the Celebration of Life for Officer Dan Carroll that was held earlier in the day and thanked Salem Police for covering for Keizer so that Keizer Officers could attend the event.

b. Keizer Channel 23 – Rex Robertson

Rex Robertson explained that he was attending the meeting in response to a request to provide closed captioning for Council meetings. He explained that live captioning is available because the meetings are 'streamed' using YouTube and can be viewed both live and on demand. Closed captioning for on demand viewers is also available on all videos for Keizer TV. Because of this, he noted, the cost of going with an outside service for this option would not be of benefit. The other captioning is 'human type' captioning which would take it to the next level but this option does not work on mobile devices. He shared information about this service and asked Council to explore the options available: free YouTube vs. paying approximately $10,000 per year for 'human captioning’. He noted that REV (one of the companies that does the ‘human captioning’) has offered to do one complimentary meeting so that Council can compare the two formats. Discussion followed regarding soliciting feedback from people who use the captioning service and the need to have a notice at the beginning of the program directing people to...
the KeizerTV.com YouTube site. It was noted that closed captioning is not available on the K23 reruns.

c. Marion County Tobacco Substance Abuse Prevention Presentation

Susan McLaughlin, Substance Abuse Prevention Specialist, and Margaret McNamara, Health Educator in the Tobacco Education Prevention Program, both with Marion County, shared a slide presentation about the program.

COMMITTEE REPORTS

Mark Caillier, Keizer, reported that the Planning Commission had reviewed and accepted changes on access easement and tree planting codes. He also announced the upcoming Civic Center Cleanup event.

Mike Pantalone, Keizer, reported on the Parks Board meeting which included discussion hole repair in the dog park, individual park reports from Board members, staff reporting on the demolition of the house at Keizer Rapids Park and phonograph records found and now on display in the lobby.

PUBLIC TESTIMONY

Hersch and Mary Ann Sangster announced the Monster Cookie Bike Ride, the oldest recreational ride in Oregon, and urged interested parties to register at www.bikereg.com/monstercookie. Registration forms are also available at bike shops and REI.

PUBLIC HEARING

a. RESOLUTION – Exemption of the Brand Name Specifications Purchase of Goods from Competitive Bidding and Purchasing Shaw Contract Think Carpet Tile Colors Achieve 86760 and Escape 86505 Brand Name Carpet Tile for Community Center Halls

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 Freeman moved that the Keizer City Council adopt a Resolution Exemption of the Brand Name Specifications Purchase of Goods from Competitive Bidding and Purchasing Shaw Contract Think Tile Colors Achieve 86760 and Escape 86505 Brand Name Carpet Tile for Community Center Halls. Councilor Herrera seconded. Motion passed as follows:

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

ADMINISTRATIVE ACTION

a. Community Center Fee Waiver Request – Keizer

City Manager Chris Eppley summarized his staff report.

Paula Guiles, Keizer, shared information about the Keizer Community Library; its books and its programs.

Councilor Freeman moved that the Keizer City Council waive the fees for an additional book sale in March. Councilor Herrera seconded. Motion passed as follows:
Community Library Book Sale

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

b. Request for Allowance of Additional Dates at Keizer Rotary Amphitheatre

City Attorney Shannon Johnson summarized his staff report.

Clint Holland, Keizer, explained that all dates have not been finalized but many bands are planned and attendance is growing every year.

Councilor Freeman moved to add the three additional dates to the Keizer Rotary Amphitheatre and Keizer Homegrown Theater schedules and that payment of the application fee and deposit for the events be required. Councilor Herrera seconded. Motion passed as follows:

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

c. Keizer Little League Long Range Planning Task Force Recommendations

City Manager Chris Eppley read his staff report. Mayor Clark thanked all the members of the Task Force for their long-term dedication and input.

Rob Tavares, Keizer, member of the Keizer Little League Park Long Range Planning Task Force, stated that he felt strongly that the mission of the task force was not completed and the options being considered tonight should not be considered by Council. He stated that he felt the long-term lease is not a good option because it does not change anything for McNary Youth Baseball and that options that had been discussed during the 15-month tenure of the task force had been discarded and staff had developed different options for recommendation to Council. He concluded stating that the City should take over the operation and maintenance of the park which is option number 3 in the staff report.

Clint Holland, Keizer, reviewed the funds and improvements that the City has put into the Keizer Little League Park, the work that still needs to be done and the countless volunteer hours and funds that have gone into the complex. He concluded noting that slot fees should be raised in order to cover more than just ‘wear and tear’ of the complex and he recommended getting someone other than the City to operate the facility with a long-term lease. Discussion took place regarding donations, turfing, tournaments, irrigation and slot fees.

Matt Lawyer, Keizer, expressed the opinion that the new generation of volunteers is not willing to spend the kind of time necessary to maintain the KLL complex in the manner that is necessary for long-term sustainability. As evidenced in the membership of the task force alone, the turnover is great and therefore the continuity is disrupted. He reviewed various options that were discussed but, though initially
favored, they ultimately died for various reasons. He provided detailed information on the impact and possibility of the City managing the complex, voiced support for the RFP long-term lease and management, but stressed the importance of ensuring that the complex is run for the children of Keizer to use first.

Todd Walling, Salem, West Coast Premier Tournaments, provided information about the organization and upcoming tournaments.

Jeff Davis, Keizer, voiced support for the long-term lease or management agreement (Option 2 in Staff Report) noting that although he likes to volunteer he does not see that same interest in his peers. He added that the park needs to be brought up to better standards and that he did not think volunteers or City staff are prepared to do that, so it seemed appropriate to try a different model.

Councilor Freeman moved that the City Council adopt Option 2 as outlined in the staff report. Councilor Herrera seconded.

Councilor Freeman noted that although she would like the City to manage the park, she knows it is not feasible at this time and that she felt the facility should go beyond baseball and softball. She stressed the importance of drafting a correct proposal with the correct information to make this option successful.

Councilor Parsons echoed Councilor Freeman adding that this does not mean that Council thinks any one entity did a bad job, the project has just grown and there are not enough volunteers to sustain it.

Councilor Kohler agreed with both Councilors, commended both baseball organizations for their efforts, expressed concern over the RFP process, but agreed that Option 2 was the most likely to be sustainable.

Mayor Clark noted that it was important for the facility to benefit the youth and for the City to invest money and staffing to get the best value for the community and that she felt that Option 2 was the best option to do that.

Motion passed as follows:

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

d. ORDER – Designating “No Parking” Zone in Certain Area of Willow Lake Road North,

Public Works Director Bill Lawyer summarized his staff report and fielded questions.

Councilor Freeman moved that the Keizer City Council adopt an Order Designating “No Parking” Zone in Certain Area of Willow Lake Road North, Keizer, Oregon. Councilor Herrera seconded. Motion passed as follows:
Keizer, Oregon

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

CONSENT CALENDAR

a. Approval of February 3, 2020 City Council Regular Session Minutes

A correction was made to the Minutes. Councilor Freeman moved for approval of the Consent Calendar. Councilor Herrera seconded. Motion passed as follows:

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

COUNCIL LIAISON REPORTS

Councilor Kohler reviewed meetings he had attended and announced upcoming ones and noted that there would be a time change during Lent for Keizer Community dinners.

Councilor Freeman thanked Officer Copeland and Chief Teague for the recent Police Academy session, reviewed past meetings and announced future ones.

Councilor Smith announced that she had been assigned the task of getting the word out regarding the Census and would be doing Facebook posts and videos to explain why it is important. She asked everyone to share the information with their Facebook friends and others.

Councilor Parsons reviewed past meetings, announced upcoming ones and thanked Salem Police for covering in Keizer so that the Keizer Police Department could attend the Celebration of Life for Dan Carroll.

Councilor Herrera reviewed meetings he attended and announced upcoming ones.

Mayor Clark reviewed meetings she had attended and announced upcoming ones sharing information about each of them.

OTHER BUSINESS

Finance Director Tim Wood announced the upcoming Audit Committee meeting.

Chief Teague thanked organizations that had helped in the Celebration of Life for Dan Carroll.

Community Development Director Nate Brown provided an update on the Transportation Study noting that the consultant had indicated that because of the condition of 35th and Quinaby, the strong recommendation was to move forward with Option 2b on River Road.

City Attorney Shannon Johnson brought attention to the Comcast Extension on the dais.
Councilor Smith disclosed that her husband works for Comcast which is a conflict of interest so she would abstain from discussion and vote on this matter.

Mr. Johnson then summarized his staff report.

Councilor Freeman moved to suspend the rules to act on this item. Councilor Herrera seconded. Motion passed as follows:

AYES: Clark, Freeman, Parsons, Herrera and Kohler (5)
NAYS: None (0)
ABSTENTIONS: Smith (1)
ABSENT: Reid (1)

Councilor Freeman moved that the Keizer City Council adopt a Resolution Approving Extension of the Cable Television Franchise Agreement with Comcast of Oregon, Inc., (Formerly known as Far-West Communications, Inc., dba AT&T Cable Services). Councilor Herrera seconded. Motion passed as follows:

AYES: Clark, Freeman, Parsons, Herrera and Kohler (5)
NAYS: None (0)
ABSTENTIONS: Smith (1)
ABSENT: Reid (1)

**WRITTEN COMMUNICATIONS**

Mayor Clark read a note and article from Shirley Carlson about the Community Connect event in Juneau Alaska and an email from Salem Keizer School District Superintendent Christy Perry asking her to sign a letter to Hasbro regarding a new suicide prevention Board Game called Keizeropoloy, proceeds of which would be used to fund a non-profit organization to support suicide prevention. She added that she had signed the letter and would keep Council apprised of the response.

**AGENDA INPUT**

March 2, 2020, 7:00 p.m. - City Council Regular Session
March 9, 2020, 6:00 p.m. – City of Keizer Long Range Planning Task Force
March 16, 2020, 7:00 p.m. - City Council Regular Session

**ADJOURNMENT**

Mayor Clark adjourned the meeting at 10:02 p.m.

MAYOR: APPROVED:

_________________________  __________________________
Cathy Clark                  Debbie Lockhart, Deputy City Recorder
COUNCIL MEMBERS

~ Absent ~

Councilor #1 – Laura Reid

Councilor #2 – Kim Freeman

Councilor #3 – Marlene Parsons

Councilor #4 – Roland Herrera

Councilor #5 – Elizabeth Smith

Councilor #6 – Daniel R. Kohler

Minutes approved: ____________