MINUTES

KEIZER CITY COUNCIL
Monday, June 7, 1993
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:33 p.m. Roll call was taken as follows:

Present
Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor (arrived at 8:57 p.m.)
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
Charles Stull, Chief of Police
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Manual Martinez, 1747 Meadowlark Drive NE, Keizer spoke to the Council concerning a letter he had received from the Public Works Department regarding debris found in a storm drain near his home. Mr. Martinez will meet with the City Manager and Public Works Director to discuss this matter further.

Kay Free, 4764 Riverwood Drive, Keizer voiced her concerns for citations being issued that are beyond the scope of the infraction that has been committed. She does not want to see the community labeled as a speed trap. Mayor Koho advised Ms. Free he would pass her concerns to the Community Policing Committee that will be formed soon.

FMAGIC

Dennis Spencer, 4785 Riverwood Drive, Keizer cited his concern for the lack of enforcement of illegal parking in a handicap zone. He is partially disabled and uses these spaces frequently. He would be interested in participating in a program to allow citizens to patrol the handicap parking spaces in Keizer. Mayor Koho will ask the Keizer Police Department to consider such a program.

Jim Mikesh, 1726 Meadowlark Drive NE, Keizer complained to the Council regarding storm drains problems he has encountered over the years. Mayor Koho suggested he meet with the City Manager and Public Works Director to try to resolve this issue.

There was no other testimony to come before the Council.

COMMITTEE REPORTS

City Manager, Dotty Tryk reported U.S. West has offered the City a special portion of the reference section in the next edition of the phone book due to the spelling error in the current issue.

Five Year Service Award

Beverly Birr, Support Specialist with the Keizer Police Department, was the recipient of a five year service award. Mayor Koho presented a plaque to Ms. Birr.

Volunteer of the Month Award

Rosemary Emmerich was the recipient of the volunteer of the month award for June. Ms. Emmerich volunteers her time in the administration department at City Hall. Mayor Koho presented her with a clock in honor of her service to the City.

Tree Ordinance Task Force Report

Councilor Miller reported the Tree Ordinance Task Force had reviewed several ordinances from other cities. The Task Force has agreed by consensus on their direction and Mr. Miller will be drafting an Ordinance for review.

ORDINANCE - Property Access; Larsen Subdivision

Mayor Koho advised the Ordinance was before the Council this evening for second reading.

Councilor Patterson moved for approval of a bill for an Ordinance relating to the sale of city property located at the corner of Brandon Street and 19th Court to Marvin R. Larsen. Councilor McGee seconded the Motion.

The Motion passed with the following votes:

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

ORDINANCE - Zone Change Larsen Subdivision

Councilor Patterson moved for approval of a bill for an Ordinance in the matter of the application of Marvin R. Larsen for a zone change from UT (Urban Transition) to RL (Low Density Residential) on 3.05 acres of property in which the City recommends approval of the zone change requested in accordance with the Keizer Hearings Officer's Order dated April 29, 1993. Councilor Keller seconded the Motion.

The Motion passed with the following votes:

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

DISCUSSION

Keizer Heritage Use Agreement

City Attorney, Shannon Johnson reported the Agreement between the City and the Keizer Heritage Foundation has been discussed over the last several months. A settlement has been reached to set the initial term of the agreement at ten years. Thereafter the agreement may be terminated by either party without cause with a one-year notice of such termination. Other

areas discussed and agreed upon dealt with tenants of the building, completion of building and landscaping work and maintenance of Fernwood Park.

Councilor Watson voiced his concerns the agreement may be terminated without cause but the City will be required to hold a public hearing. He feels this is contradictory language and ask the file to reflect the intention so it will be clear for future reference.

Councilor McGee asked for input from members of the Keizer Heritage Board.

Don Gribsco, Perkins Street, Keizer stated he has been involved with the Foundation since the beginning. He is concerned the agreement could be terminated without cause and the Foundation would suffer from loss of time and investments.

John Jenkin, 403 Straw Drive North, Keizer thinks the agreement is a big step forward from the original agreement. He has a problem with the wording but has faith legal counsel would correctly interpret the meaning in the future. In response to a question from Councilor Patterson, Mr. Jenkin stated the term of the agreement may cause problems for the Foundation to obtain grant money.

Councilor McGee moved for a Resolution to authorize the Mayor and City Manager to sign the Keizer Heritage Foundation Use Agreement (Fernwood Park). Mayor Koho seconded the Motion.

Councilor Watson moved to amend section 25 to state the agreement may be terminated for cause.

Councilor Watson then asked to withdraw his amendment. Mayor Koho suggested memos be directed to the file to clarify cause does not mean without reason.

Holly Erickson, 4775 Verda Lane, Keizer asked the Council to insert the word "initial" prior to ten year period in section 25 of the agreement. With this addition, she feels they would have a better chance of obtaining grants.

Councilor Keller voiced his support for the foundation and felt they should be recognized for their accomplishments towards their goal.

Councilor Keller moved to amend section 25 of the agreement by adding the word initial prior to ten years. The Council agreed to this change by consensus.

The main motion passed with the following votes:

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

Housing Issues

John Morgan, Community Development Director reported a regular Council session was held in November of 1992 that focused directly on the quality of housing in Keizer and the needs to provide some intervention to assure continued maintenance of the housing stock. The report found the housing stock in Keizer in good condition with some notable exceptions. Mr. Morgan stated the City has received numerous complaints regarding housing conditions over the last two years. As part of the North Willamette Valley Housing Coalition, formed to help study some of these problems, a draft Chronic Nuisance Ordinance has been developed and will be brought before the Council on June 21, 1993.

Keizer has been offered an opportunity to participate in the HOME program with the City of Salem through the formation of a Salem/Keizer Housing Consortium. Salem would benefit by receiving added funds with the addition of Keizer's population and housing needs. Salem would manage administration of projects and administration of the program for Keizer. Mr. Morgan stated in order to get into this program, Keizer will need to create a Comprehensive Housing Affordability Strategy (CHAS). If done in conjunction with Salem, the CHAS will have a cost of approximately $3000. The

City will be eligible for other areas of funding such as block grants if a CHAS is in place. Mr. Morgan assured the Council Keizer would have complete control over projects within the city limits. Mr. Morgan recommended the Council adopt a resolution to authorize an intergovernmental agreement with the City of Salem to establish a Housing Consortium.

Councilor Keller confirmed this program would be identified as a Salem-Keizer program. Mr. Morgan stated Keizer would be identified in all information and Keizer could counsel citizens about the program but actual administration would be through the City of Salem.

Councilor McGee supports the concept of the Chronic Nuisance Ordinance but would like to have staff complete a cost impact on licensing of multi-family housing. He voiced his concerns for entering an agreement with the City of Salem to establish a housing consortium.

(Councilor Miller arrived at 8:57 p.m.)

City Manager, Dotty Tryk advised the Council if the City had a CHAS in place we would be able to take the first step to identify the housing needs of the citizens of Keizer.

Councilor Keller asked if we would need to have the CHAS in place in order to be eligible for CDBG money. Mr. Morgan confirmed this statement and stated it will also open Keizer up for other opportunities.

Councilor Patterson stated this would give the City a mechanism to start solving some of the issues we have encountered. It is a minimum investment to start helping residents. Councilor Keller agreed stating this would give Keizer a good first step.

Councilor McGee does not feel comfortable at this time to enter into such an agreement until further research is conducted.

Councilor McGee moved to table this matter until further research can be done. Councilor Miller seconded the Motion.

The Motion passed with the following votes:

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

The Chair declared the Motion out of order because a main motion was not on the floor.

Councilor McGee moved to refer this matter back to staff for additional information. Mayor Koho seconded the Motion.

Councilor Watson asked this matter to come back to Council in two weeks.

Councilor Miller stated he is interested in assistance for the elderly and low income home owners but not large multi-family, low-income housing projects. Councilor Wellin hoped Keizer would adopt a program that would assist the elderly.

The Motion passed unanimously as follows:

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

Preparation for June 10 LCDC Meeting Concerning Keizer's Periodic Review

John Morgan, Community Development Director advised the Council the Land Conservation and Development Commission found three parts of the Keizer Comprehensive Plan at fault during the Periodic Review process.

-There needs to be stronger language to reinforce the requirement that all four urban area jurisdictions must concur in any amendment to the urban growth boundary.

In 1986, Salem removed land from the boundary due to the belief there was too much land within the boundaries. Salem adopted the last out-first in policy saying it will look to these lands first and no other land has priority over these lands. During the Periodic Review process, Keizer asked to be severed from this policy. Mr. Morgan would like to argue this point further before the Land Conservation and Development Commission (LCDC).

-The zoning ordinance needs more clear and objective standards to guide rezoning to allow needed housing.

Mr. Morgan stated almost all of the vacant developable land in Keizer is zoned Urban Transition, a holding zone. When plans are proposed for development, the appropriate zone change is granted. This allows Keizer the capability to tailor each of the zone changes. LCDC believes this makes zone changes a political decision. Staff would like to impose an objective process to deal with these issues.

-A regional economic development strategy will be developed to guide future land use decisions relative to industrial lands. In the interim land will be protected from land divisions and rezoning according to existing policy.

This point deals with the 67-acre industrial park (Epping property) along River Road. The City feels this is not an appropriate industrial site and zoning should be replaced to fit the City's need. LCDC is not disagreeing with the facts of the case but the Project 90 policy established the need for this industrial land within Keizer. Mr. Morgan feels the policy has failed and should be updated.

Mr. Morgan asked for authorization to represent the City's views on these three points before the LCDC on Thursday, June 10, 1993.

Mayor Koho voiced his concerns that LCDC should not conduct planning for the City of Keizer. He feels it would be a mistake

to allow the 67 acre parcel to be developed as an industrial park. Keizer should argue for no limitations on the City's capability to re-zone the property.

Councilor McGee moved to authorize staff to represent the views of the City Council before the Land Conservation and Development Commission at the meeting on June 10, 1993. Councilor Patterson seconded the Motion.

Councilor McGee stated Mr. Morgan has been involved in this matter and understands the Council's position. He will represent the Council's views and position on the 67-acre industrial (Epping) property and other issues.

Mayor Koho clarified Mr. Morgan will argue the City's position before the LCDC and hopes he will not negotiate or compromise on the industrial land issues.

The Motion passed with the following votes:

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

CONSENT CALENDAR

The Consent Calendar consisted of the following:

a. RESOLUTION - Cherrylawn Court Street Lighting District

b. RESOLUTION - Appletree Estates Street Lighting District

c. RESOLUTION - Rivercrest Street Lighting District

d. Approval of May 17, 1993 Regular Session Minutes

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

The Motion passed unanimously as follows:

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

OTHER BUSINESS

Councilor Keller asked for an update with the situation at the hydrotube. Wally Mull, Public Works Director reported he had met with Mr. Folger, owner of the property, and he is considering erecting a fence and hiring a private security company to patrol the area on a regular basis.

Councilor Keller asked the status of the burned house at Chemawa Road. City Manager, Dotty Tryk reported the owner has given the City permission to proceed with required inspections and destruction. A lien will be placed against the property to cover related expenses the City will incur.

Councilor Miller reported he had received several complaints of the poor road conditions on Chemawa Road. Wally Mull advised the Council the patches are temporary and the final overlay is scheduled for August.

Mayor Koho reminded the Council of the upcoming appointments to the Community Policing Committee. Interested citizens should contact City Hall for an application.

Mayor Koho also reminded the Council of the outstanding deficit from the levy campaign. Donations may be sent to Carl Beach or Mayor Koho.

WRITTEN COMUNICATION

There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho advised the Council the worksession on June 14,

1993 will start at 6:30 p.m. to allow the Mayor of Salem to address the Council.

Councilor McGee asked the Council to consider at the June 21 Council meeting not assessing the full amount of the levy by reducing the uncollectibles, income from franchise fees, and COLA.

ADJOURNMENT The meeting was adjourned at 10:07 p.m.

Tracy L. Davis

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR: