MINUTES

KEIZER CITY COUNCIL
Monday, June 21 1993
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:35 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

Absent
Marlene Wellin, Councilor

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

SIGNING OF THE KEIZER HERITAGE USE AGREEMENT

Mayor Koho, City Manager Tryk, City Attorney Johnson and members of the Keizer Heritage Foundation signed the Use Agreement.

PUBLIC TESTIMONY

Dick Hatton, a builder in the Keizer area is in the process of developing the Shady Court subdivision which consists of 30 lots. Since this development will be built with the elderly citizens in mind, Mr. Hatton would like to install rolled-curbs. Recently the Public Works Department denied his request to place this type of curbs in the area. Mr. Hatton would like to

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discuss the reasons for the denial with the City.

City Manager, Dotty Tryk suggested the Public Works Department meet with Mr. Hatton and his engineer as soon as possible to discuss alternatives or reasons for the denial.

Alan Hayesvocal, 464 Sandy Drive, Keizer commented on the problems he has faced since 4th Place was temporarily blocked by the City. He lives northwest of the barricade and has experienced several problems with students from McNary High School since the barricade was erected. Mr. Hayesvocal asked for answers from the Council for resolving these problems in order for him to determine what to do with his property. He stated that if the barricade would be removed this would solve the loitering problems.

Mayor Koho thanked Mr. Hayesvocal for his input.

Paul Orcutt, 6833 Rockledge Court and Greg Rand, 6813 Rockledge Court, Keizer appeared before the Council. These gentlemen represented the residents of their neighborhood which borders the property owned by Larry Epping. They are concerned with the possible approval of a zone change in the area.

Mayor Koho advised this will be coming to Council for a Public Hearing on August 16, 1993 and invited the gentlemen to present their testimony at that time.

Dana Stone, 4875 Elizabeth Street N., Keizer voiced her concerns regarding an exotic pet being kept in the backyard of a neighbor. She is concerned about the noise the mountain lion makes, the safety of the children in the neighborhood and the welfare of the animal.

Chief of Police, Charles Stull stated his department is aware of the situation and has worked with State and County agencies to make sure the residents are in compliance. Mayor Koho stated this should be a discussion item in the near future for possibilities for an Ordinance prohibiting the possession of exotic animals.

There was no other testimony to come before the Council.

PUBLIC HEARING

1992-93 Supplemental Budget for the City of Keizer

Mayor Koho opened the public hearing.

City Manager Tryk informed the Council a supplemental budget was before them for adoption. Several unanticipated expenses occurred during the year that cannot covered by contingency or allowable fund transfers. There were unexpected additional revenues to help fund these budget requirements.

No one was present to speak at the Public Hearing.

Mayor Koho closed the public hearing.

Neighborhood Associations

Mayor Koho opened the Public Hearing.

John Morgan, Community Development Director presented an Ordinance that was created to recognize neighborhood associations. Mr. Morgan highlighted points of the Ordinance. He stated the only point of discussion has been centered around the minimum number of households that should be involved in an association. He outlined the criteria that should be considered when establishing a minimum size for an association. The Planning Commission considered this issue and they voted 5-2 to recommend a minimum size of 300 dwelling units.

City Attorney, Shannon Johnson, requested language be added to not bound the guidelines as mandatory.

Mary Lou Copeland, 703 Main Avenue, Keizer voiced her concern for the minimum dwelling requirement to form a neighborhood association. Their neighborhood encompasses approximately 41 dwellings units. Mayor Koho suggested with the added language, they could be considered to form a neighborhood association.

Mayor Koho closed the public hearing.

DELIBERATIONS

1992-93 Supplemental Budget

In response to a question from Councilor Patterson, City Manager Tryk advised the Council the supplemental budget will cover unexpected revenue and expenditure activity in the General Fund.

Councilor McGee inquired of the overtures for personnel costs in the Municipal Court. Ms. Tryk explained the overture was due to the acting City Recorder's salary being taken from the Municipal Court budget rather than Administration.

Councilor Patterson moved for a Resolution Adopting a Supplemental Budget and Making Appropriations for Fiscal Year 1992-93. Councilor Watson seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson and Watson (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Wellin (1)

ORDINANCE - Neighborhood Associations

Councilor Keller expressed his pleasure for the City to move forward with the recognition of neighborhood associations. His only concern is the minimum size as outlined in the Ordinance. He suggested not listing a minimum. Councilor Watson stated it is difficult to define boundaries and supports the minimum of 300 dwelling units or possibly even higher.

Councilor Watson moved for a Bill for an Ordinance relating to the recognition of Neighborhood Associations. Mayor Koho seconded the Motion.

Councilor Watson moved to amend the Motion to add language in Section B1....The neighborhood should generally encompass at least 300 dwelling units but larger number of units are encouraged and will be approved where appropriate. Councilor Patterson seconded the Motion.

Councilor Keller voiced his opposition to this amendment. The City is trying to encourage Neighborhood Associations and smaller size units should be considered. Councilor McGee stated that with this language added it would not preclude a smaller area coming to Council for approval. Councilor Patterson stated the number is not as important as the flexibility to logically set boundaries based upon roads, schools or clearly defined areas.

Mayor Koho suggested changing wording to state... should generally encompass 300 dwelling units. This would drop the words at least. Councilor Miller stated these are only guidelines and would not preclude a smaller group to come to the Council.

The amendment to the Motion failed with the following votes:

AYES: Watson (1)
NAYS: Keller, Koho, McGee, Miller, Patterson (5)
ABSTENTIONS: None
ABSENT: Wellin (1)

Councilor Miller moved to amend Section B1 to add... or smaller clearly defined areas with clearly defined boundaries. Councilor Keller seconded the Motion.

AYES: Keller, Koho, McGee, Miller and Patterson (5)
NAYS: Watson (1)
ABSTENTIONS: None
ABSENT: Wellin (1)

Councilor McGee stated a specific mailing address should be filed with the City Recorder in order for materials to be sent to the association.

The Council agreed by consensus to add language as suggested by City Attorney Johnson in section 8 which adds.... and is not necessarily bound to the above guidelines.

The Main Motion as amended passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson and Watson (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Wellin (1)

DISCUSSION

Transferring Appropriations for Fiscal Year 1992-93

City Manager Tryk stated State law provides this process to make adjustments in the budget prior to the end of the fiscal year. In response to a question from Mayor Koho, she stated the contingency in the general fund budget was inadequate and therefore one of the causes for this process.

Councilor Keller moved for a Resolution Transferring Appropriations for Fiscal Year 1992-93. Councilor Patterson seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller, Patterson and Watson (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Wellin (1)

Adoption of the 1993-94 Budget, Making Appropriations and Levying Taxes

City Manager Tryk said this budget was approved by the Budget Committee and passed on to Council for their approval in March. The Resolution reflects the changes the Council made to the committee approved budget. Ms. Tryk also recommended carrying over some of the capital improvement items budgeted since they have not been completed during this fiscal year and also a transfer in the Parks Improvement Fund.

Councilor Patterson moved for adoption of a Resolution Adopting the 1993-94 Budget, Making Appropriations and Levying Taxes. Councilor Keller seconded the Motion.

Councilor McGee raised an issue with the amount of the cost of living increase that would be granted to staff at the beginning of the fiscal year. He stated according to reports the actual cost of living amount is 3.5% rather than the 5% as the budget contains. He requested reducing the personnel line items to reflect the true cost of living at 3.5% which would reduce the levy by $15,478.00. City Manager Tryk advised the Council she will be bringing a Resolution to the Council at the next meeting regarding this issue. Councilor McGee requested the Council establish a policy to use as future guidelines in this area.

Councilor McGee also raised the issue of uncollectables listed in the budget document. Historically the City has listed the uncollectables at 10% until last year it was reduced to 7%, which he feels is still excessive. City Manager Tryk explained this is an estimate only for non collection within the budget document. Councilor McGee believes the City is extracting more funds than necessary from the public and are not keeping faith in requiring exactly what we need to get the job done. Mayor Koho stated the budget document is not a blueprint for exact expenses rather a sign posts along the highway that we hope the budget will travel.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson and Watson (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Wellin (1)

Initiate Amendment to the Keizer Little League Conditional Use Agreement

John Morgan stated the Keizer Little League would like to install lights in the City Park they operate under the use agreement. Mr. Morgan asked for direction from the Council to authorize staff to file for a conditional use permit and prepare draft amendments to the Parks Regulations to allow operation of the fields after dark. These issues will then be brought back to Council for a public hearing and consideration.

Clint Holland, Keizer Little League Board of Directors, 4688 Crampton Drive, Keizer addressed the Council. He stated this years little league program consists of 96 teams (1300 children) and they are facing a shortage of playing space. With the addition of lights this would allow playing time after dark to help alleviate some of these problems. Mr. Holland stated with this change it will also help with future growth of the program.

Mayor Koho moved to direct staff to initiate the proceedings for an amendment to the conditional use agreement for Keizer Little League and necessary amendments to the Park Regulations. Councilor Keller seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson and Watson (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Wellin (1)

(Councilor Watson left at 9:50 p.m.)

Housing Issues - Consortium Agreement

John Morgan, Community Development Director, briefly explained the HOME program and packet of information previously distributed. Mr. Morgan recommended the Council hold a special worksession on Housing Issues on July 12, 1993 to discuss the direction the City will pursue. Mr. Morgan explained the necessity to consider entering a Housing Consortium Agreement with the City of Salem prior to July 1, 1993. This agreement would grant Salem the administrative authority to administrate programs within Keizer. Salem and Keizer would jointly develop a Comprehensive Housing Affordability Strategy (CHAS). The CHAS is the most important component because it outlines the strategy that will determine where you want housing programs and activities to take place in the community. Without the CHAS, Keizer would not be eligible for federal dollars and would fall under the statewide CHAS. Mr. Morgan stated that once the CHAS is completed, it will come before the Council for approval.

Mr. Morgan summarized stating the housing consortium is a terrific value for the community and get us on the bandwagon of preserve our options.

Councilor Keller asked if Keizer will be able to "drop-out" of the agreement if we are not satisfied with the CHAS. Mr. Morgan stated if we do not adopt the CHAS, nothing will happen in Keizer, but we will still be part of the agreement. He noted Keizer will be included in the process of developing the CHAS.

Councilor McGee stated since Salem is the lead agency in this program they need to develop a CHAS; therefore Keizer should not have to pay $2000 to help out Salem in their costs. Councilor Miller voiced his concern for the amount of money available at the state level to make it economically feasible for development projects and possible project discrimination.

Mr. Morgan stated the best strategy that meets the needs for Keizer would be to rehabilitate and repair the existing housing stock and this program would provide a means to meet this strategy.

Councilor Miller stated that it is not wise to approve something tonight that we do not have all the answers and then gather information at the work session on July 12. We will be locked into the agreement and it will be too late.

Councilor McGee stated he also feels uncomfortable with this process and feels we should submit a letter of intent to join the consortium next year.

<u>Councilor Keller moved for a Resolution Authorizing a Housing Consortium Agreement with the City of Salem. Mayor Koho seconded the Motion.</u>

City Attorney Johnson stated legal language should be added to the agreement to state Salem agrees to defend Keizer if Salem does something wrong in the administration of the program. The Council agreed by consensus to add this type of language to the agreement.

The Motion passed with the following votes:

AYES: Keller, Koho, and Patterson (3)
NAYS: McGee and Miller (2)
ABSTENTIONS: None
ABSENT: Watson and Wellin (2)

Mayor Koho advised a special work session will be held on July 12, 1993 at 7:00 p.m. to discuss these issues further.

Chemawa Activity Center

John Morgan presented a draft of the Chemawa Activity Center Plan. A Public Hearing has been scheduled on this matter for July 6, 1993. The Council asked for additional time to study the draft plan and discuss this matter after the Public Hearing on the 6th of July, 1993.

CONSENT CALENDAR

The Consent Calendar consisted of the following:

a. Update on Periodic Review

b. RESOLUTION - The Meadows Phase 6 Street Lighting District

c. RESOLUTION - Max Court Street Lighting District

d. Approval of June 7, 1993 Regular Session Minutes

Councilor Miller moved for approval of the consent calendar. Councilor McGee seconded the Motion.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller and Patterson (5)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Watson and Wellin (2)

OTHER BUSINESS

Councilor Keller stated his concern with the present Noise Ordinance. He would staff to look at this Ordinance and make recommendations to make it workable. Councilor McGee is also concerned the Ordinance does not differentiate the noise between a barking dog or a loud party.

Councilor McGee also would like staff to prepare a cost analysis of placing a sign on River Road designating the 45th parallel.

WRITTEN COMUNICATION

There was no written communication to come before the Council.

AGENDA INPUT

Councilor Miller advised the Council he will be unable to attend the July 6, 1993 meeting since he will be out of town.

ADJOURNMENT

The meeting was adjourned at 10:44 p.m.

Tracy L. Davis

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:

Chet Patterson