# MINUTES
# KEIZER CITY COUNCIL REGULAR SESSION
## Monday, September 15, 2008
## Keizer City Hall
## Robert L. Simon Council Chambers
## Keizer, Oregon

**CALL TO ORDER**

Mayor Christopher called the regular session to order at 7:06 pm. Roll Call was taken as follows:

| Present: | Staff: |
|---|---|
| Mayor Lore Christopher | Chris Eppley, City Manager |
| Richard Walsh, Council President | Kevin Watson, Assistant to the City Manager |
| Brandon Smith, Councilor | Shannon Johnson, City Attorney |
| Cathy Clark, Councilor | Nate Brown, Community Development Director |
| David McKane, Councilor | Rob Kissler, Public Works Director |
| James Taylor, Councilor | Marc Adams, Police Chief |
| **Absent:** | Tracy Davis, City Recorder |
| Jacque Moir, Councilor | |

**FLAG SALUTE**

Mayor Christopher led the pledge of allegiance.

**PUBLIC TESTIMONY**

*Marilyn Conner*, representing the Assistance League of Salem and the Cook's Tour title sponsor, Eye Care Physicians & Surgeons, requested permission to hang banners advertising the tour in Keizer. Mayor Christopher and City Attorney Shannon Johnson provided clarifying information. Discussion followed regarding size, procedures for permission and prohibitions with Ms. Conner fielding additional questions.

*Christine Dieker, Keizer*, representing the Parks Advisory Board, reported on recent Board activities including acquisition, transportation and storage of parts of the riverboat, "The Jean", possible projects funded by the Parks Foundation, joint use agreements with 24J, disposition of grant funds and waiving of SDC charges for Habitat for Humanity projects.

*Joseph Pellico*, Keizer, reported that he would be hosting an Eagle Scout project placing a bark chip path around the Keizer Rapids Dog Park, solicited volunteers and added that some Park closures may occur during this time. He also reviewed activities of his troop (Troop 121).

*Greg Rands*, Keizer, representing the Planning Commission, reported that John Rizzo had been sworn in as a new Commissioner and reviewed actions of the Commission including updates on the Transit Center, possible review of the fencing code and discussion on tree regulations. He added that he, Rizzo and Jacks had volunteered to serve on the Visioning Task Force and reviewed the task of that group. Mr. Rands concluded that the Civic Center is on time and on budget and the Chemawa Road project was put in first place at MWACT with the pedestrian bridge over the Parkway number 5 on a separate list. Discussion then took place regarding tree replacement and landscaping of developed properties.

*Martin Matiskainen, Keizer,* voiced his opinion that Salem should be included in the evaluation and funding of a pedestrian bridge across the Parkway to the Kroc Center and recommended that Keizer contact all potential players in this project prior to committing significant City resources. Mayor Christopher responded that both ODOT and Salem understand the situation and want to find a solution. Councilor Clark and Mr. Brown provided clarification as well. Mr. Eppley added that grant, and not City, funding sources are being explored. Additional discussion took place regarding the infrastructure necessary to move the children from Keizer to the bridge, the transit system and adjustment of the Urban Renewal District.

*Don Blair, Keizer,* addressed Council regarding the ordinance prohibiting fuel stations at River and Chemawa. He suggested that times had changed and in the interest of serving the citizens of Keizer a station should be allowed in the Safeway parking lot. He noted that he did not know if Safety would be in favor of this. Discussion took place regarding whether or not an interest had been shown to establish this sort of business in this location and Fire District approval.

**PUBLIC HEARING**

**a. Keizer Development Code Text Amendments for Electronic Message Signs**
(cont. from 8/4/08)

(*Taken after all other business except the Consent Calendar.*) Community Development Director, Nate Brown, pointed out that responses from the Chamber questionnaire were included in the packet and reminded Council that staff recommendation is to allow electronic message signs in the public zone with a one-hour time limitation for the changing message.

Councilor Taylor recused himself from this decision due to potential conflict of interest.

*Mayor Christopher reopened the Public Hearing.*

Mayor Christopher read into the record written testimony submitted by *Linda Nelson, Keizer,* which voiced opposition to allowing LED signage.

*Marty Matiskainen, Keizer,* spoke in opposition of allowing electronic message signs and concluded that this restriction would make Keizer a community that stands out and does not replicate the current fashion.

*Tony Kreitzberg, Salem,* representing Willamette Valley Bank, reviewed items submitted for the record, spoke in favor of allowing electronic signage citing their energy efficiency, noted that the U.S. Department of Transportation recommended 8-minute intervals and concluded that the bank was willing to accept an amendment that would allow changing of the message every 10 minutes. Mr. Kreitzberg then fielded questions regarding regulation of content, willingness to sign an agreement allowing the City to change the changing intervals and exemption of time and temperature signs.

*With no further testimony, Mayor Christopher closed the public hearing.*

Councilor Walsh moved to designate the appropriate time for electronic signs to be 10 minutes. Motion died for lack of second.

Discussion followed regarding the appropriate time for electronic signage, requiring public service announcements, size, space and location limitations, adding a requirement for new signs to be monument style incorporating the more sophisticated look of the River Road updates, appropriate verbiage for the motion, grandfathering, conditional use permitting on individual signs and conformance to the sign code.

Councilor Walsh moved to amend the Text Amendment Section 2.308.06(P) to read that signs change no more frequently than once per 15 minutes rather than once per hour. Mayor Christopher seconded.

Councilor McKane offered a friendly amendment to change the interval to 10 minutes. Councilor Walsh accepted the amendment but Mayor Christopher did not.

Motion passed as follows:

AYES: Christopher, Walsh, Smith, McKane and Clark (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Taylor and Moir (2)

Councilor Walsh moved to grandfather existing time and temperature signs. Mayor Christopher seconded.

Discussion followed regarding future time and temperature signs and regulating content.

Motion passed as follows:

AYES: Christopher, Walsh, Smith, McKane and Clark (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Taylor (2)

Following significant discussion regarding prohibition of electronic wall signs including those located at integrated business centers, Council agreed that they supported this prohibition. An amendment was not necessary.

Additional discussion then took place regarding limitation of sign brightness perhaps with a standard similar to that of Salem which is a subjective standard limiting the brightness to no greater than that of a standard sign. Mr. Brown noted that this standard has not yet been adopted by Salem. Council also considered addressing other conditions such as aesthetics.

Councilor Smith noted that rotating and revolving signs should be removed from number 7 at the top of page 17. Council agreed by consensus to strike "rotating and revolving" at the top of page 17.

Councilor McKane urged staff to encourage business owners considering electronic message signs to contemplate perhaps a smaller but more aesthetically pleasing sign. He concluded that if the text on the sign is changing it would attract attention without being as large as a static sign.

Councilor Walsh inquired if businesses would be signing an agreement regarding future adjustment of time intervals on electronic message signs. Council agreed by consensus that they supported this requirement.

Councilor Clark urged that improved/updated mounting of signs be addressed in the near future. Mr. Brown responded that staff would work on how best to accomplish this.

Councilor Walsh moved to direct staff to prepare an ordinance to adopt the proposed revisions of 2.308 of the Keizer Development Code as amended. Councilor Smith seconded. Motion passed as follows:

AYES: Christopher, Walsh, Smith, McKane and Clark (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Taylor (2)

**ADMINISTRATIVE ACTION**

**a. Placement of Banners for 2008 Assistance League Cook's Tour**

Community Development Director Nate Brown reviewed this issue reminding Council that they have the authority to allow signage and that commercial speech has not previously been allowed. He voiced concern that allowing this signage might set a precedent and concluded that staff recommends development of a specific criteria on how to govern requests to provide guidance in the future.

Discussion followed regarding the current process, setting limitations, timing, one-time authorization vs. development of a permanent process and use of the light poles for non-profit.

Councilor Walsh moved to allow the sign as presented to be hung and that staff be directed to develop criteria for the next time a request comes forward. Councilor McKane seconded.

Councilor Clark clarified the intent of the direction to staff regarding size of logo and time allowed for display; Mayor Christopher urged staff to make the criteria somewhat consistent with the policy of Salem.

Rob Kissler suggested that the motion include that the signs are hung on the light poles with brackets in the existing size. Mayor Christopher responded that this was inferred in the motion. Additional discussion took place regarding hanging banners in Keizer Station.

Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Clark and Taylor (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir (1)

**b. Habitat for Humanity – Request for Waiver of SDC Fees**

City Attorney Shannon Johnson noted that after reviewing SDC ordinances and the statute he found no provision to allow a waiver but Council could change the ordinance to allow the exemption. He added that most jurisdictions to not allow this exemption but find other areas to cover the cost. He noted that the exemption could also be allowed by amending the implementing ordinances. Discussion then took place regarding different options, such as putting a lien on the property with a nominal interest rate, bancrofting, paying from another fund and implementing a budget line item. City Manager Chris Eppley reviewed in detail the results of a survey of actions 30 other cities have taken in this regard. Council then directed that further discussion take place with Habitat and something be brought back at a future meeting. Mr. Johnson summarized that Council is uncomfortable with an exemption but would like to assist perhaps through some method other than a waiver.

**CONSENT CALENDAR**

**A. RESOLUTION – Authorization for Appropriation Transfer**
**B. Approval of August 18, 2008 Work Session Minutes**
**C. Approval of August 18, 2008 Regular Session Minutes**
**D. Approval of September 2, 2008 Regular Session Minutes**

Mayor Christopher pulled item D.

Councilor Walsh moved to approve Items A, B and C of the Consent Calendar. Councilor Clark seconded. Motion passed as follows:

AYES: Christopher, Walsh, Smith, McKane and Clark (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Moir and Taylor (2)

Councilor Walsh moved to approve item D of the Consent Calendar. Councilor Clark seconded. Motion passed as follows:

AYES: Walsh, Smith, McKane and Clark (4)
NAYS: None (0)
ABSTENTIONS: Christopher (1)
ABSENT: Moir and Taylor (2)

**COMMITTEE REPORTS**

**a. Volunteer Proclamations**

*Taken out of Order.*

Mayor Christopher read the individual proclamations for John Rizzo, Planning Commission; Terry Gordon, David Dempster and Sandi King, Budget Committee; and Toni Whitler, Stormwater Advisory Board. Sandi, David and John received their proclamations in person and briefly summarized their reasons for volunteering to serve.

**COMMITTEE REPORTS**

Postponed due to the late hour.

**OTHER BUSINESS**

**a. New Business**

**b. Old Business**

Mayor Christopher pointed out that the shelves are bare at the Keizer Community Bank and urged the public to donate food at John Knox Presbyterian Church on Cummings Lane just west or River Road.

Councilor McKane commended the Fire District for their annual 9-11 memorial and thanked Councilors for attending. Councilor Smith echoed Councilor McKane's comments.

Councilor Walsh briefly reviewed his participation in the Department of the Interior Senior Executive Service seminar which included an overview of Keizer Rapids and Water Trail projects. He noted that the organization had encouraged him to apply for another grant. Mr. Walsh added that the amphitheater is almost done and commended all the volunteers for their efforts.

Councilor Clark reviewed activities of the Oregon Transportation Commission noting that she anticipates more interaction with the Mid-Willamette Advisory Commission on Transportation in the future. She reviewed Emergency Volunteers Assisting Keizer activities including a recent training and working with the Fire District.

Police Chief Adams thanked Utah Crowson, neighbor to the Police Department, who has allowed the City to use the back part of his property for storage and parking without asking anything in return.

Public Works Director, Rob Kissler reported on paving progress at Keizer Rapids Park.

Kevin Watson, Assistant to the City Manager, updated Council on the progress of the T. D. Keizur statue noting that anticipated completion is 15 months.

**WRITTEN COMMUNICATIONS**

None

**AGENDA INPUT**

<u>**October 6, 2008**</u>

**7:00 p.m. City Council Meeting**

- Local Government Grant – Keizer Rapids Park Trail/Parking
- Mini Super Liquor License Public Hearing

<u>**October 13, 2008**</u>

**5:45 p.m. City Council Work Session**

- Sidewalks

<u>**October 20, 2008**</u>

**7:00 p.m. City Council Meeting**

- Parks system Development Charge Public Hearing
- Proclamation – Domestic Violence Awareness Month

**ADJOURNMENT** Mayor Christopher adjourned the meeting at 10:19 p.m.

APPROVED:

MAYOR:

Lore Christopher

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Cathy Clark

Councilor #2 – Brandon Smith

Councilor #5 – Richard Walsh

~ Absent ~
Councilor #3 – Jacque Moir

Councilor #6 – James Taylor

Minutes approved:

October 20, 2008