



MINUTES
KEIZER CITY COUNCIL
Tuesday, September 8, 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
Marlene Parsons, Councilor
Amy Ryan, Councilor
Brandon Smith, Councilor
Kim Freeman, Councilor
Roland Herrera, Councilor
Youth Councilor Siri Scales

Absent:

Dennis Koho, Council President

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, Assistant Controller
Tracy Davis, City Recorder

FLAG SALUTE

Landon VanDyke from Scout Troop 121 introduced Senior Patrol Leader Tyler Stoll and both led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

**a. Proclamation –
Constitution
Week**

Ruby Pantalone and *Tish Baker*, from the Anna Maria Pittman Chapter of the Daughters of the American Revolution, provided background information about the tradition of celebrating Constitution Week and reminded all that the Constitution is a living document that guarantees our freedom.

Mayor Clark read the proclamation and presented it to Ms. Pantalone.

**COMMITTEE
REPORTS**

**a. Volunteer
Coordinating
Committee
Recommendation
for Appointments
to Keizer Budget
Committee**

City Manager Chris Eppley, reported that following publication of notice of two vacancies on the Keizer Budget Committee and acceptance of testimony from applicants, the Volunteer Coordinating Committee unanimously recommended Nelson Sossamam and Jonathan Thompson to fill the vacancies.

Councilor Parsons moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee to appoint Nelson Sossamam and Jonathan Thompson to position numbers 6 and 7 respectively on the Keizer Budget Committee each to serve a three-year term. Councilor Smith seconded. Motion passed as follows:

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

COMMITTEE REPORTS

Lore Christopher, Keizer, Chair of the Keizer Public Arts Commission (KPAC) referred to the agenda item regarding Public Art and Murals noting that several edits to the policies were not included and should be. City Attorney Shannon Johnson explained that the Policies and Criteria is included in the Council packet for information purposes only and does not need to be adopted by Council. Ms. Christopher added that the 20% commission referred to in the staff report was intended by KPAC to be a commission on all public art including sculptures.

Ms. Christopher then urged Council to approve the special event permit relating to the second public mural, provided information about story poles, a future art project, and asked that the search engine on the City website be improved.

PUBLIC TESTIMONY

Dave Wallery, Keizer, displayed examples of holiday lights that have been refurbished by an organization in Lebanon noting that refurbishing was more economical than purchasing new ones and the new LED lights will use less electricity. Councilor Freeman added that a dedicated group hangs lights for the holiday season every year and that LED lights are on the Christmas tree as well. Mr. Eppley added that Mr. Wallery paid some of the refurbishing costs himself.

Roger Widner, Keizer, urged that Keizer support the development of rental properties, particularly duplexes, and suggested that with proper care, rental properties are desirable in any city. Community Development Director Nate Brown added that Mr. Widner's development would be the 'poster child' for a nice cottage cluster development.

Rhonda Rich, President of the West Keizer Neighborhood Association, voiced support for the proposed ordinance amending the Development Code, thanked the community and council for the Big Toy play structure, requested that the pathway from Tate Avenue to Keizer Rapids Park be made more accessible, announced the upcoming WKNA meeting, Chemawa Road cleanup and the Audubon birding field trip, and commended the City's new website.

PUBLIC HEARINGS a. ORDINANCE – To Vacate a Portion of

City Attorney Shannon Johnson provided background information regarding street vacations, the statutory process and the property in question.

Mayor Clark opened the Public Hearing.

Michael Poissant, AKS Engineering (applicant), explained that the request is being made so that his business can put up a sign that conforms with

**Manbrin Drive
NE, Keizer,
Oregon (MMAK,
LLC)**

City Code. Neighbors have consented, it will not adversely affect traffic at the intersection and maintenance and irrigation will continue to be provided by the applicant.

With no further testimony, Mayor Clark closed the public hearing.

Councilor Parsons moved that Keizer City Council approve an Ordinance to Vacate a Portion of Manbrin Drive NE, Keizer, Oregon (MMAK, LLC).
Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ryan and Herrera (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

**ADMINISTRATIVE
ACTION**

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

Mr. Johnson reminded Council that they had directed staff to bring back this ordinance and that they had indicated that they did not want to try to ban early sales of medical marijuana. This ordinance corresponds to those wishes, is consistent with state law, and adopts the medical marijuana facility permit process.

Councilor Parsons 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; Amendment of Ordinance No. 2014-702. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ryan and Herrera (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

**ORDINANCE –
Amending
Ordinance
Establishing a
Tax on the Sale
of Marijuana,
Medical
Marijuana, and
Marijuana-
Infused
Products in the
City of Keizer;
Declaring an**

Mr. Johnson explained that Keizer had adopted a 0% tax on medical marijuana and a 10% tax on recreational marijuana. Now there is a third category with early sales of recreational marijuana. He therefore drafted this ordinance which adds an additional section to the tax to indicate that there would be a 0% tax on the gross sale amount paid to the seller of marijuana by an individual purchasing marijuana pursuant to Senate Bill 460. With this Keizer stays consistent with the State for early sales and does not attempt to have a local tax on early sales but it keeps open the issue of local sales tax for the regular facilities.

Council discussed medical vs. recreational facilities and jurisdictions.

Councilor Parsons moved that the Keizer City Council adopt a Bill for an Ordinance Amending Ordinance Establishing a Tax on the Sale of Marijuana, Medical Marijuana, and Marijuana-Infused Products in the City of Keizer; Declaring an Emergency; Amendment of Ordinance No. 2014-706. Councilor Smith seconded. Motion passed as follows:

**Emergency;
Amendment of
Ordinance No.
2014-706**

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

**b. ORDINANCE –
Providing for
Keizer Public
Art and Public
Murals; Repeal
of Ordinance
No. 2014-710**

Mr. Johnson noted that the Policies in the packet were for information only and reviewed changes in the ordinance and details of the resolution. He suggested that in the Resolution 'donation' and 'at the Keizer Community Center' be deleted and 'wherever located' be added.

Councilor Parsons moved that the Keizer City Council adopt a Bill for an Ordinance Providing for Keizer Public Art and Public Murals; Repeal of Ordinance No. 2014-710. Councilor Smith seconded. Motion passed as follows:

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

**RESOLUTION –
Adopting
Public Art and
Public Murals
Policies**

Councilor Parsons moved that the Keizer City Council adopt a Resolution Adopting Public Art and Public Murals Policies as amended. Councilor Smith seconded. Motion passed as follows:

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

**c. ORDINANCE -
Amending
Keizer
Development
Code
Regarding
Sections 1.200,
2.102, 2.103,
2.104, 2.107,
2.118, 2.129,
2.302, 2.303,
2.310, 2.311,
2.314, 2.315,
2.316, and
3.106;
Amending**

Mr. Johnson reminded Council that they had directed staff to prepare this ordinance approving the Keizer Development Code text changes relating to infill.

Councilor Parsons moved that the Keizer City Council adopt a Bill for an Ordinance Amending Keizer Development Code Regarding Section 1.200 (Definitions), Section 2.102 (Single Family Residential), Section 2.103 (Limited Density Residential), Section 2.104 (Medium Density Residential), Section 2.107 (Mixed Use), Section 2.118 (Urban Transition), Section 2.129 (Chemawa Interchange Overlay Zone), Section 2.302 (Street Standards), Section 2.303 (Off-Street Parking And Loading), Section 2.310 (Development Standards For Land Divisions), Section 2.311 (Planned Unit Development Design Standards), Section 2.314 (Standards For Single Family Dwellings), Section 2.315 (Development Standards), Section 2.316 (Infill Development Standards), And Section 3.106 (Lot Line Adjustment); Amending Ordinance No. 98-389. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ryan and Herrera (6)

**Ordinance No.
98-389**

NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Koho (1)

**d. ORDINANCE –
Relating to
Abandoned
Shopping Carts**

Mr. Johnson explained the requirements for this ordinance: store must have a sign on the carts and in the store with a toll free number saying 'taking these carts is illegal' and if someone sees one of these and reports it, they will pick it up within 72 hours. If the store does not do that, the City will pick it up and the store will have to pay a \$50 administrative fee.

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

Councilors discussed whether this would be a deterrent, how it would affect local businesses, the need for a toll-free number, and the expense to businesses. Councilor Smith proposed several amendments which were not accepted by Councilor Parsons.

Following additional discussion, Councilor Parsons withdrew her motion and Councilor Freeman agreed.

Mr. Brown explained that some retailers are not interested in collecting their carts; they have been destroyed because the store would not collect them.

**e. Multiple
Resolutions**

RESOLUTION – Amending Administrative Services Fees; Amending R2014-2453

RESOLUTION – Amending the Application Fee for Apportionment of Local Improvement Assessments; Amending R2012-2253

RESOLUTION – Amending Demolition Permit Fees; Amending R2010-2085

RESOLUTION – Amending Keizer Park Use Fees; Amending R2012-2229.1

RESOLUTION – Amending Plan Check and Construction Permit Fees; Amending R2006-1697

RESOLUTION – Amending the Application Fee for Public Improvement Reimbursement Districts; Amending R2015-2577

RESOLUTION – Amending the Transportation System Development Charge Improvement Fee Structure; Amending R2014-2484

RESOLUTION – Amending Water Service Connection Fees and Related Service Fees; Amending R2006-1724

Mr. Johnson noted that these resolutions are 'housekeeping' measures; several fees have an inflationary index with provisions for rounding. The finance department is requesting that the 'rounding' provision be added to those fees that do not already have it.

Councilor Parsons moved that Keizer City Council adopt the resolutions as set forth in the staff report. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ryan and Herrera (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

- f. RESOLUTION – Authorizing Temporary Use and Signage for Public Mural at Town and Country Lanes** Mr. Johnson explained that the second mural is being planned. Because this is a community project and the Keizer Public Arts Commission wishes to invite community participation, they have asked permission to print an announcement on the mural wall prior to the actual execution of the project. The resolution authorizes the signage.

Councilor Parsons moved that Keizer City Council adopt a Resolution Authorizing Temporary Use and Signage for Public Mural at Town and Country Lanes. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ryan and Herrera (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

CONSENT CALENDAR

- a. Approval of August 3, 2015 Regular Session Minutes
- b. Approval of August 10 Work Session Minutes
- c. Approval of August 17, 2015 Regular Session Minutes

Councilor Parsons moved for approval of the August 3 Regular Session Minutes. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ryan and Herrera (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

Councilor Parsons moved for approval of the August 10 Regular Session Minutes with the correction to change her name from Quinn to Parsons. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ryan and Herrera (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

Councilor Smith moved for approval of the August 17 Regular Session Minutes. Councilor Freeman seconded. Motion passed as follows:

AYES: Clark, Freeman, Smith, Ryan and Herrera (5)

NAYS: None (0)

ABSTENTIONS: Parsons (1)

ABSENT: Koho (1)

COUNCIL LIAISON REPORTS

Mayor Clark introduced the new Youth Councilor, Siri Scales. Ms. Scales explained that she is a junior at McNary and involved in leadership.

Councilor Freeman provided information regarding volunteer opportunities and the Volunteer Coordinating Committee, announced the upcoming West Keizer Neighborhood Association meeting and clean-up event, and the Claggett Creek Watershed Council meeting, thanked everyone who participated in the Big Toy dedication, commended city-wide paving projects and praised Dave Walery for the Christmas decorations and his financial contribution to the City.

Councilor Smith thanked Representative Bill Post for attending the Big Toy dedication, and announced the 9-11 Memorial event at the Fire District and the delayed Planning Commission meeting.

Councilor Ryan announced various events she had attended, requested donations of school supplies for the Salem Keizer Education Foundation, provided information about the Arts Commission mural, announced the upcoming Holiday Event meeting and congratulated the Volcanoes for making the playoffs.

Councilor Parsons thanked all the speakers at the Big Toy dedication and reported that the task force will be applying for grants to improve various aspects of the park.

Councilor Herrera reported that Betty Hart had received an award from United Way for the emergency food and shelter program, praised the Volcanoes, and congratulated McNary, the Ducks and the Beavers. He added that National Hispanic Heritage month begins September 15 and reviewed planned events.

Mayor Clark provided detailed information about a 'community conversation' which she had attended and encouraged folks to get involved. She also encouraged everyone to attend the 9-11 Memorial and announced upcoming meetings.

OTHER BUSINESS

Chief Teague announced that 9-11 is officially named "Patriot Day".

Public Works Director Bill Lawyer reported that the resurfacing project was nearing an end.

Community Development Director Nate Brown announced that he had been appointed to the Marion County Economic Development Advisory Board.

WRITTEN COMMUNICATIONS

Mayor Clark announced a free event hosted by Straub Environmental Center at Riverfront Park and summarized a letter received from Comcast highlighting various community partnerships that Comcast is involved in and changes in service.

AGENDA INPUT

September 14, 2015

5:45 p.m. – City Council Work Session

- Annual Keizer Parks Tour

September 21, 2015

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

October 5, 2015

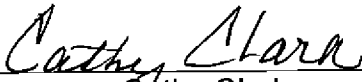
7:00 p.m. – City Council Regular Session

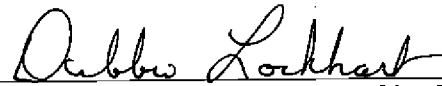
ADJOURNMENT

Mayor Clark adjourned the meeting at 9:02 p.m.

MAYOR:

APPROVED:


Cathy Clark


Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

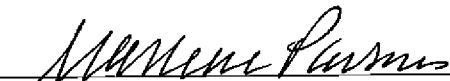
~ Absent ~

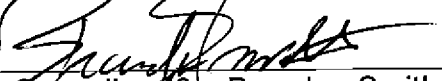
Councilor #1 – Dennis Koho

Councilor #4 – Roland Herrera


Councilor #2 – Kim Freeman


Councilor #5 – Amy Ryan


Councilor #3 – Marlene Parsons


Councilor #6 – Brandon Smith

Minutes approved: October 5, 2015