

MINUTES

KEIZER CITY COUNCIL

Tuesday, July 5, 1994

Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Dennis Koho called the regular meeting to order at 7:00 p.m. Roll call was taken as follows:

Present

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor (arrived at 7:14 p.m.)
Jerry Watson, Councilor

Absent

Chet Patterson, Councilor
Marlene, Wellin, Councilor

Staff

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

PUBLIC TESTIMONY

Presenting testimony to the Council was:

Dale Crawford, 5355 Verda Lane N, Keizer who expressed his concern for the lack of sidewalks on Verda Lane between Chemawa and Kalmia. The safety of the children in this area is very important and asked the Council to consider options to improve this area.

Mayor Koho also expressed his concerns and suggested staff look into this matter for possible future improvements.

Councilor Watson stated sidewalks are a matter of public safety and should be required in all areas of the City.

Councilor McGee suggested this would be an appropriate item to refer to the Traffic Safety Committee. Mayor Koho noted the Committee will be chosen in the next few months and items such as this will be forwarded to this group for review.

COMMITTEE REPORTS

Swearing In of Reserve Police Officers

Chief of Police, Charles Stull introduced the following reserve officers for the City of Keizer:

Carrie Anderson
Kara Berkeland
Matt McCowan
Jeff Wise

City Attorney, Shannon Johnson issued the oath of office to these individuals.

Community Policing Committee Report

Ed Davis, Chair of the Community Policing Committee reported the progress made during the first six months of the community policing program in Keizer. Mr. Davis noted the main Committee has been restructured by creating subcommittees for each district. This provided additional community input and addressed the special needs of each district. Some of the specified problems addressed within each subcommittee were:

District 1 - Addressed problems surrounding multi-family housing issues, the creation of bi-lingual flyers for hazardous material and traffic safety concerns.

District 2 - Revisions to the neighborhood watch introduction pamphlet and reviewing incidents in the parks to devise possible solutions.

District 3 - Development of a traffic safety flyer and working with McNary High School in regards to issues dealing with the school.

Mr. Davis noted the officers have created a closer partnership with the citizens in each of their districts to address problems and create solutions. He also stated the community policing program has generated 13 additional neighborhood watch programs since its' inception and is responsible for the creation of the proposed graffiti ordinance.

Councilor Keller commended Mr. Davis for his work and direction of the Community Policing Committee. He noted this committee's enthusiasm and determination to get things done has been outstanding. He recommended other members of the City Council attend one or more of their meetings.

Councilor McGee thanked Mr. Davis for providing statistical information as part of the evaluation plan.

Mayor Koho also thanked Mr. Davis for his leadership provided to this committee. Mr. Davis stated this is a very active committee and they deserve much of the credit for the progress made to this date.

**Community
Oriented Policing
Audit Committee
Report**

Chief Stull provided brief background information since the inception of the Community Policing in Keizer. A six-month report was presented to the Council by Jodi Sherwood, Community Policing Coordinator and Sergeant Kent Barker.

Jodi Sherwood explained the Community Oriented Policing Audit Committee consists of eight members of the Keizer Police Department and was formed to review the progress of the Community Policing Program and make recommendations for improved effectiveness. The report covers statistical information, milestones, surveys, newspaper articles and recommendations. Ms. Sherwood stated the report will be used as a basis for future evaluations of the program and recommended this evaluation take place every six months.

Sergeant Kent Barker outlined the recommendations prepared by the Committee. These recommendations include:

- Community Service Officer responsible for Part III crimes, neighborhood watch and crime prevention

- classes, business watch and educational training courses;
- Increased citizen involvement;
- Utilization of citizen volunteers;
- Development of a citizen academy;
- Improved maintenance of Neighborhood Watch and
- Business Watch Program;
- Encourage creation of Neighborhood Associations;
- Increase the educational classes for citizens; and
- Consider additional personnel to department.

In closing, Sergeant Barker said the Committee is pleased with the direction the Community Policing Program has taken and hopes future evaluation reports will include additional community surveys and input.

Mayor Koho thanked Ms. Sherwood, Sergeant Barker and the other members of the audit committee for their work. In response to a question from the Mayor, Sergeant Barker explained the concept of a citizen academy.

Councilor McGee also appreciated the work done by the committee on this report. He suggested the committee consider including a citizen review panel for future evaluations.

Councilor Watson said the report includes an impressive list of milestones accomplished in the first six months. He hopes the report will be a helpful tool in future evaluations.

Chief Stull advised the Council, the next evaluation report will be in six months.

PUBLIC HEARINGS

Northrup / Northshire Street Lighting Local Improvement District

Mayor Koho reopened the hearing which was continued on June 6, 1994.

Wally Mull, Public Works Director reported this hearing was opened on June 6, 1994 to receive remonstrances to the formation of a lighting district for the Northrup/Northshire area. An engineer's report had been adopted by the Council in May which recommended the installation of six street lights within the district.

Presenting testimony was:

Mary Hardison, 1076 Northshire Court NE, Keizer presented the Council with a petition signed by five of the six residents of Northshire Court. The petition requested the installation of two street lights on the existing poles in the area. Ms. Hardison stated the reduction of the number of lights was discussed with Portland General Electric.

Mayor Koho closed the public hearing.

Mayor Koho moved for a bill for an Ordinance Spreading Assessments to Northrup/Northshire Street Lighting Local Improvement District with the reduction of lights as proposed. Councilor Miller seconded the Motion.

City Attorney, Shannon Johnson stated the Ordinance should be revised with the estimated assessment for five lights in the area before passage.

Mayor Koho withdrew his motion and Councilor Miller the second.

Councilor Keller moved to have staff determine the new estimated assessment and bring the Ordinance back at the next Council meeting for consideration. Mayor Koho seconded the Motion.

The Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson and Wellin (2)

**ORDINANCE -
Street Vacation
Portion of Dearborn
Avenue (E. Drees)**

Mayor Koho opened the hearing.

Public Works Director, Wally Mull reported this street vacation for a portion of Dearborn Avenue was initiated by the Council on June 6, 1994 and notice has been published and posted on the property for the public hearing this evening. At the request of the Council, staff considered any future needs of the area and determined additional right-of-way should be acquired along Dearborn Avenue and Verda Lane. Mr. Mull noted Ms. Drees has consented to this dedication as part of the partitioning process. (Maps detailing this area were introduced as exhibits 1 and 2).

Councilor Keller confirmed Ms. Drees will dedicate this right-of-way during the partitioning process.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor McGee voiced his support for the vacation and the dedication of the property the City will receive.

Councilor Watson cited his concern the property dedication was not included in the vacation Ordinance. Mr. Johnson stated it is not appropriate to include this and will be done during the partitioning process.

Mayor Koho supported the vacation of this property commended Ms. Drees on her cooperation in this matter.

Councilor Keller moved for a bill for an Ordinance to vacate a Portion of Dearborn Avenue in the City of Keizer, State of Oregon. Councilor Watson seconded the Motion.

The Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson and Wellin (2)

**ORDINANCE -
Honeysuckle Street
Lighting Local
Improvement
District**

City Manager Dotty Tryk, advised the Council the residents of the area filed a petition to form a local improvement district to install street lights. Notice of the public hearing and estimated assessments have been sent to the affected residents.

Mayor Koho opened the public hearing.

Presenting testimony to the Council was:

Bill Baugher, 507 Honeysuckle, Keizer asked the Council to delay the adoption of the Ordinance in order to allow the residents to further discuss the proposed number of street lights and the option for undergrounding of the wires in the area.

Maria Eyerly, 656 Honeysuckle, Keizer thanked Mr. Mull for his assistance in the formation of this district. She noted this area is in desperate need of street lights, however, she questions the need for the proposed eight lights, especially a light in the small cul-de-sac. Ms. Eyerly also voiced her concern that the postponement to discuss these issues would delay the installation of the lights.

Dick Dunlap, 536 Honeysuckle N, Keizer supported the installation of street lights with underground wiring in the area.

Carol Rakocy, 3840 Rivercrest Drive, Keizer supported the installation of the proposed number of lights.

Mayor Koho closed the public hearing.

Councilor McGee said he is impressed the citizens of the area are coming forward with their concerns and ideas regarding street lights. He encouraged the Council to reopen the hearing and allow the citizens time to discuss their options further.

Councilor Watson voiced his concern in delaying this matter since a procedure was established and had been followed for this process.

Councilor Keller said one of the Council goal was to improve communications with the citizens and this is a step towards that goal by allowing the citizens to discuss this matter further.

Public Works Director, Wally Mull stated the residents were notified of the assessments and layout of lights prior to the hearing.

Councilor Miller moved to reopen the hearing and continue it to July 18, 1994 in order for the residents to discuss this matter further. Councilor McGee seconded the Motion.

The Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson and Wellin (2)

**ORDINANCE -
Fircone Street
Lighting Local
Improvement
District**

City Manager Dotty Tryk, advised the Council the residents of the area filed a petition to form a local improvement district to install street lights in this area. Notice of the public hearing and estimated assessments have been sent to the affected residents.

Mayor Koho opened the public hearing.

There was no testimony to come before the hearing.

Mayor Koho closed the public hearing.

Councilor Keller moved for a bill for an Ordinance spreading assessments to the Fircone Street Lighting Local Improvement District. Councilor Miller seconded the Motion.

The Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson and Wellin (2)

**ORDINANCE -
Clearview Drive
Street Lighting
Local Improvement
District**

City Manager, Dotty Tryk, advised the Council the developer of the area filed a petition to form a local improvement district to install street lights in this area. Notice of the public hearing and estimated assessments have been sent to the affected residents.

Mayor Koho opened the public hearing.

There was no testimony to come before the hearing.

Mayor Koho closed the public hearing.

Councilor Keller moved for a bill for an Ordinance spreading assessments to the Clearview Drive Street Lighting Local Improvement District. Councilor Miller seconded the Motion.

The Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson and Wellin (2)

**ADMINISTRATIVE
ACTION**

**ORDINANCE -
Abatement of
Graffiti**

**RESOLUTION -
Intent to Work with
Citizens to Abate
Graffiti**

Chief of Police, Charles Stull introduced the Anti-Graffiti subcommittee who developed the Ordinance and Resolution; Jodi Sherwood, Butch Dunn, Joe Coons, Molly Smith, John Copeland, Ed Davis, Susy Riches and Manny Martinez.

Jodi Sherwood, Community Policing Coordinator stated the committee has met several times since March and has developed the graffiti ordinance and accompanying resolution. The drafts have been presented to the Governmental Affairs Committee and the Chamber of Commerce Board for review. Both groups have unanimously approved these documents.

A video tape showing recent instances of graffiti paintings within the City was shown.

Butch Dunn stated the increased amount of graffiti within the City shows a need to have a tool in place to discourage these activities. Mr. Dunn highlighted sections of the ordinance and

explained his personal confrontation with gang members. It was this confrontation which encouraged him to become involved with the committee.

Joe Coons, business owner in Keizer stated graffiti on the building of a business will encourage customers to shop elsewhere. This will create a financial hardship on the businesses in Keizer.

Molly Smith stated the graffiti affects the safety of the community. Now is the time to get a handle on the situation before it becomes uncontrollable.

John Copeland, a sales associate in the area, said it is a detriment to the community to have visible signs of vandalism on buildings. He encouraged the Council to put this Ordinance in place.

Ed Davis added the Resolution was created to ensure the citizens of Keizer the City is willing to help resolve and assist in the cleaning up of the City.

Councilor Watson voiced his concern that the ordinance is unenforceable and impractical. He understands the intent of the Ordinance but suggested changes regarding the responsibility of lawful custodians.

Ed Davis stated the intent of the ordinance is to be proactive and the person who sprays the graffiti will have the same penalty as the person who leaves it there. However, the Resolution provides assistance to property owners for clean up.

Councilor Keller stated this Ordinance has gained the support of the business community.

Councilor McGee said this Ordinance will allow us to take control of the City and help persuade the absentee owners to be responsible for the removal of graffiti.

Councilor Miller thanked the committee for their work and supports the Ordinance and Resolution.

Susy Riches, 1141 Chemawa Road N, Keizer, representing the Chamber of Commerce, read a letter of support from the Chamber board. The Board unanimously approved this Ordinance and urged the adoption.

Manny Martinez, 1747 Meadowlark Drive, Keizer, representing the Gubser Neighborhood Association relayed their unanimous support for this Ordinance. Mr. Martinez told of his experience in Miami, Florida where the graffiti was out of the control of the City. He urged the Council to adopt this Ordinance in order to avoid a similar situation.

Councilor McGee stated the person who recently sprayed graffiti on Kennedy School had complete control of the City for a great length of time. Chief Stull indicated the primary reason gang members spread the graffiti is to stake out their territory. In order for the City to take a strong stance against this type of activity he urged the adoption of this Ordinance.

Councilor Watson stated he is in agreement with the intent of the Ordinance however, he has concerns with the citizens rights and liberties. He is also concerned the custodial guardian is responsible for the act. Councilor Watson proposed changing the lawful custodian section to only hold them responsible for negligent supervision. He also suggested renaming section 6 to nuisance abatement in order to link it with sections 7 and 8. Councilor McGee agreed with Councilor Watson that section 6 should be retitled.

Mayor Koho voiced his concern with changing the custodial guardian section. He suggested the inclusion of a curfew in the Ordinance.

Councilor Miller stated by removing the responsibility of the custodial guardian, it removes the "teeth" of the Ordinance.

Councilor McGee moved adoption for a bill for an Ordinance Relating to the Abatement of Graffiti and Declaring a Public Nuisance including the comments and corrections agreed upon by the Council. Councilor Keller seconded the Motion.

Councilor Watson continued to voice his concern with the significant liberal issue of this Ordinance. He suggested changes to section 5 and add a definition of negligent supervision.

Councilor Miller disagreed with the proposed change by Councilor Watson.

The Motion passed with the following votes:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson and Wellin (2)

Councilor Watson moved to have the Mayor appoint a Committee of five people (2 Council Representatives and 3 Community Policing Committee Representatives) to examine in depth custodial responsibility and report back to the Council for any possible revisions to the Ordinance. Mayor Koho seconded the Motion.

The Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson and Wellin (2)

**RESOLUTION -
Amendments to the
Compensation and
Classification Plan**

City Manager, Dotty Tryk reported this resolution amending the compensation and classification plan involves three issues; recommends a two-percent cost of living increase for non-represented and management employees, creates a deferred compensation match program and amends the classification plan to create a Municipal Utility Worker class. Ms. Tryk distributed a summary sheet of the present employee benefit package and the proposed additions. She stated the recommendations for the two-percent cost of living increase and

the deferred compensation match are consistent with the Keizer Police bargaining agreement authorized by the Council. Ms. Tryk noted the two-percent cost of living increase was based upon the formula stated in the bargaining agreement using the CPI rate of 2.89 from March to March.

Councilor McGee cited concerns with using a CPI formula rather than the actual cost of living for these increases.

Mayor Koho stated the CPI is the only nationally recognized index that is used to reflect the cost of living in which he is aware of. Councilor McGee stated the Department of Labor has a cost of living index. He provided examples why the CPI is not a true reflection on the cost of living and its impact on people.

Councilor McGee expressed his surprise to find out the City does not contribute Social Security for employees. City Manager Tryk explained the history and the City's participation in a retirement program for the employees.

Councilor Keller stated he understands the intent of the proposal and does not want to create a division between non-represented and represented employees in this matter. He asked staff to prepare a financial impact report for this proposal. City Manager Tryk stated the resources need to cover this proposal would be transferred from the contingency fund. Councilor Keller voiced his concern in using the contingency fund for this.

Councilor Miller suggested proposals such as these should be discussed during the budgetary process.

Mayor Koho suggested this matter and the City Manager evaluation be discussed during a worksession in the near future. He also supported treating the non-represented and represented employees equally.

Mayor Koho moved for a Resolution Setting Forth a Change in the Compensation Plan by Amending Certain Unrepresented Classifications; A Change in Compensation for all Employees effective July 1, 1994; and Repealing R94-722.

The Motion died for a lack of a second.

Councilor Keller expressed his concern for the source and total amount of the funds that will be used to cover this increase. Councilor McGee concurred and asked this matter be delayed until this information is provided.

Councilor McGee moved to delay this matter until fiscal information is received.

The Motion died for a lack of a second.

The Council discussed the possible implications this delay will cause.

Councilor McGee moved to have this matter continued until the July 18, 1994 meeting and have staff provide a Fiscal Impact Statement. Councilor Miller seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, McGee, Miller and Watson (4)

NAYS: Koho (1)

ABSTENTIONS: None (0)

ABSENT: Patterson and Wellin (2)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

- a. RESOLUTION - Initiating Larsen park Street Light Local Improvement District
- b. RESOLUTION - Hidden Creek Phase I Street Lighting Local Improvement District (Approve Engineer's Report)
- c. Approval of June 20, 1994 Regular Session Minutes

Councilor Keller moved for approval of the items on the Consent Calendar. Councilor Patterson seconded the Motion.

The Motion passed with the following votes:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Patterson and Wellin (2)

OTHER BUSINESS

Councilor Keller informed the Council he had received a request from the Gubser Neighborhood Association to reduce the speed on McLeod Street from 35 mph to 25 mph.

Councilor Watson inquired of the process for disposing of dead animals on the roadway. Wally Mull, Public Works Director informed the Council the local garbage agencies have agreed to dispose of these upon the request by the City.

Shannon Johnson, City Attorney stated the Land Use Board of Appeals decided in favor of Ron Brewster and has remanded the matter back to the City Council. Mr. Johnson briefly covered the final decision of the Board. Mr. Johnson noted the City has an option to appeal the decision of the Board. The Council agreed by consensus not to appeal the decision and asked Mr. Johnson to discuss this matter with Mr. Brewster or his attorney and set a time and date for a hearing before the Council.

Councilor McGee inquired of the status of the repairs to the Fortune Cookie Restaurant. City Manager Tryk will inquire of the status and report back to the Council.

Councilor McGee voiced his concern with the recent article in the Keizertimes regarding Iris Lane. City Manager Tryk stated the engineering firm was involved in the negotiations process and was dealing with the property manager rather than owner of the property.

Councilor Miller expressed his concern the Urban Renewal Agency budget included \$170,000 for the purchase of the right-of-way from Bi-Mart and based upon this information, the Agency Board decided not to proceed with the project and eliminated the funds. According to the article Bi-Mart had not been contacted in two years and he feels staff mislead the Agency on this matter.

City Manager Tryk stated this amount was an estimate made by the City Engineer if the need arose to purchase the right-of-way from Bi-Mart.

Councilor Watson asked staff to review the tapes of the meetings and prepare a transcript of the discussion in order to provide the Council with accurate information.

Mayor Koho announced he will be appearing on CCTV with Salem's Mayor elect during the next week.

There was no other businesses to come before the Council.

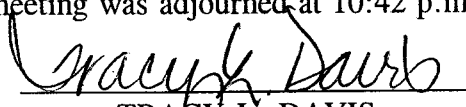
There was no written communication to come before the Council.

Mayor Koho noted the agenda input items listed.

The meeting was adjourned at 10:42 p.m.

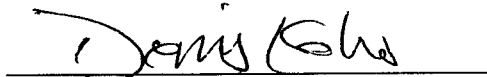
WRITTEN COMMUNICATION

AGENDA INPUT

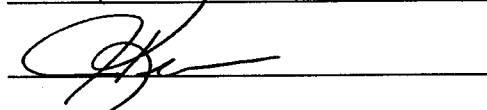

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:




(Councilor Patterson absent)



(Councilor Wellin absent)

