MINUTES

KEIZER CITY COUNCIL
Monday, June 6, 1994
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Dennis Koho called the regular meeting to order at 7:12 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
John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Lynn Owen, Administrative Assistant
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Providing testimony to the Council were:

Robert Rae, 581 Cummings Lane, Keizer, appeared before the Council to voice his concern with the vehicle and pedestrian traffic on Delight and Cummings street. He stated these problems are at their peak between 2:30 p.m. and 3:00 p.m. when school is out. Mr. Rae asked the Council to consider solutions to this problem before someone gets hurt.

Mayor Koho thanked Mr. Rae for his concerns and will forward the problem to the district 2 Community Policing Committee and to the future traffic safety committee.

There was no further testimony to come before the Council.

COMMITTEE REPORTS

Volunteer of the Quarter Award

Lynn Owen, Administrative Assistant introduced Sally Maxwell as the recipient of the Volunteer of the Quarter award. Ms. Maxwell has generously donated her time to teach sign language to the members of the Keizer Police Department, Fire Department and city employees.

Ms. Maxwell thanked the Mayor and Council through sign-language interpreter, Ester Friedman.

Mayor Koho presented Ms. Maxwell with a clock in recognition of her volunteer efforts.

PUBLIC HEARINGS

Mayor Koho moved the Comprehensive Plan Amendment Public Hearing up on the agenda.

Comprehensive Plan Amendment 94-2 (The Meadows Group)

Mayor Koho reopened the hearing which had been continued on May 16, 1994.

Speaking during the public hearing was:

Ken Sherman Jr., 687 Court Street, Salem addressed the Council as a representative of The Meadows Group. Mr. Sherman said this is a complicated land-use matter which involves nine different actions. The only matter to come before the Council involves an amendment of the Comprehensive Plan Land Use Map from MHDR (Medium High Density Residential) to LDR (Low Density Residential). Mr. Sherman stated many of these issues involved in this request were discussed previously during the Epping plan amendments.

Mr. Sherman briefly covered the matched criteria of the statewide goals listed in Exhibit "A". These include:

Goal 1 - Citizen Involvement
Goal 2 - Land Use Planning
Goal 9 - Economic Development

Goal 10 - Housing
Goal 11 - Public Facilities
Goal 12 - Transportation
Goal 13 - Energy Conservation

Mayor Koho closed the public hearing.

Councilor Watson moved for a bill for an Ordinance in the Matter of the Application of The Meadows Group for a Comprehensive Plan Amendment from MHDR (Medium High Density Residential) to LDR (Low Density Residential) on approximately 8.42 acres of property in which the City grants approval in accordance with the Keizer Hearings Officer's Recommendation dated May 16, 1994. Councilor McGee seconded the Motion.

The Motion passed unanimously as follows:

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

Sign Code Revisions

Mayor Koho reopened the hearing which had been continued on May 16, 1994.

John Morgan, Community Development Director stated this is the requested amendments to the sign code to allow nonprofit organizations to display portable signs. Mr.Morgan said these amendments have been approved by the Planning Commission and Governmental Affairs Committee.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved for a bill for an Ordinance Amending the Keizer Sign Regulations (KZO Chapter 15) with regard to Portable Signs for Nonprofit Organizations; Amending Ordinance No. 87-078 (Keizer Zoning Ordinance); and Declaring an Emergency. Councilor Wellin seconded the Motion.

Mayor Koho stated the testimony provided at the May 16th meeting requested a change to allow three signs per organization and signs could be displayed no more than six times per year.

In response to a question from Councilor McGee, Mr. Morgan stated the Planning Commission and Governmental Affairs Committee were not aware of the requested changes.

Councilor Keller stated he had received a call from a member of the Governmental Affairs Committee which stated they were uncomfortable with the expansion request.

Councilor Watson voiced his support in raising the amount of signs and the time periods allowed.

The Council agreed by consensus to allow three signs per organization at a time and the signs shall be displayed no more than six times per year.

The Motion as changed passed unanimously as follows:

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

Housing and Related Code Amendments

(Adoption of a Housing Code, Solid Waste Ordinance Amendments and Nuisance Abatement Process)

Housing Code

Mayor Koho reopened the Public Hearing which had been continued on May 16, 1994.

John Morgan, Community Development Director informed the Council the Housing Code Ordinance has been revised to include some issues raised during the testimony at the last meeting. Mr. Morgan highlighted these changes as reflected in his staff report.

City Attorney, Shannon Johnson advised the Council he discussed the changes with Emily Cedarleaf, Multifamily Housing Council, who was unable to appear before the Council this evening. Mr. Johnson stated she raised concerns regarding the occupancy standards and pest infestation sections.

There was no further testimony to come before the Council.

Mayor Koho closed the public hearing on the Housing Code.

Councilor Keller inquired of the liability to the City if an investigation shows the complaint was not valid. Mr. Johnson stated the Police and Community Development department will need to proceed with caution in these matters.

Councilor McGee raised his concern that an officer could use this Ordinance as a right of entry to a house and find other violations to pursue. Councilor Keller stated the Police Department is trained how to handle these situations.

Councilor Patterson stated this Ordinance can be used as a positive approach to being proactive in housing issues. Councilor McGee also stated the City should raise the public awareness of the landlord-tenant act.

City Attorney Johnson clarified Section 3 of the Code should not conflict with the landlord-tenant act.

Councilor Watson moved for a bill for an Ordinance Adopting the Keizer Housing Code. Mayor Koho seconded the Motion.

The Motion passed unanimously as follows:

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

Councilor Watson moved for a Resolution Adopting the Council Policy on the Administration of the Housing Code. Mayor Koho seconded the Motion.

The Motion passed unanimously as follows:

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

Solid Waste Ordinance

Mayor Koho reopened the Public Hearing which was continued on May 16, 1994.

Presenting testimony to the Council was:

Janice Barrett, 4490 Delight Street N, Keizer, voiced her concern with the restrictions regarding inoperable vehicles in the Ordinance. She has a vehicle parked in front of her house which is inoperable and due to financial restrictions will not be able to license and insure at this time. Another vehicle on her property belongs to a relative and she hopes will be moved in the near future.

Councilor Keller suggested Ms. Barrett place a tarp on the vehicle to comply with the restrictions. Mayor Koho stated the Ordinance attempts to insure neatness within the City.

There was no further testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved for a bill for an Ordinance Relating to the Abatement of Nuisances Created by the Accumulation of Solid Waste or Inoperable Vehicles; Repealing Ordinance No. 91-210. Councilor Watson seconded the Motion.

Councilor Miller raised his concern of the definition of inoperable vehicles listed in Section 4 of the Ordinance that requires license and registration of vehicles.

Councilor Miller moved to amend the Ordinance to delete the word "either" on line 20, page 3 and section ii on page 4 which deals with the license and registration of inoperable vehicles. Mayor Koho seconded the Motion.

Councilor Patterson said this will not allow the City to address the unsightly vehicle problems. Councilor Keller supported the removal at this time in order to take a cautious approach.

Councilor Watson voiced his disappointment with the removal. Chuck Stull, Police Chief stated during the 90-day trial period, all violators were contacted, compliance gained and no complaints received.

Councilor Miller stated the purpose of the Ordinance is to clean up the City without imposing on peoples' general rights.

The amendment to the Motion passed with the following votes:

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

The Main Motion as amended passed unanimously with the following votes:

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

Nuisance Abatement Ordinance

Mayor Koho reopened the public hearing which was continued on May 16, 1994.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved for a bill for an Ordinance Adopting the Keizer Uniform Nuisance Abatement Procedure. Mayor Koho seconded the Motion.

The Motion passed unanimously as follows:

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

NORTHRUP / NORTHSHIRE STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Mayor Koho opened the Public Hearing.

John Morgan, Community Development Director stated a Petition was received from the residents of the area to form a street lighting local improvement district in this area of the City. The Council initiated this district and adopted the engineer's report.

Presenting testimony to the Council was:

Mary Hardison, 1076 Northshire Court NE, Keizer voiced her concern with the location and amount of street lights proposed for the district. She discussed this matter with the City Engineer's office and Mike Crossland of Portland General Electric. Mr. Crossland stated two lights on each street would be adequate for the area. Ms. Hardison requested time to discuss this change with the other residents of the area and also to investigate the placement of street lights along River Road in this area.

Councilor Keller complimented Ms. Hardison for taking an interest in the street lighting project in her area.

Mayor Koho continued the public hearing to July 5, 1994.

ADMINISTRATIVE ACTION

RESOLUTION - Authorizing City Manager to Award Street Resurfacing Project Bid

John Morgan, Community Development Director stated four bids were received for the annual resurfacing project. The lowest bid was from Morse Bros, Inc. with a total of $290,996.46. Mr. Morgan noted the engineer's estimate was $326,760.50.

<u>Councilor Keller moved for adoption of a Resolution Authorizing the City Manager to Award the Bid for the 1994 Street Resurfacing Project within the City of Keizer. Councilor McGee seconded the Motion.</u>

<u>The Motion passed unanimously as follows:</u>

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

RESOLUTION - Initiation of Street Vacation (Portion of Dearborn)

City Attorney Shannon Johnson advised the Council this vacation was previously petitioned to Marion County before the City was incorporated. However, upon final approval, the City incorporated and the property was not vacated. Ms. Drees has approached the City to correct this matter. Mr. Johnson stated this property is a small remanent of unused right-of-way which is sandwiched between two tax lots owned by Ms. Drees.

Mr. Johnson recommended the City initiate the vacation proceedings.

Councilor Miller stated the City should research any future transportation, lighting or street plans to determine there is no future need for this property.

Councilor Keller asked for further information to guide the Council on street vacations. Councilor Watson concurred with this request.

<u>Councilor Watson moved for a Resolution Initiating Street Vacation Process for Property in the Vicinity of Dearborn Avenue and Verda Lane. Councilor Patterson seconded the Motion.</u>

<u>The Motion passed unanimously as follows:</u>

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. <u>RESOLUTION</u> - Employee Suggestion Award Program

b. <u>RESOLUTION</u> - Initiate Parkmeadow Drive Street Lighting LID

c. RESOLUTION - Clearview Drive Street Lighting LID (Engineer's Report)

d. RESOLUTION - Honeysuckle Street Lighting LID (Engineer's Report)

e. RESOLUTION - Fircone Street Lighting LID (Engineer's Report)

f. RESOLUTION - Enhancement Agreement - N. River Road Bike Lanes

g. Approval of May 16, 1994 Regular Session Minutes

Councilor Keller asked to remove item "a" from the Consent Calendar.

Councilor Keller moved for approval of the remaining items on the Consent Calendar. Mayor Koho 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)

item "a"

Councilor Watson voiced his concern with the size of the maximum award listed in the policy. He suggested the Suggestion Award Committee present a certificate to the recipient and then make a recommendation to the City Council or City Manager for a monetary award. Councilor Miller concurred with Councilor Watson on this issue.

Councilor McGee suggested including one additional citizen on the review committee and reduce the representation of the Police Department to one. Chief Stull indicated the Police Department makes up over half of the City employees which should justify two police department representatives on the Committee.

Mayor Koho moved for a Resolution Adopting the Employee Suggestion Award Program Administrative Policy. Councilor Keller seconded the Motion.

City Attorney Johnson clarified the motion to adopt policy includes the amendments suggested during the worksession this evening. These include:

** The Suggestion Award Committee will be made up of six members;
** Inclusion of the words "added costs savings" in the policy statement;
** Addition of a report to the Council at least annually and reporting of all awards;
** Appeals will be to the City Manager;
** City Manager's decision is final and not subject to appeal;
** Addition of "The decision to adopt or not adopt suggestion or to make an award is in the sole discretion of the Suggestions Award Committee or the City Manager.
** This program does not give any property rights to employees;
** The maximum award will be $3000.00.

The Council agreed to each of these changes.

Councilor McGee moved to change the structure of the Suggestion Awards Committee to include one additional citizen and the deletion of one Police Department representative. Councilor Patterson seconded the Motion.

In response to a question from Councilor Keller, Chief Stull indicated the Police Department felt it was necessary to have two representatives on the Suggestion Awards Committee.

The amendment to the Motion passed with the following votes:

AYES: Keller, McGee, Patterson and Watson (4)
NAYS: Koho, Miller and Wellin (3)
ABSTENTIONS: None
ABSENT: None (0)

The Main Motion as amended passed with the following votes:

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

OTHER BUSINESS

Councilor McGee voiced his concern with the recent article in the Statesman-Journal which indicated Keizer would be assigning a police officer to a multi-agency SWAT team. His main concern focused on the process in which this agreement was made without Council knowledge.

Chief Stull indicated a formal agreement had not been signed with the City of Salem as of this date.

Mayor Koho suggested this issue be discussed with the City Manager or discussed at an upcoming worksession.

Councilor McGee asked if a plan had been developed to contain the amount of overtime in the Police Department. Chief Stull indicated due to inadequate staff, pay increases, increased calls for service and the Community Policing program have all contributed to this increase. Councilor McGee suggested the development of a plan to decrease this amount.

Councilor Patterson suggested regular budget reports would keep the Council informed in these areas.

Councilor Watson asked about the plan for prioritizing calls for service. Chief Stull indicated at the next Community Policing meeting this matter will be discussed. Also, with the addition of the new Community Service Officers, they will be allowed to handle the lower priority calls.

Mayor Koho emphasized how strongly he feels about this issue and hopes a plan is implemented soon.

Mayor Koho asked to pursue the appointment of a Traffic Safety Committee. The Council agreed to move forward with this Committee.

There was no other business to come before the Council.

WRITTEN COMUNICATION

There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items listed.

ADJOURNMENT

The meeting was adjourned at 9:21 p.m.

Tracy L. Davis

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:

Dennis Koho

Al Miller

Christa Patterson

Jerry McGee

Marlene Wells