



MINUTES
KEIZER CITY COUNCIL
Monday, October 19, 2015
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
Dennis Koho, Council President
Marlene Parsons, Councilor
Amy Ryan, Councilor
Brandon Smith, Councilor
Roland Herrera, Councilor
Kim Freeman, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community
Development Director
Bill Lawyer, Public Works Director
Tim Wood, Assistant Controller
Jeff Kuhns, Deputy Police Chief
Tracy Davis, City Recorder

Absent:

Youth Councilor Siri Scales

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

None

**COMMITTEE
REPORTS**

Scott Klug, Keizer, reported that the Parks Advisory Board had agreed to partner with the Community Build Task Force in an effort to apply for grant funds for restrooms and Big Toy access at Keizer Rapids Park.

Michael DeBlasi, Keizer, reported that the Planning Commission had approved amendments to the section of the Development Code relating to parking and that Jim Jacks, the current chair, had been awarded the Distinguished Leadership - Lifetime Achievement Award by the Oregon Chapter of the American Planning Association. He concluded his report noting that there are two vacancies on the Commission so election of a new chair and vice chair was postponed.

**PUBLIC
TESTIMONY**

Mark Caillier, Gubser Neighborhood Association President, showed the refurbished Snow Cops, and thanked Highway Specialties. He noted that half will be refurbished this year, half next and explained the process. The Parks Department will store them when they are not in use. In summary, \$200 of non-taxpayer money will update the Snow Cops with LED lights.

The Gubser Neighborhood Association will be taking over the placement and removal of the Snow Cops. The Miracle of Lights event will be December 4 through 26. Mayor Clark added that Council will work the food barrel on December 5.

Clint Holland, Keizer, KRA, requested partnership with the City for a Christmas dinner and concert featuring Patrick Lamb on Sunday, December 13. Dinner would cost \$25-\$30; part of that would help pay for the band. He asked that the City waive the cost of renting the Community Center. Mayor Clark directed Mr. Holland to give his budget to Event Center Manager Tracy Davis for her review and recommendation.

**PUBLIC
HEARINGS**
**a. Liquor License
Change of
Ownership
Application –
Name El Patron
Mexican Grill**

City Manager Chris Eppley reported that an application was submitted for a Change of Ownership from the owner of Salsa Rica Restaurant, Keizer, Oregon. The restaurant will be renamed 'El Patron Mexican Grill'. City requirements have been met. Staff recommends that Council review the application and forward a recommendation to the OLCC for approval.

Mayor Clark opened the Public Hearing.

Carlos Pineda, Keizer, El Patron owner provided information on the facility and noted that he will be participating in the responsible vendor program.

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

Councilor Koho moved that the Keizer City Council approve the application for a Change of Ownership and Change of Name to El Patron Mexican Grill under the guidelines established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission for final approval. Councilor Parsons seconded. Motion passed unanimously as follows:

AYES: Clark, Koho, Parsons, Freeman, Smith, Ryan and Herrera (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. Pats 1 Cig
Liquor License
Application**

City Manager Chris Eppley reported that an application was submitted for a new Liquor License for Pats 1 Cig, Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done, and the location of the establishment was found to be properly zoned. Staff recommends that following a public hearing, Council recommend approval of the application.

Mayor Clark opened the Public Hearing.

Mayor Clark read an email received from the West Keizer Neighborhood Association Board stating that the Board has no objections to the application.

Pat Waite, Keizer, explained that she sold the business to Najeeb Mohammad, and turned her liquor license in, so the new owner had to

apply. They will continue to participate in the responsible vendor program.

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

Councilor Koho moved that the Keizer City Council recommend approval of the application for an Off-Premises Sales liquor license for Pats 1 Cig under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer and to forward this recommendation to the Oregon Liquor Control Commission for final approval. Motion passed unanimously as follows:

AYES: Clark, Koho, Parsons, Freeman, Smith, Ryan and Herrera (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. Keizer
Development
Code
Amendment –
Materials on
Sidewalks and
Streets**

Community Development Director Nate Brown explained that the Planning Commission had reviewed this and approved it 4 to 1. It basically states that the public right-of-way cannot be used to display or store merchandise or inhibit use of the public right of way. This includes tent signs on the sidewalk. It was noted that sign waivers and basketball hoops are not impacted by this amendment. Discussion also took place regarding sidewalk cafés.

Mayor Clark opened the Public Hearing. Hearing no testimony, Mayor Clark closed the Public Hearing.

Councilor Koho moved that the Keizer City Council direct staff to prepare an Ordinance adopting the proposed text amendment. Councilor Parsons seconded. Motion passed unanimously as follows:

AYES: Clark, Koho, Parsons, Freeman, Smith, Ryan and Herrera (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ADMINISTRATIVE
ACTION**

**a. RESOLUTION
– Authorizing
City Manager
and Chief of
Police to Sign
2015-2018
Collective
Bargaining
Agreement
with Keizer
Police
Association**

City Manager Chris Eppley explained that the original agreement expired June 30. The City has been operating under an extension while this agreement was negotiated. There were few changes made. Deputy Chief Kuhns noted that the department feels this is the best possible product.

Councilor Koho moved that the Keizer City Council adopt a Resolution Authorizing City Manager and Chief of Police to Sign 2015-2018 Collective Bargaining Agreement with Keizer Police Association. Councilor Parsons seconded. Motion passed unanimously as follows:

AYES: Clark, Koho, Parsons, Freeman, Smith, Ryan and Herrera (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. ORDER – In the Matter of the Application of Trademark Enterprises, LLC, Robert Bowden, Doug Harner, and JDC Homes LLC for Approval of a 32 Lot Subdivision

Mr. Johnson explained that this matter is before Council for adoption and reminded Council that the main issue was how the intersection requirements were not quite met, but the developers and the City's team came up with something that would work. He referred Council to a picture showing the three stop signs, no parking area and lane markings.

Councilor Koho moved that Keizer City Council adopt an Order In the Matter of the Application of Trademark Enterprises, LLC, Robert Bowden, Doug Harner, and JDC Homes LLC for Approval of a 32 Lot Subdivision Located at 5447 Burbank Street N, 5457 Burbank Street N, and an Unaddressed Field Directly to the West of those Addresses in Keizer, Oregon (Case No. 2015-11). Councilor Parsons seconded. Motion passed unanimously as follows:

AYES: Clark, Koho, Parsons, Freeman, Smith, Ryan and Herrera (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

b. ORDINANCE – Relating to Abandoned Shopping Carts

Mr. Johnson reminded Council that they had addressed the issue on September 8 and the matter was withdrawn for further work. Changes include removal of the requirement of a toll-free line and reduced fines. An email in opposition from Joe Egli is attached for the record.

Councilor Herrera suggested the issue be referred to the Business Advocacy Committee. Mr. Brown provided details on the procedure noting that only if stores fail to perform their responsibility in retrieving their carts and Code Enforcement has to get involved will there be any fines. The City's goal is to work with businesses and not to levy fines. Councilor Parsons added that this ordinance has been in effect in Oregon for many years.

Councilor Koho moved that the Keizer City Council adopt a Bill for an Ordinance Relating to Abandoned Shopping Carts. Councilor Parsons seconded.

Councilor Smith noted that he had objected to this previously but with the current changes he would support it. Mayor Clark read an email from Lynn Tognoli which is attached for the record.

Motion passed as follows:

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

CONSENT CALENDAR

a. Approval of October 5, 2015 Regular Session Minutes

Councilor Koho moved to approve the Consent Calendar. Councilor Parsons seconded. Motion passed as follows:

AYES: Clark, Koho, Parsons, Smith, Freeman, Ryan and Herrera (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

COUNCIL LIAISON REPORTS

Councilor Freeman thanked Carol Doerfler for the newest 'little library' in Keizer, on the corner of Shoreline and Rafael, which has books available for loan or donation. She reported on the recent West Keizer Neighborhood Association, Claggett Watershed Council, and Volunteer Coordinating Committee meetings, and announced committee volunteer openings.

Councilor Ryan reported on various Chamber events noting that priming for the Arts Commission mural is complete. She announced that she would be beginning domestic violence advocacy training, there is a disaster preparedness training hosted by Kim Thatcher on November 4 and Crystal Apple nominations for teachers are now being accepted.

Councilor Parsons reported on Community Build Task Force grant efforts and noted that she would be attending the Marion County Commissioner breakfast at Broadway Commons.

Councilor Herrera reported that he had participated in a panel at the Latino Business Alliance Community Connection and attended the McNary football game which had an amazing crowd. He congratulated the coach. Mayor Clark noted that #62 is Keifer Smith, Councilor Smith's son. Mr. Herrera added that he would be representing Keizer at Mano a Mano with United Way and noted that Whiteaker is undefeated.

Mayor Clark provided information about the 'If I Were Mayor' contest and congratulated Marion County Soil & Water Conservation District mural winners: Meredith White and the students at Optimum Learning Environments Charter School – Beginners Division, and Ryan Ellis and the students at Forest Ridge Elementary School – Intermediate Division. She also recognized Nancy Morgan as one of the 2015 Governor Volunteer Award recipients. Mayor Clark asked for a volunteer for the Audit RFP Review committee: Councilor Smith volunteered, Councilor Koho will serve as backup. Mayor Clark then invited everyone to the upcoming Mid-Valley Resilience Business Forum.

OTHER BUSINESS

Assistant Controller, Tim Wood, explained that one of the servers for K-23 has 'died'. Staff is trying to come up with three informal quotes with comparable programs to consider. He explained the difficulty in getting the appropriate replacement and the procedure that may be required.

Chief Kuhns commended Mark Caillier for his efforts with the Snow Cops and noted that the Keizer Police Department will be manning the food barrel on Friday, December 18 at the Miracle of Lights.

Community Development Director Nate Brown provided additional information and details regarding efforts being made towards Keizer Rapids Park grant applications.

WRITTEN COMMUNICATIONS None

AGENDA INPUT **November 2, 2015**

7:00 p.m. – City Council Regular Session

November 14, 2015

9:00 a.m. – City Council Work Session

- Tour of Covanta Facility – Brooks, OR and Ash Fill Site near Woodburn, Or

November 16, 2015

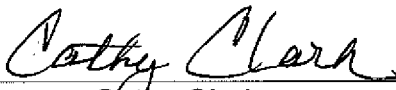
7:00 p.m. – City Council Regular Session

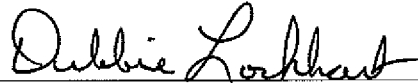
November 9 work session will be cancelled but replaced with the work session on Saturday, November 14.

ADJOURNMENT Mayor Clark adjourned the meeting at 8:28 p.m.

MAYOR:

APPROVED:


Cathy Clark



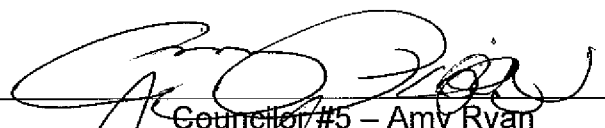
Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

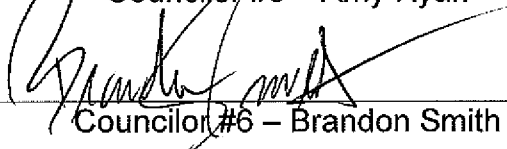
Councilor #1 – Dennis Koho

Councilor #4 – Roland Herrera


Councilor #2 – Kim Freeman


Councilor #5 – Amy Ryan

Councilor #3 – Marlene Parsons


Councilor #6 – Brandon Smith

Minutes approved: November 2, 2015

SUBMITTED FOR THE RECORD

From: Joe Egli

Sent: Monday, October 19, 2015 4:59 PM

To: keizercitycouncil@keizer.org

Cc: Kim Freeman; Cathy Clark; Dennis Koho; Parsons, Marlene; Roland Herrera; Amy Ryan; Brandon Smith; Eppley, Christopher; Johnson, Shannon; Brown, Nate; Davis, Tracy; Lockhart, Debbie

Subject: Shopping carts

Hi All,

I wanted to come and testify tonight but I may not make it in time.

As you are considering the new ordinance for shopping carts I would urge you to consider the following in your decision.

1. Labeling each of the carts as required is an additional expense to each business.
2. Have you presented the issue to our Business Advocacy Committee for their point of view?
3. Most of us think it's just grocery stores but there are many stores that allow carts in Keizer including the dollar store, Lowes, Ross, Target, BiMart, Goodwill etc.
4. We are a business friendly community. Fining our businesses does not seem friendly to me.
5. We currently have 2 big grocery buildings that are empty, one more regulation is not welcoming to retailers.
6. Lastly, but absolutely most important: Removing a shopping cart from a business's property is theft, plain and simple.

By fining the business we are simply addressing the symptom, not finding a cure for the problem. We are letting our citizens know that it is okay to steal a shopping cart and leave it in the alley because the business they stole it from HAS to come pick it up. Keizer is a pro-business, thinking on our feet community that does not just make ordinances because other communities have.

Maybe we can approach the actual issue by creating a specific fine for theft of shopping carts. Let's enforce the law for the theft of carts and encourage our citizens to call the police when they see someone walking down the street with a stolen cart. It seems like a waist of our police resources for this but it would not take very long before people realized the City of Keizer is serious about protecting our businesses. It's about enforcing the current laws, not about making new ones to circumvent the real issue.

I realize it is tough for some people to transport groceries, but they should return the cart when they are done. If our businesses feel their patrons need a cart, they can develop a loan program where their customer leaves something of value, credit card, or other deposit that they will get back when the cart is returned, they can also paint the carts pink so that we are not calling the police when we see a pink cart (random thoughts, sorry).

Your all doing great work, keep it up but let's not put one more fee on our businesses.

Thank you for your time,

Joe Egli

R. Bauer Insurance

503-588-0095

joe@rbauer.com

SUBMITTED FOR THE RECORD

From: Lynn Tognoli

Sent: September 12, 2015

To: Mayor Clark

I saw the article in the Keizertimes about the carts that are abandoned. More than once my husband has had to return Safeway shopping carts on River Road. The carts are being used by teenagers to take them to Claggett Creek Park on Dearborn. We've called Safeway to tell them what is going; they promise to come and get them but my husband had to return the carts to them with no thankyou or anything from Safeway. The carts should not be allowed out of the parking lots. The stores are doing nothing to stop it including hiring people to walk the parking lot to be sure the carts are not removed from the parking lot. We as citizens of Keizer Oregon are tired of the businesses not taking control of shopping carts and then putting the expense for replacing them on the consumer. Let's put a stop to all of this.

Thank you very much, Lynn Tognoli