



MINUTES
KEIZER CITY COUNCIL
Monday, October 6, 2014
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

Lore Christopher, Mayor
Joe Egli, Council President
Kim Freeman, Councilor
Marlene Quinn, Councilor
Cathy Clark, Councilor
Jim Taylor, Councilor
Dennis Koho, Councilor

Staff:

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

FLAG SALUTE

Three members from Scout Troop 105, Alex Kazowitz, Caleb Nelson and Michael Zwemke, led the pledge of allegiance.

**PUBLIC
TESTIMONY**

Rex Robertson and Dave Dahle, played a video to show what Mr. Dahle has been doing and what has been done under Keizer TV. Mr. Robertson noted that 14 videos have been produced over the last 2 months and viewed almost 7000 times. He commended David for his expertise and asked Council if they want to continue the project. Mr. Dahle provided additional analytic information. City Manager Chris Eppley noted that this costs \$1750 per month; funds come from PEG funds; and there is sufficient funding each year to add this to the suite of services already received. It will reduce the equipment purchase budget somewhat, but it reaches a target audience the way they want to be reached. Mr. Robertson then fielded questions and invited everyone to view the production room. Council agreed by consensus that they want to continue this effort.

PUBLIC HEARINGS

**a. ORDINANCE -
Amending the
Keizer
Development
Code Section**

City Attorney Shannon Johnson explained that this is on the agenda after being addressed by the Planning Commission. He provided clarification regarding marijuana grow sites and informed Council that they will have the option to regulate them in a non-land use sense later in the agenda. He suggested that Council hold the hearing, take testimony, close the hearing but wait until the later agenda item in (Administrative Action) with regard to grow site regulations because one option might be to not

**1.200
(Definitions),
Section 2.108
(Commercial
Office), Section
2.109
(Commercial
Retail), Section
2.110
(Commercial
Mixed Use),
Section 2.112
(Commercial
General)
Section 2.113
(Industrial
Business Park),
Section 2.114
(General
Industrial),
Section 2.115
(Agricultural
Industrial),
Section 2.117
(Exclusive
Farm Use),
Section 2.119
(General
Employment),
and Section
2.433 (Medical
Marijuana
Facilities/Grow
Sites);
Declaring and
Emergency;
Amending
Ordinance 98-
389**

regulate it but perhaps tweak the land use code.

With consent of Council and audience, Mayor Christopher addressed Administrative Action prior to this public hearing.

Following Administrative Action Mr. Johnson reminded Council that this was a legislative action regarding placement in the Keizer Development Code for medical marijuana facilities and marijuana grow sites. Planning Commission did not follow staff recommendation regarding grow sites: allowing them in industrial zones and EFU zones only; they added all commercial zones. This ordinance follows the Planning Commission recommendation. The Planning Commission motion also stated that the motion was "not intended to limit or effect current zoning regulations on these medical marijuana grow sites and does not pertain to incidental non-commercial growers in residential zones". Mr. Johnson took that as general direction and paraphrased it in his ordinance. He added that their recommendation was not specific to types of grow sites so Council might want to take that into consideration. He noted that in order to facilitate the dispensaries, the Ordinance is attached but it will need an emergency clause to take effect on October 15. Housekeeping measures have been included.

Councilor Egli announced that he had a Conflict of Interest so would not be participating in this discussion.

Mayor Christopher opened the Public Hearing.

Kimberly Strand, Keizer, voiced concern about patient rights noting that individual patients are allowed by the State to grow up to 6 plants indoors or outdoors as long as they are kept out of public view. She provided information regarding the difference between commercial growers and individual growers.

With no further testimony Mayor Christopher closed the Public Hearing.

Mr. Johnson noted that there is a place in the ordinance where the grow site would be located indoors but it would not be allowed on the same tax lot as a marijuana facility which is similar to state law but "or another marijuana grow site" is added so there would be only one grow site in one location. This can be changed if desired. Mr. Brown explained that the Planning Commission did not address the specific issue of a co-op grow site; this is a policy which should be addressed by Council. Chief Teague noted that the Police Department does not have enough experience to know whether or not a co-op grow site would be a problem. Mr. Johnson noted that the State rules for the grow sites are not as large as for the dispensaries; they allow them to co-locate. Mr. Brown noted that considerable input was received and part of the concern of the Task Force was to send a strong message to the community that the City will not be overwhelmed with dispensaries and the medical marijuana industry. Councilor Koho concurred.

Discussion then took place regarding the Home Occupation standard, residential grow sites, and State regulations.

Councilor Clark moved that the Keizer City Council adopt a Bill for an Ordinance Amending the Keizer Development Code Section 1.200 (Definitions), Section 2.108 (Commercial Office), Section 2.109 (Commercial Retail), Section 2.110 (Commercial Mixed Use), Section 2.112 (Commercial General), Section 2.113 (Industrial Business Park), Section 2.114 (General Industrial), Section 2.115 (Agricultural Industrial), Section 2.117 (Exclusive Farm Use), Section 2.119 (General Employment), and Section 2.433 (Medical Marijuana Facilities/Grow Sites); Declaring and Emergency; Amending Ordinance 98-389, amended to delete the Commercial Office, Commercial Retail, Commercial General and Commercial Mixed Use for grow sites, deleting the last phrase of 2.433.02(b) "or another Marijuana Grow Site" and adding to the phrase (*italics*) "Note that the above provisions are not intended to regulate a single marijuana grow sites that operates in accordance with provisions of state statutes and ~~are~~ is legally established as accessory to residential uses. No more than one grow site operator is allowed on a single residential tax lot. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. ORDINANCE –
Establishing a
Tax on the Sale
of Marijuana,
Medical
Marijuana, and
Marijuana
Infused
Products in the
City of Keizer**

City Attorney Shannon Johnson explained that he developed this ordinance for taxation of marijuana from some good models. If Ballot Measure 91 passes, recreational marijuana would be taxed at the State level with a percentage of funds being distributed to cities. Cities are also considering local taxation. There is no law prohibiting this but Measure 91 clearly prohibits local government taxation, however, there is some thought that local laws passed prior to the effective date of Measure 91 will be valid. This ordinance is based on what other jurisdictions have proposed. It presumes a 0% tax on medical marijuana as a place holder and 10% on recreational which is fairly standard.

Mr. Johnson then fielded questions regarding taxing an illegal activity, administrative costs, potential fees and the financial impact to the City.

Mayor Christopher opened the Public Hearing.

Hearing no testimony, Mayor Christopher closed the Public Hearing.

Councilor Egli moved that the Keizer City Council adopt a Bill for an Ordinance Establishing a Tax on the Sale of Marijuana, Medical Marijuana, and Marijuana Infused Products in the City of Keizer. Councilor Clark seconded.

Councilor Clark offered a friendly amendment to remove the medical tax placeholder. Councilor Egli did not accept the amendment.

Councilor Clark moved to amend the ordinance to remove the references to the taxation of medical marijuana. Councilor Koho seconded. Motion failed as follows:

AYES: Koho, Quinn and Clark (3)

NAYS: Christopher, Freeman, Egli and Taylor (4)

ABSTENTIONS: None (0)

ABSENT: None (0)

Vote on original motion: Motion passed as follows:

AYES: Christopher, Egli, Freeman and Taylor (4)

NAYS: Koho, Quinn and Clark (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

All Administrative Action items taken out of order.

a. ORDINANCE – Amending Ordinance Adopting the Keizer Medical Marijuana Facility Permit Process; Declaring an Emergency; Amending Ordinance No. 2014-702

City Attorney Shannon Johnson reminded Council that when they adopted the facility permit process Chief Teague had suggested tweaking it regarding the background checks required: anyone connected with a marijuana facility could not have any type of felony conviction or (add the following) drug related misdemeanors. The Ordinance to be adopted includes the language “or a conviction of any drug related misdemeanor”.

Councilor Egli moved that the Keizer City Council adopt a Bill for an Ordinance Amending Ordinance Adopting the Keizer Medical Marijuana Facility Permit Process; Declaring an Emergency; Amending Ordinance No. 2014-702. Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. Marijuana Grow Site Regulations

Mr. Johnson explained that primary focus has been on facilities or dispensaries and possible taxation with the grow site operation just now beginning to be addressed. There is no legislation attached to the staff report. The question is does the Council want to regulate grow sites, and, if so, how? He reviewed options listed in his staff report, explained state administrative rules and pointed out some differences between facilities and grow sites. Community Development Director Nate Brown provided additional clarification and fielded questions regarding zoning. Chief Teague added that the Police Department has an interest in the security of the grow sites and noted that the Beasley grow site adjacent to the high

school causes numerous problems for the agency. It was noted that the State requires grow sites to be registered but only police departments have access to that information.

Councilor Egli announced that he had a conflict of interest because he has a client with a building that has a grow site in Keizer.

Discussion then took place regarding the need for regulation, adjacent entities' regulations, and waiting until Marion County and Salem take action. Mayor Christopher suggested no action be taken pending action by Marion County and Salem so that regulations could be similar making it easier for administrators and law enforcement.

Councilor Clark moved that the Keizer City Council direct staff to regulate grow sites in the same manner as medical marijuana facilities. Motion died for lack of second.

Councilor Clark moved that the Keizer City Council not take any action at this time on the grow site regulation. Councilor Taylor seconded.

Mayor Christopher offered a friendly amendment to direct staff to come back with what Salem and Marion County develop for dispensaries and/or grow sites. Councilors Clark and Taylor accepted the friendly amendment. Motion passed as follows:

AYES: Christopher, Koho, Quinn, Freeman, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: Egli (1)

ABSENT: None (0)

- c. ORDER – In the Matter of the Application of Herber Farm LLC for a Comprehensive Plan Map Change, a Zone Change, and a Lot Line Adjustment to Consolidate the Existing Lots into One Large Parcel (Case No. 2014-11)**
- Mr. Johnson reminded Council that they had directed staff to prepare an order denying the application of Herber Farm LLC for Comprehensive Plan Map Change, Zone Change and Lot Line Adjustment. He directed attention to Exhibit D 'Justification' noting that the actual decision theoretically grants the lot line adjustment because those criteria were not addressed but it was unlikely that it would take place since the Zone and Comp Plan changes were denied by the order.
- Mr. Brown reminded Council of the proposal noting that the apartments were three-story, barrack style, high density and unacceptable. He questioned what would be the best development scenario for this property, noted that if the property was developed under the current platting there would be conflicts with individual driveways and that developing the property in the way the neighbors hoped would be an ineffective use of property located on the central transit corridor, on arterials next to city services. He explained that staff scrutinizes proposals and develops appropriate conditions limiting the kind of development that can take place. He added that when development prospects for this property come back in the future, staff will propose mitigations and those should include limiting density, limiting stories, increasing site design

standards such as landscaping, buffering and tree planting, increasing building design standards and establishing a design review process. He urged Council to consider this, voiced concern that the applicant will return with virtually the same kind of application, and reminded Council that if they chose to reconsider this application, staff would certainly propose mitigations.

Discussion followed regarding making this change without the benefit of public input, Council credibility, mitigations, and reviewing options at a work session or informal discussion.

Councilor Egli moved to adopt an Order Denying the Application of Herber Farm LLC for a Comprehensive Plan Map Change From Low Density Residential to Medium and High Density Residential, a Zone Change from Single Family Residential to Medium Density Residential, and a Lot Line Adjustment to Consolidate the Existing Lots into One Large Parcel for an Approximate 7.5 Acre Parcel Located in the 4800 and 4900 Block of Verda Lane, Keizer, Oregon (Case No. 2014-11). Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**d. ORDINANCE –
Amending
Keizer
Development
Code
Regarding
Section 2.204
Amending
Ordinance 98-
389**

City Attorney Shannon Johnson reminded Council that they had directed staff to prepare this ordinance.

Councilor Egli moved that the Keizer City Council adopt a Bill for an Ordinance Amending Keizer Development Code Regarding Section 2.204 (Non-conforming Uses) Amending Ordinance 98-389. Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**CONSENT
CALENDAR**

- a. RESOLUTION – Authorizing City Manager to Enter Into FullCourt Enterprise Upgrade with Justice Systems, Inc.
- b. RESOLUTION – Authorizing the City Manager to Enter Into First Amendment to Contract Agreement with Leathers and Associates
- c. RESOLUTION – Authorization for Appropriation Transfer for Police Department CRU and Crime Analyst Staff Training
- d. RESOLUTION – Authorizing the City Manager to Sign Intergovernmental Agreement with Marion County for Increased Opportunities through Recreational Project Grant
- e. Approval of September 2, 2014 Regular Session Minutes

Councilor Egli moved to adopt the Consent Calendar. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

COMMITTEE

REPORTS

a. Keizer Police Department 25 Year Service Awards

Taken out of order.

Chief John Teague introduced three police department staff members with over 25 years of service: Jeff Kuhns, John Troncoso, and Rita Powers all hired in 1989. He provided additional information about each employee, commending their work and expressing gratitude for their exemplary service.

b. Appointment to Keizer Planning Commission

City Manager, Chris Eppley, reported that following publication of notice of a vacancy on the Planning Commission and acceptance of testimony from the applicant, the Volunteer Coordinating Committee unanimously recommended Garry Whalen to Position #5 on the Keizer Planning Commission.

Councilor Egli moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee to appoint Garry Whalen to position #5 on the Keizer Planning Commission. Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. Appointment to Keizer Budget Committee

City Manager, Chris Eppley, reported that following publication of notice of a vacancy on the Keizer Budget Committee and acceptance of testimony from the applicant, the Volunteer Coordinating Committee unanimously recommended Joseph Gillis to fill position #4.

Councilor Egli moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee to appoint Joseph Gillis to position #4 on the Keizer Budget Committee. Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

d. Appointment to Keizer Points of Interest

City Manager, Chris Eppley, reported that following publication of notice of a vacancy on the Keizer Points of Interest Committee (KPIC) and acceptance of testimony from the applicant, the Volunteer Coordinating

Committee (KPIC)

Committee unanimously recommended Erica Hedberg to fill Position #4.

Councilor Egli moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee to appoint Erica Hedberg to position #4 on the Keizer Points of Interest Committee. Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER COMMITTEE REPORTS

Councilor Taylor announced the upcoming Commissioner Breakfast.

Councilor Quinn reported that she had attended the Chamber Board meeting and announced the upcoming Community Build Task Force meeting and the Parks Board Public Hearing to update the Keizer Rapids Park Master Plan. She announced that the roof at the Claggett Creek Park shelter has been replaced and thanked Keizer Rotary for their assistance in the project.

Councilor Egli announced the upcoming Planning Commission meeting.

Councilor Freeman thanked everyone who had attended the Master Plan Update charrette, thanked the Jacobsons for taking care of the filberts behind their back yard, reminded Council candidates of the upcoming West Keizer Neighborhood Association meeting, announced that October 11 is the tentative date for WKNA street cleanup, and reported that she had attended the Marijuana and Youth Forum put on by Marion County.

Councilor Clark announced that she had attended the Volunteer Coordinating Committee meeting and the League of Oregon Cities Annual Conference where she accepted, on behalf of the City, the League of Oregon Cities and City County Insurance Services Gold Safety Award for no injuries for 2013-14. She also attended the Daughters of the American Revolution marker dedication for Anna Marie Pittman at the Heritage Center and Howlapalooza where she judged the pet costume contest.

Councilor Koho announced that he would not be at the October 20 Council meeting.

Mayor Christopher commended the Claggett Creek Parent Teacher Organization Fall Festival which was held to raise money for extra activities like field trips for the school.

OTHER BUSINESS

Chief Teague reported that Keizer Peer Court is a beneficiary of the Buckaroo Ball and the Police Department donated a simulation training as an auction item.

Public Works Director Bill Lawyer provided an update on the Chemawa Road project and announced that the Shoreline Drive project has been

completed except for some minor details.

Nate Brown reported that the States Organization for Boating Access (SOBA) awarded the Keizer Rapids boating facility with the Outstanding Mid-Sized Project Award this year in Little Rock, Arkansas.

WRITTEN

COMMUNICATION

None

AGENDA INPUT

October 13, 2014

5:30 p.m. – City Council Work Session - Cancelled

October 20, 2014

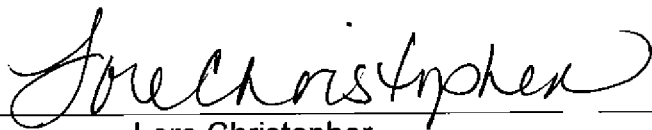
7:00 p.m. – City Council Regular Session

ADJOURNMENT

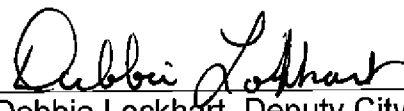
Mayor Christopher adjourned the meeting at 9:35 p.m.

MAYOR:

APPROVED:

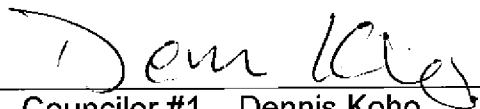


Lore Christopher



Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS



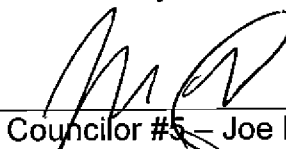
Councilor #1 – Dennis Koho



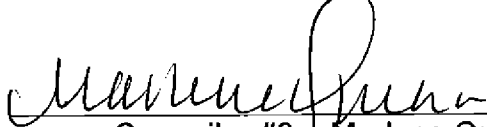
Councilor #4 – Cathy Clark



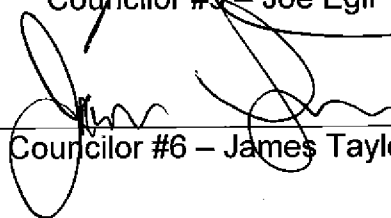
Councilor #2 – Kim Freeman



Councilor #5 – Joe Egli



Councilor #3 – Marlene Quinn



Councilor #6 – James Taylor

Minutes approved: November 3, 2014