MINUTES

KEIZER CITY COUNCIL
Monday, October 18, 1993
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:30 p.m. Roll call was taken as follows:

Present
Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor
Marlene Wellin, Councilor

Staff
Dotty Tryk, City Manager
John Morgan, Community Development Director
Wally Mull, Director of Public Works
Bruce Jenness, Police Lieutenant
John Lien, City Attorney
Kevin Wickman, Parks Director
Lynn Owen, Administrative Assistant
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS

Governmental Affairs Committee Report

Councilor Patterson reported the Chamber Governmental Affairs Committee is returning the backyard burning issue to the Council for their consideration. June Abbott and Chuck Lawson of the Governmental Affairs Committee have volunteered to serve on this committee. Councilor McGee agreed to chair the Committee. The first meeting will be scheduled at the end of November or early December.

FMAGIC

PUBLIC HEARING AND DELIBERATION

ADA Self Evaluation

Mayor Koho opened the public hearing.

Lynn Owen, Administrative Assistant reported to the Council that the Americans with Disabilities Act (ADA) requires public entities to assess their policies, procedures, laws and facilities to assure compliance with all the ADA requirements. The City of Keizer has conducted a self-evaluation test and found the City is not out of compliance in any of the ADA requirements.

Councilor Watson inquired of the process the City will use to determine which businesses or public entities have discriminated against individuals with disabilities. Ms. Owen stated as the ADA awareness heightens, these entities will be singled out.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

ADMINISTRATIVE ACTION

RESOLUTION - Adopting Policy for ADA Grievance Procedure

Councilor Watson moved for a Resolution adopting policy for ADA Grievance Procedure. Councilor Patterson seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: None (0)

ORDINANCE - Chronic Nuisance/Solid Waste Abatement

John Morgan, Community Development Director, said the Chronic Nuisance Ordinance is part of the ongoing look at housing issues in our community. The City has been a part of the North Willamette Valley Housing Coalition which has studied housing issues and has found a direct relationship between housing conditions and illegal activities on properties. The Chronic Nuisance Ordinance would be an effective tool to assure that housing is maintained in a safe and sanitary manner.

If this Ordinance was adopted it would address some of the civil issues the City is facing in regards to solid waste violations or zoning violations. Mr. Morgan cited examples of how this Ordinance could alleviate some of the present solid waste problems. The Ordinance contains a formula by which the City could abate the property for a period of time or in extreme cases close the property. Mr. Morgan recommended the Council adopt the Chronic Nuisance Ordinance.

Councilor Keller asked who would be responsible for the enforcement of this Ordinance. Mr. Morgan stated the complaints would still be forwarded to the Police Department or Community Development Department as they are presently. The Chronic Nuisance Ordinance would allow the City a tool to deal with the most extreme cases.

Councilor McGee questioned the non-enforcement of Ordinances by the Police Department until a complaint has been received. City Manager Tryk stated the Police Department has not responded to the solid waste violations due to the larger scale issues they have to deal with. She also advised the Council she will be bringing a recommendation to the Council at the next meeting for a Community Service Officer to handle solid waste and code enforcement issues. Councilor McGee also suggested establishing a budget fund that would be available to assist in the cleanup of the problem areas.

Councilor Watson questioned the fairness of the Ordinance when the property owner may not be directly responsible for the violation. He also expressed his concern for the lack of definition of place; violation within 300 feet of place or business. Councilor Watson suggested tightening up the language dealing with the rights of people that are not within their direct control or responsibility.

Another suggestion from Councilor Watson changed the wording in Section 2 of the Ordinance to read: It is a public nuisance for any owner or other person in charge of property to permit, or to cause to exist, any place or business where patrons, employees, residents, or occupants engage in a pattern of unlawful behavior in the neighborhood. He also voiced his concern for punishing the owner on the basis of arrest or issuance of a citation prior to a conviction.

Councilor Watson suggested the Ordinance be redrafted and brought back at the next Council meeting.

In response to a question from Councilor Patterson, Mr. Morgan stated the ultimate goal of this Ordinance is to control the nuisance behavior of the occupants to control the quality of housing in Keizer.

Councilor Miller expressed concern for a situation where three different citations could be issued in one instance. He hoped staff would address this possibility.

Councilor Watson moved to send this Ordinance back to staff for revision, specifically to add the word owner in section 2, place be defined more specifically and include other suggestions made this evening. Councilor Miller seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

a. Approval of October 4, 1993 Regular Session Minutes

Councilor Keller moved for approval of the consent calendar. Councilor Patterson seconded this Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

OTHER BUSINESS
Keizer Little League Park Alternative Uses

Councilor Miller stated the Council agreed on September 20, 1993 to form a Committee to study alternative uses at the Keizer Little League Park. Councilor Miller read the charge to the Committee and the conditions. This charge and conditions would allow the Committee to look at the issues and provide a recommendation to the Council. Councilor Miller submitted a list of names to the Mayor to serve on this Committee and recommended allowing the Committee to proceed.

Councilor Miller moved for the formation of a Committee to study alternative uses at the Keizer Little League Park. Councilor McGee seconded the Motion.

Councilor Keller stated he recently has heard several concerns from the community in reference to the type of uses that may be allowed at the Park. He voiced his concern for the City Council to initiate alternative uses for Keizer Little League Park. He would favor a Committee to discuss alternative uses and the possible development of other areas within Keizer.

Councilor Watson stated by having a Committee discuss these issues it will not commit the City to anything other than looking at the issue. The Council obligated themselves to form a committee to study these issues and accept public input at the meeting on September 20, 1993.

Mayor Koho stated the Committee could be made up of three Council members, Keizer Little League representatives, two non-Little league members, an neighborhood representative and a representative of Keizer Soccer League.

Councilor McGee supported the creation of a Committee in order to bring closure to the issue. This would give the community an opportunity to voice their concerns.

Councilor Miller stated the current use agreement for Keizer Little League allows anyone to apply to use the fields outside of February 1st through August 31st through written application to the City. The Committee would look at the use of the Park between February 1st and August 31st.

Councilor Patterson stated he feels the City should not be involved in this issue since this is an exclusive use contract with the Keizer Little League. The City will be dismantling the Keizer Little League by interfering in their activity. The City should protect the Keizer Little League and what it has done for the community. He suggested if a committee is created they should study the Parks Development Plan and find a some solutions by using other areas that could be developed as playing fields. He also said the Keizer Little League is doing a great job running the Park now and the City should stay out of it.

Councilor Wellin agreed with Councilor Patterson stating the Keizer Little League is doing a terrific job. She suggested the Parks Board look at possible areas for soccer, softball and other uses to deal with the growth.

Councilor Miller clarified he did not suggest Keizer Little League would not manage the fields or possibly terminate the agreement. He does not feel there are problems with the Keizer Little League, only a shortage of fields in the community for the children. He suggested since Keizer Little League is willing to discuss these issues, the City should proceed with the formation of the Committee.

Councilor Patterson further voiced his concerns and stated the Keizer Little League Park would not exist if it were not for the Little League Association, which has done a great job in developing this program.

Councilor McGee stated the community has not had an opportunity to voice their concerns in this issue and by forming the Committee this would allow it to be discussed and put to rest.

The Motion failed with the following votes:

AYES: McGee, Miller and Watson (3)
NAYS: Keller, Koho, Patterson and Wellin (4)
ABSTENTIONS: None
ABSENT: None

Mayor Koho inquired of the creation of the Local Improvement District for the unimproved streets. Public Works Director, Wally Mull stated the City Engineer is presently working on this issue and it will be back to Council in the near future.

Councilor McGee voiced his concern for the Urban Renewal breakdown amount listed on the property tax statements. He stated there was an informal agreement made to keep the amount $1.00 or under. Councilor McGee asked the City Manager to present options to the Council of what can be done to reduce this amount from $1.13.

Councilor Patterson asked staff to create a "basket" to catch items which are pending. These items could then be reviewed on a quarterly basis.

WRITTEN COMUNICATION

There was no written communication to come before the Council.

EXECUTIVE SESSION

The Council meeting recessed at 8:32 p.m. to enter an Executive Session pursuant to ORS 192.660(1)(h) - Towing Litigation.

The Executive Session adjourned at 8:53 p.m.

AGENDA INPUT Mayor Koho noted the agenda input items listed on the Agenda.

ADJOURNMENT The meeting was adjourned at 8:53 p.m.

Tracy L. Davis

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR: Denis Koho

Chester Patterson

Al Miller