

CITY OF KEIZER MISSION STATEMENT
*KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES TO THE
COMMUNITY IN A COORDINATED, EFFICIENT, AND LEAST COST FASHION*

AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION
Tuesday, September 5, 2017
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. Recommendation from Volunteer Coordinating Committee for Appointments to the Keizer Planning Commission and Mid-Willamette Valley Community Development Partnership

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. Proposed Text Amendment Relating to Landscaping Requirements – Keizer Development Code (KDC) Section 2.309 (continued hearing from 8-21-17)

8. **ADMINISTRATIVE ACTION**

- a. **ORDINANCE** – Amending Keizer Development Code Regarding Section 2.110 (Commercial Mixed Use); Amending Ordinance 98-389
- b. Soccer Field at Country Glen Park

9. CONSENT CALENDAR

- a. RESOLUTION – Authorizing Finance Director to Enter Into Purchase Agreement with Trebron Company Inc. for Purchase of Sophos Email Protection
- b. Approval of August 7, 2017 Regular Session Minutes
- c. Approval of August 14, 2017 Work 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

September 11, 2017

5:45 p.m. – City Council Work Session

- Parks Tour

September 18, 2017

7:00 p.m. City Council Regular Session

October 2, 2017

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 cable-cast on Comcast Channel 23 within the Keizer City limits. Thank you for your interest in the City of Keizer.

CITY COUNCIL MEETING: 9-05-17

AGENDA ITEM NUMBER: _____

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 August 17th to review applications and interview candidates for openings on two City committees. The Committee is recommending the following applicants for appointments:

- Keizer Planning Commission – **Crystal Wilson**, Position #4; and **Garry Whalen**, Position #5.
- Mid-Willamette Valley Community Development Partnership – **John Morgan**; term expiring February, 2021.

RECOMMENDATION:

It is recommended the City Council accept the Volunteer Coordinating Committee recommended appointments.

CITY COUNCIL MEETING: September 5, 2017

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: PROPOSED TEXT AMENDMENT RELATING TO
LANDSCAPING REQUIREMENTS – KEIZER DEVELOPMENT
CODE (KDC) SECTION 2.309 – CONTINUED HEARING**

This matter came before the City Council at its August 21, 2017 meeting. The Council continued the hearing to tonight. There were several suggested amendments to the landscaping standards, but one section in particular raised questions with the Council. This was KDC 2.309.04(E) which proposes a new one percent provision for amenities. This means that the developer who is constructing or redeveloping a site has to contribute one percent of the total project cost to amenities such as site furniture, water features, or other features.

There are two issues for Council to consider with regard to this process. One is the one percent (1%) charge generally. Though it is a very small charge, it does require a property owner to make property available generally for public use. This could be problematic for some individuals.

The other issue is the public art discussion. The question would be who to choose the public art? It could be possible that such art could fit within the public art program. I have revised the subsection to allow for that process.

RECOMMENDATION:

Reopen the public hearing and take testimony. If there are no further questions, close the public hearing and consider the suggested amendments. If there are no questions on the other changes, the Council can choose to either direct staff to prepare an Ordinance with the one percent provision or not, and with or without the public art option.

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

2.309 SITE AND LANDSCAPING DESIGN

2.309.01 Purpose

The purpose of the site and landscaping design requirements is to provide standards that can be used in the development of property. A development design that incorporates landscaping serves to enhance the appearance of not only the subject property but also that of the City; provides shade and windbreaks where appropriate to conserve energy in building and site design; provide public amenities, and provides for buffering and screening of dissimilar ~~conflicting~~ land uses. (07/06)

2.309.02 Scope

- A. Landscaping Required. All new construction, as well as expansion ~~of~~, or redevelopment of structures including interior remodeling over \$100,000 in value as specified in Section 2.315, or any parking lots reconfiguration for commercial, multi-family, or industrial uses shall be subject to the site and landscaping requirements of this Section. (07/06)
- B. Landscape Plan Review. Landscaping plans shall be submitted for review subject to procedures of this Section and subject to Type 1-A review procedures set forth in section 3.2. (07/06)
- C. Tree Plan. A tree plan in accordance with section 2.309.04.B.7 is required with all Type II and III applications and the following Type I applications: Conditional Use and Partitioning. (5/98)

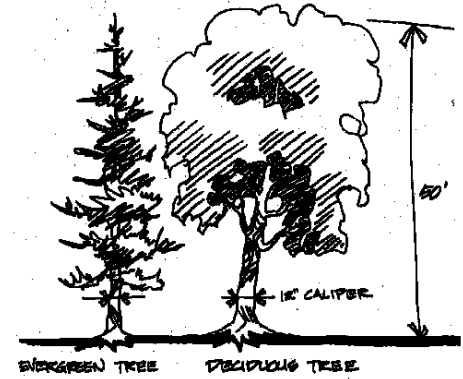
2.309.03 Minimum Area Requirements

Landscaped areas may include landscaping around buildings; open spaces and outdoor recreation areas; islands and perimeter planting areas in parking and loading areas; and areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance. The minimum areas devoted to landscaping are established within the applicable zone district the property ~~is~~ located. (07/06)

~~Expansions. For addition(s) onto an existing development including interior remodeling as specified in Section 3.15, and parking lots, the minimum new landscaped area shall be determined by: first calculating the percentage of the increase of total floor area or parking area; multiplying the gross site area by this percentage of increase; multiplying the resulting area by the minimum percentage for the type of development, as noted above. This provision is not intended to include phase construction within a development. (07/06)~~

2.309.04 General Provisions

- A. Landscaped Area. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in a mixture of landscaping elements to include such things as lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements such as site furnishings, water features, artwork, or other similar features that provide aesthetic value and open space as defined in this Ordinance. Landscaping shall be designed, planted, and maintained in accordance with professional landscaping standards. Landscaping installed over asphalt shall be prohibited. (07/06)



- B. Submittal Requirements. A submitted landscaping plan shall include the following: (5/98)
1. Type, variety, scale and number of plants used; (5/98)
 2. Placement and spacing of plants; (5/98)
 3. Size and location of landscaped areas; (5/98)
 4. Contouring, shaping and preparation of landscaped areas; (5/98)
 5. Use and placement of non-plant elements within the landscaping used as accents. Such elements may only be used minimally and shall total no more than 25 percent of the total landscape area. (5/98)
 6. Method of irrigation. (5/98)
 7. Location, and identification of any trees, both existing and planned consistent with Section 2.309.04.C. (07/06)
 - a. On the Landscaping Plan, the existing significant trees identified by their common names, along with the size of such significant trees. Existing significant trees shall include any trees which were removed within the two-year period prior to the date the application was first submitted shall be shown on the landscape plan. (07/06)

- b. Which significant trees are proposed to be removed, or have been removed within the past two years. (07/06)
 - c. Which significant trees are to be left standing and what steps will be taken to protect and preserve those trees according to current best management practices. (5/98)
 - d. Location, size and type of replacement trees proposed to be added, if any. (5/98)
- C. Significant Trees. As used herein, “significant ~~trees~~” are trees having a height of more than fifty (50) feet and/or having a trunk whose diameter is more than twelve (12) inches diameter at breast height (DBH) (5 feet above ground level). (07/06)
- a. The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of significant trees. Depending on these factors, the removal of significant trees may be appropriate and approved as part of the landscaping plan. Development of the property shall be in conformance with an approved landscaping site plan that is a condition of a land use approval or a building permit. ~~The City may require that s~~Significant trees ~~that are~~ removed (including trees removed within the two years prior to the application) must be replaced at the rate of ~~up to~~ two new trees for each significant tree removed or less if a large tree specimen ~~which will result in an increased tree~~ size is planted. Replacement trees ~~shall have a trunk, when measured at six (6) inches above ground level, of at least two (2) inches when planted, and~~ shall be a type that will be at least twelve (12) inches (DBH)~~in diameter at ground level~~ when fully mature. At the time of planting, replacement trees shall be planted in accordance with the standards of section 2.309.06. In lieu of an on-site tree replacement plan, an off-site tree mitigation plan ~~that is~~ consistent with requirements within this section shall be submitted to the Community Development Director for approval. Such off-site location shall be within the the public right of way, on public property, or on private property if qualifying as a streetscape tree, city limits or in a city park as and must be approved by the City~~Community Development Director~~. If no suitable off-site location is identified for the immediate installation of replacement trees, a contribution to the City’s landscape mitigation fund in the amount equal to the cost of a replacement tree (including installation) as determined by the City may be made for the City to install replacement trees at a later date, as determined appropriate. Such funds shall be used only for replacement tree planting. (07/07)

- b. The above provisions include and apply to all significant trees located on the subject property or on any adjacent public right-of-way. These requirements shall be applied to both public and private development.
- D. Existing Vegetation. The landscape design shall also incorporate as much of the existing desirable vegetation on the site as is possible. (07/06)
- E. One Percent for Public Amenities. One percent of the total cost of construction, reconstruction, refurbishment, remodeling, or alteration of any commercial or industrial building shall be expended for the acquisition and installation of public amenities. Such amenities shall include such things as public-site furniture, water features, public art, or other features specifically intended to be available to be used by the general public during the hours the business is open, even though they remain in private ownership. At the property owner's option, the owner may propose art for approval through the public art program. The value of the permanent art easement and artwork shall be credited against this requirement. In lieu of providing amenities, a property owner may choose, because of site constraints or minimal scope of a project, to pay into the City public art fund the amount so specified.

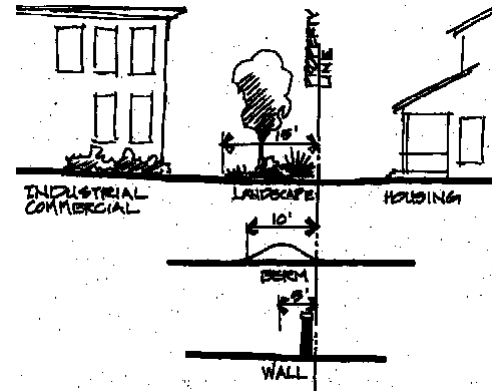
2.309.05 Screening and Buffering

- A. Screening and Buffering. Screening and Buffering shall be used to mitigate visual impacts, dust, or noise, and to provide for compatibility between dissimilar adjoining uses. Screening and buffering shall be used to eliminate or reduce the impacts of the following uses: (07/06)
 - 1. Commercial and industrial uses when abutting residential uses. (5/98)
 - 2. Industrial uses when abutting commercial uses if necessary due to site conditions. (5/98)
 - 3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas. (5/98)
 - 4. Outdoor storage areas. (5/98)
 - 5. Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses. (5/98)
 - 6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners. (5/98)

7. Multifamily developments when abutting lower density residential uses. Shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. (07/06)

B. Where screening or buffering is determined to be necessary, one of the following alternatives shall be employed: (07/06)

1. Width not less than 15 feet shall be planted with the following materials: (07/06)
 - a. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart. (5/98)
 - b. At least one row of evergreen shrubs that will grow to form a continuous hedge at least five feet in height within one year of planting. (5/98)
 - c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area. (5/98)



Alternative Buffering Techniques

2. Width not less than 10 feet shall be developed in accordance with the following standards: (07/06)
 - a. Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary. (5/98)
 - b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use. (5/98)
 - c. The combined total height of the berm and hedge shall be not less than five feet. (5/98)
3. Width must not be less than five feet shall be developed in accordance with the following standards: (07/06)

- a. A masonry wall or sight-obscuring fence not including vinyl slatted chain link fences not less than six feet in height. In addition, a fence shall be maintained in a safe and attractive manner. (07/06)
 - b. A mixture of lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area. (07/06)
4. Other alternative methods which produce an adequate screening or ~~buffering~~, buffering may be approved by the City. (07/06)

2.309.06 Planting and Maintenance

- A. Planting Height. No sight-obscuring plantings exceeding 30 inches in height shall be located within any required vision clearance area in accordance with Section 2.312.09 of this Ordinance. (5/98)
- B. Plant Materials. Plant materials shall not cause a hazard. Landscape plant materials over walkways, pedestrian paths and seating areas shall be pruned to a minimum height of eight feet and to a minimum height of 135 feet over streets and vehicular traffic areas. (5/98)
- C. Utility Interference. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground. (5/98)
- D. Installation. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic. (5/98)
- E. Suitability. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems, and be sound, healthy, free from defects, diseases, and infections. (5/98)
- F. Deciduous Trees. Deciduous trees shall have a minimum caliper of 2 inches (DBH), and a minimum height of 8 feet at the time of planting. (07/06)
- G. Evergreen Trees. Evergreen trees shall be a minimum of 86 feet in height and fully branched at time of planting. (5/98)
- H. Shrubbery. Shrubs shall be supplied in a minimum 1 gallon containers or 8 inch burlap balls with a minimum spread of 12 to 15 inches. (5/98)

- I. Ground Cover. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container. (07/06)
- J. Irrigation. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1,000 square feet of landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials unless otherwise approved by the Zoning Administrator. Sprinkler heads shall not cause any hazard to the public. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. (07/06)
- K. Re-planting. Trees or shrubbery which die-off shall be replaced with a new plant of the same or similar type. Replacement is ~~ultimately~~ the responsibility of the property owner. (5/98)
- L. Maintenance. Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property. This requirement applies to existing, as well as new development. (5/98)
- M. Plant Protection. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods. (5/98)

CITY COUNCIL MEETING: September 5, 2017

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: ORDINANCE AMENDING KEIZER DEVELOPMENT CODE

At the July 17, 2017 Council meeting, Council directed staff to prepare an Ordinance approving the Keizer Development Code text changes to revise the Code relating to the allowance of gasoline service stations within the Chemawa/River Road restriction area. Such Ordinance is attached for your review.

Council directed that Safeway's proposal regarding allowance for an adjoining convenience store be allowed. Such proposal provided for a 450 square foot "sales area," but did not state a maximum overall size. Safeway representatives previously indicated that the restroom/backroom area was approximately the same size, so I added a provision limiting the overall structure size to 900 square feet.

RECOMMENDATION:

Adopt the attached Ordinance.

Please let me know if you have any questions. Thank you.

ESJ/tmh

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A BILL
FOR

ORDINANCE NO.
2017-_____

AN ORDINANCE

AMENDING KEIZER DEVELOPMENT CODE REGARDING
SECTION 2.110 (COMMERCIAL MIXED USE); **AMENDING
ORDINANCE 98-389**

WHEREAS, the Keizer Planning Commission has recommended to the Keizer
City Council amendments to the Keizer Development Code (Ordinance No. 98-389);
and

WHEREAS, the City Council has held a hearing on this matter and considered
the testimony given and the recommendation of the Keizer Planning Commission; and

WHEREAS, the Keizer City Council has determined that it is necessary and
appropriate to amend the Keizer Development Code as set forth herein; and

WHEREAS, the Keizer City Council has determined that such amendments
meet the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer
Development Code;

NOW, THEREFORE,

The City of Keizer ordains as follows:

Section 1. FINDINGS. The City of Keizer adopts the Findings set forth in
Exhibit "A" attached hereto and by this reference incorporated herein.

Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE.
The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the

1 adoption of the changes to Section 2.110 (Commercial Mixed Use) as set forth in
2 Exhibit "B" attached hereto, and by this reference incorporated herein.

3 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
4 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional,
5 or is denied acknowledgment by any court or board of competent jurisdiction,
6 including, but not limited to the Land Use Board of Appeals, the Land Conservation
7 and Development Commission and the Department of Land Conservation and
8 Development, then such portion shall be deemed a separate, distinct, and independent
9 provision and such holding shall not affect the validity of the remaining portions
10 hereof.

11 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
12 days after its passage.

13 PASSED this _____ day of _____, 2017.

14 SIGNED this _____ day of _____, 2017.

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Mayor

City Recorder

EXHIBIT “A”

Findings regarding the adoption of amendments to Section 2.110 (“Commercial Mixed Use (CM)”) of the Keizer Development Code.

The City of Keizer finds that:

1. General Findings.

The particulars of this case are found within Planning file Text Amendment 2017-04. Public hearings were held before the Planning Commission on March 15, 2017 and April 12, 2017. A public hearing was held before the City Council on July 17, 2017.

2. Text amendments to the Keizer Development Code (“KDC”) must comply with KDC 3.111.04.B, C, and D. Because this is a text amendment, KDC 3.111.04.A is not applicable.

3. **Section 3.111.04.B - A need exists for the proposed amendment -**

Findings: The private development community testified that there is a market need for gasoline service stations in conjunction with existing grocery supermarkets in the Chemawa/River Road restriction area but that, prior to adoption of this amendment, such service stations were prohibited in this location. The proposed amendment addresses this need by permitting gasoline service stations in the CM zone and the Chemawa/River Road restriction area, subject to conditional use review and compliance with identified standards. The private development community also testified that there was a market expectation to allow limited merchandise sales at the gasoline service station site and that these merchandise sales would not be expected to compete with larger convenience stores, which offer a greater variety of items and are typically more accessible to roadways. The proposed amendment addresses this need by allowing merchandise sales limited by type and sales area. The proposed amendment complies with this criterion.

4. **Section 3.111.04.C- The proposed amendment complies with Statewide Planning Goals and applicable administrative rule requirements**

FINDINGS: The proposed text amendment complies with the Statewide Planning Goals (“Goals”) as discussed below.

Goal 1 – Citizen Involvement: Goal 1 requires every city and county to develop and implement a citizen involvement program. The City has an acknowledged citizen involvement program and an acknowledged process for securing citizen input on all proposed text amendments to the KDC. The City has processed this application consistent with the City’s acknowledged process, including providing notice, multiple public hearings, deliberation, and ordinance adoption. Public

notice was provided in the *Keizertimes* newspaper. Public hearings were held before the Planning Commission on March 15, 2017 and April 12, 2017, and before the City Council on July 17, 2017. Citizens were afforded the opportunity to participate in the public process. This process is consistent with this Goal.

Goal 2 – Land Use Planning: As applicable, Goal 2 requires that ordinances that implement acknowledged comprehensive plans be consistent with those plans. Goal 2 also requires that land use decisions be coordinated with affected jurisdictions and that they be supported by an adequate factual base. As explained in these findings, the proposed amendment is consistent with applicable provisions of the City’s acknowledged comprehensive plan and is supported by an adequate factual base. Further, the City has coordinated this decision with affected jurisdictions by providing notice, an opportunity for comment, and responding to any comments in these findings. The City received comments from the Keizer Fire District expressing concern for potential traffic impacts associated with development of gasoline service stations in the Chemawa/River Road restriction area. The City has responded to these comments by requiring that any proposed service station is only permitted upon compliance with KDC 2.301.04 regarding Traffic Impact Analysis, upon provision of any required transportation mitigations, and upon addressing the operational needs of the Keizer Fire District. The City’s review of the proposed amendment is consistent with this Goal.

Goal 3 – Agricultural Land: Goal 3 is to protect lands that are designated for agricultural uses. No agricultural lands will be affected by this proposed amendment. Therefore, this Goal is not applicable.

Goal 4 – Forest Land: The intent of this Goal is to protect lands designated for commercial forest uses. There are no forest lands within the City, and no forest lands are affected by this proposed amendment. Therefore, this Goal is not applicable.

Goal 5 – Open Space, Scenic and Historic Areas, Natural Resources: The proposed amendments will not affect or preclude any of the City’s natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. The proposed amendments will also not affect any inventoried open space, scenic, or historic areas. Therefore, this Goal is not applicable.

Goal 6 – Air, Water and Land Quality: The intent of this Goal is to protect the City’s air, water and land qualities. Because the proposed amendment does not authorize any specific development at this time, there can be no direct impact to air, water, or land resources. When development occurs pursuant to the process set forth in the proposed amendment, all such development must necessarily comply with local, state, and federal regulations protecting air, water, and land resources. The amendment complies with this Goal, to the extent it is applicable.

Goal 7 – Natural Hazards: Goal 7 is to protect life and property from hazards resulting from flooding, steep slopes, or other natural occurrences. The proposed amendment does not authorize any specific development at this time; therefore, there can be no development planned or located in known areas of natural hazards or disasters. This Goal is not applicable.

Goal 8 – Recreation: This Goal requires the City to identify and plan for current and future recreation needs of the residents of the City. The proposed amendment does not involve any designated recreational or open space lands and would not affect access to any significant recreational uses in the area. Therefore, this Goal is not applicable.

Goal 9 – Economic Development: The intent of this Goal is to ensure the City plans for its overall economic vitality. Goal 9's implementing rules require that comprehensive plans for urban areas include an analysis of the community economic pattern and provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses. OAR 660-015-0000(9). The proposed amendment will potentially allow for a greater variety of uses in the CM zone, which may collaterally improve economic activities within the City. Therefore, the amendment is consistent with this Goal and its implementing administrative rules.

Goal 10 – Housing: Goal 10 requires local governments to provide for an adequate number of needed housing units and to encourage the efficient use of buildable land with urban growth boundaries. The proposed amendment does not affect residentially-zoned property or the City's housing supply. Therefore, this Goal is not applicable.

Goal 11- Public Facilities and Services: Goal 11 creates guidelines for the timely, orderly, and efficient provision of public facilities and services such as sewer, water, solid waste, and storm drainage. The proposed amendment does not specifically propose any new development that would utilize public facilities and services. If the City approves development pursuant to the amendment, all such development must necessarily comply with local laws regulating the timing of construction and operational standards for public facilities and services. Therefore, this Goal is not applicable.

Goal 12 – Transportation: Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system. This Goal is implemented by the Oregon Transportation Planning Rule ("TPR"), which mandates that a local government impose mitigation measures when a land use regulation would "significantly affect" an existing or planned transportation facility. OAR 660-012-0060(1). A text amendment that would not permit development that would add more traffic to the transportation system than could be added under the existing zoning before the text amendment does not "significantly affect" any transportation facility for purposes of the TPR. *Marine*

Street LLC v. City of Astoria, 37 Or LUBA 587 (2000). The City's proposed amendment does not permit any specific development by right. Moreover, the proposed amendment only allows gasoline service stations as a conditional use under limited circumstances, including upon compliance with KDC 2.301.04 regarding Traffic Impact Analysis, upon provision of any required transportation mitigations, and upon addressing the operational needs of the Keizer Fire District. Thus, any proposed development will necessarily not add any more unmitigated traffic to the transportation system than could be allowed under the existing CM zone. Therefore, the amendment is in compliance with Goal 12 and the TPR. KDC 3.111.05 also requires compliance with the TPR. For the reasons explained in response to this Goal, the proposed amendment complies with KDC 3.111.05.

Goal 13 – Energy Conservation: This Goal seeks to maximize the conservation of energy. The proposed amendment will have no impact on any known or inventoried energy sites or resources. The amendment establishes a process to allow infill development of undeveloped parcels associated with existing grocery supermarkets, which will facilitate more efficient utilization of land and provide opportunities to reduce vehicle miles traveled and emissions through trip chaining. The amendment is consistent with this Goal, to the extent it is applicable.

Goal 14 – Urbanization: The intent of this Goal to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed amendment will affect only land that is within the City limits and will not impact the use of any land being transitioned from rural to urbanized uses. The amendment is intended to allow for more flexible and efficient use of the existing land supply within the City, which will help accommodate urban employment within the City's urban growth boundary. Therefore, the proposed amendment is consistent with this Goal.

Goal 15 – Willamette River Greenway: This Goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. The amendment will have no impact on the ability of the City to regulate uses along the river or the Willamette River Greenway overlay zone regulations. Therefore, this Goal is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources): These Goals govern areas along the ocean. The City is not located along the ocean and therefore, these Goals are not applicable.

Based upon these findings, the proposed amendment complies with all applicable Goals and with all applicable implementing administrative rules. Therefore, the proposed amendment complies with this criterion.

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**

- a. It corrects identified error(s) in the provisions of the plan.
- b. It represents a logical implementation of the plan.
- c. It is mandated by changes in federal, state, or local law.
- d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The proposed amendment will revise KDC 2.110.04 (“Conditional Uses”) to allow gasoline service stations as a conditional use in the CM zoning district, subject to compliance with identified standards.

The proposed amendment represents a logical implementation of the Keizer Comprehensive Plan. Economic, Commercial, and Industrial Development Goal 4 of the Comprehensive Plan is to “*Support and assist existing businesses in Keizer.*” In addition, one of the Urban Growth Policies listed in the Comprehensive Plan is to “*Promote effective urbanization of underutilized lands within the existing UGB*” (*Urban Growth Policy 9(o)*). The proposed amendment is consistent with this Goal and Policy by allowing existing grocery supermarkets in the City to request the right to develop underutilized lands with gasoline service stations. The City Council has, by this adoption, determined that the proposed amendment is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.110 COMMERCIAL MIXED USE (CM)

2.110.01 Purpose

The Commercial Mixed Use (CM) zone is the primary commercial zone within the City. The zone is specifically designed to promote development that combines commercial and residential uses. This zone will support transit use, provide new housing opportunities while allowing a full range of commercial retail, service and office uses. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. Parking may be shared between residential and commercial uses. Clusters of residential and commercial uses around landscaping features or parking areas can occur and are encouraged. The Commercial Mixed Use zone is suitable for the Commercial Plan designation. (5/98)

2.110.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the CM zone:

- A. **One or more buildings with one or more dwelling units** or guest rooms, and/or, one or more other uses allowed in this section on a lot. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations, including Family day care provider for 16 or fewer children consistent with state regulations. (4/16)
- D. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- E. **Landscape** counseling and planning (0781). (5/98)
- F. **Offices** for any use listed in SIC Division C - Construction. (5/98)
- G. **Commercial printing** (275). (5/98)
- H. **Transportation, Communication and Utilities.** (5/98)
 - 1. **Public utility** structures and buildings. (5/98)
 - 2. **Post office** (43). (5/98)
 - 3. **Travel agency** (4722). (5/98)
 - 4. **Communications** (48). (5/98)

I. Retail Trade. (5/98)

1. **Building materials, hardware, retail nurseries, and garden supply** (52), BUT EXCLUDING mobile home dealers (527). (5/98)
2. **General merchandise stores** (53). (5/98)
3. **Food stores** (54). (5/98)
4. **Automobile, recreational vehicle or trailer sales** (55), BUT EXCLUDING gasoline service stations (554). (5/98)
5. **Apparel and accessory stores** (56). (5/98)
7. **Furniture, home furnishings, and equipment stores** (57). (5/98)
8. **Eating and drinking places** (58) except as provided in Section 2.110.05, below. (5/98)
9. **Miscellaneous retail** (59), BUT EXCLUDING fuel and ice dealers (598). (5/98)
10. **Electrical and lighting shops and office machines and equipment stores.** (5/98)

J. Business, Professional and Social Services. (5/98)

1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67). (5/98)
2. **Hotels, motels and tourist courts** (701). (5/98)
3. **Organization hotels and lodging houses** on membership basis (704). (5/98)
4. **Personal services** (72) BUT EXCLUDING industrial launderers (7218). (5/98)
5. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342). (5/98)
6. **Parking lots** (7523) except as provided in Section 2.110.05, below. (5/98)
7. **Miscellaneous repair services** (76). (5/98)
8. **Motion pictures** (78), BUT EXCLUDING drive-ins (7838). (5/98)
9. **Amusement and recreation** (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (5/98)

10. **Health services** (80), BUT EXCLUDING hospitals (806). (5/98)
11. **Legal services** (81). (5/98)
12. **Elementary and secondary schools** (8211). (5/98)
13. **Correspondence schools and vocational schools** (824). (5/98)
14. **Schools and educational services** not elsewhere classified (829). (5/98)
15. **Social services** (83). (5/98)
16. **Museums, art galleries, botanical and zoological gardens** (84). (5/98)
17. **Membership organizations** (86). (5/98)
18. **Miscellaneous services** (89). (5/98)
19. **Pet Grooming** (6/01)

K. **Public Administration** (91 - 97). (5/98)

L. **Child foster home** for five or fewer children as a secondary use. (6/99)

2.110.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the CM zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures and uses** prescribed in Section 2.203. (5/98)
- E. **Transit Facilities** (Section 2.305). (05/09)
- F. The following **special uses** subject to the applicable standards in Section 2.4:
 1. **Shared housing facilities** (Section 2.403). (5/98)

2. **Zero side yard dwelling units** (Section 2.404). (5/98)
3. **Home occupations** (Section 2.407). (5/98)
4. **Bed and breakfast establishments** (Section 2.408). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
7. **Boat and RV storage area** (Section 2.411) except as provided in Section 2.110.05, below. (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage space** (Section 2.413) except as provided in Section 2.110.05, below. (5/98)
10. **Veterinary services** (074) (Section 2.414). (5/98)
11. **Funeral service and crematories** (726) (Section 2.415). (5/98)
12. **Used Merchandise Store** (Section 2.417)
13. **Adult entertainment business** (Section 2.418). (5/98)
14. **Service stations** (554) (Section 2.419) except as provided in Section 2.110.05, below. (5/98)
15. **Recreational vehicle parks** (7033) (Section 2.412) except as provided in Section 2.110.05, below. (5/98)
16. **Automobile services** (75) (Section 2.420) except as provided in Section 2.110.05, below. (5/98)
17. **Manufacturing and Assembly Facilities** (Section 2.421). (5/98)
18. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
19. **Medical Marijuana Facilities** (Section 2.433) (10/14)
20. **Marijuana Retailer** (Section 2.433) (1/16)
21. **Mobile Food Vendor** (Section 2.434) (9/16)

2.110.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)
- B. Transit Station (Section 2.429). (05/09)
- C. Gasoline service stations (554) located in the Chemawa/River Rd restriction area described in Section 2.110.05.C. subject to the following requirements:
 - 1. May only sell fuel related products such as gasoline and oil, and non-fuel-related products typically for sale in the primary Food Store use, provided such non-fuel-related sales area does not exceed 450 square feet at the Gasoline Service station site. The total area of such structure shall not exceed 900 square feet. No service or repair functions are allowed.
 - 2. Subject to the provisions in Section 2.419.
 - 3. Must be accessory to a **Food store(54)** use. The primary Food Store use must be a minimum of 15,000 square feet in area.
 - 4. Must be setback more than 100 feet from adjacent public streets, and must provide pedestrian oriented amenities on the entire site.
 - 5. Must provide screening and buffering to adjacent residential uses, and must mitigate the aesthetic impacts of on-site stacking and queuing visible from any public right of way or adjacent properties.
 - 6. Employ access management and control standards as appropriate to eliminate and/or reduce conflicts.
 - 7. Comply with all applicable requirements and standards, including, but not limited to KDC 2.301.04 (Traffic Impact Analysis) and any all mitigations required by such section. Traffic analysis must address the operational needs of the Keizer Fire District.

2.110.05 Use Restrictions

No permitted or special permitted use shall in any way involve any of the following:

- A. Farm Use. (5/98)
- B. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
- C. The following uses are prohibited from any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between

Elizabeth Street on the west and Bailey Road on the east; and (2) Any property contained within the Area B as described in the Keizer Station Plan. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (12/03)

1. Gasoline service stations (554)^{-(5/98)} except as provided in Section 2.110.04.C
 2. Drive-Through windows or car service associated with eating and drinking places (58). (5/98)
 3. Vehicle sales and secondary repair. (5/98)
 4. Public utility structures and buildings. (5/98)
 5. Recreational vehicle parks (7033). (5/98)
 6. Automobile parking not associated with an allowed use (752). (5/98)
 7. Automotive Dealers (55). (5/98)
 8. Automotive rental and leasing, without drivers (751). (5/98)
 9. Automotive repair shops (753). (5/98)
 10. Automotive services, except repair (754). (5/98)
 11. Utilities - secondary truck parking and material storage yard. (5/98)
- D. A limitation of the total floor area of specified uses applies to all of Area B – Retail Service Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Sections 2.110.02 (I) and 2.110.03 (E)(12) – (14). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved master plan or amended master plan. (06/10)

2.110.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family	Duplex or Multi-Family	Commercial	Mixed Use
Lot Size	4,000 sq. ft. (1)	6,000 sq. ft. (2)	None (3)	None (3)
Average Width	40 feet	50 feet	None	None
Average Depth	70 feet	80 feet	None	None
Maximum Height	35 feet	50 feet	50 feet	50 feet

- (1) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (2) *Multi-family development must comply with the density standard in Section 2.110.07. (5/98)*
- (3) *Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.110.07. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Single Family or Duplex	Multi-Family	Commercial	Mixed Use
Front	10 feet	10 feet	10 feet	10 feet
Side	5 feet (1)	(3)	(3)	(3)
Rear	(2)	(3)	(3)	(3)
Street-side (4)	10 feet	10 feet	10 feet	10 feet
Garage entrance (5)	20 feet (5)	20 feet (5)	20 feet (5)	20 feet (5)

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)*
- (3) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CM zone, the rear yard setback is 0 feet. (5/98)*
- (4) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from*

- the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (5) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.110.07 Development Standards

All development in the CM Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements. If a conflict exists with a specific standard found in this section and a standard found elsewhere in this Ordinance, the standard in this section shall govern. (5/98)

- A. Off-street parking:
1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
 2. No off-street parking is required for uses above the ground floor. (5/98)
 3. The off-street parking requirement for residential uses is one space per unit. (5/98)
 4. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.)
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)

E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)

F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)

D. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309.

1. The minimum landscaped area requirements shall be as follows:

Commercial development:	10%
Mixed commercial and residential development:	15%
Residential development:	20%

2. Properties located within Area B as defined in the Keizer Station Plan shall have a 20-foot landscape buffer along all property lines adjacent to any residential zone. Landscape and buffer requirements shall be met as defined in the Keizer Station Plan. (12/03)

H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)

I. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

	<u>Max.</u>	<u>Min</u>
Commercial development:	90%	50%
Mixed commercial and residential development:	85%	50%
Residential development:	80%	50%

J. Density: The maximum residential density shall be 24 units per acre and minimum residential density shall be 8 units per acre. Developments limited exclusively to residential uses and containing less than 8 dwelling units per acre are allowed if they comply with the following: (5/98)

1. No more than 50% of the property shall be occupied. The occupied area shall include all buildings, accessory structures, driveways, parking and required landscaping. (5/98)

2. The remaining undeveloped portion of the property shall be in one contiguous piece. Access to a public street, in conformance with Ordinance requirements, shall be available. The undeveloped portion shall have sufficient width and depth to be developed for additional residential, or commercial, uses. (5/98)

2.110.08 Design Standards

All development in the CM Zone shall comply with the applicable design standards described below:

- A. Building Design Standards. Primary buildings shall comply with the following design standards: (5/98)
 1. Design Standards - Unless specifically modified by provisions in this Section, buildings located within the CM zone shall comply with the following standards: (5/98)
 - a. Single family homes shall comply with the design standards in Section 2.314. (5/98)
 - b. Multi-family buildings and non-residential structures shall comply with the provisions in Section 2.315 – Development Standards. (4/12)

CITY COUNCIL MEETING: September 5, 2017

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: BILL LAWYER
PUBLIC WORKS DIRECTOR**

SUBJECT: SOCCER FIELD AT COUNTRY GLEN PARK

DATE: August 28, 2017

BACKGROUND:

At the August 7th 2017 City Council meeting Wayne Frey testified before the City Council requesting approval to create a soccer field in Country Glen Park. Mr. Frey proposes to create a 40 yard by 80 yard soccer field in the park, as shown on attachment "A", and will purchase and donate the goal posts, nets, balls, line painter and paint for the field.

There is no additional maintenance of the turf area being requested, mowing, fertilizing and weed control will be provided by the city the same as it is now.

Mr. Frey will be the primary maintenance person with the Keizer Soccer Club providing back up for Mr. Frey. The Salem Kiwanis Club has committed to providing funding to Mr. Frey for maintenance supplies like paint, nets, etc. up to \$500.00 for 3 years. A small sign will be placed below the park sign recognizing the donations and efforts for the creation and maintenance of the soccer field.

The vision of Mr. Frey is to create a neighborhood, community practice field that is not to be reserved for organized games but is open for use on a first come first served basis.

FISCAL IMPACT:

There is no fiscal impact to the City with this proposal.

RECOMMENDATION:

Staff recommends the City Council support the creation of a first come, first served neighborhood, community practice soccer field at Country Glen Park.

Please contact me with any questions or concerns.



Proposed Soccer field(s) at Country Glen Park

CITY COUNCIL MEETING: September 5, 2017

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: QUOTE AND PURCHASE AGREEMENT WITH TREBRON
COMPANY INC. FOR SOPHOS EMAIL PROTECTION**

The City previously entered into an agreement with Trebron Company Inc. for email and web protection. Such agreement is set to expire soon. The City continues to be in need of email protection. Trebron Company Inc. desires to continue providing email protection for the City. Funding for this service is requested in the 2017-2018 budget.

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 R2017-_____

AUTHORIZING FINANCE DIRECTOR TO ENTER INTO
PURCHASE AGREEMENT WITH TREBRON COMPANY INC.
FOR PURCHASE OF SOPHOS EMAIL PROTECTION

WHEREAS, the City previously entered into a three-year agreement with Trebron

Company Inc. for purchase of Sophos email and web protection;

WHEREAS, the three year agreement is set to expire soon;

WHEREAS, Trebron Company Inc. has proposed a three year agreement;

WHEREAS, Council desires to enter into a three year agreement with Trebron

Company Inc. for purchase of Sophos email protection;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Finance

Director is authorized to sign the attached Quote and Purchase Agreement with Trebron

Company Inc.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately

upon the date of its passage.

PASSED this _____ day of _____, 2017.

SIGNED this _____ day of _____, 2017.

Mayor

City Recorder



August 24, 2017

Billed to:

Trebron Company, Inc.
5506 35th Ave. N.E.
Seattle, WA 98105
Attn: Scott Griffin 360-275-9100 (Cell)
Main Office: 206-527-3477 / 800-499-3079
sgriffin@trebron.com

City of Keizer
P.O. Box 21000
Keizer, OR 97307-1000
Attn: Bill J. Hopkins: 503-856-3435
hopkinsb@keizer.org

Quote Number	Quote Valid Until	Payment Terms
08242017-SPG	9-25-2017	Special Trebron Payment Plan / Net 30

☐ **Option One: 3 Year Renewal through 9-15-2020**

Qty (Users)	Included Components	Term (Months)	Total Price (\$USD)
125	Sophos Email Protection Advanced – Government	36	\$5,703.00
Total (Excluding tax and shipping as applicable):			\$5,703.00

Special Trebron Payment Plan

- ☐ Payment 1 Due November 30, 2017 \$1,901.00
- ☐ Payment 2 Due November 30, 2018 \$1,901.00
- ☐ Payment 3 Due November 30, 2019 \$1,901.00

☐ **Option Two: 5 Year Renewal through 9-15-2022**

Qty (Users)	Included Components	Term (Months)	Total Price (\$USD)
125	Sophos Email Protection Advanced – Government	60	\$9,100.00
Total (Excluding tax and shipping as applicable):			\$9,100.00

Special Trebron Payment Plan

- ☐ Payment 1 Due November 30, 2017 \$1,820.00
- ☐ Payment 2 Due November 30, 2018 \$1,820.00
- ☐ Payment 3 Due November 30, 2019 \$1,820.00
- ☐ Payment 4 Due November 30, 2020 \$1,820.00
- ☐ Payment 5 Due November 30, 2021 \$1,820.00

Notes:

- Licenses - granted pursuant to the terms of the Sophos End User License Agreement (EULA)

Order Confirmation: Please sign and fax to **(206-527-4288)** or email to your **Trebron Account Executive**.

I understand that by signing this Purchase Order/Quote confirmation I agree to the following:

- I am authorized by the "billed to" party to purchase the item listed above.
- All information is accurate with regard to price, description, quantity and billing address.
- The "billed to" party agrees to pay the invoice in accordance with terms of Net 30.
- Late Charges will be billed after 30 days at 18% rate of interest including, but not limited to legal fees to collect.
- Product licenses provide rights to utilize the aforementioned software to a maximum of the quoted quantity.
- This quote shall in no way be construed as creating an obligation on the part of Sophos, but rather indicates a right and intent to enter into an agreement with the "billed to" party described above.
- To take advantage of the Trebron Payment Plan a "Trebron Purchase Agreement" will also need to be signed.**

Authorized Signature: _____

Date: _____

Print name: _____

Title: _____

Seattle, WA (Corporate)
Springfield, MO

5506 35th Ave NE, Seattle, WA 98105

Office (206) 527-3477 | Fax (206) 527-4288
Office (417) 473-9199 | Fax (206) 527-4288

Purchase Order #: _____

Ship to address same as Billed to? ☐ Yes ☐ No

Ship to Address: _____

Date: August 24, 2017

Buyer: City of Keizer

Trebron Account Executive: Scott Griffin
Trebron Company, Inc. 5506 35th Ave. N.E.
 Seattle, WA 98105
 206-527-3477 Corporate
 360-275-9100 Cell
sgriffin@trebron.com

Mailing Address: P.O. Box 21000
 Keizer, OR 97307-1000

Purchase Agreement 3 Years

The Parties hereto, "Buyer," City of Keizer and "Seller," Trebron Company, Inc. hereby agree as follows:

- Description:** Buyer agrees to purchase from Seller, "Product" as listed in the table below for \$5,703.00 (Five Thousand Seven Hundred Three United States Dollars and 00/100), plus applicable shipping costs and sales tax, unless Buyer is exempt from the payment of such tax and provides Seller with evidence of such exemption.

Qty (Users)	Included Components	Term (Months)	Total Price (\$USD)
125	Sophos Email Protection Advanced – Government	36	\$5,703.00

- Payment:** To be made to Seller in three annual installments of \$1,901.00 each. The first payment is due on or before November 30, 2017. The second payment is due on or before November 30, 2018. The third and final payment is due on or before November 30, 2019. Payment Terms are net thirty (30) days from date of invoice. All payments shall be by check made payable to Trebron Company, Inc. at the address listed above.
- Term:** Buyer's license for the product expires 9/15/2020
- Representations:** Buyer understands that Seller is a reseller of hardware and software products. Buyer acknowledges that it has not relied on any representations by Seller and has independently investigated the products and determined the suitability of the products for Buyer's intended purposes.
- Warranty:** Seller shall pass through to Buyer any original manufacturers' warranties for Product acquired by Seller for Buyer, including Licensor's warranties for Product. Except for the foregoing, Seller shall deliver the Product "as is" and Seller makes no other warranty, express or implied, including any warranty of merchantability or fitness for a particular purpose.
- Limitation of Liability:** Under no circumstances will Seller be liable for any incidental, indirect, special or consequential damages from Buyer or any third party, including damages for lost revenue, profits, data or use, even if Seller has been advised of the possibility of such damages. In no event shall Seller's entire liability under this agreement exceed the price of the products under this Agreement.
- Late Fees:** Late payments shall accrue interest beginning from the payment due date at a rate of eighteen percent (18%) per annum or the maximum allowable legal rate whichever is lower. In the event that any payment or amount owed is more than ninety (90) days past due, Seller may declare the entire amount due and owing in addition to accrued fees and costs. Buyer's failure to pay under this agreement may result in termination of Buyer's software license.
- Cancellation:** Once Seller has accepted Buyer's order, Buyer cannot cancel the agreement, in whole or in part, without Seller's express written consent. Such cancellation is conditioned upon Buyer's reimbursement to Seller for all costs incurred by Seller in connection with the order up to the time of cancellation—including, but not limited to Seller's cost for cancellation.
- Attorney's Fees:** In the event any cost or expense, including reasonable attorney's fees ("Costs") are incurred in the enforcement of this Agreement, the prevailing party shall be entitled to reimbursement for all such Costs in addition to damages.
- Software:** Buyer will negotiate all software license provisions of Product directly with the Licensor.
- Miscellaneous:** This Agreement must be executed on or before 9/25/2017 or it becomes void.
- Waiver:** The waiver of any breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach and shall be effective only if presented in writing.
- Severability:** If any provision of this Agreement is deemed invalid or unenforceable, all other provisions of this Agreement shall remain in full force and effect.

14. **Entire Agreement:** This Agreement constitutes the entire Agreement of the parties and may not be amended or superseded except in writing with execution by both parties.

City of Keizer

IT Director Signature

Business Office Signature - Required

Printed Name

Printed Name

Title

Title

Date

Date

Must be signed by an authorized representative of Buyer

Trebron Company, Inc.

Billing Information

Do you accept invoices via Email? Y ☐ N ☐

Signature

Accounts Payable Contact

Norbert van Dam

Printed Name

Email Address

President

Title

Phone

Date



MINUTES
KEIZER CITY COUNCIL
Monday, August 7, 2017
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
Roland Herrera, Councilor
Bruce Anderson, Councilor
Kim Freeman, Councilor
Amy Ryan, Councilor

Absent:

Laura Reid, Councilor

Staff:

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

FLAG SALUTE Mayor Clark led the pledge of allegiance.

SPECIAL ORDERS OF BUSINESS None

COMMITTEE REPORTS

- a. Volunteer Coordinating Committee Recommendations for Appointment to Keizer Points of Interest Committee**
- City Manager, Chris Eppley, reported that following publication of notice of a vacancy on the Keizer Points of Interest Committee and acceptance of testimony from the applicant, the Volunteer Coordinating Committee recommended Carla Schultheis to fill the vacancy.
- Councilor Parsons moved that the Keizer City Council accept the Volunteer Coordinating Committee recommended appointment. Councilor Freeman seconded. Motion passed as follows:
- AYES: Clark, Parsons, Ryan, Freeman, Herrera and Anderson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Reid (1)

PUBLIC TESTIMONY *Charles Anderson*, Keizer, requested that a sign be put up on the gate in his neighborhood (Newberg Drive) and the gate be locked to remedy issues related to students parking in his neighborhood.

Judy DeSpain, Keizer, expressed opposition to the recently adopted Parks and Public Safety Fees which she said were illegal because the City Charter states that the water or sewer bills cannot be added to or taken away from without a vote of the people. Mayor Clark noted that Ms. DeSpain's testimony was also published as a letter to the editor.

Carol Doerfler, Keizer, speaking as a citizen and as a member of the Inclusivity Resolution group, thanked Eric Howald for his article in the Keizertimes.

Cindy Swaney, Keizer, also thanked Eric Howald for his article and questioned when the second work session would be scheduled. Mayor Clark thanked Eric Howald and noted that the work session had not been scheduled yet but it was not forgotten.

Wayne Frey, Keizer, asked permission to create and maintain a soccer field at Country Glen Park. This project would be done at no cost to the city and he would be responsible for maintaining it. There is room for 17 cars on the park side of the roadway with more on the residence side. Additional parking may be available .3 mile away at Gubser. This would be a community practice field, first-come-first-served, not reservable, and geared mostly to neighborhood games. Public Works Director Bill Lawyer noted that a multi-use field is in the Country Glen Master Plan so there would be no need for an amendment. Mayor Clark urged that a long-term maintenance plan be part of the project.

Jeff Weekly, Keizer, stated that residents of Newberg Drive north of McArthur gave up property for the entrance off Lockhaven with the understanding that the gate was to remain locked except for Friday night football and the City has violated those rights by not keeping the gate locked. He urged that City staff force the school board to lock the gate except for Friday night football games. City Manager Chris Eppley urged that Mr. Weekly attend the McNary High School neighborhood/community outreach forum on this issue on October 12 at 6:00 pm.

PUBLIC HEARINGS *Mayor Clark opened the Public Hearing.*

a. Pat's 1 Cig Liquor License Application – Change of Ownership

City Manager Chris Eppley reported that an application was submitted for a Change of Ownership for Pat's 1 Cig, Keizer, Oregon. A background check was done and calls for service are within the City recommended standards. Staff recommends that Council review the application and forward a recommendation to the OLCC for approval.

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

Councilor Parsons moved that the Keizer City Council approve the application for a Change of Ownership for Pat's 1 Cig under the guidelines established by ORS 471.178 and the Ordinances of the City of Keizer and forward this recommendation to the Oregon Liquor Control Commission for final approval. Councilor Freeman seconded. Motion

passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

**b. Keizer
Development
Code Text
Amendment –
Section 2.303
(Off-Street
Parking and
Loading)**

Mayor Clark opened the Public Hearing.

Community Development Director Nate Brown explained that The Keizer Planning Commission unanimously recommended that Council adopt the proposed amendment. Changes are minor, were triggered by work related to the proposed theater, and are proposed to make the Code more understandable and environmentally responsible. Discussion followed regarding RV parking.

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

Councilor Parsons moved to direct staff to prepare an ordinance with findings to adopt the proposed revisions. Councilor Freeman seconded.

Mayor Clark offered a friendly amendment to remove the line at the end of paragraph F “All vehicle storage areas must be served by a driveway.” Councilors Parsons and Freeman accepted the amendment. Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

**ADMINISTRATIVE
ACTION**

**a. Keizer
Chamber of
Commerce
Request for
Community
Center Rental
Fee Waiver**

City Manager Chris Eppley reminded Council that the Keizer Chamber of Commerce had requested that some Community Center room fees be waived for four ‘Community Conversations’ and the annual First Citizens banquet. Additionally they are asking for a fee reduction for their monthly luncheons. He added that the Chamber qualifies for a 25% discount because it is a non-profit. This request is in addition to that. He directed attention to the breakdown of costs for each event.

Discussion followed regarding the various events. Councilor Ryan noted that she had been unable to find any other cities that support their Chamber of Commerce in this way so she would not support this request.

Councilor Parsons moved that the Keizer City Council waive the room rental fee for the Keizer Chamber of Commerce First Citizens Banquet but charge \$625 for the staffing and security costs. Councilor Freeman seconded. Motion passed as follows:

AYES: Parsons, Freeman, Herrera and Anderson (4)

NAYS: Clark and Ryan (2)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

Councilor Parsons moved that the Keizer City Council waive the room rental fee for the Keizer Chamber of Commerce Community Conversations but charge \$40 for the staffing costs. Councilor Freeman seconded. Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

Councilor Parsons moved that the Keizer City Council deny the request for a complete rental fee waiver for the Keizer Chamber of Commerce Luncheon Forums. Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

b. RESOLUTION – Authorizing City Manager to Enter Into Agreement for Management of Events Rental Room/Gazebo at Keizer Heritage Foundation - Postponed

c. ORDINANCE – *Taken out of Order.*

Amending Ordinance Adopting the Keizer Medical Marijuana Facility Permit Process; Amendment of Ordinance No. 2014-702

City Attorney Shannon Johnson reminded Council that this matter had come before them at the last meeting when they directed staff to look into changing the hours for marijuana retailers. State regulations allow the proposed hours for retailers. There are no such regulations for medical marijuana. Staff recommends keeping them both the same.

David Gor, Salem, a business owner in Keizer, renewed his request to expand operating hours of marijuana dispensaries in Keizer.

Laura Viegas, Salem, thanked Council for taking time to review this matter and urged approval of the expanded hours.

Councilor Parsons moved that the Keizer City Council adopt a Bill for an Ordinance Amending Ordinance Adopting the Keizer Medical Marijuana Facility Permit Process; Amendment of Ordinance No. 2014-702. Councilor Freeman seconded. Motion passed as follows:

ORDINANCE – Amending Ordinance Adopting the Keizer Marijuana Retailer Permit

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

Councilor Parsons moved that the Keizer City Council adopt a Bill for an Ordinance Amending Ordinance Adopting the Keizer Marijuana Retailer Permit Process; Amendment of Ordinance No. 2016-743. Councilor

- Process;** Freeman seconded. Motion passed as follows:
- Amendment of Ordinance No. 2016-743** AYES: Clark, Parsons, Ryan, Freeman, Herrera and Anderson (6)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: Reid (1)
- d. RESOLUTION – Approving 2017 Salary Survey and Implementing Changes** Human Resources Director Machell DePina provided background information about the salary survey process and the impact of implementation.
- Councilor Parsons moved that the Keizer City Council adopt a Resolution Approving 2017 Salary Survey and Implementing Changes. Councilor Freeman seconded.
- Discussion followed regarding the in-house survey cost savings and the importance of making sure employees are paid equitably regardless of affiliation to a union.
- Motion passed as follows:
- AYES: Clark, Parsons, Freeman, Herrera and Anderson (5)
 NAYS: Ryan (1)
 ABSTENTIONS: None (0)
 ABSENT: Reid (1)
- e. RESOLUTION – Authorization for Supplemental Budget – 2017 Salary Survey and Parks Matching Grant** Finance Director Tim Wood explained that the first item is to make the adjustments necessary to implement the changes related to the Salary Survey. The impact will be absorbed through additional working capital revenues primarily from liquor tax and franchise fees. The second item is a carryover from 2016-17 moving unused appropriations to cover the cost of the covered shelter at the sand volleyball courts.
- Councilor Parsons moved that the Keizer City Council adopt a Resolution Authorization for Supplemental Budget – 2017 Salary Survey and Parks Matching Grant. Councilor Freeman seconded. Motion passed as follows:
- AYES: Clark, Parsons, Freeman, Herrera and Anderson (5)
 NAYS: Ryan (1)
 ABSTENTIONS: None (0)
 ABSENT: Reid (1)
- f. RESOLUTION – Establishing the Amount of the Sewer System Development Charge for Wastewater** City Attorney Shannon Johnson explained that this is a housekeeping measure. The charge is essentially a pass-through to Salem and that amount is being increased. Because this is a fee increase it is appropriate to ask for public comment with regard to these fees. Mayor Clark asked if anyone in the audience wished to comment and received no response.
- Councilor Parsons moved that the Keizer City Council adopt a Resolution Establishing the Amount of the Sewer System Development Charge for Wastewater Treatment Facilities; Repealing R2016-2701. Councilor

**Treatment
Facilities;
Repealing
R2016-2701**

Freeman seconded. Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

**CONSENT
CALENDAR**

- a. RESOLUTION – Regarding Evaluation of City Attorney
- b. RESOLUTION – Regarding Evaluation of City Manager
- c. RESOLUTION – Authorizing Disposition of Surplus Property (Police Department)

Councilor Parsons moved for approval of the Consent Calendar.

Councilor Freeman seconded. Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

**COUNCIL
LIAISON
REPORTS**

Councilor Anderson had nothing to report.

Councilor Herrera reported that he attended the Marion County Public Safety Coordinating Council meeting and the Kurt Schrader Town Hall. He also announced upcoming meetings and events.

Councilor Parsons reported on National Night Out and the Personnel Policy Committee meeting and provided information regarding the upcoming Eclipse event noting the need for volunteers and water donations. She showed the tee-shirts that are available for sale and announced upcoming meetings and events.

Councilor Freeman reported on National Night Out and Personnel Policy Committee. She praised the new bike repair station at City Hall and announced upcoming meetings.

Councilor Ryan reported on National Night Out.

Mayor Clark reported on National Night Out, the Oregon Mayors' Association, upcoming transportation issues and the Eclipse. She praised the Keizer Points of Interest Committee Flood History pole and signs recently installed by volunteers and praised Officer Kevin Renfro who was very professional, polite, and thorough when assisting a citizen involved in an accident.

**OTHER
BUSINESS**

Public Works Director Bill Lawyer reported that Lockhaven is being paved at night, stripping will follow; new pathways at Keizer Rapids Park are being paved tomorrow. A preconstruction meeting with the fall surface contractor is scheduled for August 28. Big Toy will close September 9 for the fall surface installation and reopen October 15.

Community Development Director Nate Brown brought attention to the new art display in the Community Center.

**WRITTEN
COMMUNICATIONS**

Mayor Clark read letters as follows:

- o From Oregon Restaurant and Lodging Association regarding Air B & B and the collection of lodging taxes that are owed to cities.
- o From an anonymous author regarding the need to restrict the use of fireworks and the damage that they cause. Chief Teague responded that the department responded to calls all night long. It is a problem across the state.

Mayor Clark commended Nate Brown for the conscientious manner in which he worked with one of the neighbors regarding the Area B Master Plan amendment. When he found out she had not received a notification, he hand delivered the notice and had a conversation with her.

AGENDA INPUT

August 14, 2017

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

- Tour of Keizer Community Food Bank

August 21, 2017

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

September 5, 2017 (Tuesday)

7:00 p.m. City Council Regular Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 9:17 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

~ Absent ~

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ryan

Councilor #3 – Marlene Parsons

Councilor #6 – Bruce Anderson

Minutes approved:_____



MINUTES
KEIZER CITY COUNCIL WORK SESSION
Monday, August 14, 2017
Keizer Community Food Bank
Faith Lutheran Church, 4505 River Road N
Keizer, Oregon

CALL TO ORDER

Mayor Clark called the Work Session to order at 5:30 pm. Attendance was noted as follows:

Present:

Cathy Clark, Mayor
Marlene Parsons, Councilor
Roland Herrera, Councilor
Bruce Anderson, Councilor
Kim Freeman, Councilor

Absent:

Laura Reid, Councilor
Amy Ryan, Councilor

Staff:

Tracy Davis, City Recorder

DISCUSSION

**a. Tour of Keizer
Community
Food Bank**

Curt McCormack, Director of the Keizer Community Food Bank, provided a tour of the facility and information on the operation of the food bank. Upon conclusion of the tour, everyone was invited to stay to participate in the distribution.

ADJOURNMENT

Mayor Clark adjourned the meeting at 5: 50 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

~ Absent ~

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

~ Absent ~

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ryan

Councilor #3 – Marlene Parsons

Councilor #6 – Bruce Anderson

Minutes approved:_____