

MINUTES
KEIZER CITY COUNCIL
Monday, August 21, 1995
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:08 p.m.
Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Bob Newton, Councilor
Jerry Watson, Councilor

Staff:

Dotty Tryk, City Manager
Charles R. Stull, Chief of Police
Kim Krause, Finance Director
John Morgan, Community Development Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

Cathy Clark, 715 Ventura Street N, Keizer addressed the Council to voice her concern with the possible adoption of the curfew and truancy Ordinances this evening. Her concerns focused on the possibility of age discrimination in which younger looking adults may be questioned or required to show proof of age in regards to the violation of curfew or truancy. Ms. Clark also questioned how the children in alternative education programs will be treated in respect to these Ordinances. She expressed her concern the curfew ordinance may violate the civil rights of the majority of the law abiding families and young people in this community.

Ms. Clark urged the Council to continue the development of the partnership between the families, schools and police in order to continue to address this issue more fully.

There was no other public testimony to come before the Council.

COMMITTEE REPORTS

GUBSER NEIGHBORHOOD ASSOCIATION ANNUAL REPORT

Joanie Mann, President of the Gubser Neighborhood Association presented the annual report to the Council. Ms. Mann reported the association was formed in 1994 and has been meeting on the third Thursday of each month. The annual meeting for election of new officers and board members is scheduled for September 21, 1995. Ms. Mann reviewed the five major responsibilities of neighborhood associations as outlined in Keizer Ordinance 93-257.

Ms. Mann announced one of the main goals of the association during the first year was to inform the residents within their boundaries of the association and the purpose. Information was included in the Keizertimes, Statesman Journal, enclosures in the water bill, flyers delivered door-to-door, notices distributed through the elementary school, postcards, personal contacts and through public service announcements on local radio stations. In addition, Ms. Mann noted there have been special features on the association in both the Keizertimes and Statesman Journal.

In order to further involve the residents of the association, Ms. Mann stated a quarterly newsletter will be published and distributed. As president of the association, Ms. Mann has been working with other Keizer Neighborhood Association Group (KNAG) presidents to obtain a non-profit status and work towards other common goals.

In accordance with the by-laws, Ms. Mann announced several meetings have provided open forums and educational programs on such items as gang awareness, neighborhood watch, the Keizer Fire Department smoke detector project and a presentation regarding the City's budget levy. In addition, two meetings were held in which all residents of Keizer were invited; the 1993 Mayoral debate and improvements to Lockhaven Drive.

The Gubser Neighborhood Association takes great pride in the annual Miracle of Christmas lighting display and food drive. The 1994 food drive set a new record of 14,812 pounds of food and \$8,800 in donations which were given to Marion-Polk food share to be used in the Keizer-Salem area. Funds were distributed to the Keizer Chamber of Commerce to be used for area food baskets.

Ms. Mann commended the City staff in keeping the association apprised of all meetings and projects which affect the Gubser Neighborhood Association area.

Councilor Keller thanked Ms. Mann and the other board members for their outstanding contributions to the community during the last year.

Councilor Keller moved to extend recognition to the Gubser Neighborhood Association for another year. Councilors Watson and Newton seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

VOLUNTEER COORDINATING COMMITTEE APPOINTMENTS

Mayor Koho announced the terms for the Mayor's position and position number one on the Volunteer Coordinating Committee will expire on August 30, 1995. Mayor Koho recommended the reappointment of Lydia Muniz to the Mayor's position.

Councilor Watson recommended the reappointment of Anne Rasmus to position number one on the Committee.

Mayor Koho moved to nominate Anne Rasmus to position number one and Lydia Muniz to the Mayor's position for another three-year term on the Volunteer Coordinating Committee. Councilor Watson seconded the Motion.

Councilor McGee requested the Council be given advance notice of the names of the individuals being recommended for appointments prior to the meeting.

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

ORDINANCE - ZONE CODE AMENDMENT RELATIVE TO AUTOMOTIVE RELATED USES IN RIVER/CHEMAWA SPECIAL PLAN AREA

Dotty Tryk, City Manager reported this Ordinance which regulates automotive related uses in the River/Chemawa Special Plan area is before the Council for a second reading after a 5-1-1 vote (Keller and McGee in opposition and Newton abstaining) on August 7, 1995.

In response to a question from Councilor McGee, Community Development Director John Morgan stated notice of the hearing was published, however Unocal was not specifically notified of the hearing. Councilor McGee voiced his concern this property owner was not notified of the action. Furthermore, Councilor McGee also questioned if the property will be devalued by the adoption of this Ordinance.

4-2-1

*corrected
at 9/5/15
meeting.
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Shannon Johnson, City Attorney stated the Ordinance does not determine what the area will be, only the regulation of the uses. In addition, Mr. Johnson noted the only protection for property owners in this instance is the constitutional prohibition against "taking", however, he stated this action would not be considered as a "taking." Finally, Mr. Johnson maintained this is a legislative decision and does not require notice to be given to each specific property owner.

Mayor Koho stated he is interested in this general area, not a specific property location.

In researching background on this issue, Councilor McGee referred to the Planning Commission minutes of July 13, 1995 in which it specifically discusses the possible placement of a gas station on the Unocal property.

Councilor Beach concurred with the concerns of Councilor McGee, however he believed the urgency in adopting these amendments is to place a temporary hold on development in order to complete the study on the best possible uses for this area.

Councilor Miller supported these amendments on a temporary basis in order to await the results of the study stating the best possible uses.

In response to a question from Councilor Keller, Mr. Morgan clarified the information he received regarding Unocal's reevaluation for this site for a gas station came from the corporate real estate office. In addition, Mr. Morgan prepared a letter addressed to Unocal explaining the access issues surrounding this site.

Councilor Keller expressed his concerns this Ordinance was solely drafted in response to rumor of possible automotive related use for the corner of River and Chemawa Roads. He does not support this type of spot zoning.

Dotty Tryk, City Manager stated she was aware of other auto related use contacts of property owners in this specified area.

Councilor Watson stressed this Ordinance is broader than specifically prohibiting gas stations. In addition, he noted this is the cross point of our community and agreed by adopting this ordinance temporarily, it will allow the determination of the best future uses and development.

Councilor McGee disagreed with the process in which this Ordinance has come before the Council. He suggested the Ordinance include a date certain of the time period of its effectiveness.

Councilor McGee moved to amend the Ordinance Amending the Keizer Zoning Ordinance to Restrict Automobile Related Uses in the River Road and Chemawa Area to add the following section to the Ordinance: Section 5 - Sunset Clause - The Ordinance is repealed on February 1, 1996. Mayor Koho seconded the Motion.

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)

NAYS: None (0)

ABSTENTIONS: Newton (1)

ABSENT: None (0)

The vote on the second reading of the Bill for an Ordinance Amending the Keizer Zoning Ordinance to Restrict Automobile Related Uses in the River Road and Chemawa Road Area; and Declaring an Emergency (Amending Ordinance No. 87-078) as amended passed as follows:

AYES: Beach, Keller, Koho, Miller and Watson (5)

NAYS: McGee (1)

ABSTENTIONS: Newton (1)

ABSENT: None (0)

ORDINANCE -
SPECIFYING HOURS OF
CURFEW FOR MINORS

Dotty Tryk, City Manager reported the Ordinance specifying hours of curfew for minors is before the Council for a second reading after a 6-1 vote (Watson in opposition) on August 14, 1995.

Shannon Johnson, City Attorney reviewed the changes to the Ordinance agreed upon at the meeting of August 14, 1995. These changes include adding the word *knowingly* on the second page, line 14; the addition of a sunset clause and an effective date; correcting a typographical error on the top of page 2; and the change in section 4 to state severability clause rather than savings clause as previously stated.

Councilor Watson reviewed the recently passed HB 2884 which created the new offense of failing to supervise a child which includes the act of curfew. He noted the proposed Ordinance is much broader in scope than the newly adopted law. Councilor Watson suggested the Council consider adding provisions similar to those contained in the law due to the

vagueness of the Ordinance. He stressed the importance of specifying the behavior boundaries or a definition of the lawful activities that are allowed under this Ordinance.

In response to a question from Councilor Watson, Chief Stull indicated the proposed Ordinance is based upon a combined effort of Marion County, City of Salem and Keizer to establish a curfew ordinance to regulate juvenile activities during the hours listed for the protection of juveniles.

Councilor Watson called attention to the Keizertimes article of August 17, 1995 in which exceptions listed were for jobs and school or city sponsored functions. He questioned how these activities will be distinguished. Councilor Watson asked the Council to consider having staff to expand the Ordinance by creating a section which provides additional detail of what is allowed.

Councilor Watson proposed a new section to the Ordinance which defines lawful pursuit or activity. For instance, as going to or from a job; going to or from an activity sponsored by the school or school district whether public or private; going to or from a destination approved in advance by a parent or guardian in which written permission noting the date, time and destination is specified.

In response to Councilor Watson suggestion, a poll of the Council noted there was not an interest to include this language in the Ordinance.

Councilor Watson voiced his disappointment with not including the proposed language.

Councilor Beach stated the issues and concerns raised by Councilor Watson were discussed in detail during the Juvenile Justice Committee meetings. However, he noted the responsibility of determining when a juvenile is charged and the extent of the punishment will fall within the jurisdiction of the Municipal Court Judge.

Councilor Keller expressed his support of the Keizer Police Officers to determine if the juvenile is engaged in a lawful activity after the curfew hours.

In conclusion, Councilor Watson questioned the level of permissibility granted to the police and administration to enforce this Ordinance.

The vote on the second reading of the Bill for an Ordinance Specifying Hours of Curfew for Minors passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Newton (6)

NAYS: Watson (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

ORDINANCE -
PROHIBITING TRUANCY

Dotty Tryk, City Manager reported the Ordinance prohibiting truancy is before the Council for a second reading after a 6-1 vote (Keller in opposition) on August 14, 1995.

Shannon Johnson, City Attorney reviewed the changes agreed upon at the August 14, 1995 meeting. These amendments were the addition of language on page 2, line 9 requiring the parent to take reasonable steps; in section 5, line 21 which allows a child to be taken into custody in a private residence; and the change of section 6, severability rather than savings clause; the changing of the effective date to September 1, 1995; and the sunset clause of August 30, 1997.

Councilor Miller moved to amend the language to Section 2(d) of the Ordinance: Such child is authorized and approved to be away from the school.... Mayor Koho seconded the Motion.

The amendment passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Keller voiced his concern with the Ordinance and notified the Council he will be appearing before the school board to suggest allowing a child to be given permission by a parent to leave campus for lunch.

The vote on the second reading of the Bill for an Ordinance Prohibiting Truancy and Declaring an Emergency as amended passed as follows:

AYES: Beach, Koho, McGee, Miller, Newton and Watson (6)

NAYS: Keller (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho requested Councilor Keller review his position he will be presenting to the school board.

Councilor Keller stated he will be recommending the school board reintroduce a system in which the parent may provide written authorization for the student to leave campus to have lunch at home or an eating establishment during the lunch period.

Chief Stull stated during a meeting with a member of the school board a discussion ensued regarding an alternative lunch schedule and the flexibility for the school to rescind permission if the student is involved in an activity that is inappropriate at lunch time. He requested the Police Department be allowed to try and work out alternatives with the School District.

Councilor Keller pointed out his proposed action to address the school board is in response to testimony received which stated a policy could not be adopted for McNary High School only.

Councilor Beach suggested gathering information from the McNary LSAC and other school representatives in regards to allowing such a policy.

Councilor Miller stated the decision will be made by the School District and the input provided by the Council or Police Department may not have any bearing on these decisions. However, he supported Councilor Keller's position.

Councilor Watson supported the closed campus option which may will reduce the adverse impact upon the neighborhoods.

Councilor Newton noted this is an opportunity to enforce good behavior of the students. In addition, he felt this would defray the need for additional officers to patrol the local hamburger establishments during the lunch period for truancy.

Mayor Koho asked Councilor Keller to report back on any discussions or actions taken on this issue by the School District. In addition, he requested the Police Department not be allowed to have a "hamburger patrol" with the adoption of this Ordinance.

In response to a question from Councilor McGee, City Manager Tryk stated the City is working with the Juvenile Department to establish a system to allow the Municipal Court to handle juvenile violations such as curfew and truancy.

Councilor McGee requested the enforcement of this Ordinance should be delayed until this agreement is worked out.

Mayor Koho thanked the members of the Community Policing Committee for their work on these Ordinances.

**RESOLUTIONS
REQUIRED FOR USE OF
FEDERAL FUNDS**

John Morgan, Community Development Director reported in order to take advantage of Federal Funds, including the Community Development Block Grants, the City must have the proposed Resolutions adopted.

**RESOLUTION -
ADOPTING ANTI-
DISCRIMINATION
POLICY**

Councilor Miller expressed his concern the antidisplacement resolution is discriminatory in which it only refers to low or moderate income dwelling units.

**RESOLUTION -
ADOPTING HOUSING
RELOCATION POLICY**

Shannon Johnson, City Attorney stated there are state and federal laws which specifies the procedures for condemnation and relocation assistance.

**RESOLUTION - FAIR
HOUSING
AMENDMENTS**

Councilor Miller moved a Resolution Residential Ant-Displacement and Relocation Assistance Plan Under Section 1049(D) of the Housing and Community Development Act of 1974, as amended with the deletion of all references to low or moderate type of income dwelling units and replace with occupiable dwelling units. Councilor Beach seconded the Motion.

Councilor Watson voiced his concern with the deletion of this language if it is required by federal law. He requested staff advise the Council if this amendment is in violation of the requirements of the law.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Newton (6)

NAYS: Watson (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho moved a Resolution Amending Resolution R87-263 - Fair Housing. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho moved a Resolution Adopting a Policy of Nondiscrimination on the Basis of Handicapped Status. Councilor Watson seconded the Motion.

The Motion passed as follows

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

The consent calendar consisted of the following:

- a) RESOLUTION - Blooming Cuisine Liquor License - Change of Ownership/Name
- b) RESOLUTION - Approve Hidden Creek Phase III Street Lighting Local Improvement District Engineer Report
- c) RESOLUTION - Declaring Alder House Surplus Property
- d) Motion to Approve July Council Goal Work Plan Report
- e) Motion to Approve Keizer Police Department Two-Year Plan
- f) Approval of August 7, 1995 Regular Session Minutes

Councilor Keller removed item "e" from the consent calendar.

Mayor Koho moved for approval of the remaining items on the Consent Calendar. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

"item e" - Motion to Approve Keizer Police Department Two-Year Plan

In response to a question from Councilor Keller, City Manager Tryk stated the realistic timeline implementation of the Juvenile Detective, Narcotics Detective and School Resource Officers will be in May, 1996.

Councilor Keller expressed his concern with the lack of emphasis on drug enforcement in the community at this time.

Responding to a question by Councilor Keller, Chief Stull noted the Community Policing Program Evaluation will be conducted by volunteers. The questions will be presented to the Council for review prior to conduction of the survey.

Mayor Koho suggested a consultant or firm be hired to conduct the survey.

Councilor McGee questioned if the survey will obtain factual information to determine the desired level of service of the community. City Manager Tryk stated this will be only one tool used and the information gathered will be used as a baseline for future surveys.

In addition, Councilor McGee questioned the timeline for the implementation of the traffic enforcement team. Chief Stull explained the hiring and training requirements of the added police officers.

Councilor McGee expressed his desire to provide information to the Police Department for evaluation of these programs.

Councilor Watson stated if the survey is created and conducted by the Police Department, it will be of limited value. Since this is the Council's goal, he suggested the survey document should be created by the Council and then given to an independent firm to conduct the survey.

Mayor Koho suggested Councilors Keller and Watson discuss the survey information with the City Manager and Police Chief.

Councilor Keller suggested the signs indicating the number of traffic accidents replace the DARE signs at the City entrance points.

Mayor Koho moved to receive the report on the Development of a Two-Year Work Plan for the Keizer Police Department. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

Mayor Koho expressed his sadness at the recent passing of Chalmers Jones. He suggested a committee of Council and community members meet to discuss options for a memorial to Mr. Jones for his contributions to the community. Councilor McGee and citizen member Jim Dyer volunteered to take part on this project.

Mayor Koho suggested the Council analyze the committee liaison positions to determine if additional appointments should be made. Councilor Watson suggested a list of appointments be distributed to the Council and schedule this matter for discussion at the next meeting.

Councilor Keller requested staff investigate if permits were obtained for the sale of fresh corn and tapestry paintings along River Road.

John Morgan, Community Development Director announced the undergrounding work by Portland General Electric started today. Also a committee is being established to investigate the placement on banners along River Road.

In addition, Mr. Morgan explained the status of the Staats Lake project and the effect the new owners have had on the development. Councilor McGee inquired if this will provide any opportunities for change to the plans.

In response to a question from Councilor Miller, Mr. Morgan stated the sawed-off poles along River Road are plugs holding a place for a light pole.

WRITTEN COMMUNICATION

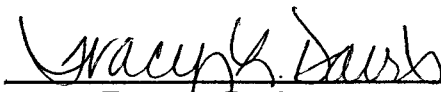
There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items.

ADJOURNMENT

The meeting was adjourned at 9:20 p.m.



Tracy L. Davis
City Recorder

APPROVED:

MAYOR: .

Dennis Koho

Dennis Koho

COUNCIL MEMBERS:

Jerry Watson

Councilor #1 - Jerry Watson

Carl E. Beach

Councilor #4 - Carl Beach

Bob Newton

Councilor #2 - Bob Newton

Councilor #5 - Al Miller

Jim Keller

Councilor #3 - Jim Keller

Jerry McGee

Councilor #6 - Jerry McGee

Minutes approved:

September 15, 1995
(as corrected)